

96 Phil. 151

[G.R. No. L- 6494. November 24, 1954]

**EUGENIO ANGELES, ETC., PETITIONER, VS. FRANCISCO E. JOSE, ET AL.,
RESPONDENTS.**

D E C I S I O N

JUGO, J.:

Domingo Mejia y Soriano before the Court of First Instance of Manila with the crime of damage to property in the sum of P654.22, and with less serious physical injuries through reckless negligence, committed in one single act. After the preliminary investigation, upon motion of the defense, the respondent court dismissed the case on the ground that the penalty prescribed by Article 365 of the Revised Penal Code is only *arresto mayor* in its minimum and medium period which is within the exclusive jurisdiction of the municipal court. On the other hand, it is contended by the prosecution that the fine that may be imposed by the court on account of the damage to property through reckless negligence is from a sum equal to the amount of the damage to three times such amount, which shall in no case be less than P25.00. The respondent court, however, relies on the wording of the third paragraph of said article, which reads as follows:

“When the execution of the act covered by this article shall have only resulted in damage to the property of another, the offender shall be punished by a fine ranging from an amount equal to the value of said damage to three times such value, but which shall in no case be less than 25 pesos.”

The above-quoted provision simply means that if there is only damage

to property the amount fixed therein shall be imposed, but there are also physical injuries there should be an additional penalty for the latter. The information cannot be split into two; one for physical injuries, and another for the damage to property, for both the injuries and the damage committed were caused by one single act of the defendant and constitute what may called a complex crime of physical injuries and damage to property. It is clear that the fine fixed by law in this case is beyond the jurisdiction of the municipal court and within that of the court of first instance.

In view of the foregoing, the order of dismissal is hereby set aside, and the case remanded to the trial court for further proceedings, without pronouncement as to costs.

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