

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. ROGELIO LABA, ET AL., DEFENDANTS-APPELLANTS.

G.R. No. L-28022. July 30, 1969

Ponente: CASTRO, J.

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CASTRO, J.:

This appeal from the decision in criminal case 3422 of the city court of Cotabato was certified to this Court by the Court of Appeals per its resolution of July 27, 1967, involving as it does a single question of law, to wit: "The lower court erred in not finding that it has no jurisdiction to try and decide the case."

There is no dispute as to the material facts. The appellants Rogelio Laba and Precioso Laba were charged in the city court of Cotabato with the crime of theft under articles 308 and 309 of the Revised Penal Code, in an amended information which recites "That on or about May 23, 1963, in the City of Cotabato, Philippines, and within the jurisdiction of this Honorable Court, the said accused, confederating and conspiring together and mutually helping one another, did then and there wilfully and feloniously and with intent of gain and without the consent of the owner thereof, take, steal and carry away personal properties of the total value of P2,131.80, Philippine Currency, to the damage and prejudice of said owner. ..."

After due trial, the city court, on January 6, 1964, found the two accused guilty as charged and accordingly sentenced each of them to "suffer an indeterminate penalty of six (6) months to two (2) years, eleven (11) months and ten (10) days, and to pay proportionate costs."

The sole legal issue tendered for resolution calls for interpretation and construction of the provisions of section 78 of Republic Act 2364 (city charter of Cotabato) in relation to the pertinent provisions of the Judiciary Act of 1948 (R.A. 296), as amended, R.A. 2364 went into effect on June 20, 1959.

Section 78 of R.A. 2364 provides in part as follows:

"Jurisdiction of municipal court. - The Municipal Court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as at present conferred upon them by law. It shall have concurrent jurisdiction with the court of first instance over all criminal cases arising under the laws relating to gambling and management of lotteries, to assaults where the intent to kill is not charged or evident upon the trial, to 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, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on government or private property, and to threatening to take human life. x x x"

Section 87(c) of the Judiciary Act of 1948 originally read as follows:

"Original jurisdiction to try criminal cases. - Justices of the peace and judges of municipal courts of chartered cities shall have original jurisdiction over:

* * *

"(c) All offenses in which the penalty provided by law is imprisonment for not more than six months, or a fine of not more than two hundred pesos, or both such fine and imprisonment;

* * *

"Justices of the peace in the capitals of provinces may, by assignment of the respective district judge in each case, have like jurisdiction as the Court of First Instance to try parties charged with an offense committed within the province in which the penalty provided by law does not exceed imprisonment for two years and four months, or a fine of two thousand pesos, or both such imprisonment and fine, and, in the absence of the district judge, shall have like jurisdiction within the province of the Court of First Instance to hear application for bail."

One cardinal purpose of the Judiciary Act of 1948 was to enlarge the jurisdiction of justices of the peace, who are all required by the Constitution to be full-fledged lawyers.[1] Section 87 of the Judiciary Act of 1948 was amended by R.A. 2613 on August 19, 1959 to further enlarge the jurisdiction exercised by justices of the peace and by municipal courts in the capitals of provinces, concurrently with courts of first instance, by authorizing them to try offenses for which the penalty provided by law does not exceed prison correctional or imprisonment for not more than 6 years or a fine of not exceeding P3,000, or both. Such cases are to be tried on the merits, and the decisions rendered therein by municipal or city courts are appealable directly to the Court of Appeals or the Supreme Court, as the case may be.[2]

This provision of the Judiciary Act of 1948 was further amended by R.A. 3828 on June 22, 1963 to read, as it appears in its present form, as follows:

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

* * *

"(c) Except violations of election laws all other offenses in which the penalty provided by law is imprisonment for not more than three years, or a fine of not more than three thousand pesos, or both such fine and imprisonment.

* * *

"Municipal judges in the capitals of provinces and sub-provinces and judges of city courts shall have like jurisdiction as the Court of First Instance to try parties charged with an offense committed within their respective jurisdiction, in which the penalty provided by law does not exceed prison correctional or imprisonment for not more than six years or fine not exceeding six thousand pesos, or both, and in the absence of the district judge, shall have like jurisdiction within the province as the Court of First Instance to hear application for bail.

"All cases filed under the next preceding paragraph with municipal judges of capitals and city court judges shall be tried and decided on the merits by the respective municipal judges or city judges. Proceedings had shall be recorded and decisions therein shall be appealable direct to the Court of Appeals or the Supreme Court as the case may be."

