

THE PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON. ERNESTO P. VALENCIA (JUDGE, COURT OF FIRST INSTANCE OF AURORA SUB-PROVINCE), FLOR-ENCIO DAGUMAN, AND HON. ARTEMIO N. VILLANU...

G.R. No. L-29396. August 29, 1969

Ponente: CASTRO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/3808278aad7c/>

CASTRO, J.:

In this present petition for certiorari, prohibition and mandamus with preliminary injunction, the People of the Philippines, represented by the acting assistant provincial fiscal of Quezon province, seeks a reversal of the order of the respondent Judge Ernesto P. Valencia of the Court of First Instance of Aurora sub-province dismissing the appeal lodged with the said court by the accused Florencio Daguman (co-respondent herein), upon motion of the latter.

Daguman was charged in the municipal court of San Luis in three separate cases with illegal possession of firearms, assault against an agent of a person in authority, and slander, respectively. After a joint trial of these cases, the municipal court rendered judgment on July 7, 1964 convicting him of illegal possession of firearms, and sentencing him to suffer imprisonment for a period of two years and one day to five years and to pay the costs. The charges of assault and slander were dismissed. On July 15, 1964 he filed his notice of appeal wherein he manifested his intention to appeal to the Court of First Instance.

An information was thereafter filed anew in the CFI of Aurora sub-province on October 20, 1964, charging Daguman with the crime of illegal possession of firearms. Before arraignment, however, he moved for the dismissal of his appeal on the ground that it is the Court of Appeals and not the Court of First Instance which has appellate jurisdiction, invoking *Esperat v. Avila*, G.R. No. L-25922, June 30, 1967.

On February 12, 1968 the Hon. Judge Ernesto Valencia issued an order dismissing the appeal for lack of jurisdiction, thus:

"WHEREFORE, as prayed for by the accused thru counsel, for lack of jurisdiction, the appeal in this case is dismissed and the Deputy Clerk of Court is directed to return the record of this case to the court of origin."

Upon receipt of the record of the case from the CFI of Aurora sub-province, the municipal court of San Luis set the case for "hearing."

On August 22, 1968 the present petition was lodged in this Court for review of respondent Judge Valencia's order dismissing the appeal for lack of jurisdiction, as well as the order of respondent municipal court of San Luis setting the case for "hearing." The issuance of a writ of preliminary injunction was prayed for to restrain respondent municipal court from proceeding, which writ we issued on August 23, 1968.

The sole issue posed by this petition is: which court has appellate jurisdiction over a decision rendered by an

ordinary municipal court (i.e., municipal court of a municipality which is neither a provincial nor a sub-provincial capital) in a criminal case which is within the confluence of jurisdiction of ordinary municipal courts and courts of first instance?

The petitioner argues that in this case appellate jurisdiction properly pertains to the court of first instance, primarily because the proceedings are not recorded, and should appeal be taken to the Court of Appeals or the Supreme Court directly, there is no recorded evidence to consider on appeal. The petitioner further cites sec. 5 of Rule 123 of the New Rules of Court which provides:

"Appeal from judgment of the justice of the peace or municipal court. The convicted party may appeal either orally or in writing from any final judgment of the justice of the peace or municipal court in a criminal cause to the Court of First Instance within fifteen (15) days from the promulgation of the judgment."

The respondent CFI Judge, on the other hand, invokes sec. 14, Rule 122 of the New Rules of Court which recites:

"Appeal. - From all final judgments of the Court of First Instance or courts of similar jurisdiction, and in all cases in which the law now provides for appeals from said courts, an appeal may be taken to the Court of Appeals or to the Supreme Court as hereinafter prescribed,"

and reasons that since "the jurisdiction of the justices of the peace [now municipal judges] and judges of municipal courts [now city judges] over criminal cases enumerated in paragraph (c) [now paragraph (b)] of Section 87 of Republic Act No. 296 is not exclusive but concurrent with the Court of First Instance (People v. Palmon, supra[1]) the jurisdiction of Courts of First Instance and Municipal Courts, therefore, are similar, so that cases falling under said paragraph are appealable directly to the Court of Appeals or the Supreme Court as the case may be, hence, the ruling of the Honorable Supreme Court in the case of *Esperat v. Avila*, supra.[2]"

We uphold the petitioner's position.

