

**JULIET T. DIOQUINO, ASSISTED BY MOTHER, NATIVIDAD TULLAO,
PETITIONER, VS. THE HON. NICANOR J. CRUZ, JR. AND MARIO
VERGEL DE DIOS, RESPONDENTS**

G.R. No. L-38579. September 09, 1982

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

These two cases were elevated to this Tribunal on the issue of what court has jurisdiction over criminal prosecutions for simple seduction.

In G.R. No. L-38579, Judge Pedro A. Revilla of the Court of First Instance of Rizal ruled that the crime of simple seduction is within the original jurisdiction of the municipal court. He, therefore, dismissed the petition for certiorari, prohibition, and mandamus with preliminary injunction which sought to enjoin the Municipal Court of Paranaque from proceeding with the trial of Criminal Case No. L-35936.

In G.R. No. L-39951, respondent Victorino A. Savellano then Judge of the Court of First Instance of Manila, dismissed Criminal Case No. 17765 for seduction and ordered the Fiscal to file the case with the "proper" court.

Article 338 of the Revised Penal Code provides:

"ART. 338. Simple seduction.— The seduction of a woman who is single or a widow of good reputation, over twelve but under eighteen years of age, committed by means of deceit, shall be punished by *arresto mayor*." while Section 87(c) of the Judiciary Act, as amended provides:

"SEC. 87. Original jurisdiction to try criminal cases.— Municipal judges and judges of city courts of chartered cities shall have original jurisdiction over:

"(c) Except violations of election laws all other offenses in which the penalty provided by law is imprisonment for not more than three years, or a fine of not more than three thousand pesos, or both such fine and imprisonment."

In *Luansing v. Court of Appeals* (27 SCRA 305) We ruled:

"... The penalty imposed by Article 338 of the Revised Penal Code for the crime of simple seduction is *arresto mayor*, the duration of which is from one month and one day to six months. Apparently, the crime of simple seduction falls under the original jurisdiction of the Justice of the Peace or Municipal Courts. However, it should not be overlooked that persons guilty of seduction shall also be sentenced to indemnify the offended woman, to acknowledge the offspring unless the law should prevent him from so doing, and to give support to such offspring (Article 345, Revised Penal Code). These are inherent accessory civil liabilities when a child is born as a result of the crime. The acknowledgment of, and the giving of support to, the offspring are matters beyond the jurisdiction of the Justice of the Peace or Municipal Courts. They pertain to the Courts of First Instance (Section 44 [a] and [e], Republic Act No. 296),

"It has been held that laws conferring jurisdiction on the inferior courts over demands below certain amounts

do not preclude a determination of said demands in the superior court, where they are connected with larger claims or with a type of demand solely within the jurisdiction of the superior court. Thus for instance, where an action is within the jurisdiction of the Court of First Instance because it involves an issue of admiralty, the said court must be held likewise to have jurisdiction over other causes of action joined thereto even if the amount sought to be collected is less than the jurisdictional limit (*Fireman's Fund Insurance Co. vs. Cia. General de Tabacos de Filipinas*, G.R. No. L-22625, April 27, 1967). In like manner, since the crime of seduction carries with it a liability, under Article 345 of the Revised Penal Code, to acknowledge and give support to the offspring resulting from the crime—matters beyond jurisdiction of the Justice of the Peace or Municipal Courts—it follows that the instant case falls within the jurisdiction of the Court of First Instance (*U.S. vs. Bernardo*, 19 Phil. 265). It would be absurd to have the principal case of seduction tried and decided by the Municipal Court and the resulting acknowledgment and support of the offspring by the Court of First Instance. The duplication would entail unnecessary waste of time and effort for the parties and for the courts, to the detriment of an orderly administration of justice."

The respondent courts took cognizance of the *Luansing* ruling. However, the Court of First Instance of Rizal observed that in Criminal Case No. L-35396, the issue of acknowledgment of offspring and support was already out of the question.

The Court of First Instance of Rizal felt that it was not obliged to follow the *Luansing* ruling because it was no longer possible to have an offspring under the facts of the case. The crime of seduction in *People v. Mario Vergel de Dios* before the Municipal Court of Parafiaque, Rizal was allegedly committed between October 2 and 3, 1972. The motion for discontinuance or termination of proceedings was filed on September 10, 1973 when the prosecution was about to terminate the presentation of its evidence before the municipal court. The decision of the Court of First Instance of Rizal in the certiorari, prohibition, and mandamus case was promulgated on February 11, 1974 or more than sixteen months after the seduction was allegedly committed. The court stated that the civil liability of persons guilty of crimes against chastity provided under Article 345 of the Revised Penal Code is imposable only in those cases where there is a clear showing that the victim has conceived within 120 days from the date of the offense and that courts should not speculate on the possibility that an issue may be born as a result of the crime committed by the accused.

In L-39951, the Court of First Instance of Manila stated that it had no jurisdiction over *People v. Eduardo Oliveros Y Inocencio*, Criminal Case No. L-17765 for seduction because:

"1. The penalty provided for simple seduction under Article 338 of the Revised Penal Code is *arresto mayor*; this falls under the original jurisdiction of the City Court—Section 87 (c) of the Judiciary Act;

"2. The creation of the Juvenile and Domestic Relations Court in the City of Manila (R.A. 1401) gives the said court 'exclusive original jurisdiction to hear and decide . . . (b) cases involving custody, guardianship, adoption, paternity and acknowledgment.' (Article III, Section 38-A) and

" 'If any question involving any of the above matters should arise in an incident in any case pending in the ordinary courts, said incident shall be determined in the main case.'"