The appellants argue "that under section 78 of the Charter of the City of Cotabato, the concurrent jurisdiction of the Municipal (now City Court) Court with the Court of First Instance over crimes of theft is limited to cases where the amount of money or property stolen does not exceed the sum or value of two hundred pesos, that since in the case at bar, the value of the property allegedly stolen exceeds two hundred pesos, it is evident that the court below is without jurisdiction to try and decide the case." They further contend "that the Judiciary Act of 1948, as amended, is a general law; while the Charter of the City of Cotabato is a special law which specifically fixed

under Sec. 78 thereof the jurisdiction of the Municipal (now city) Court of said City."

The appellants' theory finds no basis in the then governing provisions of law when the instant action was commenced on May 24, 1963.

The Constitution[3] expressly vests in Congress "the power to define, prescribe and apportion the jurisdiction of the various courts." In determining whether a case lies within or outside the jurisdiction of a court, resort to the consequent statutory enactment is indispensable. It is a settled rule that the jurisdiction of a court is determined by the statute in force at the time of the commencement of the action.[4]

Does section 78 of R.A. 2364 conflict with the provisions of the Judiciary Act of 1948, as amended? We here declare that there is no conflict between the two laws. Section 78 (jurisdiction of municipal court) of R.A. 2364 (creating the city of Cotabato) and the corresponding provisions of all other laws creating other chartered cities throughout the Philippines[5] delineating the jurisdiction of the municipal courts of these chartered cities, appear to us to be an adoption and a mere substantial reiteration of the provisions of sec. 87(c) first par., sub-pars. (1) to (8), of the Judiciary Act of 1948 as they stood before the amendments to the fourth paragraph of said section 87(c) were effected by R.A. 2613 and R.A. 3828. So that when R.A. 2364 was passed, the legislative intent clearly was that the city court of Cotabato shall have the same jurisdiction as that already conferred by the Judiciary Act of 1948 on all municipal and city courts of equal category. This intent, indeed, is obvious from the wording of the first sentence of section 78, R.A. 2364,[6] to wit: "The municipal court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as at present conferred upon them by law."

It was the unequivocal intention of Congress to make the Judiciary Act of 1948 applicable to all courts in the Philippines, including municipal and city courts. Thus, section 2 of the said Judiciary Act of 1948 makes pointed explicit reference to the Supreme Court, the Court of Appeals, the courts of first instance, the municipal courts, and the justice of the peace courts. Section 10 of R.A. 2613, amending sections 87 and 88 of the Judiciary Act of 1948, specifically refers to the jurisdiction of all justice of the peace courts in the capitals of provinces and municipal courts in the Philippines. There is thus a manifest legislative intent to give R.A. 2613 universal application to all municipal and city courts in the Philippines.

When Congress amended sec. 87, par. (c), sub-par. 4, of the Judiciary Act of 1948 so as to enlarge the concurrent jurisdiction of municipal courts in the capitals of provinces and sub-provinces and city courts, said amendments were clearly intended to be construed in harmony with the other provisions of the same Act and with the provisions of other Acts on the same subject-matter.

In *People v. Doriquez*,[7] we held: "The rule is now beyond all area of dispute that in view of the latest amendment to section 87(c) of the Judiciary Act of 1948 and also taking into account the unaltered provisions of section 44(f) of the same Act, the zone of concurrent jurisdiction of municipal and city courts and courts of first instance has been considerably widened. This jurisdictional parity embraces all offenses for which the penalty provided by law is imprisonment for more than six months but not exceeding three years (or six years with respect to city courts and municipal courts in the capitals of provinces and sub-provinces vis-a-vis the courts of first instance), or a fine of more than two hundred pesos but not exceeding three thousand pesos (or six thousand pesos in the proper cases), or both such imprisonment and fine." It follows, therefore, that the exclusive original jurisdiction of the justice of the peace and municipal courts is confined only to cases where the prescribed penalty is imprisonment for 6 months or less, or a fine of P200 or less, whereas the exclusive original jurisdiction of the courts of first instance covers cases where the penalty is incarceration for more than 3 years (or 6 years in the case of city courts and municipal courts in provincial capitals), or a fine of more than P3,000 (or P6,000 in the proper cases), or both such imprisonment and fine. Between these areas of exclusive jurisdiction lies a zone where the

jurisdiction is confluent.

There is no constitutional impediment to giving two courts of different levels concurrent jurisdiction over the same offense or offenses. To construe section 87(c) of the Judiciary Act of 1948, as amended, as conferring exclusive original jurisdiction on justices of the peace and judges of municipal courts over all the criminal cases therein enumerated, would be to nullify pro tanto section 44(f) of the same Act. A statute must be so construed as to harmonize and give effect to all its provisions whenever possible.

