

**MANUEL ARICHETA, PETITIONER VS. THE HONORABLE JUDGE,
COURT OF FIRST INSTANCE OF PAMPANGA, HONORABLE MARIANO
CASTANEDA, JUSTICE OF THE PEACE OF MABALACAT, PAMPANGA,
NOLI B. CASTR...**

G.R. No. L-8619. May 31, 1956

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On November 7, 1953, a collision took place between a bus belonging to the Philippine Rabbit Bus Lines and a car driven by Manuel Aricheta causing injuries to some passengers and damage to both cars and two electric posts. As a result two separate charges for damage to property through reckless imprudence and another for "multiple serious and slight injuries through reckless imprudence" were filed against Aricheta before the Justice of the Peace Court of Mabalacat, Pampanga.

On September 13, 1954, Aricheta was served with an order of the justice of the peace court directing him to appear before it on October 2, 1954 for trial of the three cases on the merits., Aricheta filed separately three motions to quash on the ground that said justice of the peace court does not have jurisdiction to try the cases on the merits because, considering their nature, they come within the jurisdiction of the court of first instance. On November 3, 1954, the court overruled the motions and instead enjoined Aricheta to appear for the required preliminary investigation on November 18, 1954. Aricheta gave notice of his desire to waive said investigation, whereupon the court set anew the three cases for trial on the merits. And considering that said court, on one hand, has no jurisdiction to try said cases and, on the other, acted merely upon order of the court of first instance, Aricheta has come before this Court by way of certiorari contending that both the court of first instance as well as the Justice of the Peace Court of Mabalacat, Pampanga, have acted without jurisdiction or with grave abuse of discretion.

It appears that Aricheta was charged before the Justice of the Peace Court of Mabalacat, Pampanga, with three crimes: two with damage to property through reckless imprudence and one with multiple serious and slight physical injuries through reckless imprudence. In the first charge for damage to property, the damage involved is P1,484.40 while in the second, P250; whereas in the charge for physical injuries, several persons are involved: Rufina Mangilit who, it is alleged, suffered injuries which required medical attendance for more than 120 days, and which might cause on her permanent incapacity and deformity; Potenciana Duque who suffered injuries which required medical attendance for a period of 7 days; Purificacion Duque who suffered contusions which required medical attendance for a period of 3 days; Apolonio Gacusan who suffered contusion which required medical attendance for a period of 3 days; Severino Capuno who suffered abrasion which required medical attendance for a period of 3 days; and Feliciano de los Reyes who suffered injuries which required medical attendance for a period of 3 days.

With regard to the charges of damage to property through reckless imprudence, considering the value of the

damage involved, our opinion is that they do not come within the jurisdiction of a justice of the peace court for the reason that said court acquires jurisdiction to try criminal cases only when the penalty involved is imprisonment of not more than six months or a fine of not more than P200 (section 87 [6]. The Judiciary Act of 1948, Republic Act No. 296), and because of our ruling that such crime is not deemed included in the crime of malicious mischief over which a justice of the peace court has original jurisdiction. Thus, in *Francisco Quizon vs. The Honorable Justice of the Peace of Bacolor, Pampanga, et al.*, 97 Phil. 342, this Court said:

"The question, therefore, is whether the justice of the peace court has concurrent jurisdiction with the Court of First Instance when the crime charged is damage to property through reckless negligence or imprudence if the amount of the damage is P125. "We believe that the answer should be in the negative. To hold that the Justice of the Peace Court has jurisdiction to try cases of damage to property through reckless negligence, because it has jurisdiction over cases of malicious mischief, is to assume that the former offense is but a variant of the latter. This assumption is not legally warranted."

A different situation obtains with regard to the crime of multiple serious and slight physical injuries. This crime comes under Article 365 of the Revised Penal Code which provides in part that "Any person who, by reckless imprudence, shall commit any act which, had it been intentional, * * * would have constituted a less grave felony, the penalty of *arresto mayor* in its minimum and medium periods shall be imposed." Article 9 of the same Code provides that "less grave felonies are those which the law punishes with penalties which in their maximum period are correctional * * *", and under Article 263, paragraphs 3 and 4, the penalty of *prision correccional* is provided for when the physical injuries inflicted have produced deformity or incapacity for the performance of the work in which the victim was habitually engaged, or when they shall have caused the illness or incapacity for labor for more than 30 days.

It therefore appears that the crime charged, had it been intentional, would only constitute a less grave felony, for which the law imposes the penalty of *arresto mayor* in its minimum and medium periods (Article 365), which shows that the same comes within the jurisdiction of a justice of the peace court. The contention therefore of *Aricheta* with regard to this particular crime is untenable.

With regard to the question whether these charges, having arisen from a single act, should be included in only one information, the same cannot now be considered, petitioner not having raised the issue in the court below.

Wherefore, the petition is granted with regard to the two charges of damage to property through reckless imprudence, which should be forwarded to the court of first instance for trial on the merits. The petition is denied with regard to the charge of multiple serious and slight physical injuries through reckless imprudence. No pronouncement as to costs.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Labrador, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

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