

**ANTONIO T. ESPERAT, PETITIONER, VS. THE HON. DAVID P. AVILA,
JUDGE OF THE COURT OF FIRST INSTANCE OF COTABATO, FIRST
BRANCH, AND THE CITY FISCAL OF COTABATO CITY,
RESPONDENTS.**

G.R. No. L-25922. June 30, 1967

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

From the order of the Court of First Instance of Cotabato dismissing its Criminal Case No. 4760 for lack of jurisdiction, therein accused-appellant Antonio T. Esperat filed the present petition for certiorari and mandamus raising the issue of whether the courts of first instance have appellate jurisdiction over grave coercion-cases tried and decided by the municipal or city courts.

On November 15, 1965, Esperat, then Deputy Chief of Police of Cotabato City, was charged before the City Court of Cotabato of the crime of grave coercion (Crim. Case No. 3911), allegedly for having grabbed a certain Zoe Cordero by the waistline and, against the latter's will, dragged him from the ramp of the Cotabato City Air-port to the PAL terminal in said airport, on or about June 28, 1965.

Having been found guilty as charged and sentenced by the City Court to imprisonment for one month and one day of arresto mayor, in its minimum period, and payment of a fine of P100.00, the accused appealed to the Court of First Instance of Cotabato where the case was docketed as Criminal Case No. 4760. The prosecution, however, objected to the appellate jurisdiction of the Court of First Instance, on the allegation that the offense of grave coercion falls within the concurrent jurisdiction of the Court of First Instance and the City Court. Consequently, it argued that appeal from the decision of the latter tribunal in such a case should be filed directly in the Court of Appeals, conformably to section 87 of the Judiciary Act. Sustaining this objection, the Court of First Instance of Cotabato issued the order of dismissal, dated March 25, 1966, now subject of the present proceeding.

The only issue in this case, that is, whether or not the court of first instance and the city or municipal courts have concurrent original jurisdiction over grave coercion-cases, calls for a construction of sections 44(f) and 87(c) of the Judiciary Act of 1948 (Rep. Act 296), as amended.[1]

Section 44(f), which has never been amended to date since the enactment of the Judiciary Act of 1948,[2] provides:

"SEC. 44. Original jurisdiction. -- Courts of First Instance shall have original jurisdiction:

xxx xxx xxx

"(f) 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;

xxx xxx xxx."

The present section 87(c), on the other hand, has received several amendments. Originally, section 87(b) read in its pertinent parts --

"SEC. 87. Original jurisdiction to try criminal cases. -- Justices of the peace and judges of municipal courts of chartered cities shall have original jurisdiction over:

xxx xxx xxx

"(b) All offenses in which the penalty provided by law is imprisonment for not more than six months, or a fine of not more than two hundred pesos, or both such fine and imprisonment;

xxx xxx xxx;

"Justices of the peace in the capitals of provinces may, by assignment of the respective district judge in each case, 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 imprisonment for two years and four months, or a fine of two thousand pesos, or both such imprisonment and fine, 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."

Said section was amended by Republic Act 2613 (on August 19, 1959), by enlarging the jurisdiction exercised by the justices of the peace and judges of municipal courts in the capitals of provinces, concurrently with the court of first instance, to cover offenses where the penalty provided by law does not exceed prison correccional or imprisonment for not more than 6 years or fine not exceeding P3,000, or both. Such cases are to be tried on the merits and decisions rendered thereon by Municipal or City courts are appealable directly to the Court of Appeals or the Supreme Court, as the case may be.

The provision was again amended by Republic Act 3828 (on June 22, 1963) to read, as it appears in its present form, thus:

"SEC. 87. Original jurisdiction to try criminal cases. -- Municipal judges and judges of city courts of chartered cities shall have original jurisdiction over:

xxx xxx xxx;

"(c) Except violations of election laws all other offenses in which the penalty provided by law is imprisonment for not more than three years, or a fine of not more than three thousand pesos, or both such fine and imprisonment.

xxx xxx xxx;

"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 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.

"All 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. Proceedings 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."

Petitioner contends that although under the original provision of section 87(b) of Republic Act 296, as well as in

Republic Act 2613, the original jurisdiction of the justices of the peace and municipal courts was confined to cases punishable by imprisonment for not more than six months, or a fine of not more than P200.00 or both, this jurisdiction was enlarged by Republic Act 3828 when it was extended to cases where the penalty provided by law is imprisonment not exceeding 3 years or fine of not more, than P3,000.00, or both imprisonment and fine. Since under the Revised Penal Code, the crime of grave coercion, of which he was charged before and found guilty by the City Court of Cotabato, is punishable by arresto mayor and a fine not exceeding P500.00, petitioner claims that the original jurisdiction of the said court is exclusive, and the decision is, consequently, appealable to the Court of First Instance.

