

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLANT, VS.
RUFINO VILLANUEVA, DEFENDANT-APPELLEE.***G.R. No. L-26199. March 30, 1970*

Ponente: MAKALINTAL, J.

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These eight appeals, consolidated in one decision because of identity of issues, question the correctness of the order of the Municipal Court of Oroquieta (pro-vincial capital of Misamis Occidental) dismissing, on the ground of lack of jurisdiction, eight criminal cases "delegated" or assigned to it by the Court of First Instance of said province for trial and judgment.

Five of the eight cases were in the Court of First Instance of Misamis Occidental on appeal from judgments of conviction rendered by several municipal courts (other than that of Oroquieta); the other three were original cases. The appealed cases were: (1) People vs. Villanueva, Criminal Case 5883 for Malicious Mischief, filed on June 5, 1963;[1] (2) People vs. Burlayan, Criminal Case 5331 for Less Serious Physical Injuries, filed on September 16, 1960;[2] (3) People vs. Carpila, Criminal Case 5216 for Theft, filed on May 5, 1960;[3] (4) People vs. Labiaga, Criminal Case 5343 for Less Serious Physical Injuries, filed on September 27, 1960;[4] and (5) People vs. Lomoljo, Criminal Case 5277 for Trespass to Dwelling with Threats, filed on August 31, 1960.[5] The three original cases were: (1) People vs. Ontolan and Arces, Criminal Case 5720 for Illegal Fishing with Explosives, filed on April 30, 1962; (2) People vs. Burlat de Baliao, Criminal Case 5651 for Theft, filed on January 11, 1962; and (3) People vs. Gumisad, Criminal Case 5803 for Illegal Fishing with Explosives, filed on October 29, 1962.

On different dates in 1963 and 1964, the Court of First Instance (Judge Alfredo Catolico presiding) issued separate orders "delegating" or assigning the above-mentioned criminal cases to the municipal court of Oroquieta for trial and judgment in view, according to the Judge, of the many cases pending in his court. Upon objection raised by the respective counsel for the accused questioning the jurisdiction of the municipal court, it returned the cases to the Court of First Instance.

On September 11, 1965, the Court of First Instance issued a consolidated order sending all the eight cases back to the municipal court of Oroquieta for "trial and final disposition." In the same order the Court made the observation that "it should be rather more to the interest of justice that if question of jurisdiction is squarely raised, the said Municipal Judge should resolve the same directly, rather than just return the cases back to the Court of First Instance, or if finding it to be the other way, try the cases and on conviction, let the accused raise the question him-self, rather than the court raising same x x x."

Thereafter, the municipal court of Oroquieta issued the disputed order dismissing the cases "for lack of jurisdiction."

The Provincial Fiscal, Emeterio C. Ocaya, filed a consolidated motion for reconsideration on November 20, 1965, stating that the municipal court, instead of dismissing the cases, should have either insisted upon their return to the Court of First Instance or appealed from the latter's order of September 11, 1965. The municipal court denied

the reconsideration, pointing out that his previous order returning the cases had been overruled by the Court of First Instance. In fact, it even drew a citation for contempt. The municipal court suggested that "if movant fiscal Ocaya really believes that the afore-said order of September 11, 1965 (of the Court of First Instance) is erroneous, he could still ask for the review of the aforesaid order by a superior court by certiorari proceedings."

The Provincial Fiscal forthwith filed a notice of appeal to this Court. On December 28, 1965 the municipal court gave the appeal due course and ordered the records elevated through the Clerk of the Court of First Instance, but at the same time expressed "serious doubts as to the propriety of the present appeal interposed by the government since this appears to be not the case which could be directly appealed from the municipal court to the Supreme Court."

The records, however, were sent back by the Court of First Instance on the excuse that they should be forwarded by the municipal court itself. On February 9, 1966 the municipal court issued another order, this time disapproving the appeal on the ground that what should have been appealed was the order of the Court of First Instance of September 11, 1965. Again the Provincial Fiscal moved to reconsider but was turned down.

