

THIRD DIVISION

[G.R. No. 123263, December 16, 1996]

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. METROPOLITAN TRIAL COURT OF QUEZON CITY, BRANCH 32, AND ISAH V. RED, RESPONDENTS.

DECISION

NARVASA, C.J.:

Whether it is the Regional Trial Court, or the Metropolitan Trial Court or other first level court which has exclusive original jurisdiction over criminal actions of libel, is the issue raised by the People of the Philippines, as petitioner in the special civil action of certiorari, prohibition and mandamus at bar. The fairly simple facts from which the issue has arisen are hereunder briefly narrated.

On January 30, 1995 an information for libel was filed against Isah V. Red in the Regional Trial Court of Quezon City. The case thereby initiated was docketed as Criminal Case No. 95-60134 and raffled to Branch 82.

Red filed a motion to quash the information on the ground that the RTC had no jurisdiction of the offense. The Judge found merit in the motion and by an Order dated March 29, 1995, remanded the case to the Metropolitan Trial Court of Quezon City "for proper action/disposition in the premises." His Honor declared that "(u)nder Section 2 of R.A. No. 7691, which took effect on April 15, 1994, exclusive original jurisdiction over 'all offenses punishable with imprisonment not exceeding six (6) years, irrespective of the amount of fine, and regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof is vested in the Municipal Trial Court. ** ." The case was accordingly transferred to the Quezon City Metropolitan Trial Court where it was docketed as Case No. 43-00548 and raffled to Branch 43.

Thereafter, the private prosecutor, "under the control and supervision of the Fiscal," filed a "Manifestation and Motion to Remand" dated August 1, 1995 praying that the case be returned to the RTC. The movant invoked Article 360 of the Revised Penal Code, as amended, which pertinently provides that:^[1]

*** **

The criminal action and civil action for damages in case of written defamation, as provided for in this chapter, shall be filed simultaneously or separately with the Court of First Instance of the province or city where the libelous article is printed and first published or where any of the offended parties actually resides at the time of the commission of the offense *** ",

and argued that -

" ** . Laws vesting jurisdiction exclusively with a particular court (such as the Court of Tax Appeals) are special in character, and should prevail over the Judiciary Act defining the jurisdiction of other courts (such as the Court of First Instance) which is a general law. (De Joya vs. Lantin, 19 SCRA 893). Moreover, a general law cannot repeal or amend by implication a specific provision or a special law. Otherwise stated: a subsequent statute, general in character as to its terms and operation, is not to be construed as repealing a special or specific enactment, unless the legislative purpose to do so is manifested. This is so, even if the provisions of the latter are sufficiently comprehensive to include what was set forth in the special act. (Philippine Railway Co. vs. CIR, 91 Phil. 35; Villegas vs. Subido, 41 SCRA 190; Commissioner of Internal Revenue vs. CA, 207 SCRA 487)."

The MetroTC denied the motion by Order dated August 14, 1995. It opined that "Rep. Act. No. 7691, which took effect on April 15, 1994, would partake of the nature of a 'modern' law which impliedly repeals an 'ancient' law (the Revised Penal Code) which is of 1932 vintage, which is inconsistent with the later law ** ; (and that) if the repeal makes the penalty lighter in the new law, the new law shall be applied."^[2] Later, the MetroTC also denied the private prosecutor's motion for reconsideration, by Order dated September 7, 1995. Still later, in an Order dated October 18, 1995, it denied another motion by the same counsel reiterating the plea to remand the case back to the RTC, and further directed "the prosecution to present ** (its) next witness," trial having in the meantime commenced.

Now, in this proceeding, the Stated prays for judgment: "(1) declaring the questioned Orders dated August 14, 1995, September 7, 1995, and October 18, 1995 as null and void for having been issued by the respondent court acting without jurisdiction; (2) enjoining the respondent court from further conducting trials in Criminal Case No. 43-00548; and (3) commanding the respondent court to remand Criminal Case No. 43-00548 to the Executive Judge of the Regional Trial Court of Quezon City for proper disposition." It cites *Jalandoni v. Endaya* (55 SCRA 261 [1974]), where this Court (a) drew attention to the categorical language of Article 360 of the Revised Penal Code to the effect that "it is a court of first instance that is specifically designated to try a libel case," and (b) indicated "thirteen (13) cases, from *People v. Topacio*, 59 Phil. 356 (1934) to *Time, Inc. v. Reyes*, 39 SCRA 303 (1971), wherein this ** Court ruled that municipal courts do not have jurisdiction over libel cases."^[3] It further argues that in light of *Jalandoni*, and *Berces v. Guingona* (241 SCRA 539 [1995]) -- to the effect that a subsequent statute, general in character as to its terms and application, is not to be construed as repealing special or specific enactment unless the legislative purpose to do so is manifest or an irreconcilable inconsistency and repugnancy exists between them -- Article 360 of the Revised Penal Code may not be deemed to have been superseded by Republic Act No. 7691.

This Court has already had occasion to resolve the issue, substantially in line with the position taken by the People, account having been taken of substantially the same arguments adduced by the opposing parties in this case. In G.R. No. 122126 entitled *Lydia Caro vs. Court of Appeals and Violeta Sarigumba*, involving the same