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THIRD DIVISION

[A.C. No. 9684. September 18, 2013]

MARY ROSE A. BOTO, *complainant, vs.* **SENIOR ASSISTANT CITY PROSECUTOR VINCENT L. VILLENA, CITY PROSECUTOR ARCHIMEDES V. MANABAT and ASSISTANT CITY PROSECUTOR PATRICK NOEL P. DE DIOS,** *respondents.*

SYLLABUS

1. **CRIMINAL LAW; LIBEL; THE REVISED PENAL CODE EXPLICITLY PROVIDES THAT JURISDICTION OVER LIBEL CASES ARE LODGED WITH THE REGIONAL TRIAL COURTS (RTC).—** Article 360 of the Revised Penal Code (*RPC*) explicitly provides that jurisdiction over libel cases are lodged with the RTC. The criminal and civil action for damages in cases of written defamations shall be filed simultaneously or separately with the RTC 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. Jurisprudence is replete with decisions on the exclusive jurisdiction of the RTC to hear and try libel cases. In fact, the language of the law cannot be any clearer; its meaning is free from doubt. All that is required is application.

2. **POLITICAL LAW; PUBLIC OFFICERS; PROSECUTORS; FAILURE TO APPLY THE BASIC RULES ON JURISDICTION AMOUNTS TO IGNORANCE OF THE LAW AND REFLECTS HIS LACK OF PRUDENCE IN THE PERFORMANCE OF HIS DUTIES.—** When the motion to quash was filed by Boto for lack of jurisdiction, Villena should have immediately acted on it by not opposing the dismissal of the case. The records disclose that in his Comment, Villena prayed that the motion to quash be DENIED. x x x Patently, this responsive pleading of Villena demonstrates that he did not know the elementary rules on jurisdiction. Fundamental is the rule that jurisdiction is conferred by law and is not within the courts, let alone the parties themselves, to determine or conveniently set aside. It cannot be waived except for those judicially recognizable grounds like

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estoppel. And it is not mooted by an action of a court in an erroneously filed case. It has been held in a plethora of cases that when the law or procedure is so elementary, not to know, or to act as if one does not know it, constitutes gross ignorance of the law, even without the complainant having to prove malice or bad faith. Villena should have even initiated the move for the dismissal of the case on the ground of lack of jurisdiction. Instead of taking the initiative, he even opposed the motion to quash the information. At any rate, respondents are not barred from refiling the case before the proper court if probable cause to hold the complainant liable really exists. His dismal failure to apply the basic rule on jurisdiction amounts to ignorance of the law and reflects his lack of prudence, if not his incompetence, in the performance of his duties.

3. ID.; ID.; ID.; A PROSECUTOR'S PRIMARY DUTY IS NOT SIMPLY TO CONVICT BUT TO SEE THAT JUSTICE IS DONE; ELUCIDATED.— As a responsible public servant, a prosecutor's primary duty is not to simply convict but to see that justice is done. He is obliged to perform his duties fairly, consistently and expeditiously, and respect and protect human dignity and uphold human rights in contributing to ensuring due process and the smooth functioning of the criminal justice system. As such, he should not initiate or continue prosecution, or shall make every effort to stay the proceedings when it is apparent that the court has no jurisdiction over the case. This is where Villena failed. As lawyers, the respondents are officers of the court with the duty to uphold its dignity and authority and not promote distrust in the administration of justice. No less than the Code of Professional Responsibility mandates all lawyers to exert every effort to assist in the speedy and efficient administration of justice.

D E C I S I O N

MENDOZA, *J.*:

This administrative matter stemmed from an information for Libel against complainant Mary Rose A. Boto (*Boto*) filed before the Metropolitan Trial Court, Branch LXXIV, Taguig City (*MeTC*). The information was prepared by Assistant City

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Prosecutor Patrick Noel P. de Dios (*De Dios*), the investigating prosecutor; and approved by City Prosecutor Archimedes Manabat (*Manabat*). Senior Assistant City Prosecutor Vincent Villena (*Villena*) was the trial prosecutor assigned to Branch LXXIV.

In her Complaint-Affidavit,[1] Boto charged respondents Villena, Manabat and De Dios with gross ignorance of the law for filing the information for libel before the MeTC and for opposing the motion to quash despite the knowledge that the said first level court had no jurisdiction over the case.

