

**THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLANT, VS.
VIRGILIO LAYNO, TONY DUMALAGAN, QUIRINO MALINDOG, INIEGO
AVILA, JUAN DAOJOG, APOSTOL BAJADO AND ANGEL HERMANO,
ACCUSED-AP...**

G.R. No. L-27305. January 18, 1982

Ponente: AQUINO, J.

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AQUINO, J.:

The seven accused were charged with grave coercion by the provincial fiscal in an information filed with the Court of First Instance of Surigao del Sur. It was alleged therein that on June 10, 1957 the accused prevented the workers of the Lianga Bay Logging Co., Inc. from loading the logs of the company on the SS Kotoku Maru then anchored at Lianga Bay, which loading was not prohibited by law (Criminal Case No. 2864).

Judge Placido Reyes-Roa, a vacation judge, in his order of August 8, 1966, *motu proprio* "remanded" the case to the municipal court of Bislig, Surigao del Sur on the ground of lack of jurisdiction.

He reasoned out that since grave coercion is penalized by Article 268 (should be Article 268) of the Revised Penal Code by arresto mayor and a fine not exceeding P500 pesos, the case falls within the original jurisdiction of the justice of the peace courts and municipal courts of chartered cities (now municipal and city courts) because of section 87 of the Judiciary Law, as amended by Republic Act No. 3828, which provides:

"SEC. 87. Original jurisdiction to try criminal cases. - Municipal judges and judges of city courts of chartered cities shall have original jurisdiction over:

x x x x x x x x

(c) Except violations of election laws all other offenses in which the penalty provided by law is imprisonment for not more than three years, or a fine of not more than three thousand pesos, or both such fine and imprisonment."

The fiscal appealed to this Court from that order of remand. The appeal is meritorious. The lower court's order of remand is a reversible error.

A grave coercion case falls within the original concurrent jurisdiction of the inferior courts and the Courts of First Instance because of the provision of section 44(f) of the Judiciary Law that Courts of First Instance have original jurisdiction "in all criminal cases in which the penalty provided by law is imprisonment for more than six months, or a fine of more than two hundred pesos". (Tan vs. People, L-47482, July 21, 1978, 84 SCRA 207, 219; People vs. Mission, 87 Phil. 641, 642; Punzalan vs. People, 99 Phil. 259, 262; Aquino and Pirante vs. Estenzo, 121 Phil. 794, 798; Esperat vs. Avila, L-25922, June 30, 1967, 20 SCRA 596; People vs. Dalton, L-23539, February 22, 1968, 22 SCRA 673; People vs. Tayao, L-26457, March 25, 1970, 32 SCRA 44.)

Sections 44(f) and 87(c) establish for the inferior court and the Court of First Instance a zone of concurrent

jurisdiction as to criminal cases embraced in section 87(c) which are penalized by imprisonment of more than six months but not exceeding three years or a fine exceeding two hundred pesos but not exceeding three thousand pesos. Grave coercion is such a case.

Because the lower court erroneously assumed that grave coercion does not fall within the concurrent jurisdiction of the inferior court and the Court of First Instance, it refused to apply the rule that the court which first acquires jurisdiction of a case retains it to the exclusion of the other courts (*Encarnacion vs. Baltazar and Kayanan*, 111 Phil. 459) and the rule that jurisdiction once acquired subsists until the case is completely decided (*Roxas vs. Sayoc*, 100 Phil. 448; *Tomasa C. Viuda de Pamintuan vs. Tiglao*, 53 Phil. 1, 4).

Those rules are applicable to this case. There is nothing in the Judiciary Law which empowers a Court of First Instance to "remand" to an inferior court a criminal case originally filed with the Court of First Instance.

Such a remand, meaning assignment, was possible before August 1, 1959, when Republic Act No. 2613, amending the Judiciary Law, took effect, because under section 87 of the said law, as originally enacted, "justices of the peace in the capitals of provinces may, by assignment of the respective district judge in each case, have like jurisdiction as the Court of First Instance to try parties charged with an offense committed within the province in which the penalty provided by law does not exceed imprisonment for two years and four months, or a fine of two thousand pesos, or both such imprisonment and fine x x x". That delegated jurisdiction was abolished by Republic Act No. 2613. As to delegated jurisdiction in cadastral cases, see section 88 of the Judiciary Law.

WHEREFORE, the lower court's order of August 8, 1966, remanding the grave coercion case to the municipal court of Bislig is reversed and set aside. The Court of First Instance of Surigao del Sur is directed to arraign the accused and try the case if the accused enter a plea of not guilty. Costs against the accused.

SO ORDERED.

Abad Santos, De Castro, Ericta, and Escolin, JJ., concur. Barredo, J., (Chairman), took no part because he submitted appellant's brief as Solicitor General. Concepcion, Jr., J., on leave.

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