

[G.R. No. 2733. March 27, 1906]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, M. NICOLAS ARCEO,
DEFENDANT AND APPELLANT.**

D E C I S I O N

TORRES, J.:

In a written complaint dated October 15, 1903, Nicolas Arceo Tanutco was charged by the assistant prosecuting attorney of the city of Manila with the crime of illegal marriage. The complaint as filed sets forth the following facts: That on or about May 1, 1901, the defendant, being the legal husband of one Tranquilina Arcilia, willfully and illegally did enter into a second matrimonial bond with one Teodora de Guia in the Province of Rizal within the police and court jurisdiction of Manila, the former matrimonial bond not having been legally dissolved at the time.

The case having been tried upon the said complaint, it was shown, especially by the documentary evidence introduced and which forms a part of the record, that according to a certificate of marriage (fol. 20) signed by the pastor of the church at Bacolor, Pampanga, the defendant, Nicolas Arceo, did marry Tranquilina Arcilia on February 3, 1897, in accordance with the rites of the Roman Catholic Church. The ceremony was performed by Gregorio Dizon, a priest, in the presence of witnesses, in the parochial church of said pueblo of Bacolor.

It was further shown that, according to a certificate signed by the secretary to the archbishop of Manila, attached to the record (fol. 37), by a decree dated April 29, 1901, signed by the archbishop, the last two banns were ordered suppressed at the request of the defendant in order to expedite his marriage with Teodora de Guia, and in view also of the report from the pastor of Tambobong, which stated that the first bann proclaimed in his church met with no opposition. The certificate further sets forth that the defendant appeared before the pastor at Tambobong and declared that he was unmarried.

By virtue of said decree from the archbishop of Manila, the defendant was married on the 1st of May, 1901, to Teodora de Guia, in accordance with the rites of the Roman Catholic Church and in the presence of witnesses in the church of Tambobong. The defendant signed the marriage papers as an unmarried man (fol. 21), as testified by the Rev. Mateo Evangelista.

It was thus proved that the defendant did enter into a second marriage with Teodora de Guia while his first wife, Tranquilina Arcilia, still lived (fol. 98 of the record); that the marriage ceremony took place in the pueblo of Tambobong, which is now included in the Province of Rizal, but formerly was part of the city of Manila.

Assuming that article 471 of the Penal Code has been violated, and considering that the crime was committed in the pueblo of Tambobong, which is now included in the territory of Rizal Province, the first point to be determined is whether or not the judge who presided at the trial had jurisdiction to try the case. The defense raised this point and questioned the right of the Court of First Instance of Manila to hear and determine this case.

The decision of this court in the case of the United States vs. C. M. Jenkins^[1] (4 Off. Gaz., 523), wherein it was held that the Court of First Instance of the city of Manila had no jurisdiction over crimes committed in the Province of Rizal and within the 5-mile limit, as fixed by section 3 of Act No. 183, for police purposes, has definitely settled the question of jurisdiction. The proceedings had in the lower court were therefore void.

It is a general principle of law that the place where a crime is committed should be first ascertained in order to determine the jurisdiction of the court or judge.

Act No. 140 fixes the territorial jurisdiction of the various courts of the Islands, including the Court of First Instance of Manila. Although Act No. 183, section 3, extended the jurisdiction of the city government to a radius of 5 miles for police purposes, it was never intended to confer upon the Court of First Instance of the city of Manila jurisdiction over it. No other view can be taken, since Act No. 183, section 3, does not amend or modify the jurisdiction of the courts prescribed in Act No. 140.

Any change in the territorial jurisdiction of a court enlarging or restricting the same can never be established by mere deduction or inference. Judicial divisions and boundaries of provinces and districts are always fixed by law. So that alterations of such boundaries can only be made in express terms by the legislative body. Nothing to this effect is contained in Act No. 183, section 3, amending Act No. 140; therefore it is the opinion of this court» that

the judgment of the court below should be, and it is hereby, set aside and the case dismissed with costs *de officio*.

It is also ordered that, in the event of the filing of a new complaint, the judge of the Court of First Instance of Rizal shall proceed in accordance with law.

The court below and the Solicitor-General shall be notified of this decision and the record returned to the inferior court with a certified copy of this opinion and of the judgment to be entered in accordance herewith for its execution. So ordered.

Arellano, C J., Mapa, Johnson, Carson, Willard, and Tracey, JJ., concur.

^[1] 5 Phil. Rep., 278.
