

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON. JUDGE DIMALANES BUISSAN, PRESIDING JUDGE OF THE CFI OF ZAMBOANGA DEL NORTE, BRANCH III; HON. WILFREDO C. MARTINEZ, PRESIDING JUDG...

G.R. No. L-54419. July 15, 1981

Ponente: DE CASTRO, J.

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DE CASTRO, J.:

On June 26, 1979, Paterno Santiago, private respondent herein, on previous complaint of the offended party, Araceli C. Medel, was charged in the Court of First Instance of Zamboanga del Norte with the crime of simple seduction in an information[1] which reads as follows:

"INFORMATION

"The undersigned Acting City Fiscal of the City of Dapitan, upon sworn complaint originally filed by the offended party, accuses PATERNO SANTIAGO y Jamarolin, of the crime of SIMPLE SEDUCTION, committed as follows:

"That on or about and during the month of March and April, 1979, in the City of Dapitan, within the jurisdiction of this Honorable Court, the above-named accused by means of deceit by promising to marry the offended party, did then and there wilfully, unlawfully and feloniously have sexual intercourses with one ARACELI MEDEL y Calasang, a 17 year old unmarried woman of good reputation, thereby resulting to the pregnancy of the said offended party.

"CONTRARY TO LAW."

The case was docketed as Criminal Case No. 2258.

Upon arraignment on September 3, 1979, respondent Santiago pleaded not guilty, and on the day set for the trial of the case on October 22, 1979, said respondent moved to quash the information for "failure to allege lewd design." He filed a formal Motion to Quash and/or Dismiss the Information on the same ground on October 24, 1979.

An opposition was filed by the People of the Philippines, herein petitioner, on November 13, 1979; and on November 16, 1979, Judge Dimalanes Buissan, one of the public respondents herein, denied the motion, but remanded the case to the City Court of Dapitan on the "ground of lack of jurisdiction since the penalty for Simple Seduction is only Arresto Mayor." [2]

On November 26, 1979, petitioner People of the Philippines filed its Motion for Reconsideration[3] alleging that the City Court has no jurisdiction over the case, but respondent Judge Buissan denied the motion.[4]

On April 25, 1980, City Judge Wilfredo C. Martinez, the other public respondent, assuming jurisdiction of the case, set the hearing thereof on May 28, 1980, on the merits.[5]

Alleging that CFI Judge Buissan, in denying the petitioner's motion to quash and/or to dismiss Criminal Case No. 2258 of the Court of First Instance of Zamboanga del Norte and remanding said case to the City Court of Dapitan for trial on the merits on the ground of lack of jurisdiction of the CFI and that City Judge Martinez, in assuming jurisdiction of the case and setting it for trial on the merits as above narrated, both acted with grave abuse of discretion and that their respective orders likewise referred to above are illegal and void, petitioner People of the Philippines came to this Court on the present petition for certiorari, prohibition and mandamus with prayer for preliminary injunction.

All the respondents were required to file their Answer to the Petition. Respondent Judge Buissan filed his own answer[6] on September 29, 1980; respondent Judge Martinez, on September 27, 1980; and the private respondent, on October 25, 1980.

The only issue to be resolved is whether a criminal case charging simple seduction which is penalized by law by not more than arresto mayor or not more than six months, comes under the exclusive jurisdiction of a municipal or city court.

If upon conviction, the court will have to impose only a term of imprisonment as a penalty of not more than six (6) months, there would be no doubt that only the inferior court, a city or municipal court, to the exclusion of the Court of First Instance, has jurisdiction to try and decide a case for simple seduction. But together with the imprisonment, a judgment of conviction would require the court to order the acknowledgement by the accused of the offspring, if any, and to give him support, aside from the indemnification of the offended woman. By this circumstance, the Supreme Court had ruled as early as 1911[7] that a justice of the peace court is divested of jurisdiction over a case for simple seduction. This ruling, divided though it may be, was later reiterated, this time by an undivided court, in the case of *Luansing vs. People*[8] which held:

"On the issue of jurisdiction, Section 44(f), Republic Act No. 296, as amended, provides that Courts of First Instance have original jurisdiction of "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," and section 87(b) of the same Act provides that Justice of the Peace and Municipal Courts have original jurisdiction over "all offenses in which the penalty provided by law is imprisonment for not more than two hundred pesos, or both such fine and imprisonment." The penalty imposed by Article 338 of simple seduction is arresto mayor, the duration of which is from one month or one day to six months. Apparently, the crime of simple seduction falls under the original jurisdiction of the Justice of the Peace or Municipal Courts. However, it should not be overlooked that persons guilty of seduction shall also be sentenced to indemnify the offended woman, to acknowledge the offspring unless the law should prevent him from so doing, and to give support to such offspring. (Article 345, Revised Penal Code). These are inherent accessory civil liabilities when a child is born as a result of the crime. The acknowledgment of and the giving of support to, the offspring are matters beyond the jurisdiction of the Justice of the Peace or Municipal Courts. They pertain to the Courts of First Instance (Section 44(a) and (e), Republic Act No. 296).