Boto alleged that on January 13, 2012, the Information[2] charging her with libel was filed before the MeTC; that on the same day, the MeTC issued a warrant for her arrest;[3] that on January 25, 2012, she posted bail[4] and was informed that the arraignment and trial were scheduled on February 13, 2012; that before the scheduled arraignment, she filed the Motion to Quash[5] the information on the ground of lack of jurisdiction as the crime of libel falls within the exclusive jurisdiction of the Regional Trial Court (RTC) and not with the MeTC and that there was no crime as internet libel; that acting thereon, the MeTC, instead of dismissing the case, issued the Order[6] requiring the trial prosecutor to file his comment within ten (10) days and resetting the arraignment to April 13, 2012; that despite the lapse of the period granted, Villena failed to file the required comment within the period prompting the MeTC to extend the filing of the same and reset the hearing on June 27, 2012, thereby, delaying the process by five (5) months; that the delay violated her constitutional right to a speedy trial; and that in his Comment[7]

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[1] *Rollo*, p. 1.

[2] Annex A of the Complaint, *id.* at 8-9.

[3] Annex B of the Complaint, *id.* at 10.

[4] Annex C of the Complaint, *id.* at 11.

[5] Annex D of the Complaint, *id.* at 12-18.

[6] Annex E of the Complaint, *id.* at 20.

[7] Annex G of the Complaint, *id.* at 22.

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filed before the MeTC, Villena opposed the motion to quash and contended that "the court had already determined probable cause when it issued the warrant of arrest, thus, it has *effectively mooted the resolution of any issue concerning jurisdiction*, venue and sufficiency of evidence against the complainant."[8]

Boto further averred that she had previously filed a libel case against one George Tizon (*Tizon*) and others, but the said case was dismissed by Villena without conducting an investigation; that Tizon was the Administrative Officer V of the Department of Education Division, Taguig City, and the "godson" of Hon. Senator Allan Peter Cayetano, spouse of Taguig City Mayor, Lani Cayetano; that she received the resolution of the case only in January 2012 after the period to appeal had lapsed; that, however, when Tizon filed a complaint for libel against her, his complaint was immediately acted upon by the Taguig City prosecutors; and that so much interest was shown in the case, from its filing to the issuance of the warrant of arrest on the same day the case was filed before the MeTC.

Boto added that Manabat, De Dios, and Villena had all been practicing law for quite a number of years and it would be impossible for them not to know that the crime of libel falls within the jurisdiction of the RTC. She asserted that the respondents were all ignorant of the law, whose incompetence was a disgrace not only to the Department of Justice but to the legal profession as a whole.

The records further disclose that on October 17, 2012, the Information was properly filed with the RTC, Taguig City.[9]

On December 12, 2012, the Court issued the Resolution[10] requiring the respondents to file their comment within ten (10) days from receipt thereof.

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[8] *Rollo*, p. 22.

[9] *Id.* at 36-37.

[10] *Id.* at 27.

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Positions of the Respondents

Being not similarly situated, the respondents filed their separate comments. In his Comment,[11] De Dios, the investigating prosecutor, averred that the information for libel against complainant was filed before the MeTC due to inadvertence and that no malice or gross ignorance of the law attended it. He added that the information was later on filed with the RTC-Pasig, Branch 266, docketed as Criminal Case No. 149408, after the case filed before the MeTC was quashed.

In his separate Comment,[12] Manabat, the City Prosecutor who approved the Information, stated that the libel was filed based on the uncontroverted evidence of the complainant therein; that the information, however, was filed inadvertently with the MeTC; that there was no ignorance of the law or malice involved as they had previously filed cases of libel with the RTC; that the inadvertent filing was already corrected when the information was later on filed with the RTC; and that after the filing of the information with the RTC, the said court issued an order finding that probable cause existed to hold Boto for trial.

The trial prosecutor, Villena, in his Comment,[13] countered that the filing of the information was not within his discretion as he was not the investigating prosecutor and that it was not his duty to review the resolution of the investigating prosecutor as he had no authority to approve or disapprove an information or its filing in court. His participation commenced only after it was filed with the MeTC. He averred that the "Supreme Court had been very clear that once the information was filed in court, what to do with it is solely the court's prerogative and discretion. No one else can impose on the court, not even the Secretary of Justice much more this respondent."[14] Thus, he could not be expected to call the court's attention that it erred in taking

[11] *Id.* at 28.