Section 87, par. (c), first par., sub par. (3) of the Judiciary Act of 1943, as amended, should therefore be so construed in relation to section 78 of R.A. 2364 (charter of the City of Cotabato) so as to give the city court of Cotabato, at the time the present criminal prosecution was commenced, that is, on May 24, 1963, jurisdiction over larceny, embezzlement, and estafa cases where the value of property involved does not exceed two hundred pesos, irrespective of the penalty, and, under sec. 87, par. (c), sub par. (4) of the Judiciary Act of 1948, as amended by R.A. 2613, concurrent jurisdiction with the courts of first instance over all criminal cases where the penalty provided by law does not exceed prison correctional or imprisonment for not more than six years or a fine not exceeding three thousand pesos, or both, irrespective of the kind of offense charged and the value of the property involved.

ACCORDINGLY, the judgment appealed from is affirmed, at appellants' cost.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Sanchez, Fernando, Capistrano, Teehankee, and Barredo, JJ., concur.

Zaldivar, J., is on official leave.

[1] *Natividad vs. Robles*, 87 Phil. 837.

[2] *Esperat vs. Avila*, L-25922, June 30, 1967; *Andico vs. Roan, et al.*, L-26563, April 16, 1968; *Le Hua Sia vs. Reyes*, L-21686, April 16, 1968.

[3] Sec. 2, Article VIII.

[4] *People vs. Pegarum*, 58 Phil. 715; *Rilloraza vs. Arciaga*, L-23848, Oct. 31, 1967; *Aquisap vs. Basilio*, L-21293, Dec. 29, 1967; *People vs. Paderna*, L-28518, Jan. 29, 1968.

[5] See Rep. Act 3700, sec. 82 (Angeles); Com. Act 326, sec. 21 (Bacolod); Rep. Act 4382, sec. 78 (Bago); Chapter 61, Rev. Adm. Code, secs. 2540-2574 (Baguio); Rep. Act 288, sec. 31 (Basilan); Rep. Act 523, sec. 78 (Butuan); Rep. Act 526, sec. 77 (Cabanatuan); Rep. Act 521, sec. 78 (Cagayan de Oro); Rep. Act 328, sec. 78 (Calbayog); Rep. Act 3278, sec. 86 (Caloocan); Rep. Act 3445, sec. 78 (Canlaon); Com. Act 547, sec. 76 (Cavite); Com. Act 58, sec. 40 (Cebu); Rep. Act 2364, sec. 78 (Cotabato); Rep. Act 170, sec. 77 (Dagupan); Rep. Act 3028, sec. 84 (Danao); Rep. Act 3811, sec. 80 (Dapitan); Com. Act 51, sec. 18 (Davao); Rep. Act 327, sec. 77 (Dumaguete); Rep. Act 2668, sec. 78 (Gingoog); Rep. Act 525, sec. 78 (Iligan); Com. Act 158, sec. 56 (Ilo-ilo); Rep. Act 4585, sec. 81 (La Carlota); Rep. Act 4584, sec. 80 (Laoag); Rep. Act 3134, sec. 84 (Lapu-Lapu); Rep. Act 4586, sec. 86 (Laurel); Rep. Act 306, sec. 77 (Legaspi); Rep. Act 162, sec. 77 (Lipa); Rep. Act 3271, sec. 78 (Lucena); Rep. Act 409, sec. 41 (Manila); Com. Act 592, sec. 20 (Dansalan)(Marawi); Rep. Act 305, sec. 77 (Naga); Rep. Act 4645, sec. 84 (Olongapo); Rep. Act 179, sec. 77 (Ormoc); Rep. Act 321, sec. 77 (Ozamis); Rep. Act 4475, sec. 27 (Palayan); Rep. Act 183, sec. 78 (Pasay); Com. Act 502 (Quezon); Rep. Act 4413, sec. 82 (Rajahmundry); Rep. Act 603, sec. 77 (Roxas); Rep. Act 2643, sec. 78 (San Carlos); Rep. Act 4487, sec. 77 (San Carlos)(Pangasinan); Com. Act 520, sec. 77 (San Pablo); Rep. Act 1621, sec. 78 (Silay); Rep. Act 760, sec. 78 (Tacloban); Com. Act 338 (Tagaytay); Rep. Act 2688, sec. 84 (Toledo); Rep. Act 981, sec. 24 (Trece Martires);

Com. Act 39, sec. 18 (Zamboanga).

[6] See also the first sentence of the section on jurisdiction of municipal courts in each of the laws creating chartered cities throughout the Philippines.

[7] L-24444 and L-24445, July 29, 1968, 24 SCRA 168.

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