"These meet the contingencies under Article 345 of the Revised Penal Code.

"This Court finds no occasion to consider the application of the *Luansing* case and also *U.S. vs. Bernardo*, 19 Phil., 265, both of which are cases outside Manila and where there is no Juvenile and Domestic Relations Court.

"In fine, from the point of view of the penalty for the crime (*arresto mayor*) or the acknowledgment of the offspring (Article 345), the Court of First Instance of Manila would have no jurisdiction. Whichever way the Court looks at the case, this Court has no jurisdiction."

The Court of First Instance of Manila added that "the case at bar may also provide a propitious occasion for our Supreme Court to review and re-examine those rulings in view of the enlargement of jurisdiction of the municipal courts and city courts since those cases were decided."

We have carefully considered the arguments and reasons given by the respondent judges in these cases but find no reasons to warrant Our departing from the rule so clearly enunciated in *Luansing v. Court of Appeals*.

In criminal prosecutions, the jurisdiction of the court is not determined by what may be meted out to the offender after trial (*People v. Cuello*, 1 SCRA 814), or even by the result of the evidence that would be presented during the trial (*People v. Co Hio*, 62 Phil. 503), but by the extent of the penalty which the law imposes, together with other legal obligations, on the basis of the facts as recited in the complaint or information (*People v. Purisima*, 69 SCRA 341, 347) constitutive of the offense charged, for once jurisdiction is acquired by the court in which the information is filed, it is there retained regardless of whether the evidence proves a lesser offense than that charged in the information (*People v. Mission*, 48 O.G. 1330), or the subsequent happening of events, although of a character which would have prevented jurisdiction from attaching in the first instance (*Ramos v. Central Bank*, 41 SCRA 565, 583). The above rulings were reiterated in the fairly recent case of *People v. Buissan* (105 SCRA 547) where this Court stated that jurisdiction over a simple seduction case lies with the Court of First Instance and not with the inferior court, notwithstanding the fact alleged in the private respondent's answer that the complainant gave birth to a child some eighteen months after the alleged commission of sexual intercourse in the simple seduction case.

The jurisdiction of a court depends upon the state of facts existing at the time it is invoked, and if the jurisdiction once attaches to the person and subject matter of the litigation, the subsequent happening of events, although they are of such a character as would have prevented jurisdiction from attaching in the first instance, will not operate to oust jurisdiction already attached. (*Tinitigan v. Tinitigan, Sr.*, 100 SCRA 619, 634.)

The court in *G. R. No. L-39951* contended that a separate case for acknowledgment must be filed with the Juvenile and Domestic Relations Court even as the seduction case should be tried by the City Court of Manila. There is no merit in this contention. The indemnification, acknowledgment, and support provided by Article 345 of the Revised Penal Code are civil liabilities inherent and accessory to the finding of guilt in rape, seduction, or abduction. It would be needless multiplication of suits to bring to another court a liability already beyond dispute because of a judgment of conviction in another court. Furthermore, the charter of the Juvenile and Domestic Relations Court of Manila, Republic Act No. 1401 clearly provides in Sec. 38-A which states the exclusive original jurisdiction of said court that "if any question involving any of the above matters (falling under the court's jurisdiction) should arise as an incident in any case pending in the ordinary courts, said incident shall be determined in the main case."

Considerations of consistency and orderliness have led this Court to rule as early as 1911 that a justice of the peace court is divested of jurisdiction over a case for simple seduction. (*U.S. v. Bernardo*, 19 Phil. 265). The law on criminal jurisdiction must be as certain and predictable as possible. Judges, fiscals, and accused alike should not be made to speculate on whether or not an offspring may still arise from the crime, whether or not the complainant or the accused may be sterile or incapable of procreation, whether or not the complainant was already pregnant by another man when the crime was committed, and various other factual considerations before jurisdiction may be fixed.

The value of the doctrine of *stare decisis* to stand by decisions and not disturb settled matters—is best exemplified when lower courts believe that a doctrine should be re-examined but nonetheless apply it.

The Manila court apologized for provoking discussion on the *Luansing* decision. The better procedure would have

been for the court to have applied Luansing and have left the agitation for a re-examination of settled doctrine to one of the parties.

WHEREFORE, the petitions in the instant cases are hereby granted. The orders dated October 14, 1974 and November 22, 1974 in G.R. No. L-39951 are set aside and the respondent Court of First Instance of Manila is directed to try Criminal Case No. 17765 and to render judgment accordingly. The order dated February 11, 1974 in G.R. No. L-38579 is set aside. The municipal judge of Paranaque, Metro Manila is directed to forward the records of Criminal Case No. 35936 to the Court of First Instance of Rizal for proper proceedings.

SO ORDERED.

Teehankee (Chairman), Melencio-Herrera, Plana, Vasquez and Relova, JJ., concur.

Makasiar, J., is on official leave.

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