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2. TERRITORIAL JURISDICTION

1. General Rule

A criminal case should be instituted and tried in the place where the offense was committed or any of its essential ingredients took place.¹³

Exceptions:

1. Under the 1987 Constitution, the Supreme Court may order a change of venue or place of trial to avoid a miscarriage of justice.¹⁴
2. When the law provides otherwise – e.g., Presidential Decree No. 1606, Revising Presidential Decree No. 1486 Creating a Special Court to be known as 'Sandiganbayan' and for other purposes, as amended by Presidential Decree No. 1861.
3. Case under the Revised Rules of Criminal Procedure, Rule 110, Section 15 (b), (c) and (d).

2. Jurisdiction Over the Person of Accused

Jurisdiction over the person of the accused is acquired either by his/her arrest or voluntary appearance in court.¹⁵

3. Criminal Jurisdiction Of Municipal Trial Courts (Republic Act 7691 Section 2 Amending Section 32 of Batas Blg. 129)

1. Violations of city or municipal ordinances committed within their respective territorial jurisdictions
2. All offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of the fine, and regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof
3. Offenses involving damage to property through criminal negligence regardless of the value of the property

Exceptions:

1. Cases falling within the exclusive original jurisdiction of the (a) Regional Trial Court, and (b) the Sandiganbayan

Examples:

- (i) Libel is punishable by prision correccional in its minimum and maximum period or fine or bail (Revised Penal Code, Article 354). Article 360, however, of the same code as amended, provides that the criminal and civil action for damages in cases of written defamation shall be filed in the court of first instance, etc.¹⁶

(ii) Jurisdiction over Election Offenses

SEC. 268. Jurisdiction of courts. — The regional trial court shall have the exclusive original jurisdiction to try and decide any criminal action or proceedings for violation of this Code, except those relating to the offense of failure to register or failure to vote which shall be under the jurisdiction of the metropolitan or municipal trial courts. From the decision of the courts, appeal will lie as in other criminal cases.¹⁷

(iii) Article X Jurisdiction Over Dangerous Drugs Cases

SEC. 39. Jurisdiction. — The Court of First Instance, Circuit Criminal Court, and Juvenile and Domestic Relations Court shall have concurrent original jurisdiction over all cases involving offenses punishable under this Act: Provided, That in cities or provinces where there are Juvenile and Domestic Relations Courts, the said courts shall take exclusive cognizance of cases where the offenders are under sixteen years of age.¹⁸

Thus, the aforementioned exception refers not only to Section 20 of Batas Blg. 129 providing for the jurisdiction of Regional Trial Courts in criminal cases, but also to other laws which specifically lodge in Regional Trial Courts exclusive jurisdiction over specific criminal cases, e.g., (a) Article 360 of the Revised Penal Code, as amended by Republic Act 1289 and 4363 on written defamation or libel; (b) Intellectual Property Code (Republic Act No. 8293), which vests upon Regional Trial Court exclusive jurisdiction over the cases therein mentioned regardless of the imposable penalty; and (c) more appropriately for the case at bar, Section 39 of Republic Act No. 6425, as amended by Presidential Decree No. 44, which vests on Courts of First Instance, Circuit Criminal Courts, and the Juvenile and Domestic Relations Courts concurrent exclusive original jurisdiction over all cases involving violations of said Act.¹⁹

2. Cases which fall under the original and exclusive jurisdiction of the Family Courts (Rep. Act No. 8369)

3. Cases which fall under the original and exclusive jurisdiction of the Sandiganbayan under Republic Act 8249

The Sandiganbayan has exclusive and original jurisdiction cases where the accused are those enumerated in subsection a, Section 4 and, generally, national and local officials classified as Grade '27' and higher under the Compensation and Position Classification Act of 1989 (Rep. Act No. 6758). Its jurisdiction over other offenses or felonies committed by public officials and employees in relation to their office is no longer determined by the prescribed penalty, viz., that which is higher than prison correccional or imprisonment for six (6) years or a fine of Php 6,000; it is enough that they are committed by those public officials and employees enumerated in subsection a, Section 4 above. However, it retains its exclusive original jurisdiction over civil and criminal cases filed pursuant to or in connection with Executive Order Nos. 1, (Creating the Presidential Commission on Good Government); 2 (Regarding the Funds, Moneys, Assets, and Properties Illegally Acquired or Misappropriated by Former President Ferdinand E. Marcos, Mrs. Imelda R. Marcos, Their Close Relatives, Subordinates, Business Associates, Dummies, Agents, or Nominees); 14 (Defining the jurisdiction Over Cases Involving the Ill-gotten Wealth of Former President Ferdinand E. Marcos, Mrs. Imelda R. Marcos, Members of Their Immediate Family, Close Relatives, Subordinates, Close and/or Business Associates, Dummies, Agents, and Nominees; and 14-A (Amending E.O. No. 14)²⁰

