

5 Phil. 278

[G.R. No. 1440. November 14, 1905]

**THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. C. M. JENKINS ET AL.,
DEFENDANTS AND APPELLANTS.**

D E C I S I O N

CARSON, J.:

The offense charged in this case is one for which the penalty which may be imposed is not limited to six months imprisonment or a fine of 100 dollars or both, and the accused were tried convicted, and sentenced in the Court of First Instance of Manila, in the exercise of its original jurisdiction.

Counsel for the defendants assign as error the assumption of jurisdiction by that court over the subject matter of the alleged offense, because, as clearly appears from the record, if the offense charged was committed at all it was committed in the municipality of Pasay, in the Province of Rizal, beyond the territorial limits of the city of Manila, although within "a zone surrounding the city on land five miles in width."

Act No. 140 defines the judicial districts of the Philippine Islands, and provides that "*the city of Manila shall constitute a judicial district to be known as the judicial District of Manila,*" and that "*the Fifth Judicial District shall consist of the Provinces of Bulacan, Bataan, and Rizal,*"

and it is admitted that unless the provisions of this act have been amended the Court of First Instance of Manila was without jurisdiction for the trial of the offense charged.

Counsel for the prosecution vigorously contends that this act has been amended so as to confer jurisdiction on the Court of First

Instance of Manila to hear and determine this case by section 3 of Act No. 183, wherein it is provided that—

“The jurisdiction of the city government for police purposes shall extend to three miles from the shore into Manila Bay and over a zone surrounding the city on land five miles in width.”

We are of opinion that this contention can not be successfully maintained and that Act No.140 has not been amended so as to confer upon the Court of First Instance of Manila original jurisdiction in criminal cases over territory not included within the territorial limits of the city.

The section relied upon by the prosecution does not in itself contain a grant of power of any kind, nor does it confer jurisdiction upon the city government, the Municipal Board, nor upon any other body or person whatever. Its manifest purpose and effect is merely to define the territorial limits wherein may be exercised a certain limited jurisdiction for police purposes only, which is expressly conferred upon the city government and its officers in later sections of the act.

The first section of the act creates the municipal corporation known as the city of Manila; the second defines the territorial limits of its general jurisdiction; the third defines the territorial limits of its police jurisdiction; the fourth provides for the Municipal Board which constitutes the city government; and we must look to the later sections of the act to discover what powers are granted to the municipality thus created and defined. There is no more reason for the attempt to construe the third section as a general grant of power for police purposes than there would be for an attempt to construe the second section as a general grant of power for all municipal purposes whatever they might be held to be.

This view was confirmed by an examination of the context and a review of the various provisions of the Act, keeping in mind the rule of statutory construction that—

“The presumption is that the lawmaker has a definite purpose in every enactment, and has adapted and formulated the subsidiary provisions in harmony with that purpose; that these are needful to accomplish it; and that, if they have the intended effect, they will, at least, conduce to effectuate it. * * * From this assumption proceeds the general rule that the cardinal purpose or intent of the whole act shall control and that all the parts be interpreted as subsidiary and harmonious. They are to be brought into harmony, if possible, and so construed that no clause, sentence, or word shall be void, superfluous, or insignificant.” (Sutherland on Statutory Construction, sec. 240.)

If this section itself were a grant to the city government of jurisdiction for police purposes, it might well be contended that it confers jurisdiction for the exercise of “police powers” in the usual legal acceptance of that term; but that it was not the intention of the legislator to grant such powers over the 5-mile zone surrounding the city on land is evident from the provisions of subsection (cc) of section-17, which expressly confers upon the city the right to extend its ordinances over Manila Bay 3 miles beyond the city limits, but fails to grant this power as to the land zone mentioned in section 3. If “general police powers” over the territory described in section 3 had been granted by that section, there would not seem to be any need for a grant of express authority to the city to extend its ordinances to the bay, and the express grant of this authority in one case has the effect of denying its existence in the other.

Again, if we construe the term “*police purposes*” as used in section 3 to mean merely the exercise of a sort of police supervision over the territory therein defined, we are not justified in treating that section as in itself a grant of general authority for the exercise of such supervision, for such a construction would result in a direct conflict between this section and the provisions of sections 37 and 40, which limit and prescribe the police jurisdiction of the city, and it would at the same time render “*superfluous and insignificant*” the provisions of those sections which contain an express grant of

certain limited authority for the exercise of such supervision.

But while we can not accept the conclusions of counsel for the prosecution based on the hypothesis that this section is in itself a general grant of jurisdiction for police purposes, we find that a limited and carefully defined police jurisdiction over the territory therein described is expressly conferred upon the city government and various city officials by later provisions of the act Sections 37 and 40 authorize the city government, through its proper officers, to exercise police supervision over this territory, to serve and execute certain processes therein, to pursue and arrest criminals or persons suspected of having committed offenses therein, and to bring such persons before the municipal courts of the city, which are expressly clothed with jurisdiction to hold preliminary investigations touching graver offenses and exclusive jurisdiction for the trial of lesser offenses alleged to have been committed therein.