"It has been held that laws conferring jurisdiction on the inferior courts over demands below certain amounts do not preclude a determination of said demands in the superior court, where they are connected with larger claims or with a type of demand solely within the jurisdiction of the superior court. Thus for instance where an action is within the jurisdiction of the Court of First Instance because it involves an issue of admiralty, the said court must be held likewise to have jurisdiction over other causes of action joined thereto even if the amount sought to be collected is less than the jurisdictional limit (*Fireman's Fund Insurance Co. vs. Cia. General de Tabacos de Filipinas*, G. R. No. L-22625, April 27, 1967). In like manner, since the crime of seduction carries with it a liability, under Article 345 of the Revised Penal Code, to acknowledge and give support to the offspring resulting from the crime - matters beyond the jurisdiction of the Justice of the Peace or Municipal Courts - it follows that the instant case falls within the jurisdiction of the Court of First Instance (*U.S. vs.*

Bernardo, 19 Phil. 265). It would be absurd to have the principal case of seduction tried and decided by the Municipal Court and the resulting acknowledgment and support of the offspring by the Court of First Instance. The duplication would entail unnecessary waste of time and effort for the parties and for the courts, to the detriment of an orderly administration of justice."

Respondents have adduced no arguments except to quote the dissenting opinion of Justice Moreland in the Bernardo case which was clearly rejected in the case of Luansing. In the latter case, there is not the slightest doubt as to the soundness of the ruling therein laid down, reaffirming the Bernardo doctrine. We perceive no reason to depart from a ruling so firmly established, directing its application squarely on the given facts of the present case, in relation to the precise question of jurisdiction as has been decisively presented herein for resolution.

The ruling which We here merely reaffirm is obviously supported by well-established principles relevant to the situation at hand. 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.

On the other hand, an action for recognition is always taken cognizance of by the Court of First Instance exercising original jurisdiction. But, if a simple seduction case is placed under the jurisdiction of a city or a municipal court, judgment of conviction proceeding therefrom, with an order of recognition and support of the offspring, if appealed to the Court of First Instance, would call upon the latter court to exercise appellate jurisdiction on a matter for which the law has vested on its original jurisdiction - the recognition of a child by its putative parent. This unusual occurrence, which the law could not have had within its contemplation, would be avoided by the ruling We are merely reiterating from previous cases. The working of the law as manifestly intended, and as had been already in long constant practice, will then be allowed to remain undisturbed in a most desirable state of consistency and orderliness.

This consideration of consistency and orderliness makes irrelevant the fact as alleged in private respondent's Answer that complainant has given birth to a child some eighteen months after the alleged commission of sexual intercourse for which respondent Santiago is accused for simple seduction. This is a fact still to be proven by competent evidence. As respondents themselves admit, in criminal prosecutions, jurisdiction of the court is not determined by what may be meted out to the offender after trial,[9] or even by the result of the evidence that would be presented during the trial,[10] 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[11] constitutive of the offense charged, for once jurisdiction is acquired by the court in which the information is filed, it is there retained regardless of whether the evidence proves a lesser offense than that charged in the information.[12]

WHEREFORE, finding the petition to be meritorious, the same is hereby granted. Let the case be returned from the City Court of Dapitan to the Court of First Instance of Zamboanga del Norte for trial on the merits.

SO ORDERED.

Barredo, (Chairman), Aquino, Guerrero, and Abad Santos, JJ., concur.
Concepcion, Jr., J., on leave.

[1] Annex A to Petition, p. 17, Rollo.

[2] Annex B to Petition, p. 20, Rollo.

[3] Annex C to Petition, p. 21, Rollo.

[4] Annex D to Petition, p. 23, Rollo.

[5] Annex E to Petition, p. 25, Rollo.

[6] Page 28, Rollo.

[7] U.S. vs. Bernardo, 19 Phil. 265.

[8] 27 SCRA 308 (1969).

[9] People vs. Cuello, 1 SCRA 814.

[10] People vs. Co Hiok, 62 Phil. 503.

[11] People vs. Purisima, 69 SCRA 347.

[12] People vs. Mission, 48 O. G. 1330.

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