

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. SALVACION COLICIO, DEFENDANT AND APPELLEE.*G. R. No. L-2885. February 26, 1951*

Ponente: BENGZON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/029cea6a46d3/>**BENGZON, J.:**

In October 1948, Salvacion Colicio was charged before the justice of the peace of Buruanga, Capiz, with the crime of qualified theft, because in September of that year she had taken away, without the owner's consent coconuts piled on the plantation and valued at P33. The justice of the peace conducted the preliminary investigation and forwarded the case to the court of first instance, where the provincial fiscal filed the corresponding information for the same offense. The judge of that court, believing it had no jurisdiction over the crime dismissed the case *motu proprio*, without prejudice to the filing of a new complaint with the justice of the peace of Buruanga. The fiscal moved for reconsideration. Upon denial of the motion, he interposed an appeal.

The Solicitor-General contends that the court *quo errat* in holding that it had no jurisdiction over the offense.

There is no doubt that under section 87 (c) of Republic Act No. 296 the justice of the peace of Buruanga had jurisdiction over the offense, because it falls under the classification of "larceny of property not exceeding P200." [1]

But the Court of First Instance of Capiz also had jurisdiction, because the penalty for the crime of qualified theft of P33 is *prision mayor*, namely from 6 years and 1 day to 12 years [2] and under section 44 (f) of the same Republic Act No. 296, courts of first instance have original jurisdiction over criminal cases in which the penalty provided by law is imprisonment for more than six months or a fine of more than two hundred pesos.

We have recently held that the jurisdiction of the justice of the peace courts over the specific offenses mentioned in section 87 (c) of Republic Act No. 296 is concurrent with the courts of first instance when the penalty to be imposed exceeds six month imprisonment or a fine of more than two hundred pesos.[3] Hence, we must now hold that the Court of First Instance of Capiz had concurrent jurisdiction over the offense.

In *Natividad et al. vs. Robles*, *supra*, an information for trespass to dwelling was filed in the justice of the peace court of Malabon. After conducting the preliminary investigation, the justice of the peace elevated the case to the court of first instance for trial on the merits. The fiscal, maintaining that the justice of the peace had original jurisdiction, requested for the return of the case. The motion was granted. On prohibition proceedings, we decided:

"* * * Our conclusion is that the offense of trespass to dwelling with violence as charged against the petitioners, falls within the original jurisdiction of the Justice of the Peace court of Malabon, concurrent with that of the Court of First Instance of Rizal, and in the instant case, the court which first exercised jurisdiction was the Justice of the Peace court of Malabon, it having already acted on the case though erroneously in the form of preliminary investigation. The Court of First Instance to which the case was elevated did nothing but return the same to the court of origin."

In *People vs. Blanco* (47 Off. Gaz., 3425; 85 Phil., 296) an information for theft of P28 was filed in the municipal court of Iloilo. The municipal judge, believing he had no jurisdiction, forwarded the case to the court of first instance. The fiscal, being of a different opinion, asked the court of first instance to return the case to the justice of the peace. The judge denied the motion. On petition for certiorari and mandamus by the fiscal, we held that both courts had concurrent jurisdiction, and we ordered the return to the justice of the peace because it was the first to take cognizance of the matter.

In view of the foregoing, the order of dismissal should be., and is hereby substituted with an order remanding the case to the justice of the peace of Buruanga, Capiz, for trial on the merits. So ordered.

Moran, C. J., Paras, Feria, Pablo, Padilla, Tuason, Montemayor, Reyes and Jugo, JJ., concur.

[1] *Cruz vs. Martin* (75 Phil., 11); *People vs. Blanco* (47 Off. Gaz., 3425; 85 Phil., 296).

[2] Article 310 Revised Penal Code as amended by Republic Act No. 120 in connection with article 309, paragraph 5.

[3] *Natividad et al. vs. Robles* (87 Phil. p. 834).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.