

PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. JOSE ADOLFO Y RAYMUNDO, DEFENDANT AND APPELLANT.*G.R. No. L-24191. March 31, 1965*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/67794112a097/>

Charged in an information filed on July 30, 1963 in the Court of First Instance of Manila, of the offense of damage to property through reckless imprudence, arising out of an accident that occurred on April 10, 1963, Jose Adolfo y Raymundo was found guilty and sentenced to pay to the offended party damages in the sum of P485.55, and a fine of P971.10, with subsidiary imprisonment in case of insolvency. The accused appealed to the Court of Appeals, questioning, among others, the jurisdiction of the Court of First Instance of Manila to pass upon the case, for the reason that, as it was alleged in the information that the amount of damage sustained by the offended party was P890.49, the maximum penalty imposable therefor, under Article 365, paragraph 3 of the Revised Penal Code 1 is only fine in an amount not more than three times the value of the damage or not more than P2,671.47. However, under paragraph (c) of Section 87 of the Judiciary Act² as amended by Republic Act 3828 which took effect on June 22, 1963, offenses in which the penalty provided by law is a fine of not more than P3,000.00 falls within the original jurisdiction of the municipal court. It is thus contended that the trial court was without jurisdiction over the subject matter.

On this allegation, the Solicitor General tried to sustain the jurisdiction of the lower court by contending that the incident that gave rise to the suit occurred on April 10, 1963 whereas the amendatory provision invoked by appellant took effect only on June 22, 1963. As correctly commented on by the Court of Appeals, the jurisdiction of a court to try a criminal action is determined not by the law in force at the time of the commission of the offense, but by the law in force at the time of the institution of the action.^[3] Consequently, as the maximum imposable penalty for the offense allegedly committed by appellant is a fine of three times the value of the damage to the property, or P2,671.47,^[4] the case is cognizable by the municipal court and not by the court of first instance.

In view of the foregoing, the decision appealed from is hereby set aside, and the information filed therein is dismissed. Without costs. So ordered.

Bengzon, C. J., Bautisita Angela, Conception, Reyes, J.B.L., Paredes, Dizon, Regala, Makalintal, Bengzon, J.P., and Zaldivar, JJ., concur.

Judgment set aside.

[1] "Art. 365. Imprudence and negligence.—

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"When the execution of the act covered by this article shall have only resulted in damage to the property of another, the offender shall be punished by a fine ranging from an amount equal to the value of said damages to three times such value, but which shall in no case be less than 25 pesos." (Rev. Penal Code.)

[2]"SEC. 87. Original jurisdiction to try criminal cases.—Justices of the peace and judges of municipal 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." (Rep. Act 296, as amended by Rep. Act 3828).

[3] People vs. Pagarum, 58 Phil. 715, cited in People vs. Raymundo, 90 Phil. 739.

[4] Although it was in the information that the damage sustained by the injured was P890.49 the lower court found that it was actually only P485.55.

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