

PORFIRIO RILLORAZA, PETITIONER-APPELLEE, VS. JUDGE PEDRO ARCIAGA, ETC., ET AL., RESPONDENTS, EULALIA BANAYAT, RESPONDENT-APPELLANT.*G.R. No. L-23848. October 31, 1967*

Ponente: SANCHEZ, J.

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The jurisdictional issue thrust upon us stems from facts following: On June 18, 1963, respondent Eulalia Banayat, head teacher, filed in the Municipal Court of San Fernando, La Union, against petitioner, a criminal complaint for the crime of direct assault upon a person in authority, allegedly committed in Naguilian, La Union,[1] On February 7, 1964, petitioner moved to quash, planted on lack of jurisdiction. This was denied. Hearing on the merits, in the court's exercise of original jurisdiction, commenced. Three prosecution witnesses were able to testify. Stenographic record of their testimony was taken. On June 3, 1964, petitioner went to the Court of First Instance of La Union on certiorari and prohibition.[2] On October 8, 1964 the Court of First Instance of La Union came out with an order declaring the proceedings conducted by respondent municipal judge null and void, and directing him to desist from continuing with the hearing of the case, and to transmit the record thereof to the Municipal Court of Naguilian, La Union, for the necessary preliminary investigation. Hence, the present appeal.

1. A choice is forced upon us as to which of two statutes should govern the jurisdictional boundaries of the Municipal Court of San Fernando, La Union: Republic Act 2613 or Republic Act 3828. For convenience, we reproduce the penultimate paragraph of Section 87 (c), Republic Act 296 (Judiciary Act of 1948), as it was amended by said Republic Act 2613, which took effect on August 1, 1959, viz:

"Justices of the peace in the capitals of provinces and judges of municipal courts shall 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 prision correccional or imprisonment for not more than six years or fine not exceeding three thousand pesos or both xxx."

Upon the other hand, the same particular provision of the Judiciary Act of 1948, amended by Republic Act 2613, was subsequently amended by Republic Act 3828 which took effect on June 22, 1963 and which reads:

"Municipal judges in the capitals of provinces and sub-province and judges of city courts shall have like jurisdiction as the Court of First Instance to try parties charged with an offence committed within their respective jurisdictions, in which the penalty provided by law does not exceed prision correccional or imprisonment for not more than six years or fine not exceeding six thousands pesos or both, x x x."

A rule long respected is that jurisdiction of a court of justice to try a criminal case is determined by the law in force at the time the action is instituted.[3] Since prosecution here was started on June 18, 1963 when Republic Act 2613 was in force, this law should be looked up to in ascertaining whether or not respondent judge had jurisdiction to try the case. By this statute, the justice of the peace court in provincial capitals was empowered to hear and determine cases where the penalty involved "does not exceed prision correccional or imprisonment for

not more than six years or fine not exceeding three thousand pesos or both." The charge is direct assault upon a person in authority, encompassed in Article 148 of the Revised Penal Code. The penalty provided therein is prison correccional in its medium and maximum periods and a fine not exceeding one thousand pesos. Therefore, the Justice of the Peace Court of San Fernando, the capital of La Union, has jurisdiction to try this case.

2. The lower court, however, is of the impression that the passage of Republic Act 3828 on June 22, 1963, i.e., four days after the criminal complaint was lodged in court, operates to divest the Municipal Court of San Fernando, La Union, of jurisdiction, and place it in the Court of First Instance of the same province.[4] Because, so the court states, Republic Act 3828 limits jurisdiction of municipal courts in provincial capitals and city courts only to crimes "committed within their respective jurisdictions in which the penalty provided by law does not exceed prison correccional or fine not exceeding P6,000 or both"; and also when the justice of the peace court goes beyond the limits of the jurisdiction it possesses at the time of the trial, its actuation may be questioned as the offense with which the petitioner is tried is no longer within the class of crimes placed by law under its jurisdiction." This is incorrect. Once jurisdiction to try a criminal case is acquired, that jurisdiction remains with the court until the case is finally determined therein. A subsequent statute removing jurisdiction "will not operate to oust jurisdiction already attached." [5] This Court, as early as 1913, observed that "[i]t is a subversion of the judicial power to take a cause from a court having jurisdiction before its final decision is given." [6] So it is, that in *Iburan vs. Labes*, 87 Phil. 234, 238, we declared that [w]here a court originally obtains and exercises jurisdiction, jurisdiction will not be overturned and impaired by any legislative enactment unless express prohibitory words [7] are used, and jurisdiction duly acquired under an existing statute is not taken away by a subsequent statute prescribing a different method of commencing an action."

We, accordingly, rule that passage of Republic Act 3828 did not take away jurisdiction over the case from the Municipal (Justice of the Peace) Court of San Fernando, La Union.

3. There is no point to the argument that Republic Act 3828 is also penal in nature and, therefore, should be given retroactive effect, as it is favorable to the accuse. All that petitioner could muster on this point is that under the new law he would be afforded all opportunity for a preliminary investigation in Naguilian. There is not much to this argument. The case has gone quite far in the San Fernando court. Except for possible delay, we perceive no appreciable advantage to petitioner. The least that can be said is that in a situation like the present, where hearing has already started, it would not serve public interest any to upon the action, refile it in another court, discard the testimony already recorded, and start the case anew.

And then, both laws, as is RA 296 which they amend, merely delineate the jurisdiction of courts. They do not speak of facts or omissions punishable by law. They do not define crimes nor provide penalties therefore. Penal statutes refer to those laws by which punishments are imposed for some violation or transgression of some of their provisions.[8] Republic Act 3828 cannot have, as it did not provide for, retroactive effectivity.

Accordingly, we reverse and set aside the order of the Court of First Instance of La Union of October 8, 1964, dismiss the petition for certiorari and prohibition, and direct that the Municipal Court of San Fernando, La Union, continue with Criminal Case No. 4967 of said court until final determination thereof.

Costs against petitioner.

SO ORDERED.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Castro, Angeles, and Fernando, JJ., concur.

[1] Criminal Case 4987 of the Justice of the Peace Court of San Fernando, La Union, entitled "The People of the

Philippines, plaintiff, vs. Dr. Porfirio Rilloraza, accused."

[2] Civil Case 1961 of the Court of First Instance of La Union, entitled Porfirio Rilloraza, petitioner, vs. Judge Pedro Arciaga, in his capacity as Judge, Municipal Court, San Fernando, La Union, and Eulalia Banayat, respondents."

[3] People vs. Pegarum, 58 Phil. 715, 717; People vs. Romualdo, 90 Phil. 739, 744; Ferrer vs. Pecson, 92 Phil. 172, 175; Paringit vs. Masakayan L-16578, July 31, 1961; People vs. Adolfo, L-24191, March 31, 1965.

[4] See Section 44 (f), Judiciary Act of 1948.

[5] People vs. Pegarum, supra at p. 717, citing 16 C.J., sec. 246, p. 181.

[6] Government vs. Gale, 24 Phil. 95, 100; emphasis supplied.

[7] No prohibitory words are employed in R.A. 3828.

[8] 31 Words and Phrases, Perm. ed., p 589; 2 Bouvier's Law Dictionary Third revision, p.2551.

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