ALFREDO CUYOS Y TULOR, PETITIONER, VS. HON. NICOLAS P. GARCIA, PRESIDING JUDGE, MUNICIPAL COURT, SAN FERNANDO, PAMPANGA AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. L-46934. April 15, 1988

Ponente: FELICIANO, J.

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FELICIANO, J.:

Petitioner Alfredo Cuyos, in this Petition for Certiorari with Prayer for Preliminary Injunction seeks to set aside the Order dated 9 September 1977 issued by respondent Municipal Court Judge Nicolas P. Garcia in Criminal Case No. 77-1848 (entitled "People of the Philipines, plaintiff vs. Alfredo Cuyos y Tulor, accused") denying petitioner's Motion to Transfer said case to the then Court of First Instance of Pampanga for trial on the merits.

Petitioner was charged before the Municipal Court of San Fernando, Pampanga, with homicide with multiple serious physical injuries and damage to property, through reckless imprudence. Petitioner was driver of a cargo truck which had collided with a Volkwagen automobile in a vehicular accident which resulted in the death of one (1) person and physical injuries to four (4) other people. The Amended Complaint against petitioner read as follows:

> "That on or about the 9th day of June 1977, at about 6:10 P.M., at the MacArthur Highway, barrio San Isidro, San Fernando, Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the said accused, being then the driver and person in charge of a truck bearing plate no. V 139 T Filipinas 1977, willfully and unlawfully drive and operate the same in a negligent, imprudent and careless manner, and without due regard to traffic laws, rules and regulations, and without taking the necessary precaution to prevent accident to person and damage to property, causing by such negligence, imprudence and carelessness, the said truck driven and operated by him bumped and hit a Volkswagen car bearing plate no. E 604 E Filipinas 1977, then driven by Antonio M. Concepcion, as a result of which one of the occupants of the said car. Victoriana Miranda-Concepcion died in the said accident, and the other occupants namely: Antonio Concepcion, Rhinna Lin Capili, Renee Ann Capili and Lourdes Concepcion sustained serious physical injuries, and the said car suffered damages in the amount of P18,000.00, belonging to Antonio Concepcion, to the damage and prejudice of the offended parties."

Petitioner entered a plea of not guilty at his arraignment. After arraignment, respondent Judge set the case for trial on 12, 14 and 16 September 1977.

Before trial could commence, however, petitioner filed on 6 September 1977 a "Motion to Remand the Case to the Court of First Instance for Trial", alleging lack of jurisdiction over the case on the part of the Municipal Court. Petitioner's argument was that the amended criminal complaint alleged that the Volkswagen car involved in the accident had suffered damages amounting to P18,000.00, and that under paragraph 3, Article 365 of the Revised Penal Code, the crime with which he was charged would carry a fine in an amount ranging from the amount of the damage to three (3) times the value of the damage alleged (i e., 3 x P18.000.00 or P54,000.00). Petitioner urged in his Motion that because under Section 87 (c) of the Judiciary Act of 1948 as amended (Republic Act No. 296 as

amended), the respondent Municipal Court of the Provincial Capital of Pampanga, had jurisdiction only over offenses punishable by a fine not exceeding P6,000.00, the case had to be transferred to the Court of First Instance. On the same date, petitioner filed an Urgent Motion to Postpone the Trial of the Case relying on the same grounds set out in his Motion to Transfer the Case to the Court of First Instance.

After a joint hearing of the two (2) Motions filed by petitioner, the respondent Municipal Judge issued an order dated 9 September 1977 denying the Motion to Transfer the Case to the Court of First Instance and set the trial of the case for 5 October 1977. A verbal Motion for Reconsideration by petitioner was denied.

Hence the present Petition for Certiorari, assailing the jurisdiction of the respondent court to try the criminal case against petitioner on the merits.

By a Resolution dated 26 September 1977, this Court issued a Temporary Restraining Order enjoining the respondent Municipal Court from proceeding with Criminal Case No. 77-1848.