Under Republic Act No. 8249, the Sandiganbayan partly lost its exclusive original jurisdiction in cases involving:

1. Violations of Republic Act No. 3019 (Anti-Graft and Corrupt Practices Act as amended);
2. Republic Act No. 1379 (An Act Declaring Forfeiture in Favor of the State Any Property Found to Have Been Unlawfully Acquired by any Public Officer or Employee and Providing for the Proceeding Therefor); and
3. Chapter II, Section 2, Title VII of the Revised Penal Code. (Article 210, Direct Bribery; Article 211, Indirect

Bribery; and Article 212, Corruption of Public Officials).

Administrative Circular No. 09-94

Subject: Guidelines in the implementation of Republic Act No. 7691, Entitled 'An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts, Amending For the Purpose Batas Pambansa Blg. 129, Otherwise Known as the Judiciary Reorganization Act of 1980.'

For the guidance of the Bench and the Bar, the following guidelines are to be followed in the implementation of Republic Act No. 7691, entitled 'An Act Expanding the Jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts, Amending for the Purpose Batas Pambansa Blg. 129, Otherwise Known as the 'Judiciary Reorganization Act of 1980q

x x x

3. The criminal jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts under Section 32 (2) of B.P. Blg. 129, as amended by R.A. 7691, has been increased to cover offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of the fine. As a consequence, the Regional Trial Courts have no more original jurisdiction over offenses committed by public officers and employees in relation to their office, where the offense is punishable by more than four (4) years and two (2) months up to six (6) years.

4. The provisions of Section 32 (2) of B.P. Blg. 129, as amended by R.A. No. 7691, apply only to offenses punishable by imprisonment or fine, or both, in which case the amount of the fine is disregarded in determining the jurisdiction of the court. However, in cases where the only penalty provided by law is a fine, the amount thereof shall determine the jurisdiction of the court in accordance with the original provisions of Section 32 (2) of B.P. 129 which fixed the original exclusive jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts over offenses punishable with a fine of not more than Php 4,000. If the amount of the fine exceeds Php 4,000, the Regional Trial Courts shall have jurisdiction, including offenses committed by public officers and employees in relation to their office, where the amount of the fine does not exceed Php 6,000.

However, this rule does not apply to offenses involving damage to property through criminal negligence which are under the exclusive original jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts, irrespective of the amount of the imposable fine.

4. Cases Governed by the Summary Rules (Revised Rules on Summary Procedure)

1. Violations of traffic laws, rules and regulations;
2. Violations of the Rental Law;
3. Violations of the municipal or city ordinances;
4. Offenses committed by the public officers and employees in relation to their office, including those employed in government-owned-or-controlled corporations, where the penalty prescribed by law is imprisonment of not exceeding six (6) months, or a fine of not exceeding Php 1,000 or both;
5. All other criminal cases where the penalty prescribed by law for the offense charged does not exceed six (6) months imprisonment, or a fine of not exceeding Php 1,000, or both, irrespective of other imposable penalties, accessory or otherwise, or of the civil liability arising therefrom.
6. Offenses involving damage to property through criminal negligence where the imposable fine does not exceed Php 10,000.

5. Cases Governed by the Regular Rules

1. The regular rules are as follows:

1.1 Offenses committed by public officers and employees in relation to their office, including those employed in government-owned-or-controlled corporations, whether simple or complexed with other crimes, where the penalty prescribed by law imprisonment exceeding six (6) years or a fine exceeding Php 4,000 when the offender's position is below those enumerated above.

1.2 All other offenses where the imposable penalty prescribed by law is imprisonment exceeding six (6) years or a fine exceeding Php 1,000 but no more than Php 4,000 or both, regardless of other imposable accessory, or other penalties, including the civil liability arising from such offense or predicated thereon, irrespective of kind, nature, value or amount thereof.²¹

1.3 Offenses involving damage to property through criminal negligence only, where the imposable fine exceeds Php 10,000.²²

2. Notes

2.1 'Imposable Penalties' refers to the penalty prescribed by law for the offenses charged and not the penalty actually imposed on the accused after the plea of guilty on trial.

2.2 Any circumstances which may affect criminal liability must not be considered. The jurisdiction in court in a criminal case is determined by the penalty imposable, not the penalty ultimately imposed.²³

Examples:

(i) Juan is charged with serious physical injuries resulting in deformity under Article 263, paragraph 3 of the Revised Penal Code which prescribed a penalty of prision correccional in its medium and maximum periods ranging from six (6) months and one (1) day to four (4) years and two (2) months. The fact that the Municipal Court is of the opinion that the penalty to be imposed should only be arresto mayor would not place the case under the Summary Rules.

