

**PACIANITO S. PARAGUYA, PETITIONER, VS. HON. MEYNARDO TIRO,
AS JUDGE OF THE CIRCUIT CRIMINAL COURT OF THE 15TH
JUDICIAL DISTRICT, FISCAL EDGARDO Y. RAAGAS, AND SIA BON
SUAN, RESP...**

G.R. No. L-30113. September 30, 1971

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

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

Original petition for certiorari questioning the jurisdiction of the Circuit Criminal Court to pass upon a case for indirect bribery filed against an internal revenue examiner.

This action arose from the filing in the Circuit Criminal Court of the Fifteenth Judicial District, sitting at Cagayan de Oro City, of an information charging Pacianito Paraguya of the crime of Indirect bribery allegedly committed as follows:

"That on or about October 10, 1968, in the afternoon, in the City of Cagayan de Oro, Philippines, and within the jurisdiction of this honorable Court, the above-named accused, being a public officer working as BIR Agent, assigned in the Bureau of Internal Revenue District office, this city, and without authority of law, did then and there willfully, unlawfully, and feloniously demand, solicit and receive the sum of Three Hundred Pesos Philippine Currency, a gift which was demanded, solicited and received by reason of his position as such a public officer from one Sia Bon Suan, stockholder and manager of the cockpit in the Cagayan Gold City Coliseum, a business establishment doing business in the City of Cagayan de Oro."

The accused moved for the quashal of this information on the ground of lack of jurisdiction. It was contended that Republic Act 5179 creating the circuit criminal courts vested said courts with jurisdiction, concurrent with the regular courts of first instance, only over crimes within "the original and exclusive jurisdiction" of the latter tribunals. Since the crime of indirect bribery is punishable under Article 211 of the Revised Penal Code with arresto mayor, suspension and public censure, penalties which are imposable by the city or municipal courts concurrently with the courts of first instance, then, according to the accused, the circuit criminal court would be without jurisdiction to take cognizance of the case.

In its order of January 23, 1969, the Circuit Judge denied the motion for lack of merit and scheduled the hearing of the case for January 27, 1969. The accused asked for reconsideration of the order, and when it was denied on January 27, 1969, the present petition was filed, seeking nullification of the aforementioned orders of the respondent Judge allegedly issued in excess of or without jurisdiction, and the quashing of the information in Criminal Case No. 48 of the Circuit Criminal Court for the Fifteenth Judicial District. As prayed for by herein petitioner, a writ of preliminary injunction was issued by this Court on April 18, 1969, restraining the respondent Judge from taking action in the case until further orders.

There is merit in this petition. It is the settled rule that jurisdiction of a court over the subject matter is conferred by law,[1] such jurisdiction to be determined by the allegations of the complaint or information filed therein.[2] In

creating the circuit criminal courts, Republic Act 5179, among other things, provided:

"SECTION 1. In each of the sixteen judicial districts for the Court of First Instance as presently constituted, there is hereby created a Circuit Criminal Court with limited jurisdiction, concurrent with the regular court of first instance, to try and decide the following criminal cases falling under the original and exclusive jurisdiction of the latter:

"a. Crimes committed by public officers, crimes against persons and crimes against property as defined and penalized under the Revised Penal Code, whether simple or complexed with other crimes;

"b. Violations of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, and Republic Act No. 1379; and

"c. Violations of sections 3601, 3602, and 3604 of the Tariff and Customs Code and sections 174, 175 and 345 of the National Internal Revenue Code." (Emphasis supplied.)

In no uncertain language, therefore, the law confined the jurisdiction of the circuit criminal courts (which is even made concurrent with the courts of first instance) to crimes committed by public officers; those committed against persons and property, whether simple or complexed with other crimes; violations of the Anti-Graft and Corrupt Practices Act, and of sections 3601, 3602 and 3604 of the Tariff and Customs Code and sections 174, 175 and 345 of the Internal Revenue Code, only where they are falling within the original and exclusive jurisdiction of the court of first instance. In short, the circuit criminal courts' jurisdiction was limited merely to cases involving crimes specifically enumerated in Section 1 of Republic Act 5179, for which the penalty prescribed by law is imprisonment for more than 3 years (or 6 years in proper cases), or fine for more than 3,000.00 (or P6,000.00, as the case may be), or both such fine and imprisonment.[3]

Since herein petitioner is being accused of indirect bribery, penalized under the Revised Penal Code with imprisonment for a period not exceeding 6 months, suspension and public censure,[4] the case clearly is removed from the competence of the circuit criminal court to pass upon. It is not denied that the crime of indirect bribery is essentially one committed by public officers. Jurisdiction of the court, however, is determined not only by the nature of the offense charged in the information, but also by the penalty imposable thereto. Thus, in a case involving unlawful possession of untaxed cigarettes wherein the question of court jurisdiction was similarly raised, this Court said:

"The jurisdiction of the circuit criminal courts is thus dependent not only on the type of cases but also on the penalties provided for those cases. Inasmuch as the case at bar falls within the exclusive and original jurisdiction of the city court, it cannot, even if it involves a violation of section 174 of the Tax Code, be taken cognizance of by circuit criminal courts the jurisdiction of which is concurrent with that of court of first instance in criminal cases where the latter's jurisdiction is original and exclusive." (People vs. Paderna, L-28518, Jan. 31, 1968).

In fact, the intention of the legislature to bestow unto these special criminal courts limited jurisdiction is clear not only from the provision of the law itself; it was so stated that this limited jurisdiction of the circuit courts would enable them to act with dispatch on the cases cognizable by said tribunals. And, this is precisely the purpose for which the circuit criminal courts were created -- to contribute to the speedy resolution of criminal cases and help curb the progression of criminality in the country.[5]

WHEREFORE, the writ of certiorari prayed for is granted; the orders of the respondent Judge, of January 23 and 27, 1969 are hereby set aside, and Case No. 48 of the Circuit Criminal Court for the Fifteenth Judicial District is dismissed, without prejudice to its refiling, if warranted, in the proper court. The preliminary injunction heretofore issued is made permanent. No costs.

Concepcion, C.J., Dizon, Makalintal, Zaldivar, Castro, Fernando, Teehankee, Barredo, and Villamor, JJ., concur. Makasiar, J., no part.

[1] Bacalzo vs. Ramolete, L-22488, Oct. 26, 1967, 21 SCRA 519.

[2] Colmenares vs. Villar, L-27124, May 29, 1970, 33 SCRA 186.

[3] Sec. 44(f) in relation to Sec. 87(c), Judiciary Act of 1948, as amended; Esperat vs. Avila, L-25922, June 30, 1967, 20 SCRA 596; Mangila vs. Lantin, L-24735, Oct. 31, 1969, 30 SCRA 81; People vs. Tapayan, L-26885, Nov. 28, 1969, 30 SCRA 529; also Andico vs. Roan, L-26563, April 16, 1968, 23 SCRA 93.

[4] "ART. 211. Indirect bribery. -- The penalty of arresto mayor, suspension in its minimum and medium periods, and public censure shall be imposed upon any public officer who shall accept gifts offered to him by reason of his office." (Revised Penal Code)

[5] Explanatory Note to Senate Bill No. 388, which became Republic Act No. 5179.

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