

THIRD DIVISION

[G.R. No. 138596, October 12, 2000]

SR. FIDELIS ARAMBULO, PETITIONER, VS. HON. HILARION LAQUI, SR. HELEN OJARIO AND SR. BERNADINE JUAREZ, RESPONDENTS.

DECISION

GONZAGA-REYES, J.:

Before us is a Petition for Review on Certiorari of the Decision^[1] of the Court of Appeals^[2] in CA-G.R. SP No. 47089 promulgated on March 01, 1999 and the subsequent Resolution^[3] dated May 11, 1999 denying petitioner's Motion for Reconsideration.

The facts of the case, as summarized by the appellate court, are as follows:

"On February 2, 1994, private respondents filed a joint complaint-affidavit for libel against petitioners before the Office of the City Prosecutor of Quezon City alleging that the latter circulated on December 21, 1993 a letter containing malicious imputations against them.

An information for libel then was filed before the Metropolitan Trial Court of Quezon City on May 18, 1994.

After the prosecution presented its evidence, petitioner filed a Demurrer to Evidence. Without resolving the incident, the Metropolitan Trial Court in its Order dated November 9, 1996 ruled that it had no jurisdiction over the case as the same falls under the original and exclusive jurisdiction of the Regional Trial Court, and ordered that the case be forwarded to the RTC for further proceedings.

On November 29, 1996, the case was forwarded to branch 215 Regional Trial Court of Quezon City docketed as Criminal Case No. 96-6870.

On January 3, 1997, petitioner filed a Motion to Dismiss on the ground of lack of jurisdiction and prescription of the offense of Libel. The RTC dismissed the case in an Order dated April 2, 1997 but, stating that the offense had not yet prescribed, ordered the City Prosecutor of Quezon City to re-file the Information for Libel with the RTC.

On April 27, 1997, the Information for Libel was re-filed with respondent court docketed as Criminal Case No. Q-97-70948.

On June 17, 1997, petitioner filed a Motion to quash on the ground of prescription. The motion was denied in the assailed Resolution dated

October 3, 1997.

Petitioner's Motion for Reconsideration was also denied in the other Assailed Order dated December 4, 1997."^[4]

Not satisfied with the Resolution and Order of the trial court, herein petitioner appealed to the Court of Appeals raising the issue of "whether or not public respondent committed grave abuse of discretion or grossly erred in holding that the offense of libel in the instant case has not yet prescribed."^[5] The Court of Appeals, in its decision dated March 01, 1999, upheld the contention of the trial court that the offense of libel had not yet prescribed and consequently, dismissed the said petition. The appellate court likewise denied herein petitioner's Motion for Reconsideration in its Resolution dated May 11, 1999.^[6]

Petitioner is now before this Court seeking a reversal of the decision of the Court of Appeals and contending that -

I.

THE COURT OF APPEALS ERRED IN RULING THAT THE CRIME OF LIBEL HAS NOT YET PRESCRIBED.

II.

THE COURT OF APPEALS ERRED IN RULING THAT PETITIONER HAS NOT BEEN DENIED HER CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL.^[7]

Under Article 90 of the Revised Penal Code, as amended, the crime of libel prescribes in one (1) year, to wit:

"ART. 90. *Prescription of crime.*- Crimes punishable by death, *reclusion perpetua* or *reclusion temporal* shall prescribe in twenty years.

Crimes punishable by other afflictive penalties shall prescribe in fifteen years.

Those punishable by a correctional penalty shall prescribe in 10 years; with the exception of those punishable by *arresto mayor*, which shall prescribe in five years.

The crime of libel or other similar offenses shall prescribe in one year."
(underscoring supplied)

The said prescriptive period is computed under Article 91 of the Revised Penal Code, as follows:

"Art. 91. *Computation of prescription of offenses.* - The period of prescription shall commence to run from the day on which the crime is discovered by the offended party, the authorities, or their agents, and shall be interrupted by the filing of the complaint or information, and shall proceed to run again when such proceedings terminate without the accused being convicted or acquitted, or are unjustifiably stopped for any reason not imputable to him.

The term of prescription shall not run when the offender is absent from the Philippine Archipelago."

In the case at bench, the offense of libel allegedly occurred on December 21, 1993 when petitioner circulated a letter containing allegedly malicious imputations against private respondents Srs. Helen Ojario and Bernadine Juarez. At this point, the period of prescription for the alleged crime had already started to run.

The one-year period of prescription for the crime was interrupted on February 2, 1994 when respondents filed a joint complaint-affidavit^[8] for libel against petitioner before the Office of the city Prosecutor in Quezon city. At this point, the prescription period had already run for forty-two (42) days.

