

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLANT, VS. PEDRO DALTON, DEFENDANT-APPELLEE.

G.R. No. L-23539. February 22, 1968

Ponente: REYES, J. B. L., J.

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REYES, J. B. L., J.:

Appeal by the State from orders of the Court of First Instance of Iloilo, in its Criminal Case No. 10328, *People vs. Dalton*, dis-missing the information and case filed therein, for alleged lack of jurisdiction, and thereafter refusing to reconsider.

The information charged the accused with the crime of grave coercion, as described in paragraph 1, Article 286, of the Revised Penal Code. Because the penalty provided is *arresto mayor* and a fine not exceeding P500.00 (art. cit.) Judge Valerio Rovira, of the Court of First Instance of Iloilo, held that his court had no jurisdiction and that the proper tribunal was the Municipal Court of Estancia, Iloilo, where the crime was allegedly committed, invoking in support section 87, paragraph 3, R. A. 296, as amended by R. A. 3828, vesting Municipal Courts with original jurisdiction over offenses penalized with no more than 3 years or fine not exceeding P3,000.00 or both. Reconsideration was denied, and the Fiscal appealed.

The orders under appeal are erroneous. This Court has repeatedly held that because section 44 of the Judiciary Act, (vesting in Courts of First Instance original jurisdiction over offenses penalized by law with imprisonment in excess of 6 months imprisonment or fine more the P200.00) has been left unaltered, the enlargement of the former jurisdiction of Municipal Courts by R. A. 3828 as above stated, has resulted in concurrent jurisdiction of both Courts over crimes penalized with imprisonment in excess of six months but not beyond 3 years, and fine exceeding P200.00 but not more than P3,000.00.[1] Since the fine for grave coercion is not over P500.00, the crime is within such concurrent jurisdiction and the filing of the information in the Court of First Instance gave authority to that Court to retain and try the same.

WHEREFORE, the appealed orders are annulled and set aside, and the case ordered remanded to the Court of First Instance with instructions to proceed to trial on the merits. No costs.

Concepcion, C.J., Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Ruiz Castro, Angeles, and Fernando, JJ., concur.

[1] *Peo. vs. Palmon*, 86 Phil. 350; *Natividad vs. Robles*, 87 Phil. 834; *Neñaria, et al. vs. Veluz*, 91 Phil. 473; *Peo. vs. Colicio*, 88 Phil. 196; *Villanueva vs. Ortiz*, L-15344, 30 May 1960; *Paringit vs. Masakayan*, L-16578, 31 July 1961; *Esperat vs. Avila et al.*, L-25922, June 30, 1967.

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