

ILDEFONSO BRECINIO, PETITIONER AND APPELLANT, VS. NICOLAS PAPICA, JUSTICE OF THE PEACE, PILI, CAMARINES SUR, ET AL., RESPONDENTS AND APPELLEES.*G.R. No. L-20347. October 31, 1964*

Ponente: BARRERA, J.

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From the decision of the Court of First Instance of Camarines Sur (in Civil Case No. 5117), dismissing the petition to declare the Justice of the Peace Court of Pili, Camarines Sur without jurisdiction to try the case for qualified theft filed against him, Ildefonso Brecinio instituted the present appeal, on the sole issue of whether a justice of the peace court can legally take cognizance of a case for theft or large cattle where the value of such property does not exceed P200.00.

It is not disputed that appellant Ildefonso Brecinio was accused before the Justice of the Peace Court of Pili, Camarines Sur of having stolen a carabao worth P150.00, belonging to one Teodolo Barientes. The accused then moved for Uie dismissal of the case, claiming that jurisdiction belongs to the Court of First Instance, because the penalty imposable is more than six months. The Justice of the Peace denied the motion claiming it had original jurisdiction concurrently with the Court of First Instance. Accused-petitioner took the matter up on certiorari to the Court of First Instance of Camarines Sur, which likewise ruled that the jurisdiction of the court of first instance over the offense charged is concurrent with the justice of the peace court, and as the latter first took cognizance of the case, the same has authority to try and decide the same. As a consequence, the petition for certiorari was dismissed. Hence, the present appeal.

The question presented in this appeal has been definitely settled as early as 1959[1] when in two cases decided by the Supreme Court,[2] it has been held that Courts of First Instance and the Justice of the Peace Courts have concurrent jurisdiction over all criminal cases specifically mentioned in Section 87, paragraph c [3] (now paragraph b of the Judiciary Act, as amended), when the penalty provided by law is imprisonment for more than six months, or a fine of more than two hundred pesos. (See Sec. 44(f) of the Judiciary Act,) And, among these criminal cases thus mentioned in the Judiciary Act are:

"(b) All criminal cases arising under the laws relating to:

x x x x x x x x

(3) 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;"

This ruling was upheld and reiterated in the subsequent case of *Natividad vs. Robles*, also decided in 1950 (December 29) [4] wherein this Court, speaking through the former Chief Justice Moran, again reaffirmed that both the Courts of First Instance and the Justice of the Peace Courts have concurrent original jurisdiction over the cases mentioned in Section 87, paragraph c (now paragraph b) of the Judiciary Act of 1948, in view of the

enlargement of the jurisdiction of the Justice of the Peace Courts to include the same jurisdiction already vested in the Municipal Court of Manila and of the municipal courts of other chartered cities such as Cebu, Iloilo, Banguio, San Pablo and Cavite.

The doctrine was again applied in the cases of *People vs. Colicio*,^[5] which precisely involves the offense of qualified theft, and *Paringit vs. Masakayan*.^[6] There is, therefore, no reason, and none has been advanced by appellant, why this question should again be raised.

The record discloses that right from the start, appellant has been apprised of the existence of this doctrine, because the attention of appellant has been called to the decisions of this Court both in the order of the justice of the peace, denying his motion to dismiss, as well as in the decision of the court of first instance dismissing appellant's petition for certiorari. In his brief filed in this Court, appellant predicates his appeal solely on the existence of the decision of the Court of Appeals in the case of *People vs. Bacolongon* (G. R. No. 20340-R, Jan. 27, 1958), wherein the Court of Appeals, in an obiter, stated that in the case of theft of large cattle, it is not the amount involved that confers jurisdiction upon the court, but the penalty that is prescribed therefor, thereby concluding that since the penalty impossible for the crime of qualified theft is prison mayor in its medium degree to reclusion temporal in its minimum degree, the Justice of the Peace Court of Dolores, Samar, had no jurisdiction to try the case. The appellant thus concludes that "in view of the above ruling of the Honorable Court of Appeals, we were prompted to bring this case before this Honorable Supreme Tribunal for a final say on the matter as excellent guide for the bench and the bar."

Undoubtedly, this appeal is merely for delay as appellant or his counsel should know that in case of any conflict between the decisions of the Supreme Court and that of the Court of Appeals, those of the former always prevail.

Wherefore, the order of the Court of First Instance of Camarines Sur dismissing the petition for certiorari filed by the appellant is hereby affirmed, and under the circumstances of the case, the appellant must pay to treble the costs. So ordered.

Bengzon, C. J., Bautista Angelo, Concepcion, Reyes, J. B. L., Paredes, Dizon, Makalintal, Bengzon, J. P., and Zaldivar, JJ. concur

[1] See also *People vs. San Juan*, decided Jan. 15, 1940, 69 Phil. 347, 349; *People vs. Blanco*, Jan. 30, 1950, 85 Phil. 296. [2] *People vs. Palmon*, 86 Phil. 345, 353; *People vs. Peñas and* " *People vs. Rey*, June 23, 1950, 86 Phil. 596.

[3] See Republic Act 296.

[4] 87 Phil. 834..

[5] 88 Phil. 196.

[6] G.R. No. L-16578, July 31, 1961.

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