

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. TEOPISTA VEKAY, DEFENDANT AND APPELLANT.

G.R. No. 12391. March 26, 1917

Ponente: CARSON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-12391/>

CARSON, J.:

The accused in this case was convicted in the municipal court of the city of Manila of the theft of a pin valued at P200, and sentenced to three months of *arresto mayor*. Upon appeal and retrial in the Court of First Instance she was again convicted of the crime charged in the information and sentenced to two months and one day of *arresto mayor*. From this latter judgment convicting and sentencing her in the Court of First Instance, an appeal was taken to this court, and our disposition of this appeal turns upon the rulings which should be made upon the contentions of the parties as to the jurisdiction of the municipal court of Manila over the crime charged in the information, and the right of appeal to this court from the judgment of conviction in the Court of First Instance.

The last paragraph of section 10 of Act No. 267 referring to the municipal courts of the city of Manila is as follows:

"The limitations upon the criminal jurisdiction of the municipal courts hereinbefore stated are subject, nevertheless, to the proviso that said courts 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, and to assaults where the intent to kill is not charged or evident upon the trial, to larceny and embezzlement where the amount of money or property stolen or embezzled does not exceed the sum or value of one hundred dollars, to the sale of intoxicating liquors, to falsely impersonating an officer, to malicious mischief, to trespass on Government or private property, and threatening to take human life; but in all such cases an appeal to the Court of First Instance upon proper application shall be allowed as in other cases."

This statute was enacted October 17, 1901, that is to say, prior to the enactment of the Act of Congress of July 1, 1902, which defines and delimits the jurisdiction which may be exercised by the court in these Islands, and there can be no question as to the plenary power of the Philippine Commission at the date of the enactment of the statute to confer the criminal jurisdiction therein set forth upon the municipal courts of the city of Manila. Further, it is to be observed that the grant of such jurisdiction to those courts is expressly ratified and confirmed, in section 9 of the above mentioned Act of Congress, which provides that:

"The municipal courts of said Islands shall possess and exercise jurisdiction as heretofore provided, subject in all matters to such alteration and amendment as may hereafter be enacted by law."

There can be no real question as to the power of the Philippine Commission, at the date of the enactment of the above-cited statute (October 17, 1901) to make such provision for appeals from judgments entered in the inferior courts in these Islands as might be deemed expedient. Hence the only question which can arise as to the right of appeal from judgments entered in the municipal courts of the city of Manila in the exercise of the criminal jurisdiction conferred upon them by the above cited provisions of the statute, and from judgments entered on appeal to the Court of First Instance in such cases, is: "What was actually done by the Commission in this

regard?"

It is clear from the express terms of the above-cited section of the statute, that an appeal was allowed to the Court of First Instance "as in other cases" in all cases wherein jurisdiction was conferred upon the municipal court by that statute. But was it the intention of the Commission by the enactment of this legislation to cut off the right of appeal in these cases from the judgment of the Court of First Instance to the Supreme Court, and to deny to the convicts the right to a review of the proceedings by this court which had theretofore been secured to them under the provisions of section 43 of General Orders No. 58 which are as follows:

"From all final judgments of the Courts of First Instance or courts of similar jurisdiction, and in all cases in which the law now provides for appeals from said courts, an appeal may be taken to the Supreme Court as hereinafter prescribed. Appeals shall also lie from the final judgments of justices of the peace in criminal cases to the courts of the next superior grade, and the decisions of the latter thereon shall be final and conclusive except in cases involving the validity or constitutionality of a statute, wherein appeal may be made to the Supreme Court."

The statute does not, in express terms, deny the right of appeal from judgments of conviction in the Court of First Instance in the class of cases referred to therein; but it is contended that it does so by implication, because the appeal of the Court of First Instance is allowed "as in other cases," and no appeal is allowed to the Supreme Court from the judgment entered by the Court of First Instance on appeals from the municipal court "in other cases" except in a few instances wherein special provision is made therefor. We are of opinion, however, that the provisions for the allowance of appeals to the Court of First Instance in this class of cases in like manner as appeals were theretofore allowed "in other cases," refers merely to the proceedings whereby the case may be transferred to and heard by the Court of First Instance; and was not intended to cut off the right of appeal to the Supreme Court which had theretofore been secured to convicts in this class of cases.

The maximum degree of penalties prescribed for the various offenses mentioned in the statute is in all cases more severe, and in some cases much more severe than those prescribed for offenses over which the municipal court had jurisdiction prior to the enactment of the statute. Prior to the enactment of the statute, the jurisdiction of the municipal court was limited to cases wherein a penalty of not more than six months' imprisonment or a fine of not exceeding one hundred dollars might be imposed. The penalties prescribed for the offenses over which jurisdiction is conferred by the statute may, in some cases, reach a maximum of twelve years of prison mayor.

We think that had it been the intention of the Commission to deprive accused persons of the right to a review by this court of criminal proceedings wherein they have been sentenced to imprisonment for long terms of years, such intention would have been set forth in plain and explicit terms, or disclosed by necessary implication from the language of the statute.

Black, sustaining the text with numerous citations of authority, says that: "A statute will not be construed as ousting or restricting the jurisdiction of the superior courts, or as vesting a new jurisdiction in them, unless there be express words or a necessary implication to that effect." (Black on Interpretation of Laws, sec. 55, p. 123.)

And the rule, also supported by numerous citations of authority, is laid down in substantially similar terms in Sutherland's Statutory Construction (2d ed., vol. II, sec. 568, p. 1051). Indeed the general rule as laid down by the courts is to the effect that jurisdiction cannot be created or taken away by implication, except where the implication is necessary from the language and purpose of the statute. (Keitler vs. State, 4 Greene [Iowa], 291; School Inspectors vs. People, 20 111., 526; Pringle vs. Carter, 1 Hill [S. C.], 53; Thompson vs. Cox, 8 Jones L. [N. C.], 311; Ryan vs. Commonwealth, 80 Va., 385; Beebe vs. Scheldt, 13 Ohio St., 406. See Caulfield vs. Stevens, 28 Cal., 118; Mechan vs. McKay, 37 Cal., 154.)

The contention that the statute cuts off the right of appeal to this court rests wholly upon doubtful inferences based on a strained construction of its terms and cannot therefore be maintained.

In the case of the United States vs. Trinidad (7 Phil. Rep., 325), relied upon by the Attorney-General, the court, as clearly appears from the decision, did not have in mind appeals from judgments of conviction in the exceptional cases now under consideration, and the general propositions therein announced are not applicable thereto.

It appears that the trial judge, being of opinion that no appeal would lie from his judgment in the case at bar, did not require the taking of stenographic notes of the testimony. As a result, it is impossible for us on this appeal to review the evidence submitted in the court below, and a new trial must be granted the accused.

Ten days hereafter let judgment be entered reversing the judgment convicting and sentencing the appellant, and directing the Court of First Instance to grant a new trial, and ten days thereafter let the record be returned to that court, with the costs of this instance de officio. So ordered.

Torres, Trent, and Araullo, JJ., concur.

Moreland, J., concurs in the result.

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.