

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. JOSE FULE, DEFENDANT AND APPELLEE.

G.R. No. 12915. July 28, 1959

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On June 18, 1957, the Provincial Fiscal of Laguna filed an information for serious oral defamation against Jose Fule with the office of the deputy clerk of court of the second branch of the Court of First Instance of Laguna comprising the City of San Pablo.

On June 20, 1957, said information was received in the office of the deputy clerk of court of the third branch of the Court of First Instance of Laguna. Said information was transmitted to the third branch because pursuant to Administrative Order No. 149, series of 1955, of the Secretary of Justice which distributed the cases arising from the different municipalities in the Province of Laguna among the three branches of the court, the offense committed was cognizable by the third branch of the court stationed in San Pablo City.

On July 27, 1957, the accused filed with the third branch of the court a motion to quash on the ground that the criminal action had been extinguished upon the theory that since according to the information the alleged offense was committed on December 20, 1956 and the information was filed with the deputy clerk of court of the third branch on June 20, 1957, the filing of the action was made after the lapse of six months. On July 8, 1957, the Provincial Fiscal filed its opposition to the motion contending that the information having been filed on June 18, 1957, the action has not yet prescribed.

On July 29, 1957, the court presided over by Hon. Cecilia Munoz Palma sustained the motion and ordered the dismissal of the information.

On August 12, 1957, the Provincial Fiscal moved for reconsideration of the order of dismissal. And on August 24, 1957, the trial judge denied the motion for lack of merit. Hence the instant appeal.

The trial court in sustaining the motion to quash made the following comment:

"With respect to the second issue, this Court finds no ground for reversing its previous conclusion on this matter, for several reasons: First, this Court is separate and independent from the other branches I and II of the Court of First Instance of Laguna, and it has its own Docket, Deputy Clerk of Court and office personnel and accordingly, actions falling within its territorial jurisdiction must have to be filed before its own Deputy Clerk of Court and not before any other employee of any of the two Branches including the Clerk of Court who is sitting at Sta. Cruz, Laguna and officiating as such for the Second Branch. Second, even assuming that a pleading may be filed with the Clerk of Court at Sta. Cruz for the Branch, still incontrovertible fact remains that in the records of this case by which the Court is guided alone, it appears that the information was filed on June 20, 1957, at 9:50 in the morning. Third, this being a criminal case, any interpretation or construction of the law on the matter in dispute is to be construed liberally in favor of the defendant."

There is no question that in line with our doctrine in the case of *People vs. Del Rosario*, 97 Phil., 67; 51 Off. Gaz.,

(6) 2868, the last day for filing the information in the instant case within the period prescribed in Article 90 of the Revised Penal Code is June 18, 1957. The only question to determine is whether or not the filing of the information with the office of the deputy clerk of court of the second branch on June 18, 1957, can be considered as filing with the Court of First Instance of Laguna so as to interrupt the running of the prescriptive period.

It should be noted at the outset that the Court of First Instance of Laguna comprising the City of San Pablo was divided into three branches two of which are stationed in the municipalities of Biñan and Sta. Cruz, and the third branch in the City of San Pablo. By virtue of section 57 of Republic Act No. 296, as amended, and for the purpose of distributing among the three branches the cases arising from the different municipalities in the province, the Secretary of Justice issued Administrative Order No. 149, series of 1955, according to which the third branch assigned in the City of San Pablo shall take cognizance of cases arising from the Municipality of Alaminos where the offense charged was allegedly committed.

The trial court premised its dismissal of the information upon the theory that "this court is separate and independent from the other branches I and II of the Court of First Instance of Laguna, and it has its own Docket, Deputy Clerk of Court and office personnel and accordingly, actions falling within its territorial jurisdiction must have to be filled before its own Deputy Clerk of Court and not before any other employee of any of the two Branches, including the Clerk of Court who is sitting" at Sta. Cruz, Laguna and officiating as such for the Second Branch."

The Solicitor General disagrees with this theory and contends that a court although composed of several branches is deemed to be a totality and each branch is deemed to possess equal and coordinate powers, and that "the jurisdiction of a branch of a court is co-extensive with the jurisdiction of the Court of First Instance of which it is a part. It has no more nor less jurisdiction than the other branches of the court."

This contention of the Solicitor General is in line with the interpretation given by this Court in a case of similar nature. Thus, in meeting the contention that the branch of a district court is distinct and separate from other branches of the same court and therefore each has independent jurisdiction, this Court, through Mr. Justice Labrador, made the following comment; "But the court below predicates the argument on the incorrect premise that the six branches of the court of first instance of Leyte are six different courts. There is only one court of first instance of Leyte; each of its six branches is not a court separate and distinct from the five other branches. Jurisdiction, furthermore, is vested in the court, not in the judges. So, when a complaint or information is filed before one branch or judge, jurisdiction does not attach to said branch or judge alone, to the exclusion of the others. Trial may be had or proceedings may continue by and before another branch or judge. It is for this reason that Section 57 of the Judiciary Act, expressly grants the Secretary of Justice, upon recommendation of the district judge, the administrative right or power to apportion the cases among the different branches, both for the convenience of the parties and for coordination of the work by the six branches and the judges presiding each branch. The apportionment does not involve a grant or limitation of jurisdiction; this continues to be vested in the court of first instance of the province as a whole, and trial may be had by any branch or judge of the court.[1]

It appearing from the official certification of Mr. Carmelo Salandanan, the receiving clerk of the office of the deputy clerk of court of the second branch, that the information in the present case was filed in the office of said deputy clerk on June 18, 1957 by the Provincial Fiscal although, following his instructions, he transmitted the same to Branch III because it is one of the cases that belong to said branch, the conclusion is inescapable that the information was filed within the period prescribed by Article 90 of the Revised Penal Code. It is, therefore, an error to quash the information on the ground of prescription.

Wherefore, the order appealed from is set aside and the case remanded to the court of origin for further

proceedings. No costs.

Paras, C, J., Bengzon, Montemayor, Labrador, Concepcion, Endencia, and Barrera, JJ., concur.

[1] Norberto Lumpay, et al. vs. Hon. Segundo Moscoso, supra, p. 968.

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