

**PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON. JUDGE  
MERICIA B. PALMA AND ROMULO INTIA Y MORADA, RESPONDENTS.***G.R. No. L-44113. March 31, 1977*

Ponente: TEEHANKEE, J.

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The Court resolves the sole issue of conflict of jurisdiction between the City Court of Naga (presided by respondent judge) and the Juvenile and Domestic Relations Courts for Camarines Sur and Cities of Naga and Iriga over criminal cases where the accused is 16 but under 21 years of age and rules that the issuance of the Child and Youth Welfare Code (PD 603) which includes such accused within the definition of youthful offenders (over 9 years but under 21 years at the time of the commission of the offense) did not transfer jurisdiction over such cases from the regular courts (the City Court in this case) to the Juvenile Courts.

Respondent accused Romulo Intia y Morada, 17 years of age, was charged on February 10, 1976 by the Naga City fiscal's office with vagrancy (Article 202, paragraph 2 of the Revised Penal Code) in respondent judge's court. In an Order dated March 6, 1976, respondent judge dismissed the case on the ground that her court "has no jurisdiction to continue to take further cognizance of this case" without prejudice to the refiling thereof in the Juvenile Court.

The prosecution shares the view of the Camarines Sur Juvenile and Domestic Relations Court presided by Judge Ma. Ro-sario Quetulio-Losa that jurisdiction over 16-year olds up to under 21 years remains with the regular courts and has not been by implication transferred to the Juvenile Court. Hence, the petition at bar.

The Court sustains the petition on the following grounds:

1. Republic Act 6591 which took effect on September 30, 1972 created the Camarines Sur Juvenile and Domestic Relations Court and expressly conferred upon it special and limited jurisdiction over "criminal cases wherein the accused is under sixteen years of age at the time of the filing of the case." [1]

The subsequent issuance of P. D. 603 known as the Child and Youth Welfare Code which took effect on June 11, 1975 and defines in Article 189 a youthful offender as "one who is over nine years but under twenty-one years of age at the time of the commission of the offense" did not by such definition transfer jurisdiction over criminal cases involving accused who are 16 years and below 21 years of age from the regular courts [2] to the Juvenile Court, as opined by respondent judge.

2. The Child and Youth Welfare Code (P.D. 603) concerning the welfare of the child and youth throughout the country is a general law while R.A. 6591 which defines and confers jurisdiction on the Juvenile and Domestic Relations Court for Camarines Sur is a special law, [3] classifying expressly that it can try in criminal cases involving offenders below the age of majority only those accused who are under 16 years of age at the time of the filing of the case.

Jurisdiction is conferred by law and there is nothing in either R.A. 6591 or P.D. 603 that would sustain respondent

judge's ruling on reconsideration that "together, these two laws, the latter amending the former confer jurisdiction on youthful offenders who are above 16 years but under 21 years of age at the time of the commission of the crime upon the JDRC of Camarines Sur and remove the same from the City Court. "

A general law cannot repeal a special law by mere implication. The repeal must be express and specific. Furthermore, the Juvenile and Domestic Relations Court of Camarines Sur is a court of special and limited jurisdiction and the enlargement or conferment of additional jurisdiction on said court to include accused persons who are 16 years and under 21 years of age must positively appear in express terms.

It is quite patent that the mere definition in a single article of the Child and Youth Welfare Code (P.D. 603, Article 189) of youthful offenders (over 9 and under 21 years of age) did not withdraw from the regular courts their jurisdiction to try accused persons who are 16 but below 21 years of age and transfer the same to the Juvenile Courts whose criminal jurisdiction is expressly limited to those where the accused is under 16 years of age.

3. If it were the intent and purpose of P.D. 603 to remove from the City Court the jurisdiction over youthful accused who are 16 but below 21 years of age and transfer the same to the Juvenile Court, it would have expressly so provided for repeal of the corresponding provision as when it repealed the Civil Code provisions on Adoption in Article 26 thereof.[4]

The issuance of a later decree, P.D. No. 798, which went into effect on September 11, 1975 strengthens the prosecution's stand that jurisdiction over accused who are 16-years old up to 21 years remains with the regular courts while the Juvenile Courts retain their limited jurisdiction only over those under 16 years. Thus, P. D. No. 798, "Authorizing the Confinement in Rehabilitation Centers or Reformatories of Truants and Youths Out of School for No Legitimate Reason," retains the classification and provides that the application for confinement of truants or out of school youths shall be filed with the proper Court of First Instance of the province or city save that in the case of youths under 16 years of age the application shall be filed with the Juvenile Court where such a court has been established.[5]