[12] *Id.* at 35.

[13] *Id.* at 45-48.

[14] *Id.* at 46.

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cognizance of the case. He could not be charged with gross ignorance of the law since he was not the person whose judgment was called on to decide on whether or not the court had jurisdiction.

On the libel case filed by Boto against one Tizon, he denied being biased when he dismissed it. He claimed that in his ten (10) years as a practicing lawyer, he had been conscientious and judicious in all his actions.

The Court's Ruling

The Court finds that Boto has valid reasons to file this complaint against the respondents who, being prosecutors, are members of the bar and officers of the court.

Article 360 of the Revised Penal Code (*RPC*) explicitly provides that jurisdiction over libel cases are lodged with the RTC. The criminal and civil action for damages in cases of written defamations shall be filed simultaneously or separately with the RTC 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. Jurisprudence is replete with decisions on the exclusive jurisdiction of the RTC to hear and try libel cases. In fact, the language of the law cannot be any clearer; its meaning is free from doubt. All that is required is application.[15]

De Dios candidly admitted that inadvertence attended the filing of the information for libel with the MeTC. He did not, however, proffer any justification or explanation for the error. He did not claim that the mistake was either typographical or was a result of the application of a default form or template. In the Court's view, it was plain carelessness. As no malice can be attributed, he merely deserves a reprimand.

Manabat, on the other hand, should have been more cautious and careful in reviewing the report and recommendation of his

[15] *People of the Philippines v. Benipayo*, G.R. No. 154473, April 24, 2009, 586 SCRA 420, 431.

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subordinate. He should not have approved the information and its filing in the wrong court considering that his office was very knowledgeable of the law that jurisdiction in libel cases lies with the RTC. In fact, he cited several libel cases which his office filed with the proper court. As the head of office, he should be admonished to be more careful as his office is in the forefront in the administration of criminal justice.

While De Dios and Manabat can validly claim inadvertence, Villena cannot invoke the same defense in his handling of the case. Indeed, he did not file the information with the MeTC as he was not the investigating prosecutor, but merely the trial prosecutor. He, however, mishandled the case which prejudiced the complainant.

When the motion to quash was filed by Boto for lack of jurisdiction, Villena should have immediately acted on it by not opposing the dismissal of the case. The records disclose that in his Comment,[16] Villena prayed that the motion to quash be DENIED. His Comment reads:

> The undersigned prosecutor respectfully states that:
>
> 1. For lack of jurisdiction, improper venue, insufficiency of evidence, and that the allegations contained information do not constitute an offense, accused moves for the quashal of the information.
>
> 2. As to the first three (3) grounds relied upon by the accused, the Honorable Court had already determined probable cause when it issued a warrant of arrest against the accused. Thus, *it has effectively mooted the resolution of any issue concerning jurisdiction,* venue and sufficiency of evidence against the accused.
>
> 3. Accused herself contended that there is no jurisprudence yet defining the extent of the coverage of the crime of libel over social network. Thus, with more reason, the findings of the undersigned's office must be respected.

[16] Annex G of the Complaint, *rollo*, p. 22.

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Wherefore, premises considered, the undersigned respectfully prays of this Honorable Court to DENY accused's motion to quash.

x x x.[17] [Italization supplied]

Patently, this responsive pleading of Villena demonstrates that he did not know the elementary rules on jurisdiction. Fundamental is the rule that jurisdiction is conferred by law and is not within the courts, let alone the parties themselves, to determine or conveniently set aside.[18] It cannot be waived except for those judicially recognizable grounds like estoppel. And it is not mooted by an action of a court in an erroneously filed case. It has been held in a plethora of cases that when the law or procedure is so elementary, not to know, or to act as if one does not know it, constitutes gross ignorance of the law, even without the complainant having to prove malice or bad faith.[19]

Villena should have even initiated the move for the dismissal of the case on the ground of lack of jurisdiction. Instead of taking the initiative, he even opposed the motion to quash the information. At any rate, respondents are not barred from refiling the case before the proper court if probable cause to hold the complainant liable really exists. His dismal failure to apply the basic rule on jurisdiction amounts to ignorance of the law and reflects his lack of prudence, if not his incompetence, in the performance of his duties.[20]

Moreover, by not immediately filing a comment, he cannot blame the complainant for claiming that her right to a speedy trial was violated. It cannot be argued that no prejudice was

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[17] *Id*.