The sole issue raised in this Petition is whether or not the respondent Municipal Court of San Fernando, Pampanga has jurisdiction to try the criminal case against petitioner.

The Solicitor General, in his Comment dated 27 October 1977, agreed with and adopted the position taken by petitioner that respondent Municipal Court has no jurisdiction to try Criminal Case No. 77-1848. The Court agrees with the Solicitor General.

Criminal Case No. 77-1848 involves a complex crime of homicide, multiple serious physical injuries and damage to property, resulting from reckless imprudence. Under Article 48 of the Revised Penal Code, in a prosecution for a complex crime constituted by two (2) or more grave or less grave felonies, the penalty for the most serious crime is to be imposed, the same to be applied in its maximum period. In the present case, one might, as respondent Municipal Judge did, look only at the acts which constitute the offenses comprising the complex crime here involved. One is likely to do so through eyes which are culturally conditioned and so is likely to assume, as did respondent Municipal Judge, that the most serious offense of which petitioner is accused is homicide through reckless imprudence. Under paragraph 2, Article 365 of the Revised Penal Code, the penalty imposable upon petitioner, should he be found guilty of homicide through reckless imprudence, would be prision correccional in its medium and maximum periods.

> "Art. 365. Imprudence and negligence. -
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> x x x x x x x x x
> The provisions contained in this Article shall not be applicable:
>
> x x x x x x x x x
>
> (2)
>
> When, by imprudence or negligence and with violation of the automobile law, the death of a person shall be caused, in which case the defendants shall be punished by prision correccional in its medium and maximum periods.

x x x x x x x x x."
At the time of the filing of the criminal complaint against petitioner before the Municipal Court of San Fernando, Pampanga, such Municipal Court in the capital of the Province of Pampanga had jurisdiction to impose a penalty of imprisonment not exceeding six (6) years or a fine not exceeding P6,000.00 or both. The applicable provision was the fourth paragraph of Article 87 (c) of Republic Act No. 296 as amended which provided as follows:

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"x x x x x x x x x

Municipal judges in the capitals of provinces and subprovinces and judges of city courts shall have like jurisdiction as the Court of First Instance to try parties charged with an offense committed within their respective jurisdictions, in which the penalty provided by law does not exceed prision correccional or imprisonment for not more than six years or fine not exceeding six thousand pesos or both, and in the absence of the district judge, shall have like jurisdiction within the province as the Court of First Instance to hear applications for bail.

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(Italics supplied)

Thus, if the basic assumption made earlier as to the relative gravity of homicide through reckless imprudence and damage to property through reckless imprudence were correct, the respondent Municipal Judge would have to be vested with jurisdiction over the criminal charges against petitioner.

As a technical legal proposition, however, the relative seriousness of offenses is determined by the seriousness of the penalties attached by the law to the several offenses. It was noted earlier that the imposable penalty in a case of homicide through reckless imprudence is prision correccional in its medium and maximum periods, i.e., a correctional penalty in the scale of penalties set up in Article 25 of the Revised Penal Code. Upon the other hand, the penalty for damage to property through reckless imprudence is provided for in the third paragraph of Article 365 of the Revised Penal Code which reads as follows:

> "When the execution of the Act covered by this Article shall have only resuted in damage to the property of another, the offender shall be punished by a fine ranging from an amount equal to the value of said damages to three times such value, but which shall in no case be less than P25.00." (Underscoring supplied)

Under Article 26 of the same Code, a fine may be an afflictive penalty (i.e., if it exceeds P6,000.00) or a correctional penalty (i.e., if it is P200.00 or more but does not exceed P6,000.00). The offense so penalized with a fine may be a grave felony (i.e., if the imposable fine is afflictive in nature) or a less grave felony (i.e., if the imposable fine is merely correctional).[1] In the instant case, the maximum fine which may be imposed upon petitioner is P54,000.00 (3 x P18,000.00), obviously an afflictive penalty and hence, in the scheme of the Revised Penal Code, more serious than the penalty imposable for homicide through reckless imprudence.

