

****Title:**** Wenefredo Calme vs. Court of Appeals, Former 10th Division, et al.

****Facts:****

1. ****Incident****: On May 12, 1991, Wenefredo Calme, along with four others, was accused of killing Edgardo Bernal by allegedly throwing him overboard the M/V “Cebu City,” owned and operated by William Lines, Inc. The vessel was en route from Ozamis City to Cebu City.
2. ****Marine Protest****: The captain, Elmer Magallanes, noted in a marine protest that the vessel was 8.0 miles off Minalonan Point, Siquijor Island when he was informed by the officer on duty that a passenger had jumped overboard.
3. ****RTC Oroquieta City****: An information for murder was filed in the Regional Trial Court (RTC), Branch 12, Oroquieta City.
4. ****Motion to Quash****: Calme filed a motion to quash the information, challenging the RTC’s jurisdiction over the case.
5. ****RTC Ruling****: The motion to quash was denied by Judge Celso Conol of RTC, Branch 12, Oroquieta City.
6. ****Court of Appeals****: Calme’s petition for certiorari and prohibition was subsequently denied by the Court of Appeals on December 10, 1993.
7. ****Motion for Reconsideration****: Calme’s motion for reconsideration was denied on July 14, 1994.
8. ****Appeal to Supreme Court****: Calme appealed to the Supreme Court challenging the jurisdiction of the Oroquieta RTC over the case.

****Issues:****

1. ****Jurisdiction****: Whether the RTC Oroquieta City had proper jurisdiction over the case involving an alleged crime that took place while the vessel was in transit.
2. ****Applicable Provision****: Determination of whether par. (a) or par. (c) of Section 15 (now Section 14), Rule 110 of the Revised Rules of Court should govern the determination of venue and jurisdiction for the crime.

****Court’s Decision:****

1. ****Jurisdiction Issue****:
 - ****Court’s Analysis****: The Supreme Court found the petitioner’s argument that the exact location where the crime occurred was known to be without merit. It determined that merely being informed of an incident does not establish the specific location of the crime.
 - ****Court’s Conclusion****: The actual commission site of the alleged crime was not clearly established; thus, the incident occurred “in transit.”

2. **Applicable Provision**:

- **Court's Analysis**: The Supreme Court held that Sec. 15(c) of Rule 110 applies, which states that when an offense is committed on board a vessel during its voyage, the criminal action can be instituted in the proper court of the first port of entry or any municipality through which the vessel passed.
- **Rejection of Act No. 400**: The Supreme Court dismissed Calme's reliance on Act No. 400. The present Rule 110 does not carry the specific language of Act No. 400 and the jurisdiction is instead determined by the vessel's itinerary during its voyage.
- **Court's Conclusion**: Because the incident occurred while the vessel was "in transit," and in the absence of any specific qualifying provision in Sec. 15(c), the RTC of Oroquieta City was deemed to have proper jurisdiction as one of the municipalities through which the ship passed.

Doctrine:

- **Jurisdiction Over Crimes Onboard Vessels**: Sec. 15(c) of Rule 110 establishes that for crimes committed on board a vessel in transit, jurisdiction can lie with any court of the first port of entry or any municipality the vessel passed through during its voyage.
- **Statutory Construction**: When the language of a rule or statute is clear and unequivocal, its plain meaning must be applied without further interpretation.

Class Notes:

- **Key Elements**:
 - Jurisdiction can be defined based on the vessel's passage during its voyage.
 - Sec. 15(c), Rule 110 (now Section 14): "criminal action may be instituted and tried in the proper court of the first port of entry or of any municipality through which the vessel passed during such voyage."
 - Difference between Act No. 400 and current Rule 110 regarding venue for crimes committed on board vessels.
- **Statutory Provisions**:
 - Relevant provision: Sec. 15(c), Rule 110 of the Revised Rules of Court.
 - Application: Establishes jurisdiction based on vessel itinerary, not necessarily the discovery point or subsequent ports after crime commission.

Historical Background:

- **Act No. 400 Context**: Dated back to early 20th-century provisions, Act No. 400 dealt with determining venue for crimes on ships. It provided that jurisdiction resided in the

province where the ship came after the crime's commission. This was amended in the Revised Rules of Court, reflecting changing interpretations and applications in maritime and criminal law.