

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLANT, VS.
CESAR TAYAO, ET AL., DEFENDANTS-APPELLEES.***G.R. No. L-26457. March 25, 1970*

Ponente: FERNANDO, J.

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A pure question of law is before this Court in this appeal from an order of dismissal of the Court of First Instance of Nueva Ecija sustaining a motion to quash filed by defendants, now appellees Cesar Tayao, Pablo Piadoso, Alberto Valencia and Gerardo Daquez, who were accused of the offense of grave coercion. Such an order of dismissal was predicated by the lower court on its belief that the offense charged was outside its jurisdiction inasmuch as exclusive cognizance of the same is vested in the municipal court of San Jose, Nueva Ecija. The authoritative answer to such a question is supplied by *Esperat v. Avila*.^[1] In that case, the contention that a court of first instance is devoid of competence, the jurisdiction of the municipal court being originally exclusive, was considered and rejected by us. Hence, this appeal by the provincial fiscal from the above order of dismissal must prosper.

The accused were indicted in an information filed on January 13, 1966 with the Court of First Instance of Nueva Ecija, Sto. Domingo Branch, for the crime of grave coercion allegedly committed by compelling the offended party to do something against her will. Thereafter, on August 25, 1966, the accused sought to have the above information quashed on the ground of lack of jurisdiction of the lower court their contention being that the original and exclusive jurisdiction to try such offense is lodged in the municipal court of San Jose, Nueva Ecija, the site of the alleged commission thereof. An opposition to such motion notwithstanding, the lower court, in its order of August 4, 1966, upheld such motion to quash, its view being that the matter was within the original jurisdiction of the appropriate municipal court, and dismissed the same. On the 17th of the same month, a notice of appeal direct to this Court, the question being one of law, was filed by the provincial fiscal.

The appeal, as set forth at the outset, is meritorious. The jurisdiction of the offense in question may be exercised both by the lower court and the municipal court of San Jose, Nueva Ecija. Whatever doubt might have existed was dissipated entirely by our categorical ruling, as above noted, in the *Esperat* decision. As therein explicitly stated by us: "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 court of first instance. Hence, the sentence of the City Court of Cotabato convicting herein petitioner was in fact appealable to the Court of Appeals and not to the Court of First Instance."^[2]

We had occasion to reiterate the above doctrine in *People v. Dalton*,^[3] decided barely eight months later. Thus: "The orders under appeal are erroneous. The Court has repeatedly held that because section 44 of the Judiciary Act, (vesting in Courts of First Instance original jurisdiction over offenses penalized by law with imprisonment in excess of 6 months imprisonment or fine more than P200.00) has been left un-altered, the enlargement of the former jurisdiction of Municipal Courts by R. A. 3828 as above stated, has resulted in concurrent jurisdiction of

both Courts over crimes penalized with imprisonment in excess of six months but not beyond 3 years, and fine exceeding P200.00 but not more than P3,000.00. Since the fine for grave coercion is not over P500.00, the crime is within such concurrent jurisdiction and the filing of the information in the Court of First Instance gave authority to that Court to retain and try the same." [4]

Nothing can be clearer, therefore, than that the decision of the lower court sustaining the motion to quash under its mistaken assumption that the matter was within the original and exclusive jurisdiction of the municipal court of San Jose, Nueva Ecija, is not in accordance with law.

WHEREFORE, the order of August 4, 1966 is set aside, and the case remanded to the lower court for further proceedings in accordance with law. Without pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, Teehankee, and Villamor, JJ., concur.
Barredo, J., no part.

[1] L-25922, June 30, 1967, 20 SCRA 596.

[2] Ibid., p. 602.

[3] L-23539, February 22, 1968, 22 SCRA 673.

[4] Ibid., p. 674.

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