

PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLEE, VS. MODESTO MALABANAN Y ARANDIA, DEFENDANT AND APPELLANT.

G.R. No. L-16478. August 31, 1961

Ponente: BARRERA, J.

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BARRERA, J.:

Appellant Modesto Malabanan was charged in the Court of First Instance of Laguna (in Crim. Case No. B-108) with the crime of "double serious physical injuries with damage to property thru reckless imprudence", under the following information:

"That on or about January 20, 1957, in the Municipality of Biñan, Province of Laguna, Republic of the Philippines, and within the jurisdiction of this Honorable Court, the accused above-named, being then the driver and person incharge of a BTCO Bus No. 302 bearing Plate No. TPU-12502 (Batangas '56), did then and there wilfully, unlawfully, recklessly and imprudently manage, operate and drive said vehicle while passing along the National Highway within the said municipality in a negligent, careless and imprudent manner, without due regard to traffic rules and regulations and in violation of the Motor Vehicle Law, and without taking the necessary precautions to avoid accident to persons and damage to property, causing by such negligence, carelessness and imprudence, said truck being driven and operated by the herein accused, to bump, strike and collide with a jeepney bearing Plate No. TPU-4975 (Manila '56) thereby causing serious physical injuries to its driver, Prodito Rufon y Goyo and his lone passenger Honorato Villarico which will require medical attendance for a period of at least ten (10) months and will incapacitate them to perform their customary labor for the same period of time, and causing damages to the last named jeepney in the amount of P3,000, to the damage and prejudice of Januaria Tanchingco, owner of said jeepney in the aforementioned sum of P3,000.

"Contrary to Law."

Upon arraignment, appellant pleaded not guilty. The case was then tried and, while the prosecution was presenting its first witness, the injured parties (Honorato Villarico and Prodito Rufon) reserved their right to file separate civil actions for damages arising from the criminal act. After trial, appellant was found guilty as charged and sentenced as follows:

"Wherefore, the Court hereby finds that the guilt of Modesto Malabanan of the complex crime of double serious physical injuries and damage to property thru reckless imprudence has been proven beyond reasonable doubt and there being present no modifying circumstance in the commission thereof, the accused in accordance with the provisions of Article 365 in relation to Article 48 of the Revised Penal Code, is hereby sentenced to pay a fine of P8,000 with subsidiary imprisonment in case of insolvency but not to exceed six (6) months, and to pay the costs. No pronouncement is herein made regarding the civil liability of the accused for the reason that the offended parties reserved their right to file separate civil action."

Dissatisfied with said judgment of the trial court, appellant appealed to the Court of Appeals, presenting factual and legal questions, but said court, on October 31, 1959, elevated the case to us, on the ground that the appeal raises this legal issue: "The trial court erred in assuming jurisdiction over the subject matter of the offense charged

in the information."

Appellant contends that the trial court has no jurisdiction over the offense at bar, citing as authority the case of *Lapuz vs. Court of Appeals, et al.*, (94 Phil., 710). It is urged that inasmuch as the crime with which appellant was charged is the complex crime of multiple serious physical injuries with damage to property thru reckless imprudence, punishable pursuant to Article 48 of the Revised Penal Code in relation to Article 365 of the same code, with the penalty for the more serious offense to be imposed in its maximum period, he could only be properly tried by the Justice of the Peace Court of Biñan, Laguna, instead of the Court of First Instance of Laguna, for the reason that of the two resulting offenses in said complex crime, namely, multiple serious physical injuries and damage to property, the former is graver or more serious than the latter; and, since said offense of multiple serious physical injuries is punishable with a prison term of *arresto mayor* in its medium and maximum periods, (a prison term the maximum of which does not exceed 6 months), it is the justice of the peace court (pursuant to Sec. 87 [b] of the Judiciary Act)[1] which has jurisdiction over the offense.

It is true that, following the ruling of this Court in the case of *Lapuz vs. Court of Appeals, supra*, in imposing the corresponding penalty, to the quasi-offense of reckless imprudence resulting in physical injuries and damage to property, Article 48 of the Revised Penal Code should be applied. However, there may be cases, as the one at bar, where the impossible penalty for the physical injuries charged would come within the jurisdiction of the municipal or justice of the peace court, while the fine, for the damage to property, would fall on the Court of First Instance. As the information can not be split into two, one for damages and another for the physical injuries, the jurisdiction of the court to take cognizance of the case must be determined not by the corresponding penalty for the physical injuries charged but by the fine impossible for the damage to property resulting from the reckless imprudence. (*Angeles, etc., vs. Jose, et al.*, 96 Phil., 151; 50 Off. Gaz., [12] 5764). The reason for this rule was given in the recent case of *People vs. Villanueva*, (111 Phil., 869), when this Court said:

"Considering that it is the court of first instance that would undoubtedly have jurisdiction if the only offense that resulted from appellant's imprudence were the damage to property in the amount of P2,636, it would be absurd to hold that for the graver offense of serious and less serious physical injuries combined with damage to property through reckless imprudence, jurisdiction would lie in the justice of the peace court. The presumption is against absurdity, and it is the duty of the courts to interpret the law in such a way as to avoid absurd results.
* * *.

"Moreover, we cannot discard the possibility that the prosecution may not be able to prove all the supposed offenses constituting the complex crime charged. Were we to hold that it is the justice of the peace court that has jurisdiction in this case, if later the prosecution should fail to prove the physical injuries aspect of the case and establish only the damage to property in the amount of P2,636, the inferior court would find itself without jurisdiction to impose the fine for the damage to property committed, since such fine can not be less than the amount of the damage. Again, it is to avoid this further absurdity that we must hold that the jurisdiction lies in the court of first instance in this case." (Italics supplied.)

We therefore conclude that the trial court correctly took cognizance of this case.

Considering that the jurisdictional issue raised by appellant is already a settled matter since the promulgation in 1954 of our decision in the case of *Angeles vs. Jose*, (*supra*), and, consequently, unsubstantial as to bring his appeal within our appellate jurisdiction (See *People vs. Cuello*, 111 Phil., 395) and that the review of the decision of the trial court in question would require a determination or revision of the factual findings of the trial court, as disclosed in Errors Nos. II to VI (See Appellant's Brief)[2] assigned by appellant, we are constrained to remand the case to the Court of Appeals for determination and disposition, in accordance with law. So ordered.

Bengzon, C. J., Padilla, Concepcion, Reyes, J. B. L., Paredes, JJ., concur.

Bautista Angelo, J., on leave, took no part.

Dizon, De Leon and Natividad, JJ., took no part.

[1] Prior to its amendment by Rep. Act No. 2613, effective August 1, 1959.

[2] II. The trial court erred in finding that the jeepney and bus No. 302 of the Batangas Transportation Company collided on the jeepney's lane and while the bus was in the act overtaking a calesa.

III. The trial court erred in not finding that the jeepney suddenly swerved to the left.

IV. The trial court erred in finding that at the time of the collision, the front wheels of Bus No. 302 of the Batangas Transportation Company were not running along a straight line but obliquely towards the right.

V. The trial court erred in finding that Bus No. 302 of the Batangas Transportation Company was running fast at the time of the collision.

VI. The trial court erred in not acquitting the appellant.

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