

PABLO DE GUZMAN, PETITIONER, VS. THE HONORABLE COURT OF APPEALS, RESPONDENT.*G.R. Nos. L-27671, 27684, 27685 and 27686. July 27, 1967*

Ponente: SANCHEZ, J.

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Petitioner faced five (5) charges of theft of five (5) carabaos each priced, according to the criminal complaints, at P200.00. The Justice of the Peace Court (now Municipal Court) of Angat, Bulacan, found him guilty, and sentenced him in each of the five cases.

The Court of First Instance of Bulacan, on appeal[1] and after joint trial de novo, similarly found him guilty, and sentenced him in each of the five cases to an indeterminate penalty ranging from two (2) years, four (4) months and one (1) day of prision correccional, as minimum, to ten (10) years and one (1) day of prision mayor, as maximum, and to pay the costs.[2]

He went to the Court of Appeals.[3] Again, he was found guilty. But with this difference: The Court of Appeals found that the five carabaos - with a total value of P930.00 (by the evidence, one of which is only worth P130.00) - were missed "while grazing fully in a common pasture"; and that said carabaos "were all loaded at Binagbag and presumably previously gathered at that point." The Court of Appeals correctly concluded that there was "one criminal act", and that petitioner "cannot be held guilty of separate offenses." The Court of Appeals accordingly pronounced petitioner liable for "only one crime of theft of large cattle", and sentenced him to an indeterminate prison term ranging "from four (4) years, two (2) months and one (1) day of prision correccional as minimum, to nine (9) years, four (4) months and one (1) day of prision mayor as maximum."

Petitioner moved to reconsider the judgment. He claims lack of original jurisdiction in the justice of the peace court and lack of jurisdiction in the two appellate courts. The Court of Appeals rejected the reconsideration sought.

Seasonably, petitioner came to this Court on appeal by certiorari. Taking the cue from the Court of Appeals, he avers that solely one crime was committed, and that the total value of the five carabaos, the subject thereof, is P930.00. His syllogism: The Justice of the Peace Court of Angat, Bulacan, did not have original jurisdiction to try the case because of the value of the property stolen; therefore, the Court of First Instance did not have appellate jurisdiction; and, accordingly, the Court of Appeals was bereft of power to sentence him.

Cast in legal setting, the problem is this: Is the Court of Appeals' decision null and void for want of jurisdiction?

Unquestionably, the Justice of the Peace Court in Angat - which originally tried and sentenced petitioner - did not have jurisdiction. We are not now dealing with the five separate cases of theft. For, as the Court of Appeals found, there was only one crime of theft - which, even at inception, should have been charged petitioner - and the aggregate value of the five stolen carabaos is P930.00. And, the statutory ceiling for justice of the peace courts, for jurisdictional purposes, is gauged in terms of the worth of property stolen, which "does not exceed the sum or

value of two hundred pesos." [4]

But, he went to the Court of First Instance. There, he pleaded not guilty, submitted to trial de novo, heard the judgment condemning him in each of the five separate cases. All along, he never raised his voice in protest. He never breathed a word in challenge of that court's appellate jurisdiction.

Where, as in the case before us, defendant is tried by an inferior court and sentenced therein for a crime beyond that court's jurisdictional boundaries, two courses of action are open to him in the court of first instance, on appeal. First. He may assail the appellate jurisdiction of the court and seek to nullify the proceedings in, and judgment of, the inferior court. Such jurisdictional objection he must assert. And this, for the potent reason that should the court of first instance find the same to be well-founded, then the only jurisdiction acquired by the latter court is to dismiss the case. Second. Defendant has the other choice of voluntarily submitting himself to the court of first instance in the exercise of its original jurisdiction. He is deemed to have thus submitted himself if he does not object to the appellate jurisdiction of the court. In which case, no error of jurisdictional dimensions may be tagged to this court. This is a rule of ancient respectability [5] and has earned judicial acceptance ever since. [6]

The same rule obtains in civil cases. The statute on this point [7] finds copious jurisprudential support. [8]