Under par. 9 of section 87(b) of the Judiciary Act, as amended, municipal judges and judges of city courts of chartered cities are vested with original jurisdiction over the crime of illegal possession of firearms, explosives and ammunition. This offense is punishable by imprisonment of not less than one year and one day nor more than five years, or both such imprisonment and a fine of not less than P1, 000 nor more than P5, 000, in the discretion of the court.[3] It is true that Rep. Act 3828 limits the criminal jurisdiction of municipal courts to crimes punishable by the maximum penalty of imprisonment of not more than three years or a fine of not more than three thousand pesos or both such fine and imprisonment,[4] but this jurisdiction has been broadened, first, by section 87(b) of the Judiciary Act which gives municipal judges and judges of city courts of chartered cities original jurisdiction over the crimes therein enumerated regardless of penalty,[5] and second, by the penultimate paragraph of section 87(c) of the Judiciary Act which vests municipal judges in the capitals of provinces and sub-provinces and judges of city courts with like jurisdiction as the courts of first instance to try parties charged with offenses committed within their respective jurisdictions for which the penalty provided by law does not exceed prison correctional or imprisonment of not more than six years or a fine not exceeding six thousand pesos, or both.

Courts of First Instance, on the other hand, are vested with original jurisdiction over all criminal cases in which the penalty provided by law is imprisonment of more than six months or a fine of more than two hundred pesos, or both. In a number of cases,[6] this Court has harmonized section 87(b) with section 44 of the Judiciary Act, as amended, in the sense that insofar as the criminal cases enumerated in section 87(b) are concerned, there is concurrence of jurisdiction between courts of first instance and municipal courts. Illegal possession of firearms being one of the crimes falling by virtue of section 44 of the Judiciary Act (because of the penalty imposed) within the jurisdiction of courts of first instance, and likewise falling, under the authority of section 87(b) (as one

of the crimes therein enumerated), with-in the jurisdiction of municipal courts, there is thus a zone of concurrent jurisdiction.

The fallacy in the respondent judge's position is his conclusion that decisions of ordinary municipal courts are appeal-able directly to the Court of Appeals or the Supreme Court because their jurisdiction and that of the courts of first instance are concurrent and therefore similar. Mere concurrence of jurisdiction does not authorize an appeal direct to the Court of Appeals or the Supreme Court from decisions of ordinary municipal courts in the absence of express legislative authority. Appeal is a purely statutory right. Section 45 of the Judiciary Act, as amended, explicitly excepts judgments rendered by municipal courts of capitals and city courts exercising like jurisdiction as courts of first instance pursuant to the penultimate paragraph of section 87(c), as amended, from the scope of the general rule that courts of first instance have appellate jurisdiction over all cases arising in their respective provinces.

Tracing the history of section 45, we note that the original provision of Rep. Act 296 reposed appellate jurisdiction in the courts of first instance over all cases arising in their respective provinces and tried by municipal courts (now city courts) and justice of the peace courts (now municipal courts) regardless of whether these courts exercised exclusive jurisdiction or concurrent jurisdiction with courts of first instance. Thus section 45 of the Judiciary Act originally read:

"Appellate jurisdiction. - Courts of First Instance shall have appellate jurisdiction over all cases arising in municipal and justice of the peace courts in their respective provinces."

Simultaneously with the expansion of the jurisdiction of municipal courts of capitals and of city courts, and the requirement of recording their proceedings prescribed by the amending act, Rep. Act 2613, as further amended by Rep. Act 3828, a distinction was drawn in the matter of appeals from decisions rendered by municipal courts of capitals and of city courts by the last paragraph of section 87(c) taken together with section 45 of the Judiciary Act, as amended - this distinction being that their decisions in cases tried pursuant to the jurisdiction conferred upon them by the penultimate paragraph of section 87(c) shall be appealable directly to the Court of Appeals or the Supreme Court, as the case may be. The right of direct appeal to the two appellate courts was granted with respect only to judgments of municipal courts of capitals and of city courts but not to those of ordinary municipal courts; this right of direct appeal, being in the nature of an exception to section 45 of the Judiciary Act, as amended, must be strictly construed and its purview cannot be extended to embrace decisions of ordinary municipal courts in concurrent jurisdiction cases but must perforce be limited to what has been explicitly excepted.

Our view is buttressed by section 5 of Rule 123 of the New Rules of Court which provides:

"Appeal from judgment of the justice of the peace or municipal court. - The convicted party may appeal either orally or in writing from any final judgment of the justice of the peace or municipal court in a criminal cause to the Court of First Instance within fifteen (15) days from the promulgation of the judgment."

Absent the exception provided in section 45 and the last paragraph of section 87(c) of the Judiciary Act, as amended, the above-cited provision of the New Rules of Court governs the manner of appeals from decisions of ordinary municipal courts. The statute granting the right of appeal is the Judiciary Act, as amended, particularly section 45 thereof. Appeal being a purely statutory right, the law granting the right must be strictly complied with, and the grant cannot be extended by implication. Thus, since the law does not grant direct appeal to the Court of Appeals or the Supreme Court from decisions of ordinary municipal courts in concurrent criminal jurisdiction cases, we cannot authorize such mode of appeal.