4. The Solicitor General has properly acknowledged respondent judge's "impressive and commendable dissertations" on the State's objective of rehabilitating juvenile delinquents and the role that Juvenile Courts should play in the attainment of such objective. The role and jurisdiction of Juvenile Courts are matters of policy and wisdom, however, and in the face of the clear letter of the law, the special jurisdiction granted to Juvenile Courts which is limited to cases where the accused is under 16 years of age cannot be expanded by judicial fiat. The lawmakers have limited the jurisdiction of Juvenile Courts only where the accused is relatively younger, i.e. under 16 years at the time of the filing of the case and have conferred jurisdiction over the older offenders, i.e. 16 years up to below 21 years at the time of the commission of the offense to the regular courts, and there has been no claim that this is an unfair or unreasonable classification.

5. Furthermore, a reading of the provisions of P.D. 603 shows that measures to promote and enhance the general welfare and rehabilitation of youthful offenders are therein spelled out and provided for. The Code establishes the criteria and guidelines under which all youthful offenders under 21 years are to be tried and attended to, regardless of whether the cases be filed with the Juvenile Courts for those under 16 years or with the regular courts for the older ones. Thus the Solicitor General points out that Chapter 3 of the Code on youthful offenders decrees special provisions on the following:

Art. 190. Physical and mental examination of the youthful offender

191. Care of youthful offender held for examination or trial

192. Suspension of sentence and commitment of youthful offender
193. Appeal by the youthful offenders as in criminal case
194. Care and maintenance of youthful offender
195. Report on the conduct of the child
196. Dismissal of the case against the youth-ful offender
197. Return of the youthful offender to court
198. Effect of release of child based on good conduct
199. Living quarters for youthful offenders sentenced

The cited codal articles, it may be stressed, adequately provide as in Article 192 that the courts in general shall suspend sentence instead of pronouncing a judgment of conviction and com-mit the youthful offender "to the custody or care of the Department of Social Welfare, or to any training institution operated by the government, or duly licensed agencies or any other responsible person, until he shall have reached twenty-one years of age or, for a shorter period as the court may deem proper, after consi-dering the reports and recommendations of the Department of Social Welfare or the agency or responsible individual under whose care he has been committed."

ACCORDINGLY, the dismissal orders of respondent judge dated March 6, 1976 and April 1, 1976 are set aside. The case filed with res-pondent judge's court is ordered reinstated for prompt trial and determination on the merits. In the public interest,[6] this decision resolving the jurisdictional conflict shall be immediately executory upon promulgation.

Castro, C.J., Barredo, Makasiar, Antonio, Muñoz Palma, Aquino, Concepcion, Jr., and Martin, JJ., concur.  
Fernando, J., reserves his vote.

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[1] Par. 3 (a), section 1 of the Act. Judge Losa after appointment took her oath as presiding judge of the Juvenile Court on June 11, 1975.

[2] Here the charge of vagrancy filed on February 10, 1976 against the 17-year old respondent-accused undisputedly falls within the expressly conferred general criminal jurisdiction of respondent city court. The only question raised by respondent judge is whether such jurisdiction was transferred by implication to the Juvenile Court because of the accused falling within the Child and Youth Welfare Code definition of youthful offender.

[3] A general law is one which applies to the whole State and operates throughout the State alike upon all the people or all of a class. A special law is one which applies to a particular community, individual or thing.

[4] Article 26 of P.D. 603 provides:

"Art. 26. Repealing Clause - All pro-visions of the Civil Code on parental au-thority which are not inconsistent with the provisions of this Chapter shall remain in force. Provided, that Articles 334 up to 348 inclusive on Adoption, are hereby expressly repealed and replaced by Sec-tion B of this Chapter."

[5] P.D. 798, section 3, provides:

"Upon verified petition of either of a youth's parents, or, in their default, his guardian, or of any person in authority in the municipality or city where such youth resides, filed with the proper Court of First Instance of the province or city, as the case may be, or, where such youth is under 16 years of age, with the Juvenile and

Domestic Relations Court in provinces or cities where such a court has been established, such youth may upon due finding by said court that he is out of school for no legitimate reason or a truant within the purview of section 1 or 2 hereof, respectively, be ordered confined at any rehabilitation center or reformatory as shall be determined by the same court."

[6] In the Solicitor General's manifestation dated January 25, 1977, an early resolution of this case was requested, since cases in Naga City involving youthful offenders who are 16-year olds and above are not being tried either by the Juvenile Court or the City Court pending resolution of the issue at bar as to which court should properly exercise jurisdiction over such cases. Respondent judge joined in the request for early decision per her Manifestation February 7, 1977.

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