Measured by the legal yardstick just delineated, here is the situation before us: If we take the five cases as they were tried before the Court of First Instance of Bulacan, easily said court had original jurisdiction to try each and everyone of them. [9] Reason therefor is that the penalty imposable for the crime of theft of large cattle, where, as here, the value of each carabao is over P50.00 and does not exceed P200.00, is well beyond the statutory minimum of six months' imprisonment. [10] Treated again as five separate cases, the jurisdiction of the Court of First Instance of Bulacan is concurrent with that of the Justice of the Peace Court of Angat. [11]

However, as stated, the Court of Appeals found as a fact, that only one crime covering the theft of all the five carabaos was committed by petitioner and that the aggregate value thereof is P930.00. Accordingly, the single case, as it was ultimately decided by the Court of Appeals, falls exclusively within the jurisdictional area allocated to the Court of First Instance of Bulacan.

Since the Court of First Instance of Bulacan had jurisdiction, and petitioner submitted to the original exercise thereof by that court without objection, then he was properly convicted therein. And the Court of Appeals acquired appellate jurisdiction. [12] The judgment of the Court of Appeals stands.

Upon the foregoing considerations, we resolve to dismiss the appeal by certiorari to review the judgment of the Court of Appeals.

SO ORDERED.

Reyes, JBL, Makalintal, Bengzon, Zaldivar, Ruiz Castro, Angeles, and Fernando, JJ., concur.
Concepcion, C.J., and Dizon, J., on official leave.

[1] Criminal Case 3915-3919, "People of the Philippines, plaintiff, vs. Pablo de Guzman, accused."

[2] No provision for indemnity was made because the animals were recovered.

[3] CA-G.R. 04447-50-CR, "People of the Philippines, plaintiff-appellee vs. Pablo de Guzman, defendant-appellant.

[4] Sec. 87, par. (b), subpar. (3), R.A. 296, as amended.

[5] U.S. vs. Ang Suyco, 17 Phil. 92, 93-94; Carroll vs. Paredes, 17 Phil. 94, 100-101. Cf. U.S. vs. Bernardo, 19 Phil. 265, 269-272.

[6] People vs. Celis, 101 Phil. 586, 589-590.

[7] Section 11, Rule 40, of the New Rules of Court, reads:

"SEC. 11. Lack of jurisdiction. - A case tried by an inferior court without jurisdiction over the subject matter shall be dis-missed on appeal by the Court of First Instance. But instead of dismissing the case, the Court of First Instance in the exer-cise of its original jurisdiction, may try the case on the merits if the parties therein file their pleadings and go to the trial without any objection to such jurisdiction."

[8] Canaveral vs. Encarnacion, 95 Phil. 848, 852; Bachrach Motor Co., Inc. vs. Lejano, 58 C.G. No. 17, pp. 3276, 3277-3278; Aureo vs. Aureo, 56 C.G. No. 42, pp. 6465, 6468; Guitarte vs. Sabaco, 60 O.G. No. 27, pp. 3894, 3895; Angeles vs. Guevara, 61 O.G. No. 7, pp. 864, 866-867; Evangelista vs. Reyes, L-20416, January 30, 1964. Cf. Geraldez vs. Rodriguez, L-17064, November 9, 1964; General Insurance and Surety Corporation vs. Castelo, L-19330, April 30, 1965; Ganancial vs. Atillo, L-20830, June 28, 1965.

[9] Section 44 (f), Judiciary Act of 1948, as amended, reads:

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

x x x

(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;

x x x

[10] Article 310, in relation to Article 309, par. 4, Revised Penal Code.

[11] Section 87, par. (b), subpar. (3), Judiciary Act of 1948, as amended, reads:

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

x x x

(b) All criminal cases arising under the laws relating to:

x x x

(3) Larceny, embezzlement and estafa where the amount of money or property stolen, embezzled, or otherwise involved, does not exceed the sum or value of two hundred pesos;

x x x"

[12] See Sections 29 and 31, in relation to Section 17, Judiciary Act of 1948, as amended.

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