An analysis of section 87(c) and section 45 of the Judiciary Act, as amended, reveals that while the legislature had

endowed municipal courts of capitals and city courts with "like jurisdiction" as a court of first instance and a status as such, it withheld the same from ordinary municipal courts trying concurrent criminal jurisdiction cases. This Court cannot ordain ordinary municipal courts with the status of courts of first instance, nor classify them as courts of record by requiring them to record their proceedings, for such actuation on our part would transcend the periphery of legitimate judicial function and constitute an encroachment upon legislative prerogative. Neither can we authorize a direct appeal to the Court of Appeals or the Supreme Court, in the absence of express statutory authority, for the practical reason that because ordinary municipal courts are not required to record their proceedings the appellate courts would have no record of evidence to consider on appeal.

In concurrent criminal jurisdiction cases tried by municipal courts of provincial and sub-provincial capitals and by city courts, the judgments are appealable directly to the Court of Appeals or the Supreme Court, as the case may be, provided their proceedings have been recorded^[7] and a valid exercise of jurisdiction has been effected.^[8] Verily, such cases would be appropriate cases within the context of the doctrine we laid down in *Esperat*, supra. The following words used in *Esperat* are clear enough to require further interpretation: "The pronouncement is made on the assumption that the proceedings in the Cotabato City Court in which the 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 in *Aquino v. Estenzo, et al.*, G.R. No. L-20971, May 19, 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." The rationale is obviously based on section 87(c) of Rep. Act 3828 which requires municipal courts of capitals and city courts to record their proceedings when trying cases where the penalty does not exceed imprisonment of more than six years or a fine of not more than six thousand pesos, or both, and which directs appeals in such cases to be brought to the Court of Appeals or the Supreme Court. Thus:

"When it was provided in Sec. 87(c) of Rep. Act 296 as amended by Rep. Act 2613, that the city courts of chartered cities have like jurisdiction as the Court of First Instance to try parties charged with an offense in which the penalty provided by law does not exceed prison correccional or imprisonment for not more than six years or fine not exceeding P3000.00 or both (now P6000.00 or both) the city court thereby acts as a Court of First Instance and its decisions are appealable directly to the Court of Appeals or the Supreme Court, as the case may be. When the city court tries cases of this nature and it acts as a Court of First Instance, it must perforce act as a court of record. The very law itself provides that in the exercise of this jurisdiction by the municipal courts of provincial capitals and city courts, the proceedings must be recorded. Certainly, the decisions of the city court or of the municipal court of provincial capitals in the exercise of this jurisdiction are similar to decisions of the Court of First Instance, and their decisions cannot be appealed to the Court of Appeals or to the Supreme Court, as the case may be, if there are no records of their proceedings."

It thus becomes inescapable that *Esperat* and *Aquino* do not apply to this case before us, for the following reasons: first, *Esperat* and *Aquino* dealt with criminal cases tried and decided by city courts, whereas the present case deals with a criminal case tried and decided by an ordinary municipal court which is not a municipal court of a provincial or a sub-provincial capital; second, in *Esperat* and *Aquino* there was concurrence of jurisdiction by reason of the penalty imposed on the crime, whereas in the case at bar, the basis of concurrence in jurisdiction is the crime itself; third, in *Esperat* and *Aquino*, proceedings were required by law to be recorded, whereas here no such requirement exists; fourth, in *Esperat* and *Aquino* the law expressly directs appeal to be brought to the Court of Appeals or the Supreme Court, whereas in this case, the general provision (1st clause of sec. 45 of the Judiciary Act) applies with respect to appeals from decisions of ordinary municipal courts.

ACCORDINGLY, the order of the respondent CFI of February 28, 1968 is set aside, and the said court is hereby ordered to give due course to the appeal of Florencio Daguman and to hear the case de novo. The writ of preliminary injunction issued by this Court on August 23, 1968 is hereby made permanent. No pronouncement as to costs.

Concepcion, C.J., Dizon, Makalintal, Sanchez, Fernando, Capistrano, Teehankee and Barredo, JJ., concur. Reyes and Zaldivar, JJ., are on official leave.

[1] 86 Phil. 350.

[2] G.R. No. L-25922, June 30, 1967, 20 SCRA 596.

[3] Rep. Act 4.

[4] Section 87(c), first paragraph.

[5] Paringit v. Masakayan, G.R. No. L-16578, July 31, 1961, 2 SCRA 962; People v. Dose, G.R. No. L-23540, June 29, 1968, 23 SCRA 1345.

[6] Natividad v. Robles, 87 Phil. 836; Paringit v. Masakayan, G.R. No. L--16578, July 31, 1961, 2 SCRA 962; People v. Palmon, 86 Phil. 350; People v. Colicio, 88 Phil. 196; People v. Dose, *supra*.

[7] Aquino v. Estenzo, L-20791, May 19, 1965.

[8] *Ibid*.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.