(ii) If Juan is charged under Article 263 paragraph 2 of the Revised Penal Code with the person injured having lost the use of an arm, the penalty prescribed for such offense is prision correccional in its medium and maximum periods ranging from two (2) years, four (4) months and one (1) day to six (6) years. The case falls under the jurisdiction of the Regional Trial Court. The fact that the Regional Trial Court Judge is of the opinion that the penalty to be actually imposed should only be two (2) years and four (4) months would not divest the Regional Trial Court of its jurisdiction since it is the penalty prescribed by law that determines jurisdiction.

2.3 'Imposable accessory penalties' refers to the accessory penalties accompanying (1) prision correccional prescribed in Article 41, Revised Penal Code (RPC); (2) arresto mayor prescribed in Article 42 and (3) confiscation and forfeiture of the proceeds and instruments of the crime prescribed in Article 45, RPC.

2.4 Other imposable penalties

The additional penalty for habitual delinquency is not considered in determining which court shall have jurisdiction over a criminal case because such delinquency is not a crime.²⁴

2.5 Civil liability irrespective of value or amount

Where the offense charged is within the exclusive competence of the municipal trial court by reason of the penalty (imprisonment, etc.), it shall have jurisdiction to try and decide the case even if the civil liability (such as actual,

compensatory, etc.) claimed exceeds Php 20,000.25

2.6 Civil liability irrespective of kind of nature

Where the offense charged is within its exclusive competence by reason of the penalty prescribed therefor, a municipal trial court shall have jurisdiction to try and decide the cases irrespective of the kind or nature of the civil liability arising from the said offense.

Example:

A municipal trial court has jurisdiction over a case of simple seduction defined and penalized under Article 338 of the Revised Penal Code, as amended, with *arresto mayor*, regardless of the civil liability, such as support and acknowledgment of the offspring, that may be imposed under Article 345 of the same code.

6. Damage to Property Through Criminal Negligence

Article 365 of the Revised Penal Code, as amended, provides that when criminal negligence shall have resulted only in damage to property of another, the offender shall be punished by a fine ranging from an amount equal to the value of the said damages to three (3) times such value, which shall in no case be less than Php 25.

Accordingly:

1. Where the amount or value of the damage to property alleged in the complaint or information does not exceed Php 3,333.33, the municipal trial court shall try and decide the case observing the Summary Rules.

Note: Three (3) times the said value does not exceed Php 10,000.

2. Where the amount or value of the damage to property alleged in the complaint or information is one ranging from Php 3,334 to Php 6,666.66, a municipal trial court shall try and decide the case observing Regular Rules.

Note: Three (3) times the said value exceeds Php 10,000.

The Summary Rules are not applicable to Batas Blg. 22 where the penalty of imprisonment prescribed exceeds the procedural limit of six (6) months provided in the Summary Rules.

7. Special Jurisdiction in Certain Cases

In the absence of all Regional Trial Judge in a province or city, any Metropolitan Trial Judge, Municipal Trial Judge, Municipal Circuit Trial Judge may hear and decide petitions for a writ of habeas corpus or applications for bail in criminal cases in the province or city where the absent Regional Trial Judges sit.²⁶

13 *People v. Mercado*, 65 Phil. 665 [1938]; *Manila Railroad Co. v. Attorney General*, *supra*, note 2.

14 Art. VIII, Sec. 5 (4).

15 *Republic v. Sunga*, No. L-38634, June 20, 1988, 162 SCRA 191 citing *Crespo v. Mogul*, No. L-53373, June 30, 1987, 151 SCRA 462.

16 *People v. Metropolitan Trial Court of Quezon City*, Br. 32, G.R. No. 12326, December 16, 1996, 265 SCRA 645.

17 Omnibus Election Code, Sec. 184.

18 *Morales v. Court of Appeals*, G. R. No. 126623, December 12, 1997, 283 SCRA 211.

19 Morales v. Court of Appeals, supra, note 18.

20 People v. Magallanes, supra, note 8.

21 BP Blg. 129, Sec. 32.

22 Summary Rules, Sec. 1.B, in relation to BP Blg. 129, Sec. 32.

23 Guevarra v. Almodovar, G. R. No. 75256, January 26, 1989, 169 SCRA 476.

24 B. P. Blg. 129; El Pueblo de Filipinas v. San Juan, 69 Phil. 347 [1940].

25 B. P. Blg. 129, Sec. 32; United States v. Bernardo, 19 Phil. 265 [1911]; Legados v. De Guzman, G. R. No. 35825, February 20, 1989, 170 SCRA 357.

26 BP Blg. 129, Sec. 35.

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