

LE HUA SIA, PETITIONER, VS. HON. LUIS B. REYES, PRESIDING JUDGE OF THE COURT OF FIRST INSTANCE OF MANILA, BRANCH XXI AND CHUA AN, RESPONDENTS.

G.R. No. L-21686. April 16, 1968

Ponente: CASTRO, J.

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CASTRO, J.:

Upon complaint by Le Hua Sia, an information was filed with the municipal court of Manila (criminal case F-043204), charging Chua An with "physical injuries which required me-dical attendance for a period of more than one day but not more than nine days which prevented her from performing her customary labor for the same period of time." After due trial, the accused was found guilty as charged and sentenced "to pay a fine of P100.00, or suffer subsidiary imprisonment in case of insolvency, with costs," Chua An appealed to the Court of First Instance of Manila (criminal case 70480). The counsel for Le Hua Sia, as private prosecutor, with the conformity of the City Fiscal, there filed a petition asking that the record of the criminal case, including the transcript of the stenographic notes taken during the trial, which had been forwarded to the CFI, be returned to the municipal court "in order that the said inferior court would elevate the record to the Court of Appeals which has appellate jurisdiction over the case." This petition was denied by the respondent Judge Luis B. Reyes in his order of June 29, 1963, on the ground that the appeal falls within the appellate jurisdiction of the Court of First Instance of Manila.

Not satisfied with this order, Le Hua Sia filed the pre-sent petition for certiorari, prohibition and mandamus, with preliminary injunction, praying, inter alia, that the respondent judge be declared without jurisdiction over the ap-pear, that the order of June 29, 1963 be set aside, and that the said respondent be ordered to return the record of the case to the inferior court to enable it to elevate the same to the Court of Appeals for review.

It is the contention of the petitioner that the Court of Appeals, and not the Court of First Instance of Manila has appellate jurisdiction over criminal case F-043204, citing the last two paragraphs of section 87 of Republic Act 296, otherwise known as the "Judiciary Act of 1948," as amended by R.A. 2613, and further amended by R.A. 3828, which read:

"Municipal judges in the capitals of provin-ces and subprovinces 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 jurisdictions, in which the penalty provided by law does not exceed prison correccional or imprisonment for not more than six years or fine not exceeding six thou-sand pesos or both, and in the absence of the dis-tribt judge, shall have like jurisdiction within the province as the Court of First Instance to hear applications 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 petitioner argues that because the above-cited provisions confer on city courts "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 correccional or imprisonment for not more than six years or fine not exceeding six thousand pesos, or both," and since the proceedings had in criminal case F-043204 were recorded, the appeal in the said case should go direct to the Court of Appeals and not to the Court of First Instance of Manila. This argument is unavailing.

An illuminating analysis of the jurisdiction of city courts vis-a-vis the jurisdiction of courts of first instance was made by Mr. Justice J.B.L. Reyes in *Esperat v. Avila, et al*, L-25922, June 30, 1967. Said Mr. Justice Reyes:

"Petitioner contends that although under the original provision of section 87(b) of Republic Act 296, as well as in Republic Act 2613, the original jurisdiction of the justices of the peace and municipal courts was confined to cases punishable by imprisonment for not more than six months, or a fine of not more than P200.00 or both, this jurisdiction was enlarged by Republic Act 3828 when it was extended to cases here the penalty provided by law is imprisonment not exceeding 3 years or fine of not more than P3,000.00, or both imprisonment and fine. Since under the Revised Penal Code, the crime of grave coercion, of which he was charged before and found guilty by the City Court of Cotabato, is punishable by arresto mayor and a fine not exceeding P500.00, petitioner claims that the original jurisdiction of the said court is exclusive, and the decision is, consequently, appealable to the Court of First Instance.

"The fallacy in petitioner's argument lies in his failure to consider section 44(f) of the same Judiciary Act of 1948, in conjunction with its section 87(c). Note that notwithstanding the various amendments received by section 87, section 44(f) remained unaltered, thereby indicating the intention of the legislators to retain the original jurisdiction of the court of first instance in certain cases. The fact that the jurisdiction of the municipal or city courts was enlarged in virtue of the amendments of section 87(c), cannot be taken as a repeal or withdrawal of the jurisdiction conferred on the court of first instance. Not only is implied repeal disfavored by the law, but also, it is a cardinal principle that a statute must be so construed as to harmonize all apparent conflicts, and give effect to all its provisions whenever possible.

"Actually, there is nothing irreconcilable between sections 44(f) and 87(c) of the Judiciary Act.

"As therein provided, the court of first instance was given original jurisdiction over cases where the penalty prescribed by law is imprisonment for more than 6 months or fine of more than P200.00; the justices of the peace and municipal or city courts of chartered cities, over cases where the penalty is imprisonment for not more than 3 years, and fine of not more than P3,000.00. In other words, where the prescribed penalty is imprisonment for more than 6 months, but not exceeding 3 years, or fine of more than P200.00 but not exceeding P3,000.00 the justice of the peace or municipal court only has concurrent (and not exclusive) original jurisdiction with the court of first instance. And, it may be stated that this concurrent jurisdiction between the inferior courts and the court of first instance was not provided for the first time in Republic Act No. 3828. Under Republic Act 2613, crimes the penalties for which do not exceed 3 years, or fine for not more than P3,000.00, were specifically placed within the jurisdiction of the justice of the peace and municipal courts, concurrent with the court of first instance.

"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 fine of P200.00 or less, whereas the exclusive original jurisdiction of the court 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 fine for more than P3,000.00 (or P6,000.00 in proper cases), or both such imprisonment and fine. Between these exclusive jurisdictions lies a zone where the jurisdiction is concurrent. This is the proper construction to be placed on the provisions involved herein, regardless of what may have been the prior rulings on the matter. Needless to state, in an appropriate case where the jurisdiction of the justice of the peace, municipal or city court is concurrent with that of the court of first instance, appeal from the decision of

the for-mer tribunal lies directly to the Court of Ap-peals, or the Supreme Court.

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“The foregoing pronouncement is made on the assumption that the proceedings in the Cotabato City Court in which petitioner was convicted have been regularly conducted and recorded and the stenographic notes have been taken of the testimony submitted to the trial Court, * * *.”

Paraphrasing, an appeal from a judgment of a munici-pal court or city court in a criminal case that falls within its original exclusive jurisdiction is appealable only to the court of first instance; the judgment of a municipal or city court in a criminal case over which it has concurrent jurisdiction with the court of first in-stance, is appealable direct to the Court of Appeals or the Supreme Court, as the nature of the issues involved in the appeal may warrant, provided of course that the proceedings had in such case were recorded.

In the case at bar, the indictment charges Chua An with slight physical injuries defined and penalized un-der article 266, paragraph 1, of the Revised Penal Code. The penalty for the offense is arresto menor, or imprisonment of from 1 day to 30 days. It is obvious that the crime charged falls within the original exclusive juris-diction of the city court of Manila. The judgment in such case is therefore appealable directly to the Court of First Instance of Manila, and not to the Court of Appeals, as rightly held by the respondent judge.

ACCORDINGLY, the present petition is denied, and the writ of preliminary injunction issued on August 14, 1963 is dissolved. Costs against the petitioner.

Reyes, J.B.L., (Acting C.J.), Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Angeles, and Fernando, JJ., concur.

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