A preliminary investigation by the Office of the City prosecutor was thus conducted. On April 27, 1994, Asst. City Prosecutor Ma. Aurora Escasa-Ramos issued a Resolution stating that probable cause exists against petitioner and recommended the filing of an information for libel against her. Consequently, an information^[9] for libel was filed against petitioner on May 18, 1994 before the Metropolitan Trial Court of Quezon City, Branch 32^[10]

Despite the fact that the Metropolitan Trial Court had no jurisdiction over the crime of libel, the said court proceeded to conduct trial on the merits. After the prosecution had rested, petitioner filed a Demurrer to Evidence dated September 18, 1996. However, instead of acting on the said demurrer, the Metropolitan Trial court, on November 08, 1996, issued an Order^[11] ruling that it had no jurisdiction over the crime of libel as the same falls under the exclusive jurisdiction of the Regional Trial Court. Instead of dismissing the case outright, the MTC ordered the forwarding of the records of the case to the Regional Trial Court for further proceedings. The case was eventually raffled off to Branch 215 of the Regional Trial Court of Quezon City^[12]

On the basis of a Motion to Dismiss^[13] filed by petitioner, Branch 215 of the Regional Trial Court dismissed the case on April 2, 1997 on the ground of lack of jurisdiction as the information against petitioner should have been re-filed anew. The court ruled, however, that the crime had not yet prescribed and ordered the re-filing of the case^[14]. On April 27, 1997, the Office of the City Prosecutor re-filed the case with the Regional Trial Court and eventually the same was raffled to Branch 218 of the said court^[15]. Petitioner tried to have this case dismissed on the ground of prescription but her motion to quash^[16] the information was denied by Branch 218 of the Quezon City Regional Trial Court in a Resolution^[17] dated October 3, 1997. The denial by the Regional Trial Court of petitioner's motion to quash was subsequently upheld by the Court of Appeals.

It is the contention of petitioner that the prescription period for the crime of libel charged against her commenced to run again when the Assistant City prosecutor recommended the filing of the information for libel. Petitioner further argues that the prescriptive period could have been interrupted again had the information been filed with the Regional Trial Court, the court with the proper jurisdiction to try the case for libel. Considering however that the case was filed before the Metropolitan

Trial Court, which under the law does not have jurisdiction over the crime of libel, the period of prescription continued to run its course. Consequently, petitioner concludes that when the information for libel was finally filed with the Regional Trial Court, the crime had already prescribed and the State can no longer pursue the case against her.

In support of her arguments, petitioner questions the reliance made by the Regional Trial Court and the Court of Appeals in the landmark case of *People vs. Olarte*^[18]. Petitioner submits that the adherence to the *Olarte* case must be examined considering that in the said case, the principal issue was whether or not the filing of a complaint in the Municipal Trial Court for purposes of preliminary investigation, interrupts the period of prescription of a crime. Petitioner argues that the cited case is inapplicable as it is not disputed in the case at bench that the period of prescription was interrupted during the process of preliminary investigation.

We are not persuaded.

In the landmark case of *People vs. Olarte*, this Court speaking through Justice J.B.L. Reyes, finally resolved the then conflicting views as to whether or not the filing of a complaint with the Municipal Trial Court for purposes of preliminary investigation suspends the running of the prescriptive period for the crime. The Court restated the correct and prevailing doctrine, as follows:

"In view of this diversity of precedents, and in order to provide guidance for the Bench and Bar, this Court has reexamined the question and, after mature consideration, has arrived at the conclusion that the true doctrine is, and should be, the one established by the decisions holding that the filing of the complaint with the Municipal Court, even if it be merely for purposes of preliminary examination or investigation, should, and does, interrupt the period of prescription of the criminal responsibility, even if the court where the complaint or information is filed can not try the case on the merits. Several reasons buttress this conclusion: first, the text of Article 91 of the Revised Penal code, in declaring that the period of prescription 'shall be interrupted by the filing of the complaint or information' without distinguishing whether the complaint is filed in the court for preliminary examination or investigation merely, or for action on the merits. Second, even if the court where the complaint or information is filed may only proceed to investigate the case, its actuations already represent the initial step of the proceedings against the offender. Third, it is unjust to deprive the injured party the right to obtain vindication on account of delays that are not under his control. All that the victim of the offense may do on his part to initiate the prosecution is to file the requisite complaint.

And it is no argument that Article 91 also expresses that the interrupted prescription 'shall commence to run again when such proceedings terminate without the accused being convicted or acquitted', thereby indicating that the court in which the complaint or information is filed must have the power to convict or acquit the accused. Precisely, the trial on the merits usually terminates in conviction or acquittal, not otherwise. But it is in the court conducting a preliminary investigation where the proceedings may terminate without conviction or acquittal, if the court