

CORA LEGADOS, REPRESENTED BY ROSA LEGADOS, AND HON. JESUS ANGELES, PETITIONERS, VS. HON. DOROTEO DE GUZMAN, JUDGE, CFI, BR. 11, ZAMBOANGA, VILMOR ICAO, REPRESENTED BY HIS MOTHER...

G.R. No. L-35825. February 20, 1989

Ponente: NARVASA, J.

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NARVASA, J.:

Section 32 of Batas Pambansa Bilang 129, effective August 14, 1981, grants to Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts[1] “(e)xlusive original jurisdiction over all offenses punishable with imprisonment of not exceeding four years and two months, or a fine of not more than four thousand pesos, or both such fine and imprisonment, 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.”[2]

The proviso altered and superseded the long standing doctrine first laid down in a 1911 case,[3] that an inferior court had no jurisdiction over the crime of simple seduction-although the penalty imposed is arresto mayor-because conviction thereof carried with it the liability imposed by Article 345 of the Revised Penal Code to acknowledge and give support to the offspring. The doctrine was made applicable whatever the peculiar circumstances of the offender and the offended party might be, it not being permitted, upon considerations of consistency and orderliness, “to speculate on wether or not an offspring may still arise from the crime, wether or not the complainant or the accused may be sterile or incapable of procreation, wether or not the complaint was already pregnant by another man when the crime was committed and various other factual considerations before the jurisdiction maybe fixed.”[4]

In the case at bar, long before the passage of B. P. Blg. 129,[5] a complaint for simple seduction[6] was filed with the then City Court of Dipolog (Branch II)[7] against Vilmor Icao. The complaint was presented by the offended girl, Cora Legados, represented by her mother, Rosa, and was subsequently made the basis of an information filed by the First Assistant Fiscal.[8] After entering a plea of not guilty on arraignment, Icao moved to quash the information on the ground that the City Court had no jurisdiction to try the offense, and the fiscal who filed the information had no authority to do so. The Court denied the motion and scheduled the case for trial on the merits. Icao thereupon instituted an action of prohibition[9] with the then Court of First Instance of Zamboanga City[10] which, in due course, granted the petition and permanently enjoined the proceedings in the City Court. It is this Order which is now assailed in this Court as having been rendered with grave abuse of discretion amounting to lack of jurisdiction.

The writ of prohibition was, of course, correctly issued by the respondent Judge, being consistent with the doctrine obtaining at the time, i.e., that an inferior court had no jurisdiction over simple crime of seduction. But, as already pointed out, the doctrine has since been changed. Now, the exclusive offense is explicitly declared by

law to be within the exclusive original jurisdiction, no longer of Courts of First Instance (since abolished and replaced by Regional Trial Courts), but of Metropolitan Trial Courts, and Municipal Circuit Courts.

WHEREFORE, the disputed Order of respondent Judge of October 9, 1972 is SET ASIDE, and the case is REMANDED to the Municipal Trial Court of Dipolog City. (which replaced the City Court) for further proceedings. This decision is immediately executory. No costs.

Cruz, Gancayco, Griño-Aquino, and Medialdea, JJ., concur.

[1] “Except in cases falling within the exclusive original jurisdiction of Regional Trial Courts and of the Sandiganbayan.”

[2] Italics supplied.

[3] U. S. v. Bernardo, 19 Phil. 265; see also, Luansing v. People, 27 SCRA 308 (1969), People v. Buisan, 105 SCRA 552 (1981).

[4] Diquino v. Cruz, Jr., 116 SCRA 457 (1982).

[5] On March 6, 1972, to be exact.

[6] Docketed as Criminal Case 19189

[7] Then presided by Hon. Jesus O. Angeles

[8] Fiscal Gaquipo La. Adriatico.

[9] Docketed as Sp. Civil Case No. 2319.

[10] Presided by herein respondent, Hon. Doroteo de Guzman.

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