The fallacy in petitioner's argument lies in his failure to consider section 44(f) of the same Judiciary Act of 1948, in conjunction with its section 87(c). Note that notwithstanding the various amendments received by section 87, section 44(f) remained unaltered, thereby indicating the intention of the legislators to retain the original jurisdiction of the court of first instance in certain cases. The fact that the jurisdiction of the municipal or city courts was enlarged in virtue of the amendment of section 87 (c), cannot be taken as a repeal or withdrawal of the jurisdiction conferred on the court of first instance. Not only is implied repeal disfavored by the law, but also, it is a cardinal principle that a statute must be so construed as to harmonize all apparent conflicts, and give effect to all its provisions whenever possible.[3]

Actually, there is nothing irreconcilable between sections 44(f) and 87(c) of the Judiciary Act.

As therein provided, the court of first instance was given original jurisdiction over cases where the penalty prescribed by law is imprisonment for more than 6 months or fine of more than P200.00; the justices of the peace and municipal or city courts of chartered cities, over cases where the penalty is imprisonment for not more than 3 years, and fine of not more than P3,000.00. In other words, where the prescribed penalty is imprisonment for more than 6 months, but not exceeding 3 years, or fine of more than P200.00 but not exceeding P3,000.00,[4] the justice of the peace or municipal court only has concurrent (and not exclusive) original jurisdiction with the court of first instance. And, it may be stated that this concurrent jurisdiction between the inferior courts and the court of first instance was not provided for the first time in Republic Act No. 3828. Under Republic Act 2613, crimes the penalties for which do not exceed 6 years, or fine for not more than P3,000.00, were specifically placed within the jurisdiction of the justice of the peace and municipal courts, concurrent with the court of first instance.[5]

It follows, therefore, that the exclusive original jurisdiction of the justice of the peace and municipal courts is confined only to cases where the prescribed penalty is imprisonment for 6 months or, less or fine of P200.00 or less, whereas, the exclusive original jurisdiction of the court of first instance covers cases where the penalty is incarceration for more than 3 years (or 6 years in the case of city courts and municipal courts in provincial capitals), or fine for more than P3,000.00 (or P6,000.00 in proper cases), or both such imprisonment and fine. Between these exclusive jurisdictions lies a zone where the jurisdiction is concurrent. This is the proper construction to be placed on the provisions involved herein, regardless of what may have been the prior rulings on the matter. Needless to state, in an appropriate case where the jurisdiction of the justice of the peace, municipal or city court is concurrent with that of the court of first instance, appeal from the decision of the former tribunal lies directly to the Court of Appeals, or the Supreme Court.

Since the crime of grave coercion is punishable with arresto mayor (imprisonment from one month and one day to six months) and fine not exceeding P500.00, said offense comes within the area of concurrent jurisdiction of municipal or city courts and courts of first instance. Hence, the sentence of the City Court of Cotabato convicting wherein petitioner was in fact appealable to the Court of Appeals and not to the Court of First Instance.

One last point. The foregoing pronouncement is made on the assumption that the proceedings in the Cotabato City Court in which petitioner was convicted have been regularly conducted and recorded and the stenographic notes have been taken of the testimony submitted to the trial Court, for there is nothing in the records before us to show otherwise. But, should the evidence not have been recorded (or transcribed) as required by the last part of section 87(c) of the Judiciary law, then the trial of the criminal case would be an entire nullity, as held by this Supreme Court in *Aquino vs. Estenzo, et al.*, G.R. No. L-20791, May 29, 1965, for the reason that "the Court of Appeals cannot review the findings of fact of the trial Court if there is no record of the evidence taken during the trial of the case." In such absence of recorded evidence, the decision of the trial Court would be equally void and no question of propriety or timeliness of the accused's appeal could properly arise, there being no appealable decision.

WHEREFORE, the writ applied for is denied. No costs.

SO ORDERED.

Concepcion, C.J., Makalintal, Bengzon, J.P., Zaldivar, Sanchez, and Ruiz Castro, JJ., concur.

[1] by Republic Acts 2613 and 3828.

[2] Approved on June 17, 1948.

[3] *People vs. Palmon*, 86 Phil. 350; *People vs. Peñas*, 86 Phil. 596; *Villanueva vs. Ortiz*, 58 Off. Gaz. 1318.

[4] Not exceeding 6 years or fine not exceeding P6,000.00, in justice of the peace or municipal court in the capital of the province.

[5] See Discussion of Senate Bill No. 368, Vol. II, No. 58, Senate Congressional Record, p. 1519.

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