

96 Phil. 149

[ **G.R. No. L-6410. November 24, 1954** ]

**JUAN Y. BELTRAN, PETITIONER VS. THE HONORABLE EUSEBIO F. RAMOS, ETC.,  
RESPONDENT.**

**D E C I S I O N**

**JUGO, J.:**

The petitioner, Juan Y. Beltran, was charged before the Court of First Instance of Occidental Mindoro with the crime of malversation of public funds, alleged in the information to have been committed in the municipality of San Jose, province of Occidental Mindoro, on or about July 6, and 12, 1951. The trial commenced in the municipalities of San Jose, Mamburao, and Lubang, all of Occidental Mindoro. The continuation of the trial was transferred to the municipality of Calapan, province of Oriental Mindoro. The defendant Beltran, herein petitioner, objected to the continuation of the trial in Calapan on the ground that it is outside of the territorial boundaries of the province of Occidental Mindoro where the crime was committed. The trial court overruled the objection and ordered the trial to proceed in Calapan. The petitioner filed in this Court a petition for a writ of prohibition to enjoin the trial court from continuing the trial in Calapan.

The respondent contends that the provinces of Occidental and Oriental Mindoro constitute the Eighth Judicial District under the provisions of the Judiciary Act of 1948 (Republic Act No. 296). There being no separate court for the province of Occidental Mindoro, it is claimed that the judge of the district may hold his sessions in either of the two provinces. This contention is untenable in the present case for the reason that the Rules of Court expressly provide that a criminal case should be instituted and tried in the municipality or

province where the offense was committed or any of its essential ingredients took place. This is a fundamental principle, the purpose being not to compel the defendant to move to, and appear in a different court from that of the province where the crime was committed, as it would cause him great inconvenience in looking for his witnesses and other evidence in another place. Although the judge of a district may hold sessions in any part of said district, yet he should hold the trial in any particular case subject to the specific provisions, or section 14 (a), Rule 106, in order not to violate the Rules of Court and disregard the fundamental rights of the accused. Sometimes a judicial district includes provinces far distant from each other. Under the theory of the respondent, the accused may be subjected to the great inconvenience of going to a far distant province with all his witnesses to attend the trial there. This is prohibited by the Rules of Court as being unfair to the defendant.

There is no contradiction between the Judiciary Act and Rule 106, section 14(a). They should, therefore, be enforced together harmoniously.

In view of the foregoing, the respondent judge is enjoined from continuing the trial of the above-mentioned case in Calapan, Oriental Mindoro, and ordered to continue it in San Jose, Occidental Mindoro, without pronouncement as to costs. So ordered.

*Paras, C.J., Pablo, Bengzon, Padilla, Montemayor, Reyes, A., Angelo Bautista, Concepcion, and Reyes, J.B.L., JJ., concur.*