In complex crimes, it is not uncommon that one constitutive offense carries with it an afflictive penalty while the other or other constitutive offenses carry with them only a correctional or even a light penalty. Jurisdiction over the whole complex crime must logically be lodged with the trial court having jurisdiction to impose the maximum and most serious penalty imposable on an offense forming part of the complex crime. A complex crime must be prosecuted integrally, as it were, and not split into its component offenses and the latter made the subject of multiple informations possibly brought in different courts. This is the thrust of our case law on the matter.

In Angeles, etc., et al. v. Jose, et al.,[2] the Court had occasion to deal with a criminal information against one Domingo Mejia before the Court of First Instance of Manila, charging him with the crime of damage to property in the sum of P654.22 and with less serious physical injuries through reckless imprudence, committed in one single act. There, the respondent Court of First Instance dismissed the criminal information upon the ground that the penalty prescribed by Article 365 of the Revised Penal Code was only arresto mayor in its minimum and medium periods which was within the exclusive jurisdiction of the Municipal Court. The prosecution then invited attention to the fact that the fine which could be imposed by the respondent court on account of the damage to property through reckless imprudence was a sum ranging from P654.22 to P1,962.66 (P654.22 x 3) which amount was beyond the jurisdiction of a Municipal Court to impose as fine. In setting aside the order of dismissal by the respondent Court of First Instance and remanding the case to the trial court for further proceedings, the Supreme

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Court said:

"[The third paragraph of Article 365 of the Revised Penal Code] simply means that if there is only damage to property the amount fixed therein shall be imposed, but if there are also physical injuries there should be an additional penalty for the latter. The information cannot be split into two; one for the physical injuries, and another for the damage to property, for both the injuries and the damage committed were caused by one single act of the defendant and constitute what may be called a complex crime of physical injuries and damage to property. It is clear that the fine fixed by law in this case is beyond the jurisdiction of the municipal court and within that of the court of first instance."[3] (Italics supplied)

Thus, in Angeles, we held that the jurisdiction of the Court to take cognizance of the case must be determined, not by the penalty for the physical injuries charged but by the fine imposable for the damage to property resulting from reckless imprudence. Damage to property through reckless imprudence need not be a slighter offense than less serious physical injuries through reckless imprudence. Because the maximum fine (P1,962.66) imposable upon the accused in the Angeles case was beyond the jurisdiction of the Municipal Court of Manila to impose, the criminal case fell within the jurisdiction of the respondent Court of First Instance of Manila.

People v. Villanueva[4] followed the rule set out in Angeles. In Villanueva, the accused was charged before the Justice of Peace Court of Batangas, Batangas with the crime of serious and less serious physical injuries, with damage to property in the amount of P2,636.00, through reckless imprudence. The Justice of Peace Court subsequently declared itself without jurisdiction to try the case and forwarded the same to the Court of First Instance. The latter court then declared itself similarly without jurisdiction over the complex crime charged in the information, upon the ground that the penalty for the graver offense of physical injuries through reckless imprudence was only arresto mayor in its minimum and medium periods which penalty, even if applied in its maximum degree (in view of the complex nature of the crime), would remain within the jurisdiction of the Justice of Peace Court. Upon appeal by the prosecution, the Court, speaking through Mr. Justice J.B.L. Reyes, held that the Court of First Instance had jurisdiction over the complex crime there involved:

> "We find the appeal well taken, for this case comes squarely under the rule laid down by us in Angeles, et al. v. Jose, et al. [96 Phil. 151 (1954)], wherein we held that --

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Considering that it is the court of first instance that would undoubtedly have jurisdiction if the only offense that resulted from appellant's imprudence were the damage to property in the amount of P2,636.00, it would be absurd to hold that for the graver offense of serious and less serious physical injuries combined with damage to property through reckless imprudence, jurisdiction would lie in the justice of the peace court. The presumption is against absurdity, and it is the duty of the courts to interpret the law in such a way as to avoid absurd results. Our system of apportionment of criminal jurisdictions among the various trial courts proceeds on the basic theory that crimes cognizable by the Courts of First Instance are more serious than those triable in justice of the peace or municipal courts.