On April 25, 1966, the Court of First Instance of Misamis Occidental, in Special Civil Case 2552 entitled "The People of the Philippines vs. Hon. Eligio C. Dajao, as Municipal Judge of Oroquieta" (for Mandamus), ordered him to forward to the Supreme Court the records of the eight criminal cases.

The jurisdiction of Justices of the Peace in provincial capitals to try criminal cases assigned to them by the Courts of First Instance was conferred originally by Section 87 of the Judiciary Act of 1948 (R.A. No. 296), which provided:

"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, x x x."

On August 1, 1959 Republic Act No. 2613 took effect, in which the aforequoted provision on delegation or assignment of cases was suppressed, and instead the jurisdiction of Justices of the Peace in provincial capitals and Judges of municipal courts (of chartered cities) was enlarged, as follows:

"Justices of the Peace in the capitals of provinces and Judges of Municipal Courts shall 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 prison correctional or imprisonment for not more than six years or fine not exceeding three thousand pesos or both, x x x."

It should be noted that in both provisions the jurisdiction thus conferred upon Justices of the Peace in provincial capitals referred to "an offense committed within the province," although under the former provision the jurisdiction was a "delegated" one, while under the latter it was original and could be exercised concurrently with the Court of First Instance.

The law underwent another amendment on June 22, 1963, when Republic Act No. 3828 was approved. As amended the pertinent portion of Section 87 reads:

"Justices of the peace in the capitals of provinces and sub-provinces and judges of municipal courts shall have like jurisdiction as the Court of First Instance to try parties charged with an offense committed within their respective jurisdictions, 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, x x x."

This last amendment, which was already in effect when the eight cases involved herein were assigned by the

Court of First Instance of Misamis Occidental to the municipal court of Oroquieta,[6] no longer refers to offenses committed within the province but to those "committed within their respective jurisdictions," that is, within the territorial jurisdictions of the corresponding justices of the peace in provincial capitals and Judges of municipal courts. Thus, as the law then stood the said courts could only try cases originally brought before them, and where their original jurisdiction was not exclusive but concurrent with that of the Courts of First Instance the territorial limits of such jurisdiction must be considered. The eight cases here involved obviously fell under neither category: they came to the Oroquieta court by assignment, and the offenses charged were committed in other municipalities. With particular reference to the five cases appealed to the Court of First Instance, the lack of competency of the Oroquieta court is even more obvious, for they called for the exercise of appellate jurisdiction, which the said court could not possibly have, whether by delegation or concurrently with the Court of First Instance under Section 87(c) of the Judiciary Act, as amended.

The order of assignment issued by the Court of First Instance of Misamis Occidental was therefore nothing but an exercise in futility. It was void and ineffective, and vested no authority upon the municipal court of Oroquieta except to return the cases physically to the court whence they came. The order of dismissal subject of this appeal, issued by a court without jurisdiction, was equally to no purpose. The status of these cases is as if they had neither been assigned nor dismissed, but had remained pending in the Court of First Instance all the while. It is of course to be deplored that the rigmarole, unnecessary and avoidable as it was, has unduly delayed the disposal of these cases and to that extent adversely affected the administration of justice.

Wherefore, the records are ordered remanded to the Court of First Instance of Misamis Occidental for further proceedings.

Concepcion, C.J., Reyes, J.B.L., Dizon, Zaldivar, Castro, Fernando, Teehankee, Barredo, and Villamor, JJ., concur.

[1] Originally docketed as Criminal Case 717 in the Justice of the Peace (now municipal) Court of Baliangao.

[2] Originally docketed as Criminal Case 629 in the Justice of the Peace (now municipal) Court of Baliangao.

[3] Originally docketed as Criminal Case 942 in the Justice of the Peace (now municipal) Court of Plaridel.

[4] Originally docketed as Criminal Case 2161 in the Justice of the Peace (now municipal) Court of Aloran.

[5] Originally docketed as Criminal Case 380 in the Justice of the Peace (now municipal) Court of Calamba.

[6] The first assignment order of the Court of First Instance was issued on August 26, 1963 in Criminal Case No. 5651.

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