

SOTERA GARCIA DIMAGIBA, PETITIONER VS. HON. AMBROSIO M. GERALDEZ, JUDGE, MUNICIPAL COURT OF MANILA, BRANCH IV AND THE CITY FISCAL OF MANILA, RESPONDENTS.

G. R. No. 11395. January 31, 1958

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-11395/>

LABRADOR, J.:

Certiorari against an order of dismissal issued by the Court of First Instance of Manila, and prohibition against the Municipal Court of Manila, Hon. Ambrosio M. Geraldez, presiding, to enjoin it from taking cognizance of an information filed before it for estafa against the petitioner (Criminal Case No. D-057576).

On March 14, 1955, Assistant Fiscal Gregorio F. Lim of Manila filed an information for estafa (Criminal Case No. 30750) against petitioner Sotera Dimagiba. The information charges that the accused therein, petitioner in these proceedings, defrauded, misappropriated, misapplied and converted, the sum of P200.00, which should have been delivered to complainant. On November 5, 1955, after the information had been read and the accused entered a plea of not guilty thereto, the court dismissed the information for want of jurisdiction. Thereafter, on January 17, 1956, Fiscal Lim presented another information against the accused, this time before the Municipal Court of Manila. The information is a replica of the information filed previously in the Court of First Instance. Upon the filing of this information the accused, petitioner herein, filed a motion to quash, alleging double jeopardy. The motion was denied and upon his failure to obtain a reconsideration of the denial of the motion to quash, the accused instituted the present action in this Court.

The petitioner claim that the Court of First Instance of Manila had jurisdiction to try the offense charged in the information filed with it under the authority of the Revised Charter of the City of Manila (R. A. No. 409), particularly Section 41, which provides as follows:

"Sec. 41. Criminal jurisdiction.-The municipal court shall have territorial jurisdiction embracing the entire police jurisdiction of the city, and shall hold a daily session, Sundays and legal holidays alone executed: Provided, however, That when a legal holiday occurs in two or more successive days or when a Sunday is immediately preceded and/or followed by a holiday, the municipal court may hold night session during said holidays. Said court shall have jurisdiction exclusive of the other courts sitting in the city over all criminal cases arising under the penal laws of the Philippines, where the offense is committed within the police jurisdiction of the city and the maximum punishment is by imprisonment for not more than six months, or a fine of not more than two hundred pesos, or both.

"It shall also have concurrent jurisdiction with the Courts of First Instance over all criminal cases arising under the laws relating to gambling and management of lotteries, to assaults where the intent to kill is not charged or evident upon the trial, to larceny, embezzlement and estafa where the amount of money or property stolen, embezzled or otherwise involved does not exceed the sum or value of two hundred pesos, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on Government or private property, and to threatening to take human life. It may also conduct preliminary examinations for any

offense, without regard to the limits of punishment, and may release, or commit and bind ever any person charged with such offense to secure appearance before the proper court.'

The cases of *People vs. Palmon*, 86 Phil., 350, 47 Off. Gaz. 29, and *People vs. Colicio*, 88 Phil. 196 are cited in support of this contention.

The information filed in the Court of First Instance of Manila charges misappropriation of the sum of P200.00. The penalty prescribed for this offense is *arresto mayor* in its medium and maximum period (Art. 315, par. 5, Revised Penal Code). The offense charged, therefore, falls within the exclusive jurisdiction of the Municipal Court of Manila in accordance with Section 41 of its revised charter. But it is argued that the second paragraph of the same section, which provides:

"It shall also have concurrent jurisdiction with the Courts of First Instance over all criminal cases arising under the laws relating to gambling and management of lotteries ,to assaults where the intent to kill is not charged or evident upon the trial, to larceny, embezzlement and estafa where the amount of money or property stolen, embezzled or otherwise involved does not exceed the sum or value of two hundred pesos, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on Government or private property, and to threatening to take human life. * * *"

is a grant of concurrent jurisdiction to try the same case to the Court of First Instance. There are various reasons for rejecting this contention. Section 41 is found in "Article IX-The Municipal Court" of the Charter of Manila, and defines the jurisdiction of the Municipal Court of the City, both original and concurrent. No implication may be made therefrom of a grant of concurrent jurisdiction to the Court of First Instance. Grants of jurisdiction cannot be merely implied. Then the provision from which the grant is sought to be implied defines the jurisdiction of the Municipal Court only, and cannot possibly refer to another court, whose jurisdiction is defined in another law (Republic Act No. 296). That the Municipal Court should have concurrent jurisdiction over certain specific crimes triable by a Court of First Instance is no bases for the claim that the Court of First Instance, conversely, has also concurrent jurisdiction over cases triable by the Municipal Court. Lastly, the Court of First Instance is a court of general jurisdiction and it is unreasonable to assume that the Legislature intended to grant to it concurrent jurisdiction over minor offenses such as estafa involving such amounts as may be less than P200.00.

We have also examined the cases that have been cited by both of the parties to the proceedings and found out that none of them covers the precise question raised and decided in these proceedings.

The petition is hereby denied, with costs against petitioner.

Paras, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.