

PEOPLE OF THE PHILIPPINES, PALINTIFF AND APPELLANT, VS. EMILIANO PEÑAS Y FERRER, DEFENDANT AND APPELLEE; PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. LAUREANO REY Y R...

G.R. No. L-2922 and G.R. No. L-2923. June 23, 1950

Ponente: OZAETA, J.

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OZAETA, J.:

The accused-appellees in the above-entitled cases were charged in the Quezon City Branch of the Court of First Instance of Rizal with the crime of qualified theft, the property stolen not exceeding P200 in value in each case. For alleged lack of jurisdiction, Judge Ceferino de los Santos dismissed the information in both cases and the fiscal appealed.

The crime charged is penalized in Article 309, case 5, in relation to Article 310 of the Revised Penal Code, with prison correccional in its full extent, i.e., imprisonment of six months and one day to six years.

Whether the original jurisdiction conferred on justices of the peace and judges of municipal courts by section 87 (c), paragraph 3, of Republic Act 296 is exclusive or concurrent with the court of first instance, has been resolved by this court in its decision of May 11, 1950, in the case of *People vs. Francisco Palmon*, supra, p. 350, wherein we said:

"1. Section 44 (f) of the Judiciary Act of 1948 expressly confers original jurisdiction on the Courts of First Instance over all criminal cases, like the present, in which the penalty provided by law is imprisonment for more than six months, or a fine of more than two hundred pesos. And section 87 of the same Act also confers original jurisdiction on justices of the peace and judges of municipal courts of chartered cities over all criminal cases arising under the laws relating to assaults where the intent to kill is not charged or evident upon the trial. The serious physical injuries charged in the information resulted from such assault. There is no inconsistency in giving two courts concurrent jurisdiction over the same offense. To construe section 87 (c) as conferring exclusive original jurisdiction on justices of the peace and judges of municipal courts over all criminal cases therein enumerated, would be to nullify pro tanto section 44 (f) of the same Act. A statute must be so construed as to harmonize and give effect to all its provisions whenever possible.

"2. Formerly judges of municipal courts of chartered cities had concurrent jurisdiction with the Courts of First Instance over all criminal cases mentioned in section 87 (c), while justices of the peace did not. Sections 86 and 87 of Republic Act No. 296 put justices of the peace and judges of municipal courts on the same level by giving them the same jurisdiction in both criminal and civil cases. Section 87 (c) of Republic Act No. 296 was adopted from the provisions of the Revised Administrative Code on Chartered Cities with regard to the jurisdiction of municipal courts. Both sections 2468 (Manila) and 2562-A (Baguio) of the Revised Administrative Code provide that the municipal court 'shall also have concurrent jurisdiction with the Court of First Instance over all criminal cases arising under the laws relating to gambling and management of lotteries, to assaults where the intent to kill is not charged or evident upon the trial, to larceny, embezzlement and estafa

where the amount of money or property stolen, embezzled or otherwise involved does not exceed the sum or value of two hundred pesos, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on Government or private property and to threatening to take human life.'

"From the foregoing considerations, it seems clear that the jurisdiction given to justices of the peace and judges of municipal courts over all criminal cases enumerated in paragraph (c) of section 87 of the Judiciary Act of 1943 is not exclusive but concurrent with the Courts of First Instance.

"The trial court therefore erred in dismissing this case for lack of jurisdiction."

The order of dismissal in each of the two above-entitled cases is reversed and the cases are ordered remanded to the court of origin for further proceedings, without any finding as to costs.

Pablo, Bengzon, Tuason, Montemayor, and Reyes, JJ., concur.

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