

TOMAS MALLORCA, PETITIONER AND APPELLEE, VS. NICOLAS C. ADOLFO, JUSTICE OF THE PEACE OF SUBIC, ZAMBALES, AND ZACARIAS V. MENDOZA, CHIEF OF POLICE AND JAIL WARDEN OF THE MUNICIPA...*G.R. No. 17621. August 31, 1961*

Ponente: REYES, J.B.L., J.

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A complaint filed on August 24, 1960 by the Chief of Police in the Justice of the Peace Court of the Municipality of Subic, Zambales, charged petitioner-appellee Tomas Mallorca and two others with the crime of theft of property belonging to the United States, valued at \$1,478.05 or P4,655.86, committed "on or about the 18th day of August, 1960, in the U.S. Naval Base, Subic Bay, Subic, Zambales". Upon its being docketed as Criminal Case No. 929, the Justice of the Peace of Subic issued the corresponding warrant of arrest (Exhibit 2), and on the strength thereof and of the commitment order (Exhibit 3), petitioner Mallorca was taken into custody of the Chief of Police, who is concurrently the Jail Warden.

Mallorca petitioned the Court of First Instance for a writ of habeas corpus, praying for his release, on the ground that the Justice of the Peace of Subic had no jurisdiction to take cognizance of the case, because the place where the alleged crime was committed was outside the territorial jurisdiction of the Justice of the Peace Court that issued the warrant. After answer of the Provincial Fiscal, controverting the allegations of the petition, and due hearing, the Court of First Instance found that the alleged crime was committed within the territorial jurisdiction of the Justice of the Peace Court of the Municipality of Olongapo, and thereupon granted the writ and ordered petitioner's release. The fiscal then appealed to this Court on points of law.

There is no question that formerly, Olongapo was only a barrio of the Municipality of Subic. Even then, however, Olongapo had its own justice of the Peace who, since 1947, exercised criminal jurisdiction over offenses committed within the boundaries of the former U. S. Naval Base in Subic Bay. On December 7, 1959, Olongapo was constituted into a separate municipality, with territory comprising only that part of the former Naval Base Area known as the "Community of Olongapo". (Exec. Order No. 366).

The prosecution contends that the territorial jurisdiction of a Municipal Justice of the Peace Court is only coextensive with that of the municipality itself; and since the place where the theft was committed, according to the terms of the charge, lay in the portion of the former Naval Base outside the boundary limits of the municipality of Olongapo, it was outside the jurisdiction of the Justice of the Peace Court of said town, and within that of Subic. This argument would be tenable if it were not the undisputed fact that since 1947, long before the separation from Subic, it was the Justice of the Peace of Olongapo that already exercised jurisdiction over the entire territory of the Naval Base. The governing provision after the separation of both towns in Article 69 of the Judiciary Act (R.A. 296 as amended), which provides:

"SEC. 3. Jurisdiction of Justice of the Peace as Affected by Territorial Changes.—When a new political division

affecting the territorial jurisdiction of the justice of the peace is formed or the boundaries limiting the case are changed, the President of the Philippines may, in the absence of special provision, designate which of the justices and auxiliary justices within the territory affected by the change shall continue in office; and the powers of any other therein shall cease."

As correctly pointed out by the Court of First Instance in its appealed decision, the import of this section is that the Justice of the Peace exercising jurisdiction over a specified territory before the new political division is formed should continue exercising it until contrary designation by the President. No such designation having taken place when the crime here charged was committed in 1960, the same should be taken cognizance of by the Justice of the Peace of Olongapo, who exercised jurisdiction over the place before the new town was formed. It follows that the warrant of arrest and order of commitment (Exhibits 2 and 3) issued by the Justice of the Peace of Subic were issued without jurisdiction and are null and void. Hence, the Court below correctly ordered the release of the appellee.

The decision appealed from is affirmed, but without prejudice to the refiling of the complaint in the Justice of the Peace Court of Olongapo. No costs.

Bengzon, C. J., Padilla, Concepcion, Barrera, Paredes, Dizon, De Leon, and Natividad, JJ., concur.
Labrador, J., took no part.

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