But the grant of these limited powers to the city government and certain city officials can not be held to operate so as to enlarge or affect the jurisdiction of the Court of First Instance of Manila, except in so far as an appeal is expressly provided from final judgments of lesser offenses tried in the municipal courts. The Courts of First Instance of Manila are insular and not city courts, and their judges and clerks are insular and not city officials. They are not created or supported by the city nor in any wise dependent upon it and are wholly separate and distinct from the municipal government, and no more form a part thereof than does the Supreme Court itself, which holds its sessions within the territorial limits of the municipality.

It has been contended, however, that for the proper exercise of such police jurisdiction as has been conferred upon the city government over the zone in question, it is necessary that the Courts of First Instance of Manila should have jurisdiction over that zone for the trial of all crimes and offenses alleged to have been committed therein, and therefore that such jurisdiction is conferred by necessary implication if not by express provision.

We do not think this proposition can be maintained, even though it were admitted that the government of the city of Manila has jurisdiction for police purposes in the widest possible signification of the term; and much less is it true, if we limit that jurisdiction to the powers expressly conferred in the act, for under the provisions of Act No.140, the Court of First Instance of Rizal and the other provinces adjoining Manila have jurisdiction in such cases and are as fully equipped and competent to try all offenders when properly brought before them as are those of the city of Manila.

It is true that it might at times be convenient for the officers of the city of Manila charged with the arrest and detention of offenders in the zone in question, to bring such offenders for trial in the Courts of First Instance of Manila, but it will not be seriously maintained that for the mere convenience of the police officers of the city, jurisdiction in criminal cases can be assumed by these courts over territory wherein such jurisdiction is not expressly conferred.

Furthermore, express provision is made in section 40 of the very act wherein these powers are conferred for their convenient and effective exercise. The municipal courts are given "exclusive jurisdiction over all cases arising under the penal laws of the Philippine Islands where the offense is committed within the police jurisdiction of the city, and the maximum punishment is by imprisonment for not more than six months or a fine of not more than one hundred dollars, or both," and "such courts may also conduct preliminary examinations for any offense without regard to the limits of punishment."

It would be a strained construction indeed which would support an implied grant of jurisdiction to the Courts of First Instance, based upon considerations of convenience, which the legislator has foreseen, and for which he has made ample provision.

Act No. 183 became a law on July 31, 1901, at a time when a state of lawlessness naturally following on the heels of the insurrection was

still prevalent in Manila and the surrounding territory. To combat this condition, well organized police courts and an expensive and highly disciplined body of metropolitan police were brought into existence, and the creation of a police jurisdiction for the city extending far beyond its natural boundaries, may fairly be attributed to a desire to extend their usefulness to the widest possible limit. Within this large extent of territory the city government and its peace officers and police were given all necessary authority looking to the pursuit and capture of offenders against the law, and since it was necessary, not only to arrest and detain such criminals, but to bring them to justice, the jurisdiction of the municipal police courts was made coextensive with the police jurisdiction of the city, by express provision of law. This, it may be safely presumed, because better results might fairly be expected from these courts than from the justice courts, whose learning and loyalty had not yet been thoroughly tested.

These reasons for extending the jurisdiction of the municipal courts beyond the limits of the city of Manila did not require the extension of the original jurisdiction of the Courts of First Instance beyond the boundaries already fixed in Act No. 140, and no express provision to that end was incorporated into the law, nor has our attention been directed to any reason which renders such a provision necessary to carry out the purpose and object of the act.

In this connection it is worthy of note that section 42 of the act expressly prescribes that all appeals from judgments of the municipal courts imposing fines or imprisonment shall lie to the *Courts of First Instance of Manila*, whereas section 40 provides that after preliminary examinations in the municipal courts the accused shall be released or committed and bound over to secure his appearance before *the proper court*. If the lawmaker had intended to confer upon the Courts of First Instance of Manila original jurisdiction over the zone in question, we should naturally expect to find the same provision for the disposition of criminal cases after preliminary trial as upon appeal. The striking variation in the wording of these closely allied provisions of the act strongly confirms our opinion that the lawmaker had clearly in mind the nature and character of the jurisdiction conferred upon the city

government and the provisions necessary for its convenient and effective exercise, and that he expressly conferred upon the municipal courts all the jurisdiction necessary to that end, and carefully refrained from the unnecessary extension or modification of the original jurisdiction of the Courts of First Instance.

A number of authorities are cited in the brief of counsel for the prosecution, but we think that these authorities merely go to show that the legislator, had he deemed it proper or prudent so to do, might have conferred jurisdiction over the zone in question upon the Courts of First Instance of Manila. The question is not, however, whether the legislator had authority to confer such jurisdiction, but whether he did, in fact, confer it.

We are of opinion that the trial court had no jurisdiction to try the alleged offense charged in the complaint in this case, and that said complaint should therefore be dismissed with the costs in both instances *de officio*. So ordered.

Arellano, C. J., Torres, Mapa, and Willard, JJ., concur.

Johnson, J., disqualified.