

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLANT, VS.  
CONCHITA COOK AND S/SGT. DONALD COOK,  
DEFENDANTS-APPELLEES.**

*G.R. No. L-25305. January 31, 1969*

Ponente: DIZON, J.

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**DIZON, J.:**

In the City Court of Angeles City, Pampanga the City Fiscal prosecuted Donald Cook and Conchita Cook for estafa, the money involved amounting to P5,100.00. The defendants filed a motion to quash upon the ground that the Court did not have jurisdiction over the offense charged. After hear-ing the parties the Court dismissed the case precisely on that ground. Hence the present appeal by the State.

The issue to be resolved now – whether or not the City Court of Angeles City has jurisdiction over the case – requires construction of the provisions of paragraphs b and c of Section 87 of the Judiciary Act of 1948, as amended by Republic Act 3823. Under the first it is clear that justices of the peace (municipal judges) and judges of municipal courts of chartered cities have original and exclusive jurisdiction over all cases of larceny, embezzlement and estafa where the amount of money or property stolen, em-bezzled, or otherwise involved does not exceed the sum or value of P200.00. It is similarly obvious that under the second provision, justices of the peace in the capitals of provinces and subprovinces and judges of municipal courts have like jurisdiction as the Court of First Instance to try parties charged with an offense committed within their respective jurisdiction in which the penalty provided by law does not exceed prision correccional or imprisonment for not more than six years or a fine not exceeding P6,000, or both etc. We do not see any conflict between the two legal provisions under consideration. As far as estafa cases are concerned, if the sum of money or the value of the property involved does not exceed P200.00, justices of the peace (municipal judges) and judges of municipal courts of chartered cities have original and exclusive jurisdiction to try and decide them, while the same courts would have original but concurrent jurisdiction with the Court of First Instance of the province over the same cases and others, provided the penalty provided by law does not exceed prision correccional, or imprisonment for not more than six years, or a fine not exceeding P6,000, or both.

In the case before Us the penalty provided for by Article 315, paragraph 3 of the Revised Penal Code is arresto mayor in its maximum period to prision correccional in its minimum period. Consequently, the City Court of Angeles City has original but concurrent juris-diction with the Court of First Instance of Pampanga to try and decide the same.

PREMISES CONSIDERED, the order appealed from is set aside and this case is remanded below for further proceedings in accordance with law.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Sanchez, Castro, Fernando, Capistrano, Teehankee, and Barredo, JJ., concur.

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