

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. LIBERTAD LAGON AND HON. JUDGE ISIDRO O. BARRIOS, AS PRESIDING JUDGE OF THE CITY COURT OF ROXAS CITY, RESPONDENTS.*G.R. No. L-45815. May 18, 1990*

Ponente: FELICIANO, J.

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On 7 July 1976, a criminal information was filed with the City Court of Roxas City and docketed as Criminal Case No. 7362, charging private respondent Libertad Lagon with the crime of estafa under paragraph 2(d) of Article 315 of the Revised Penal Code. The information charged that the accused had allegedly issued a check in the amount of P4,232.80 as payment for goods or merchandise purchased, knowing that she did not have sufficient funds to cover the check, which check therefore subsequently bounced.

The case proceeded to trial and the prosecution commenced the presentation of its evidence. However, in an Order dated 2 December 1976, the City Court dismissed the information upon the ground that the penalty prescribed by law for the offense charged was beyond the court's authority to impose. The judge held that the jurisdiction of a court to try a criminal action is determined by the law in force at the time of the institution of the action, and not by the law in force at the time of the commission of the crime. At the time of the alleged commission of the crime in April 1975, jurisdiction over the offense was vested by law in the City Court. However, by the time the criminal information was filed, paragraph 2(d) of Article 315 of the Revised Penal Code had already been amended and the penalty imposable upon a person accused thereunder increased, which penalty was beyond the City Court's authority to impose. Accordingly, the court dismissed the information without prejudice to its being refiled in the proper court.

Hence this Petition for Review brought by the People, arguing that the City Court of Roxas City had jurisdiction over Criminal Case No. 7362 and that it had erred in issuing its Order dismissing the case. Because the Petition for Review was signed by the City Fiscal and Assistant City Fiscal of Roxas City as counsel for the People, the Court referred the petition to the Office of the Solicitor General for comment. Responding to the Court's resolution, the then acting Solicitor General Vicente Mendoza stated that the Office of the Solicitor General, having been previously consulted by the Assistant City Fiscal of Roxas City, agreed with the position taken by the latter that the City Court had jurisdiction over the criminal case involved, and asked that the petition be given due course.

After deliberation on the instant Petition for Review, the Court considers that petitioner has failed to show that the City Court had committed reversible error in dismissing the criminal information in Criminal Case No. 7362 without prejudice to its refiling in the proper court.

Under the penultimate paragraph of Section 87 of the Judiciary Act of 1948, as amended, the law governing the subject matter jurisdiction of municipal and city courts in criminal cases in 1975 and 1976, "[m]unicipal judges in the capitals of provinces and sub-provinces and judges of city courts shall have like jurisdiction as the Court of

First Instance to try parties charged with an offense within their respective jurisdictions, in which the penalty provided by law does not exceed prison correccional or imprisonment for not more than six (6) years or fine not exceeding P6,000.00 or both x x x." It appears that at the time of the commission of the offense charged on 5 April 1975, the penalty imposable for the offense charged under paragraph 2(d) in relation to the third sub-paragraph of the first paragraph, Article 315 of the Revised Penal Code, was *arresto mayor* in its maximum period to prison correccional in its minimum period; at that time therefore, the offense clearly fell within the jurisdiction of the City Court of Roxas City.

At the time of the institution of the criminal prosecution on 7 July 1976, the penalty imposable for the offense charged in Criminal Case No. 7362 had been increased by P.D. NO. 818 (effective 22 October 1975) to prison mayor in its medium period.

It is firmly settled doctrine that the subject matter jurisdiction of a court in criminal law matters is properly measured by the law in effect at the time of the commencement of a criminal action, rather than by the law in effect at the time of the commission of the offense charged.[1] Thus, in accordance with the above rule, jurisdiction over the instant case pertained to the then Court of First Instance of Roxas City considering that P.D. No. 818 had increased the imposable penalty for the offense charged in Criminal Case No. 7362 to a level in excess of the maximum penalty which a city court could impose.

The real question raised by the petitioner is: would application of the above-settled doctrine to the instant case not result in also applying Presidential Decree No. 818 to the present case, in disregard of the rule against retroactivity of penal laws? Article 22 of the Revised Penal Code permits penal laws to have retroactive effect only "insofar as they favor the person guilty of a felony, who is not a habitual criminal, xxx." We do not believe so.

