

**ISAAC O. TOLENTINO, ESTEBAN MENDOZA, LADISLAO ACERON,
EUFRONIO ERNI, MARCIAL DIMAPILIS, AGAPITO MENDOZA,
CORNELIO MARAAN, JOSE FERMA, EFREN MENDIOLA, ALFREDO
NER, REGINO PANGHUL...**

G.R. Nos. L-36906-07. July 27, 1987

Ponente: TEEHANKEE, C.J.

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TEEHANKEE, C.J.

The Court dismisses the petition and upholds the validity of the preliminary examination and investigation conducted by respondent Judge in Criminal Case No. CCC-VII-43, Tagaytay City, of the now defunct Circuit Criminal Court of the Seventh Judicial District as well as in Criminal Case No. CCC-VII-1306, T.C., on the controlling authority of *Collector of Customs v. Villaluz* and five other cases jointly decided therewith, 71 SCRA 356,[1] which held that judges of the special circuit criminal courts[2] are vested with the same authority as judges of the regular courts of first instance to conduct preliminary investigation of offenses falling within their jurisdiction.

The first two petitioners were the Mayor and Vice-Mayor, respectively, while the third up to the eleventh petitioners were Councilors of Tagaytay City, during the period involved. Bayot was the former treasurer of the city while Parra and Castillo were the Acting City Auditor and incumbent Officer-in-Charge, respectively, of the City Treasurer's Office.

Respondent Teodoro B. Santos was the Assistant City Fiscal of Pasay City and the trial fiscal assigned in respondent Judge's sala. Respondents Crisanto Mojica and Esperidion Manalastas were the City Fiscal and Asst. City Fiscal, respectively, of Tagaytay City.

The undisputed antecedent facts are as follows:

On or about January 25, 1973, private respondent Fiscal Mojica filed a complaint against petitioners Bayot, Parra and Castillo before the Circuit Criminal Court at Pasig, Rizal, presided by respondent Judge, for violation of the Anti-Graft and Corrupt Practices Act for their alleged refusal to pay his salary as City Fiscal of Tagaytay City since June, 1969. The sworn complaint docketed as Case No. CCC-VII-28-Tagaytay City, read as follows:

"That since June, 1969 and continuously up to the present. notwithstanding repeated demands and despite the opinion of the Secretary of Justice, concurred in by the Auditor General, both known to said respondents, that the salary of the City Fiscal may be paid out of the appropriation for City Attorney, the said respondents, conspiring together, with evident bad faith or gross negligence in the performance of their official duties, caused undue injury to herein complainant by refusing to pay his salary as City Fiscal of Tagaytay City at the rate of P4,200.00 per annum.

"Contrary to law."

After conducting a preliminary examination and investigation of the complaint, respondent Judge on January 29,

1973, issued in open court a resolution: (a) ruling that under existing law, the City Fiscal was entitled to receive the salaries from the City under Section 3 of the Decentralization Act; (b) holding that there exists a prima facie case against petitioners Bayot, Parra and Castillo; (c) ordering the issuance of warrants of arrest against them; (d) directing the respondent Fiscal to file the necessary information within 48 hours; and (e) ordering respondent Fiscal to "conduct the preliminary examination and investigation in this case to determine the criminal liability of all the members of said City Council and thereafter to file the corresponding information in the court of competent jurisdiction, if the evidence so warrants.

Pursuant to the Order of respondent Judge, respondent Fiscal Santos filed the information against Bayot, Parra and Castillo for violations of Section 3 (e) of the Anti-Graft and Corrupt Practices Act. The information, dated February 16, 1973, was docketed as Criminal Case No. CCC-VII-1306-T.C.

On February 26, 1973 respondent Fiscal Santos summoned all the members of the City Council for preliminary investigation after which respondent Esperidion Manalastas filed another complaint, dated March 30, 1973, against the three officials charged in Criminal Case No. CCC-VII-1306-T.C. This time, the complaint also included then incumbent City Mayor, Atty. Isaac C. Tolentino and City Councilors Alfredo Ner and Efren Mendiola. The complaint, docketed as CCC-VII-43, reads as follows:

"That since October 11, 1971 and continuously up to the present, notwithstanding repeated demands and despite the opinion of the Secretary of Justice, concurred in by the Auditor General, both known to said respondents, that the salary of the Asst. City Fiscal may be paid out of the appropriation for City Attorney, the said respondents, conspiring together, with evident bad faith or gross negligence in the performance of their official duties, caused undue injury to herein complainant by refusing to pay his salary as Asst. City Fiscal of Tagaytay City at the rate of P3,000.00 per annum.

"Contrary to law."

Respondent Judge set the case for preliminary investigation for April 5, 1973 and April 12, 1973. On April 5, 1973, an "Urgent Motion to Quash/Dismiss" the information was filed but respondent Judge denied the same in his resolution of May 15, 1973.

