

CHAN LIN AND LEE LION, PETITIONERS, VS. M. VIVENCIO DEL ROSARIO AND J. MCMICKING, RESPONDENTS.

G.R. No. 12623. March 27, 1917

Ponente: MORELAND, J.

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MORELAND, J.:

This is a petition for a writ of certiorari directed to the Court of First Instance of the city of Manila for a review of a judgment of conviction in a criminal action entered by that court against the petitioners herein.

It appears that the petitioners were arrested and convicted in the municipal court of the city of Manila for having engaged in a gambling game within the police jurisdiction of the city of Manila. They appealed to the Court of First Instance of the city of Manila. The case having been properly certified to the appellate court a demurrer was filed to the information upon the same grounds presented as the basis of the demurrer in the municipal court, namely, that the municipal court had no jurisdiction of the crime and that, as a consequence, the Court of First Instance had no jurisdiction thereof on appeal. The demurrer was overruled and the case tried, resulting in a conviction and a fine of P100 against each of the petitioners. An appeal was thereupon taken to the Supreme Court, which appeal was denied by the Court of First Instance.

The basis of the petition in this case is, as already indicated, the alleged lack of jurisdiction of the municipal court of the city of Manila, it being claimed that, the information having been filed under Act No. 1757, known as the Gambling Law, and that Act permitting a punishment of more than six months imprisonment and P200 fine, the municipal court had no jurisdiction thereof and all proceedings in that court and subsequent thereto have neither force nor effect.

The argument in support of this contention is based on the Act of Congress of July 1, 1902, which confirms the jurisdiction of certain courts of the Philippine Islands as then exercised; and that the jurisdiction of the municipal court of the city of Manila at the time of the passage of the Act of Congress referred to being limited as aforesaid, such jurisdiction was confirmed by that Act as thus limited and could not thereafter be enlarged.

This argument overlooks an important point; and that is, that at the time said Act of Congress was passed, the municipal court of the city of Manila was enjoying the jurisdiction conferred by Act No. 267 and not that conferred by Act 136 upon which the petitioners rely as showing the jurisdiction of that court at that time. Act No. 267 gives the municipal court of the city of Manila concurrent jurisdiction with the Court of First Instance over all violations of the Gambling Law committed within its territorial limits.

This being the case the contention of the petitioners is without grounds to sustain it.

The petition is dismissed, with costs. So ordered.

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

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