

**SOFRONIO ALCANTARA, PETITIONER-APPELLANT, VS. THE
HONORABLE MARCELO VALDEHUEZA IN HIS CAPACITY AS JUDGE
OF BRANCH 2 OF THE CITY COURT OF CAGAYAN DE ORO, AND
FRANCISCO RABANES IN...**

G.R. No. L-27790. July 31, 1969

Ponente: SANCHEZ, J.

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SANCHEZ, J.:

Under attack is the jurisdiction of the City Court of Cagayan de Oro to take cognizance of a criminal case for theft of certain articles with a total value of P438.20, lodged with said court against petitioner.[1]

The question before us came about because of petitioner's motion to quash the information in the criminal case just mentioned, filed with the City Court, upon the ground of lack of jurisdiction. His motion having been denied, petitioner went to the Court of First Instance of Misamis Oriental on prohibition.[2] Petitioner was there again thwarted. He took his case direct to this Court.

Petitioner avers that the jurisdiction of the City Court of Cagayan de Oro to try the theft case aforesaid is confined strictly within the limits of Section 87(b)(3) of the Judiciary Act of 1948, as amended, providing that municipal judges and judges of city courts "shall have original jurisdiction over: x x x (b) All criminal cases arising under the laws relating to: x x x (3) 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."

Petitioner's argument overlooks the penultimate paragraph of Section 87 of the same law, as amended, which reads: "Municipal judges in the capitals of provinces and sub-provinces 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 prison 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." To be recalled is that the penalty for theft of property which is worth more than 200 pesos but whose value does not exceed 6,000 pesos (here it is P438.20) is, by Article 309(3), Revised Penal Code, prison correccional in its medium and maximum periods.

Going by the spirit of Section 87 of the Judiciary Act of 1948, as amended, first by Republic Act 2613,[3] and then by Republic Act 3828, it is quite clear that it has been the purpose of Congress to expand the jurisdiction of city courts and municipal courts. So it is, that when the penultimate paragraph of Section 87 just transcribed employed the phrase "shall have like jurisdiction as the Court of First Instance to try parties charged with an offense", the congressional will written in so expressive a language is that so long as the penalty prescribed for an offense committed within the jurisdiction of a city court "does not exceed prison correccional or imprisonment for not more than six years or fine not exceeding six thousand pesos or both", said city court holds jurisdiction concurrent with the Court of First Instance.[4]

Our view of the law is tremendously bolstered by the last paragraph of Section 87 of the Judiciary Act of 1948, also as amended by Republic Act 3828, which provides that "[a]ll cases filed under the next preceding paragraph with municipal judges of capitals and city court judges shall be tried and decided on the merits by the respective municipal judges or city judges", and that "[p]roceedings had shall be recorded and decisions therein shall be appealable direct to the Court of Appeals or the Supreme Court, as the case may be." [5] The jurisdiction then of the City Court of Cagayan de Oro is unassailable.

FOR THE REASONS GIVEN, the order of the Court of First Instance of Misamis Oriental denying petitioner's petition for prohibition is hereby affirmed.

Costs against petitioner.

SO ORDERED.

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

Zaldivar, J., on official leave.

[1] Criminal Case 13814.

[2] Civil Case 2840, entitled "Sofronio Alcantara, Petitioner, versus The Honorable Marcelo Valdehueza, et al., Respondents."

[3] The penultimate paragraph of Section 87 of the Judiciary Act of 1948, as amended by Republic Act 2613, then read: "Justices of the peace in the capitals of provinces and Judges of Municipal Courts shall have like jurisdiction as the Court of First Instance to try parties charged with an offense committed within the province in which the penalty provided by law does not exceed prision correccional or imprisonment for not more than six years or fine not exceeding three 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 application for bail."

[4] *Balite vs. People* (1966), 18 SCRA 280, 287.

[5] Emphasis supplied. See: *People vs. Laba*, L-28022, July 30, 1969 and cases therein cited.

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