On May 23, 1973, simultaneous Urgent Motions for Reconsideration of the denial of their Motion to Quash the information were filed in Case No. CCC-VII-43 and in Case No. CCC-VII-1306-T.C. which were likewise simultaneously denied by respondent Judge in two resolutions, both dated May 26, 1973.

Hence, this petition for certiorari seeking to enjoin respondent Judge or any of his representatives from continuing with the investigation and trial of Criminal Case No. CCC-VII-1306 and of Criminal Case No. CCC-VII-43 and to declare null and void all proceedings taken and orders issued by respondent Judge in connection therewith.

Petitioners assail respondent Judge's giving due course to the two complaints and proceeding with the preliminary investigation thereof as in violation of law and the constitutional rights of the accused to due process which allegedly constitute a grave abuse of discretion amounting to lack of jurisdiction. Petitioners contend that Criminal Circuit Courts did not have the authority to conduct preliminary investigations and citing Sec. 1, Republic Act No. 5179 allege that said special courts were created with limited jurisdiction, concurrent with regular courts of first instance, to try and decide only certain specific criminal cases.

As already indicated, petitioners' contention has been rejected in the controlling cases of *Collector of Customs v. Villaluz, et al.*, supra. The Court's ruling therein is fully applicable here, as follows:

"What is limited by Republic Act No. 5179 is the scope of the cases that may be tried by Circuit Criminal Courts.

"Circuit Criminal Courts are of limited jurisdiction, only because they cannot try and decide all criminal cases falling under the jurisdiction of the Courts of First Instance as courts of general jurisdiction. They can only take cognizance of cases expressly specified in Section 1 of Republic Act No. 5179, as amended by Presidential Decree No. 126. Nevertheless, they have the same powers and functions as those conferred upon regular Courts of First Instance necessary to effectively exercise such special and limited jurisdiction. This is plain and evident from Sections 3 and 6 of their organic law, Republic Act No. 5179:

'Section 3. The provisions of all laws and the Rules of Court relative to the judges of the Courts of First Instance and the trial, and disposition and appeal of criminal cases therein shall be applicable to the Circuit Judge and the cases cognizable by them insofar as they are not inconsistent with the provisions of this Act.

xxx xxx xxx

'Section 6. xx x Unless inconsistent with the provisions of this Act, the Circuit Criminal Courts shall have the same powers as those conferred by the Judiciary Act and the Rules of Court upon regular Courts of First Instance, insofar as may be necessary to carry their jurisdiction into effect.'"[3]

"If the main purposes then in creating Circuit Criminal Courts are to alleviate the burden of the regular Courts of First Instance and to accelerate the disposition of the cases therein as well as stem the tide of criminality, it is only logical that such authority vested in the judges of the Courts of First Instance is likewise conferred on Circuit Criminal Courts. Otherwise, the Courts of First Instance would still be carrying the burden of conducting preliminary investigations in those cases where Circuit Criminal Courts have jurisdiction and consequently delaying the trial and disposition of criminal cases pending before such Courts of First Instance.

'That Congress, in enacting Republic Act No. 5179 clearly intended, by Sections 2 and 6 thereof, to clothe the Circuit Criminal Court with all the powers vested in regular Courts of First Instance including the authority to conduct preliminary examinations and investigations, is confirmed by the Dangerous Drugs Act of 1972, otherwise known as Republic Act No. 6452, as amended by Presidential Decree No. 44, Section 39 of which confers on Circuit Criminal Courts, Courts of First Instance and Juvenile and Domestic Relations Courts concurrent original jurisdiction over all offenses punishable thereunder and expressly directs that the 'preliminary investigation of cases filed under this Act shall be terminated within a period of thirty (30) days from the date of their filing.'"[4]

In ruling that the power of preliminary examination and investigation exercised by judges of Courts of First Instance is also possessed by judges of the now defunct Circuit Criminal Courts, the Court in the cited cases admonished Circuit Criminal Courts judges to refrain from encumbering themselves with the additional burden of conducting preliminary investigations of criminal complaints. The reminder therein that the main task of trial judges is to concentrate on hearing and deciding cases filed in their courts and not to conduct preliminary investigations of criminal complaints which are best left to the municipal judge or provincial or city fiscal is equally applicable to judges of the regular courts such as the Regional Trial Courts, and is herein reiterated:

"But while We sustain the power of the Circuit Criminal Courts to conduct preliminary examination (p. 36), pursuant to Our constitutional power of administrative supervision over all courts (Sec. 6, Art. X, 1973 Constitution) as a matter of policy, We enjoin the respondent Judge and other Circuit Criminal Court Judges to concentrate on hearing and deciding criminal cases filed before their courts (see *Mateo v. Villaluz*, 50 SCRA 18, 28-29, March 31, 1973). The primary purpose of the creation of the Circuit Criminal Courts in addition to the existing Courts of First Instance, as above intimated, is to mitigate the case load of the Courts of First Instance as well as to expedite the disposition of criminal cases involving serious offenses specified in Section 1 of Republic Act 5179, as amended. Circuit Criminal Judges therefore, should not encumber themselves with the preliminary examination and investigation of criminal complaints, which they should refer to the municipal judge or provincial or city fiscal, who in turn can utilize the assistance of the state prosecutor to conduct such preliminary examination and investigation.'"[5]

Another contention of petitioners is improper venue. They alleged that "the Criminal Circuit Court has no power, authority and jurisdiction to try and decide, much less conduct the questioned preliminary investigations of cases over crimes which allegedly were committed in the Province of Cavite, because of improper venue. The rule, it is true, is that 'the Circuit Criminal Courts may hold sessions anywhere within their respective districts.' This rule, however, is subject to the condition that 'cases shall be heard within the province where the crime subject of the offense was committed,' (Section 4, RA 5179) However, the law also directs that 'when the interest of justice so demands with prior approval of the Supreme Court, cases may be heard in a neighboring province within the district,' which conditions do not exist in the instant petition such as to justify the hearing in Pasig of an offense committed in the Province of Cavite."

Petitioners cited correctly the provisions of Section 4 of Republic Act 5179 but their contention of improper venue must be rejected. The Court in its Resolution of May 16, 1972 approving respondent Judge's petition for authority to hear certain cases in Pasig, Rizal, had granted respondent Judge a general authorization to hear and decide all succeeding cases that may be filed with his court from the province of Cavite and its three cities, at Pasig, Rizal. The resolution is reproduced as follows:

"M-19-22 (In re: Petition for authority to hear cases in Pasig, Rizal, Onofre A. Villaluz, Judge of the Circuit Criminal Court of Rizal, Seventh Judicial District, petitioner). — Considering: (a) the comment of Hilarion Maglabe, accused in Criminal Case No. CCC-VII-974, Tagaytay City, stating that he has no objection to the petition of Judge Onofre A. Villaluz; (b) the manifestation and comment of the Provincial Fiscal of Cavite, interposing no objection to the instant petition of said judge; and (c) the supplementary manifestation and comment of said Provincial Fiscal that in his eagerness to comply with this Court's resolution of March 20, 1972, he failed to notice that Criminal Case No. CCC-VII-939, Cavite, was filed directly with the Circuit Criminal Court. The Court Resolved to AUTHORIZE Judge Onofre A. Villaluz to conduct the arraignment and trial of criminal cases Nos. CCC-VII-939-Cavite & CCC-VII-940-Cavite, entitled *People v. Eliseo Calderon y de la Cruz*, CCC-VII-964-Cavite, entitled *People v. Nestor Bencito, et al., Hilarion Maglabe, et al.*, and all succeeding cases that may be filed with his Court from the province of Cavite and its three cities, at Pasig, Rizal." (italics supplied)

Petitioners' argument that the two complaints cannot be the subject of a judicial inquiry is without basis. It is alleged that to compel petitioners to pay the salaries of respondent fiscals is in effect an encroachment by the courts into the council's power to legislate for it is necessary that the council should pass a resolution to appropriate the amount sufficient to cover the salaries claimed by respondent fiscals.

It is clear from the records that the payment of the salaries of respondent fiscals had been authorized by the Auditor General pursuant to an opinion of the Secretary of Justice. Moreover, as gleaned from the resolution dated January 29, 1973, respondent Judge found that the payment of salaries of respondent fiscals find justification under Section 3 of the Decentralization Act in relation to Section 25 of the said act. Thus, respondent Judge in the exercise of his discretion, after considering the evidence presented at the preliminary investigation and concluding that the petitioners acted in bad faith in refusing to pay respondents fiscals' salaries properly ordered the filing of the informations.

ACCORDINGLY, the petition is hereby dismissed and the restraining order issued is lifted and set aside. This decision is immediately executory.

SO ORDERED.

Narvasa, Cruz, Paras, and Gancayco, JJ., concur.

[1] This case had been ordered consolidated with the cited cases for involving the same issue, per the Court's resolution of June 4, 1973, Record, page 68, but had been inadvertently left out of the joint decision rendered therein.

[2] The circuit criminal courts were abolished with the implementation on January 17, 1983 of the reorganization of all courts under B.P. Blg. 129.

[3] 71 SCRA at pp. 371-372; italics supplied.

[4] *Idem*, at p. 374.

[5] See also *People v. Villanueva*, 110 SCRA 465.

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