

THE PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON. AGUSTIN ANTILLON, IN HIS CAPACITY AS JUDGE OF THE CITY COURT OF CAGAYAN DE ORO, BRANCH I, AND ARTEMIO HONCADA, RESPONDENTS.

G.R. No. L-31675. June 29, 1982

Ponente: RELOVA, J.

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RELOVA, J.:

From the order of the City Court of Cagayan de Oro dismissing its Criminal Case No. 17889 for lack of jurisdiction, the Solicitor General filed this present petition for certiorari raising the issue of whether the City Court has concurrent jurisdiction with the Circuit Criminal Court over illegal possession of untaxed blue seal cigarettes, as defined and penalized under Section 174 of the National Internal Revenue Code, as amended by Republic Act No. 4713. The penalty imposable is a fine of not less than P600.00 nor more than P5,000.00 and imprisonment of not less than six (6) months and one (1) day nor more than four (4) years.

Records show that Artemio Honcada was charged before the City Court of Cagayan de Oro of the crime of illegal possession of untaxed blue seal cigarettes. The information reads as follows:

"The undersigned 3rd Assistant City Fiscal of the City of Cagayan de Oro, Philippines, and within the jurisdiction of this Honorable Court, the abovenamed accused, without any authority, did then and there willfully, unlawfully and feloniously have in his possession, custody and control thirteen (13) cases or 650 reams of Union Blue Seal Cigarette and eighty-six (86) reams of Champion King-Size Cigarette for business purposes, all subjects to specific tax and custom duty therefor due the government in the amounts of P3,765.00 and P951.00, respectively, or in the total amount of P4,716.00, were not paid, to the damage and prejudice of the government in the aforesaid sum of P4,716.00, Philippine Currency."

City Judge Agustin Antillon issued an order quashing the information on the ground of lack of jurisdiction because "upon approval of Republic Act No. 5179, which took effect on September 8, 1967, the City Court was divested of its concurrent jurisdiction over offenses involving violations of Section 174 of the Internal Revenue Code, if and when the penalty imposable falls under the original and exclusive jurisdiction of the Court of First Instance as in the case at bar."

The Assistant City Fiscal who filed the information moved to reconsider the order of dismissal alleging that the City Court has concurrent jurisdiction with the Court of First Instance and the Circuit Criminal Court to try the above-entitled case on the merits.

Respondent City Judge issued an order denying the motion for reconsideration, insisting that it is "the intention of Congress to deprive the City Court to try cases of this kind and nature belonging to the original exclusive jurisdiction of the Court of First Instance. The City Court, however, has jurisdiction to try and decide offenses enumerated under Republic Act 5179 if and when the penalty imposable falls under the original exclusive jurisdiction of the City Court (People vs. Paderna, G.R. No. L-28518, January 29, 1968) and, since in the case at

bar the offense charged carries with it a penalty beyond the original exclusive jurisdiction of the City Court, this case must, necessarily, be thrown out of this Court."

We find for the petitioner. Section 1, Republic Act No. 5179, creating the Circuit Criminal Court, provides in part:

"In each of the sixteen judicial districts for the Courts of First Instance as presently constituted, there is hereby created a Circuit Criminal Court with limited jurisdiction, concurrent with the regular court of first instance, to try and decide the following criminal cases falling under the original and exclusive jurisdiction of the latter:

"x x x x x x x x

"c. Violations of Sections 3601, 3602 and 3604 of the Tariff and Customs Code and Sections 174, 175, and 345 of the National Internal Revenue Code."

Before the enactment of Republic Act No. 5179 on September 8, 1967 the City Courts and the Courts of First Instance have concurrent jurisdiction to try criminal cases where the prescribed penalty for the offense charged is imprisonment for six (6) months and one (1) day to six (6) years or a fine of P200.00 to P6,000.00, or both. With the passage of said Republic Act No. 5179, the Circuit Criminal Court was given concurrent jurisdiction with the regular Courts of First Instance to try and decide criminal cases involving, among others, violations of Sections 174, 175 and 345 of the National Internal Revenue Code. In vesting the Circuit Criminal Court with jurisdiction concurrently with the Court of First Instance, Congress could not have meant to divest the city courts of their jurisdiction to try and determine criminal cases where the prescribed penalty for the offense charged is imprisonment of six (6) months and one (1) day to six (6) years or a fine of P200.00 to P6,000.00, or both. Otherwise stated, the fact that the Circuit Criminal Court has been vested with jurisdiction of crimes of this nature the same cannot be taken as a repeal or withdrawal of the jurisdiction conferred in the city courts. Not only is implied repeal disfavored by the law, but also, it is a cardinal principle that a statute must be so construed as to harmonize all apparent conflicts, and give effect to all its provisions whenever possible. (*People vs. Palmo*, 86 Phil. 350; *People vs. Peñas*, 86 Phil. 596; *Villanueva vs. Ortiz*, 58 Off. Gaz. 1380).

As aptly stated by the Solicitor General in his brief, 'Circuit Criminal Courts cannot be superior in category to Courts of First Instance. The judges of said criminal courts are also appointed by the President of the Philippines with the consent of the Commission on Appointments and have the same qualifications, rank, compensation and privileges and are subject to the same restrictions or disabilities, as Judges of the Courts of First Instance (Sec. 2, Republic Act No. 5179). In fact, Criminal Circuit Courts exercise only limited jurisdiction. Hence, if as this Honorable Court has consistently held that in expanding the original jurisdiction of the City and Municipal Courts under Section 87 of Republic Act No. 296, as amended by Republic Acts Nos. 2613 and 3828, without specifically modifying the original jurisdiction of the Courts of First Instance as provided for originally in Section 44 of the same Act, Congress meant to provide for a zone where the jurisdiction of these courts is concurrent (*Esperat vs. Avila*, supra; see also cases cited ante), for the same reason it could not have meant to disturb the existing law providing for the concurrent jurisdiction of the Courts of First Instance on the one hand, and the City and Municipal Courts on the other, simply by creating the Circuit Criminal Courts of limited jurisdiction."

The purpose of the law (Republic Act No. 5179) is to lighten the load of the Courts of First Instance and the City Courts. It did not operate to exclude the concurrent criminal jurisdiction of the city courts whenever the offense is penalized with imprisonment of six (6) months and one (1) day to six (6) years or a fine of P200.00 to P6,000.00, or both.

WHEREFORE, the orders appealed from are revoked and set aside, and the records of the case are ordered remanded to the court of origin for decision on the merits.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Melencio-Herrera, Plana, Vasquez, and Gutierrez, Jr., JJ., concur.

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