

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLANT, VS. FEDERICO RAGASI, DEFENDANT-APPELLEE.

G.R. No. L-28663. September 22, 1976

Ponente: AQUINO, J.

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AQUINO, J.:

On October 17, 1967 an assistant provincial fiscal charged Federico Ragasi in the Court of First Instance of Lanao del Norte with damage to public property. It was alleged in the information that by means of a truck Ragasi maliciously damaged the bridge at Barrio Titunod, Kolambugan, Lanao del Norte. The damage to the government was appraised at P24,912.18. (Criminal Case No. 1415).

The offense imputed to Ragasi is a special case of malicious mischief. It is penalized under article 328[1] of the Revised Penal Code by prison correccional minimum and medium or imprisonment for six months and one day to four years and two months if the damage caused exceeds one thousand pesos.

Before arraignment Ragasi filed a motion to quash on the ground of lack of jurisdiction. Over the fiscal's opposition, the lower court granted the motion. It held that the offense falls within the exclusive original jurisdiction of the municipal court of Kolambugan. The fiscal appealed.

The appeal is meritorious because the order of dismissal is erroneous. It is erroneous because the case falls within the original concurrent jurisdiction of the municipal court and the Court of First Instance. A court's original jurisdiction may be exclusive or concurrent.

Courts of First Instance have original jurisdiction "in all 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" (Sec. 44[f], Judiciary Law as amended by Republic Acts Nos. 2613 and 3828). The clear implication is that criminal cases in which the penalty does not exceed imprisonment for six months or a fine of two hundred pesos fall within the exclusive original jurisdiction of inferior courts. (See sec. 87[b], *Ibid*, before it was amended.)

While municipal and city courts have original jurisdiction over malicious mischief (Sec. 87[b] [6], Judiciary Law), Courts of First Instance have original concurrent jurisdiction over the same offense if, as in this case, the imposable penalty exceeds six months' imprisonment (*Ibid*, sec. 44[f]; *People vs. Nazareno*, 72 O.G. 6439, 6445-6; *Paringit vs. Masakayan*, 112 Phil. 861).

WHEREFORE, the lower court's order of dismissal is reversed. It is directed to arraign and try the accused. Costs against the defendant-appellee.

SO ORDERED.

Fernando, Antonio, Concepcion, Jr., and Martin, JJ., concur.

Barredo, J., no part.

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