

BAYANI QUINTO AND DANILO ENRIQUEZ, PETITIONERS, VS. HON. ONOFRE A. VILLALUZ, PRESIDING JUDGE, CIRCUIT CRIMINAL COURT, PASIG, RIZAL; AND DISTRICT STATE PROSECUTOR CORNELIO M. MEL...

G.R. No. L-33757. March 29, 1982

Ponente: ESCOLIN, J.

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ESCOLIN, J.:

In this petition for certiorari, Bayani Quinto and Danilo Enriquez assail the authority of the Circuit Criminal Court of Pasig, Rizal, then presided by respondent Judge Onofre A. Villaluz (now Associate Justice of the Court of Appeals) to take cognizance of Criminal Case No. CCC-VII-838 on the ground that the Court of First Instance of Cavite had already exercised jurisdiction over the case.

The antecedent facts are not disputed. On June 15, 1971, one Lamberto Alcantara was slain inside the "Rosario Kiosk" at the poblacion of Rosario, Cavite. This incident led to the filing of two [2] separate criminal complaints for homicide: the first was filed on June 16, 1971 in the Municipal Court of Rosario, Cavite by Enrique C. Banzon, chief of police of Rosario, against petitioner Bayani Quinto; and the second was filed directly with the Circuit Criminal Court of Pasig, Rizal on June 18, 1971 by Lt. Petronilo Viceno of the Philippine Constabulary, against three [3] accused, namely: Bayani Quinto, Danilo Enriquez and Valeriano "Billy" Reyes.

The first complaint was based on the sworn statements of Arsenio Mira and Danilo Enriquez, and the second, on the affidavits of Leopoldo Camposanto and Oscar Alcantara.

It appears that immediately upon the filing of the complaint in the Municipal Court of Rosario, Mayor Calixto Enriquez of said town conducted a preliminary examination in the absence of the municipal judge and, having found that "there is reasonable ground to believe that the crime charged has been committed and that accused Bayani Quinto probably committed the same," he issued a warrant of arrest against petitioner Quinto. On June 26, 1971 Judge Teofilo Pugeda of the Municipal Court of Rosario conducted a preliminary investigation and on June 29, 1971 the record was remanded to the Court of First Instance of Cavite where the same was docketed as Criminal Case No. TM-101.

Upon the other hand, Judge Villaluz, acting on the complaint filed in his court, issued an order dated June 21, 1971 directing respondent State Prosecutor Cornelio M. Melendres to conduct a preliminary investigation pursuant to Section 13 in relation to Section 2, Rule 112 of the Rules of Court.

On June 28, 1971, petitioners Quinto and Enriquez filed with the Circuit Criminal Court of Pasig, Rizal, a motion for reconsideration of the June 21 order of Judge Villaluz, advancing that the Circuit Criminal Court could no longer take cognizance of the case because the Court of First Instance of Cavite had already acquired jurisdiction over the same.

Upon the other hand, on June 29, 1971, Mrs. Teresita Alcantara, widow of the victim, filed a motion in the Court

of First Instance of Cavite, pre-sided by Judge Alberto Averia, praying that Criminal Case No. TM-101, entitled "People vs. Bayani Quinto," be transferred to the Circuit Criminal Court of Pasig, Rizal. As ground therefor, she contended that the Circuit Criminal Court, as of June 21, 1971 had acquired jurisdiction over the accused Quinto, Enriquez and Reyes. Judge Averia ordered Asst. Provincial Fiscal Ireneo S. Felix, the fiscal assigned to the case, to comment on the motion. Since Fiscal Felix, in his comment, inter-posed no objection to the transfer of the case to the Circuit Criminal Court, the record of Criminal Case No. TM-101 was transmitted to the Pasig Court on July 15, 1971.

After Judge Villaluz issued the order dated July 8, 1971, denying the petitioners' motion to restrain respondent State Prosecutor from taking action on the case, the latter set the preliminary investigation on July 14, 1971.

To stop the projected hearing, petitioners Quinto and Enriquez commenced the instant petition against Judge Onofre A. Villaluz and District State Prosecutor Cornelio M. Melendres to stop "them from conducting the preliminary investigation and proceeding with the trial." As prayed for by petitioners, this Court issued a resolution restraining respondents from taking any action on the case.

Petitioners contend that the Court of First Instance of Cavite acquired exclusive jurisdiction over Criminal Case No. TM-101 upon its receipt of the record from the Municipal Court of Rosario. This thesis overlooks the fact that Rep. Act No. 5179, which took effect on September 8, 1967, conferred upon the circuit criminal courts concurrent jurisdiction with the courts of first instance over crimes specified therein which theretofore were exclusively cognizable by the latter.

Since the filing of the complaint or information "supplies the occasion for the exercise of jurisdiction vested by law in a particular court,"[1] and as no information was ever filed with the Cavite Court of First Instance, the latter cannot be said to have acquired jurisdiction over the case. What is more, when the record was remanded to the Court of First Instance of Cavite from the Municipal Court on June 29, 1971, Lt. Viceno had already filed the complaint dated June 18, 1971 with the Circuit Criminal Court.

In criminal complaints filed with the municipal courts and remanded to the courts of first instance, the fiscal or his assistant has not only the power, but also the duty to investigate the facts upon which the complaint was based, and to examine the evidence presented to the municipal judge as well as such other evidence as the fiscal may demand or the parties may deem proper to submit for the purpose of determining the existence of prima facie evidence establishing the guilt of the accused and overcoming the presumption of innocence in his favor.[2] Thereafter, he may either move for dismissal of the case or file the corresponding information. In the latter case, he has the discretion to file the information either with the court of first instance or the circuit criminal court. Administrative Order No. 274 of the Secretary (Ministry) of Justice authorizes fiscals and their assistants to file from 15 to 30 cases a month with the Circuit Criminal Court.

As held by this Court in *Salcedo vs. Suarez*:^[3]

"x x x Provincial and city fiscals have been granted the choice of forum with regard to the filing of informations for serious crimes within the concurrent jurisdiction of the courts of first instance and circuit criminal courts, with a case filed by the criminal court having the advantage or disadvantage, depending upon the accused's viewpoint, of continuous trial until termination and a prompt verdict within 30 days from submittal of the case for decision, but the validity of the law cannot be seriously challenged."

The transfer of the record of Criminal Case No. TM-101 from the Court of First Instance of Cavite to the Circuit Criminal Court at Pasig, Rizal, cannot therefore be assailed as irregular, the same having been made upon prior manifestation of Fiscal Felix of his option to have the case prosecuted before the Circuit Criminal Court.

It should be pointed out that only petitioner Bayani Quinto is indicted in Criminal Case No. TM-101 of the Cavite Court of First Instance, whereas three [3] defendants, Bayani Quinto, Danilo Enriquez and Valeriano "Billy" Reyes stand charged before the Circuit Criminal Court. To return Criminal Case No. TM-101 to the Cavite Court, as urged by petitioners, would result in the trial of petitioner Quinto separately and independently of the trial of his two co-defendants before Circuit Criminal Court. Needless to state, such procedure would sanction multiplicity of suits which is prejudicial to the speedy and orderly administration of justice.

WHEREFORE, the petition is hereby dismissed, with costs against petitioners.

SO ORDERED.

Barredo, (Chairman), Aquino, Concepcion, Jr., De Castro, and Ericta, JJ., concur. Abad Santos, J., no part.

[1] Arcaya vs. Teleron, 57 SCRA 363, 366.

[2] People vs. Ovilla, 65 Phil. 722; Talusan vs. Ofiana, 45 SCRA 467.

[3] 80 SCRA 240.

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