Moreover, we cannot discard the possibility that the prosecution may not be able to prove all the supposed offenses constituting the complex crime charge. Were we to hold that it is the justice of the peace court that has jurisdiction in this case, if later the prosecution should fail to prove the physical injuries aspect of the case and establish only the damage to property in the amount of P2,636.00, the inferior court would find itself without jurisdiction to impose the fine for the damage to property committed, since such fine can not be less than the amount of the damage. Again, it is to avoid this further absurdity that we must hold that the jurisdiction lies in the court of first instance in this case."[5]

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The applicable rule on the allocation of jurisdiction between an inferior court on the one hand and the Regional Trial Court on the other, in respect of complex crimes involving reckless imprudence resulting in homicide or physical injuries and damage to property, was summarized by Mr. Justice Barrera in People v. Malabanan:[6]

> "It is true that, following the ruling of this Court in the case of Lapuz v. Court of Appeals, G.R. No. L-6382, March 30, 1954 (40 O.G. 18 supp.), in imposing the corresponding penalty, to the quasi-offense of reckless imprudence resulting in physical injuries and damage to property, Article 48 of the Revised Penal Code should be applied. However, there may be cases, as the one at bar, where the imposable penalty for the physical injuries charged would come within the jurisdiction of the municipal or justice of the peace court, while the fine, for the damage to property, would fall on the Court of First Instance. As the information cannot be split into two, one for damages and another for the physical injuries, the jurisdiction of the court to take cognizance of the case must be determined not by the corresponding penalty for the physical injuries charged but by the fine imposable for the damage to property resulting from the reckless imprudence."[7] (Italics supplied)

It remains only to point out that under B.P. Blg. 129, the law presently in effect, we would have to reach the same result: i.e., that the criminal case against petitioner falls within the jurisdiction of the Regional Trial Court. Under Section 32 (2) of B.P. Blg. 129, Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts have:

> "(2) Exclusive original jurisdiction over all offenses punishable with imprisonment of not exceeding four (4) years and two (2) months, or a fine of not more than four thousand pesos, or both such fine and imprisonment, regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value, or amount thereof: Provided, however, That in offenses involving damage to property through criminal negligence they shall have exclusive original jurisdiction where the imposable fine does not exceed twenty thousand pesos." (Underscoring supplied)

Since the maximum fine imposable in the present case is P54,000.00 and the maximum imprisonment imposable (for the homicide through reckless imprudence) is six (6) years, clearly, the criminal charge involved falls outside the jurisdiction of the Municipal Trial Court and consequently within the jurisdiction of the Regional Trial Court of San Fernando, Pampanga.

WHEREFORE, the Order of the respondent Municipal Court of 9 September 1977 is hereby SET ASIDE as null and void and the Temporary Restraining Order issued by this Court on 26 September 1977 is hereby made PERMANENT. Because the proceedings before the respondent Municipal Court are null and void, the Provincial Fiscal of Pampanga will have to file a new information against petitioner in the Regional Trial Court, San Fernando, Pampanga. No pronouncement as to costs.

SO ORDERED.

Fernan, (Chairman), Gutierrez, Jr., Bidin, and Cortes, JJ., concur.

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[1] Article 9, Revised Penal Code.

[2] 96 Phil. 151 [1954].

[3] 96 Phil. at 152.

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[4] 1 SCRA 1248 [1961].

[5] 1 SCRA at 1250-1251.

[6] 2 SCRA 1185 [1961].

[7] 2 SCRA at 1187.

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