

THE PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HONORABLE JUDGE AMANTE P. PURISIMA, COURT OF FIRST INSTANCE OF MANILA, BRANCH VII, AND JOSEFA PESIMO, RESPONDENTS.

G.R. No. L-40902. February 18, 1976

Ponente: MARTIN, J.

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MARTIN, J.:

This is a question of concurrent jurisdiction between a court of first instance and a city court in the trial of a criminal indictment where the penalty provided for by law is imprisonment of not less than one (1) month nor more than six (6) months or a fine of not less than P200.00 nor more than P500.00, or both, in the discretion of the court.

On May 9, 1975, the City Fiscal of Manila charged private respondent Josefa Pesimo before the respondent Court of First Instance of Manila for violation of Section 16, Act 3753, otherwise known as the "Civil Register Law"[1] in that:

"(O)n or about January 20, 1969, in the City of Manila, Philippines, the said accused did then and there wilfully, unlawfully, feloniously and knowingly make false statements in the Certificate of Live Birth of her son, CARLOS PESIMO CUCUECO, JR., who was born on said date, which Certificate of Live Birth was presented for entry in the Civil Registrar, this City, by then and there making it appear, as it did appear, that her said son is her legitimate child with one CARLOS LAYUG CUCUECO and that said accused was married to said Carlos Layug Cucueco on April 3, 1962, at San Jose, Camarines Sur, the said accused well knowing the same to be false and untrue as she has never been married to the former and that Carlos Pesimo Cucueco, Jr., is not their legitimate child."

This criminal act is punishable with imprisonment of not less than one (1) month nor more than six (6) months or a fine of not less than P200.00 nor more than P500.00, or both, in the discretion of the court.

On May 26, 1975, respondent court dismissed the case *ex mere motu* for the reason that the offense complained of does not come within the perimeter of its jurisdiction. Respondent court maintains that the prescribed penalty of one (1) month to six (6) months imprisonment is below the floor limit of its original jurisdiction in criminal cases, since the said jurisdiction starts only from those offenses where the penalty of imprisonment, in particular, exceeds six (6) months. Because of this, jurisdiction belongs exclusively to the City Court of Manila which has the competence to impose the penalty of imprisonment and fine, alternatively or jointly.

The People moved for a reconsideration of the dismissal order, but the respondent court denied the motion in its Order of June 19, 1975.

Forthwith, petitioner elevated the matter to Us thru this present petition for review on certiorari.

We find the petition to be meritorious.

1. Section 44(f) of the Judiciary Act of 1948, as amended, provides that Courts of First Instance shall have

original jurisdiction "(i)n 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." On the other hand, Section 87(c) of the same Act confers on municipal courts original jurisdiction to try "offenses in which the penalty provided by law is imprisonment for not more than three years, or a fine of not more than three hundred pesos, or both such fine and imprisonment" except violations of election laws. The same section provides that municipal courts of provincial capitals and city courts "shall have like jurisdiction as the Court of First Instance to try parties charged with an offense committed within their respective jurisdictions, in which the penalty provided by law does not exceed prison correccional or imprisonment for not more than six years or fine not exceeding six thousand pesos or both." These quoted statutory provisions plainly import that the exclusive jurisdiction of municipal courts in criminal cases, which is commonly shared by city courts and municipal courts of the provincial capitals, covers only those offenses where the penalty prescribed by law does not exceed six (6) months imprisonment or two hundred pesos fine. The moment the penalty for the offense exceeds 6-months imprisonment or P200 fine, jurisdiction inevitably becomes concurrent with the courts of first instance: for municipal courts, up to those offenses punishable with three (3) years imprisonment or P3,000.00 fine; and for city courts and municipal courts of provincial capitals, up to those offenses with penalty of six (6) years imprisonment or P6,000.00 fine. As the Court ruled in *Esperat vs. Avila*,^[2] "* * * the exclusive original jurisdiction of the justice of the peace and municipal courts is confined only to cases where the prescribed penalty is imprisonment for 6 months or less, or fine of P200.00 or less, whereas, the exclusive original jurisdiction of the court of first instance covers cases where the penalty is incarceration for more than three (3) years (or 6 years in the case of city courts and municipal courts in provincial capitals), or fine for more than P3,000.00 (or P6,000.00 in proper cases), or both such imprisonment and fine. Between these exclusive jurisdictions lies a zone where the jurisdiction is concurrent." Section 44(f) reveals no inconsistency with Section 87(c). These two sections can stand together and can be given "conjoint, not discordant, effect."^[3] There is no constitutional impediment to the conferment on courts of different levels of concurrent jurisdiction over the same offense or offenses.^[4] The amendment of Section 87(c) of Republic Act No. 3828 in 1963, enlarging the original jurisdiction of municipal and city courts assumingly to lighten the burden of the courts of first instance, was not meant to obliterate the concurrent criminal jurisdiction of the courts of first instance under Section 44(f) whenever the offense is penalized with imprisonment for more than six months or a fine of more than 200 pesos.^[5] That notwithstanding, the jurisdiction of the courts of first instance remains the same, although an area was left where said jurisdiction is to be exercised concurrently with the inferior courts.^[6] With respect to the eleven (11) offenses enumerated in Section 87 (c),^[7] the jurisdiction of the municipal and city courts is co-extensive with that of the courts of first instance.^[8] Said Section 87 (c) cannot be construed as conferring exclusive original jurisdiction on judges of municipal and city courts over these specified cases without nullifying pro tanto Section 44(f).^[9] At most, the exclusive original jurisdiction of the municipal and city courts over the same obtains only when the imposable penalty does not exceed 6 months imprisonment or P200 fine.