In the first place, subject-matter jurisdiction in criminal cases is determined by the authority of the court to impose the penalty imposable under the applicable statute given the allegations of a criminal information. In *People v. Purisima*,[2] the Court stressed that:

"xxx xxx xxx

x x x The issue here is one of jurisdiction, of a court's legal competence to try a case *ab origine*. In criminal prosecutions, it is settled that the jurisdiction of the court is not determined by what may be meted out to the offender after trial, or even by the result of the evidence that would be presented at the trial, but by the extent of the penalty which the law imposes for the misdemeanor, crime or violation charged in the complaint. If the facts recited in the complaint and the punishment provided for by law are sufficient to show that the court in which the complaint is presented has jurisdiction, that court must assume jurisdiction.[3] (Citations omitted; underscoring supplied.)

The same rule was set forth and amplified in *People v. Buissan*,[4] in the following terms:

"xxx xxx xxx

x x x (i)n criminal prosecutions, jurisdiction of the court is not determined by what may be meted out to the offender after trial (*People v. Cuello*, 1 SCRA 814) or even by the result of the evidence that would be presented during the trial (*People v. Co Hiok*, 62 Phil. 503) but by the extent of the penalty which the law imposes, together with other legal obligations, on the basis of the facts as recited in the complaint or information (*People v. Purisima*, 69 SCRA 347) constitutive of the offense charged, for once jurisdiction is acquired by the court in which the information is filed, it is retained regardless whether the evidence proves a lesser offense than that charged in the information (*People v. Mision*, 48 O.G. 1330)"[5] (Underscoring supplied.)

Thus, it may be that after trial, a penalty lesser than the maximum imposable under the statute is proper under the

specific facts and circumstances proven at the trial. In such a case, that lesser penalty may be imposed by the trial court (provided it had subject-matter jurisdiction under the rule above referred to) even if the reduced penalty otherwise falls within the exclusive jurisdiction of an inferior court.

In *People v. Buissan*,^[6] the Court also said:

"xxx xxx xxx

x x x It is unquestionable that the Court of First Instance, taking cognizance of a criminal case coming under its jurisdiction may, after trial, impose a penalty that is proper for a crime within the exclusive competence of a municipal or city court as the evidence would warrant. It may not be said, therefore, that the Court of First Instance would be acting without jurisdiction if in a simple seduction case, it would impose penalty of not more than six months of imprisonment, if said case, for the reason already adverted to, be held to fall under the jurisdiction of the Court of First Instance, not a city or municipal court."^[7] (Underscoring supplied.)

In the case at bar, the increased penalty provided for the offense charged in Criminal Case No. 7362 by P.D. No. 818 (prision mayor in its medium period) is obviously heavier than the penalty provided for the same offense originally imposed by paragraph 2(d) of Article 315 of the Revised Penal Code (up to prision correccional in its minimum period).

Should the criminal information be refiled in the proper court, that is, the proper Regional Trial Court, that court may not impose that more onerous penalty upon private respondent Libertad Lagon (assuming the evidence shows that the offense was committed before 22 October 1975). But the Regional Trial Court would remain vested with subject-matter jurisdiction to try and decide the (refiled) case even though the penalty properly imposable, given the date of the commission of the offense charged, should be the lower penalty originally provided for in paragraph 2(d) of Article 315 of the Revised Penal Code which is otherwise within the exclusive jurisdiction of the City Court of Roxas City. In other words, the circumstance that P.D. No. 818 would be inapplicable to the refiled case would not result in the Regional Trial Court losing subject-matter jurisdiction, nor in the case falling back into the City Court's exclusive jurisdiction.

WHEREFORE, the Court Resolved to DENY the Petition for Review for lack of merit. The Order dated 2 December 1976 of the public respondent Presiding Judge of the City Court of Roxas City is hereby AFFIRMED. NO costs.

Fernan, C.J., (Chairman), Gutierrez, Jr., Bidin, and Cortes, JJ., concur.

[1] *People v. Pegarum*, 58 Phil. 715 [1933]; *People v. Romualdo*, 90 Phil. 739 [1952]; *People v. Pecson*, 92 Phil. 172 [1952]; *Lee v. Presiding Judge*, 145 SCRA 408 [1986]; *Dela Cruz v. Moya*, 160 SCRA 838 [1988].

[2] 69 SCRA 341 (1976).

[3] 69 SCRA at 347.

[4] 105 SCRA 547 (1981).

[5] 105 SCRA at 552-553

[6] *Supra*.

[7] 105 SCRA at 551-552.

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