[18] *La Naval Drug Corporation v. Court of Appeals*, G.R. No. 103200, August 31, 1994, 236 SCRA 78, 90.

[19] *Torrevillas v. Navidad*, A.M. No. RTJ-06-1976 [Formerly OCA I.P.I. No. 03-1857], April 29, 2009, 587 SCRA 39, 56.

[20] *Uy v. Javellana*, A.M. No. MTJ-07-1666 [Formerly A.M. OCA-IPI No. 05-1761-MTJ], September 5, 2012, 680 SCRA 13, 35.

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caused against her because the error was immediately corrected and the information was properly filed with the RTC. Boto was adversely affected not because the MeTC immediately issued a warrant for her arrest, but because the prosecution of the case, meritorious or not, was considerably delayed. The Court takes judicial notice that proceedings at the first level courts, especially in cities and capital towns, are relatively slower than those at the RTC because of its more numerous pending cases.

As a responsible public servant, a prosecutor's primary duty is not to simply convict but to see that justice is done.[21] He is obliged to perform his duties fairly, consistently and expeditiously, and respect and protect human dignity and uphold human rights in contributing to ensuring due process and the smooth functioning of the criminal justice system.[22] As such, he should not initiate or continue prosecution, or shall make every effort to stay the proceedings when it is apparent that the court has no jurisdiction over the case. This is where Villena failed.

As lawyers, the respondents are officers of the court with the duty to uphold its dignity and authority and not promote distrust in the administration of justice.[23] No less than the Code of Professional Responsibility mandates all lawyers to exert every effort to assist in the speedy and efficient administration of justice.[24]

WHEREFORE, Senior Assistant City Prosecutor Vincent L. Villena is found liable for Ignorance of the Law and is hereby **FINED** in the amount of Ten Thousand (₱10,000.00) Pesos, payable within 30 days from receipt of this resolution with a

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[21] Canon 6.01 Code of Professional Responsibility.

[22] Guidelines on the Role of Prosecutors, http://www.lawphil.net/international/treaties/grp.html, September 12, 2013.

[23] *Bondoc v. Aquino-Simbulan,* A.M. No. RTJ-09-2204 (formerly A.M. OCA IPI No. 04-2137-RTJ), October 26, 2009, 604 SCRA 416, 430.

[24] Canon 12 of the Code of Professional Responsibility.

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warning that a repetition of the same or similar offense shall be dealt with more severely.

Assistant City Prosecutor Patrick Noel P. de Dios, for his negligence, is **REPRIMANDED** with a warning that a repetition of the same or similar offense shall be dealt with more severely.

City Prosecutor Archimedes V. Manabat is admonished to be more careful and circumspect in the review of the actions of his assistants.

SO ORDERED.

Velasco, Jr. (Chairperson), del Castillo,[*] *Abad,* and *Leonen, JJ.,* concur.

SECOND DIVISION

[G.R. Nos. 171594-96. September 18, 2013]

ASIA BREWERY, INC., *petitioner, vs.* **TUNAY NA PAGKAKAISA NG MGA MANGGAGAWA SA ASIA (TPMA),** *respondent.*

SYLLABUS

1. LABOR AND SOCIAL LEGISLATION; LABOR CODE; LABOR RELATIONS; ASSUMPTION OF JURISDICTION BY THE SECRETARY OF LABOR DUE TO LABOR DISPUTE; THE SECRETARY OF LABOR COMMITTED GRAVE ABUSE OF DISCRETION IN RELYING ON THE UNAUDITED FINANCIAL STATEMENTS SUBMITTED BY THE EMPLOYER IN DETERMINING THE WAGE AWARD; RATIONALE; CASE AT BAR.— In *MERALCO v. Sec. Quisumbing,* we had occasion to expound on the extent of our review powers over the arbitral

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[*] Designated Member in lieu of Associate Justice Diosdado M. Peralta, per Special Order No. 1541 dated September 9, 2013.