2. The respondent court erred in disclaiming jurisdiction over the case for the expedient reason that the penalty of imprisonment prescribed by law for the offense charged reaches only the maximum of six (6) months. It must be observed that imprisonment is not the sole penalty for the crime charged. There is also the alternative penalty of fine not less than P200.00 nor more than P500.00. This penalty of fine alone sufficiently brings the offense charged within the jurisdictional range of the court of first instance, since the jurisdiction of said court originates "(i)n all criminal cases in which the penalty provided by law is * * * a fine of more than two hundred pesos." Moreover, the violated laws allows the imposition of both imprisonment and fine, or *arresto mayor* and fine not exceeding P500.00, a clear source from which the court of first instance could validly draw authority to take cognizance of the case. As the Court held in *Esperat v. Avila*, "(s)ince the crime of grave coercion is punishable with *arresto mayor* (imprisonment from one month and one day to six months) and fine not exceeding P500.00, said offense comes within the area of concurrent jurisdiction of municipal or city courts and court of first

instance." [10] In said case, the jurisdiction becomes concurrent because the fine exceeds P200. It is a fundamental rule that the jurisdiction of a court is determined by the amount of fine and imprisonment. [11] If the crime charged is penalized with imprisonment not exceeding six months or a fine not more than P200.00, the municipal court has original jurisdiction; otherwise, it is the court of first instance. [12]

Respondent court further refused jurisdiction because the discretion afforded it under the law, i.e., to impose the penalty of imprisonment, or fine, or both, cannot be exercised by it, since the penalty of imprisonment "is basically below its jurisdictional reach." Respondent court's thesis suffers from a congenital failure to properly seize the issue involved. 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 [13] or even by the result of the evidence that would be presented at the trial, [14] 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. [15]

3. There is no question that the fine ranging from P200 to P500 prescribed by Section 16 of Act 3753, Civil Register Law, for the violation charged enters the realm of jurisdiction of the respondent court of first instance which, inter alia, originates from those offenses punishable with a fine exceeding P200.00. Nonetheless, the jurisdiction is concurrent with the municipal and city courts, so that, the filing of the information against private respondent with the respondent Court of First Instance vested authority in the latter court to retain and try the same. [16] It is an axiom in procedural law that where several courts have concurrent jurisdiction over the same offense, the court which first acquires jurisdiction of the prosecution retains it to the exclusion of the others. [17]

Accordingly, the orders subject matter of this petition are hereby reversed and set aside, and the case ordered remanded to the court a quo with instructions to proceed with the trial on the merits, after arraignment of the accused.

No pronouncement as to costs. So ordered.

Teehankee (Chairman), Makasiar, Esguerra, and Muñoz Palma, JJ., concur.

[1] Sec. 16. False statements.- Any person who shall knowingly make false statements in the forms furnished and shall present the same for entry in the civil register, shall be punished by imprisonment for not less than one month nor more than six, or by a fine of not less than two hundred pesos nor more than five hundred, or both, in the discretion of the court."

[2] L-25922, June 30, 1967, 20 SCRA 601-602; See also *People vs. Valencia*, L-29396, August 29, 1969, 29 SCRA 257; *People vs. Doriguez*, L-24444-45, July 29, 1968, 24 SCRA 168; *Andico vs. Roan*, L-26563, April 16, 1968, 23 SCRA 97.

[3] *Mangila vs. Lantin*, L-24785, October 31, 1969, 30 SCRA 85-86.

[4] *People vs. Laba*, L-28022, July 30, 1969, 28 SCRA 995-96.

[5] *People vs. Tapayan*, L-26885, November 28, 1969, 30 SCRA 530-31.

[6] *People vs. Fernando*, L-25942, May 28, 1969, 23 SCRA 869; *People vs. Animo*, L-25997, May 28, 1969, 23 SCRA 876; *People vs. Dose*, L-23540, June 29, 1968, 25 SCRA 1349.

[7] (1) Gambling and management or operation of lotteries;

- (2) Assaults where the intent to kill is not charged or evident upon the trial;
- (3) Larceny, embezzlement and estafa where the amount or money or property stolen, embezzled, or otherwise involved, does not exceed the sum or value of two hundred pesos;
- (4) Sale of intoxicating liquors;
- (5) Falsely impersonating an officer;
- (6) Malicious mischief;
- (7) Trespass on government or private property;
- (8) Threatening to take human life;
- (9) Illegal possession of firearms, explosives and ammunition;
- (10) Illegal use of aliases; and
- (11) Concealment of deadly weapons.

[8] *People vs. Dimana*, L-26668, April 27, 1972, 44 SCRA 461-62.

[9] *Paringit vs. Masakayan*, L-16578, July 31, 1961, 2 SCRA 967; *People vs. Palmon*, 86 Phil. 353-54 (1950).

[10] See Footnote 2.

[11] *People v. Fontanilla*, L-25354, June 28, 1968, 23 SCRA 1237.

[12] *People vs. Caldito*, 72 Phil. 264 (1941); *People vs. Fajardo*, 49 Phil. 210 (1920); *U.S. vs. Jimenez*, 41 Phil. 1 (1920).

[13] *People vs. Cuello*, L-14307, March 27, 1961, 1 SCRA 814.

[14] *People vs. Co Hiok*, 62 Phil. 503 (1935).

[15] *U.S. vs. Mallari*, 24 Phil. 368 (1913).

[16] See *People vs. Dalton*, L-23539, February 22, 1968, 22 SCRA 674.

[17] *Laquian vs. Baltazar*, L-27514, Feb. 18, 1970, 31 SCRA 556-57; *Encarnacion vs. Baltazar*, L-16883, March 27, 1961, 1 SCRA 865.

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