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Criminal Procedure

Part 1 Procedure in Trial Courts

1. JURISDICTION IN CRIMINAL CASES

A. Introduction

1. Criminal Jurisdiction defined

Criminal jurisdiction is the authority to hear and try a particular offense and impose the punishment for it.¹

2. Elements

2.1 The nature of the offense and/or penalty attached thereto; and

2.2 Commission of the offense within the territorial jurisdiction of the court.

The non-concurrence of either of these two (2) elements may be challenged by an accused at any stage of the proceedings in the court below or on appeal. Failing in one of them, a judgment of conviction is null and void.²

B. Requisites for its valid exercise:

1. Jurisdiction over the subject matter;³

Philippine courts have no common law jurisdiction or power, but only those expressly conferred by the Constitution and statutes and those necessarily implied to make the express effective.⁴

The question of jurisdiction of the court over the case filed before it is to be resolved on the basis of the law or statute providing for or defining its jurisdiction.⁵

The jurisdiction of a court to try a criminal action is determined not by the law in force at the time of the commission of offense but by the law in force at the time of the institution of the action.⁶

Once vested, jurisdiction cannot be withdrawn or defeated by a subsequent valid amendment of the information.⁷

2. Jurisdiction over the territory where the offense was committed; and

3. Jurisdiction over the person of the accused.

C. Jurisdiction Determined by Allegations of Complaint or Information

The averments in the complaint or information identify the crime charged and determine the court before which it must be tried.⁸

To determine the jurisdiction of the court in a criminal case, the complaint or information must be examined to ascertain if the facts set out therein and the penalty prescribed by law fall within the jurisdiction of the court regardless of the court's findings after the trial.⁹

D. Jurisdiction Over Complex Crimes

Jurisdiction over the whole complex crime is lodged with the trial court having jurisdiction to impose the maximum and most serious penalty imposable of an offense forming part of the complex crime.¹⁰

Where the imposable penalty for the physical injuries charged would come within the jurisdiction of the municipal trial court, while the fine for the damage to the property, would fall on the Court of First Instance (now the Regional Trial Court), 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.¹¹

E. Crimes Punishable by Destierro

Where the imposable penalty is destierro such as that imposed in the case of concubinage in the crime of concubinage as defined in Article 334 of the Revised Penal Code, the case falls within the exclusive jurisdiction of the Municipal Trial Court, considering that in the hierarchy of penalties under Article 71 of the Revised Penal Code, destierro follows arresto mayor which involves imprisonment.¹²

1 People v. Mariano, No. L-40527, June 30, 1976, 71 SCRA 600.

2 Manila Railroad Co. v. Attorney General, 20 Phil. 523 [1911]; U. S. v. Jayme, 24 Phil. 90 [1913].

3 Reyes v. Diaz, 73 Phil. 484 [1941].

4 Velunta v. Chief, Philippine Constabulary, No. L-71855, January 20, 1988, 157 SCRA 147.

5 People v. Mariano, supra, note 1.

6 De La Cruz v. Moya, No. L-65192, April 27, 1988, 160 SCRA 838.

7 People v. Chupeco, G. R. L-19568, March 31, 1964, 10 SCRA 640.

8 People v. Magallanes, G. R. No. 118013-4, October 11, 1995, 249 SCRA 212.

9 Buaya v. Polo, G. R. No. 75079, January 26, 1989, 169 SCRA 471.

10 Cuyos v. Garcia, G. R. No. 46934, April 15, 1988, 160 SCRA 302.

11 People v. Malabanan, No. L-16478, August 31, 1961, 2 SCRA 1185.

12 People v. Eduarte, G. R. No. 88232, February 26, 1990, 182 SCRA 750.

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