

ANGELINA MEJIA LOPEZ, AURORA MEJIA VILLASOR, ROY P. VILLASOR, PETITIONERS, VS. THE CITY JUDGE, CESAR L. PARAS, TRINIDAD T. LAZATIN, AND TERRA DEVELOPMENT CORPORATION, RESPONDENTS.

G. R. No. 25795. October 29, 1966

Ponente: DIZON, J.

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DIZON, J.:

In the month of February 1964, petitioners Roy P. Villasor, as administrator of the intestate estate of the spouses Manuel M. Mejia and Gloria Lazatin (Special Proceedings No. 48181 of the Court of First Instance of Manila), together with his co-petitioners Angelina Mejia Lopez and Aurora Mejia Villasor and other heirs of said spouses, entered into a contract with respondent Trinidad T. Lazatin for the development and subdivision of three parcels of land belonging to said intestate estate. Subsequently Lazatin transferred his rights under the contract to the Terra Development Corporation. Months later, petitioners and other coheirs filed an action in the Court of First Instance of Quezon City (Civil Case No. Q-8344) for the rescission of said contract for alleged gross and willful violation of its terms. Thereafter, Lazatin and the Terra Development Corporation, in turn, filed with the Fiscal's Office of the City of Angeles a complaint against petitioners for an alleged violation of the provisions of Article 172 in relation to those of Article 171, paragraph 4, of the Revised Penal Code. After conducting a preliminary examination in connection therewith, the City Fiscal of Angeles filed with the Court of said City an information charging petitioners with the crime of falsification of a private document upon the allegation that they made it appear in the contract mentioned heretofore that Aurora M. Villasor was the "guardian" of the minor George L. Mejia and that Angelina M. Lopez was similarly the "guardian" of the minor Alexander L. Mejia, when in truth and in fact they knew that they were not the guardians of said minors on the date of the execution of the document (Criminal Case No. C-2268).

Upon petition of the parties thus charged, the City Fiscal of Angeles reinvestigated the case on March 7, 1965 to give them an opportunity to present exculpatory evidence, and after the conclusion of the reinvestigation the parties charged moved for the dismissal of the case mainly on the ground that the City Court of Angeles had no jurisdiction over the offense because the private document that contained the alleged false statement of fact was signed by them outside the territorial limits of said city. As the resolution of this motion to dismiss was delayed and in the meantime the City Court had set Criminal Case No. C-2268 for arraignment, the defendants secured from said court several postponements of the arraignment.

Finally, in view of the City Fiscal's continued failure to act on the motion to dismiss the case, petitioners filed on November 26, 1965 with the City Court a motion to quash upon the ground that said court had no jurisdiction over the offense charged. The complainants in the case - with the conformity of the City Fiscal - filed an opposition thereto, and on February 3, 1966 the respondent judge denied said motion to quash and reset the arraignment of all the defendants on March 5 of the same year. In view thereof, petitioners filed the present action for certiorari and prohibition.

Upon the foregoing facts the only question to be resolved is whether or not the City Court of Angeles City has jurisdiction to try and decide Criminal Case No. C-2268 for alleged falsification of a private document by the parties named in the information.

It is clear that petitioners are not charged with having used a falsified document, in violation of the last paragraph of Article 172 of the Revised Penal Code. The charge against them is that of having falsified a private document by knowingly and willfully stating therein that Aurora M. Villasor and Angelina M. Lopez were the "guardians" of their minor brothers George and Alexander, respectively, when in fact they knew that, at the time they made such written statement, it was Carolina M. de Castro who was the judicial guardian of said minors.

It is settled law in criminal actions that the place where the criminal offense was committed not only determines the venue of the action but is an essential element of jurisdiction (U. S. vs. Pagdayuman 5 Phil. 265). Thus, under the provisions of Section 86 of the Judiciary Act of 1948, municipal courts have original jurisdiction only over criminal offenses committed within their respective territorial jurisdiction.

In the present case, it is the claim of petitioners -a claim supported by the record - that Angelina M. Lopez and Aurora M. Villasor signed the private document wherein they are alleged to have made a false statement of fact, the first within the territorial jurisdiction of Makati, and the second within the territorial jurisdiction of Quezon City, both within the province of Rizal.

We now come to consider the question of when and where is the offense of falsification of a private document deemed consummated or committed. Upon this point, We have ruled clearly and definitely in U.S. vs. Infante, 36 Phil. 146, that the crime of falsification of a private document defined and penalized by Article 304 of the Penal Code (now paragraph 2, Article 172 of the Revised Penal Code) is consummated when such document is actually falsified with the intent to prejudice a third person, whether such falsified document is or is not thereafter put to the illegal use for which it was intended.

Again in U.S. vs. Barreto, 36 Phil. p. 207, We said:

"xxx xxx xxx The contention of counsel would seem to be that the information was defective, in that it fails to set forth expressly the place where improper and illegal use was made of the falsified document, an allegation which counsel for appellant insists was absolutely essential for the proper determination of the court clothed with jurisdiction over the alleged offense. But under the definition of the crime of falsification of a private document as set forth in article 304 of the Penal Code, the offense is consummated at the time when and at the place where the document is falsified to the prejudice of or with the intent to prejudice a third person, and this whether the falsified document is or is not put to the improper or illegal use for which it was intended. It is evident, therefore, that the place where the crime is committed is the place where the document is actually falsified, and that the improper or illegal use of the document thereafter is in no wise a material or essential element of the crime of falsification of a private document; xxx xxx."

Applying the above ruling to the facts before Us, it would appear that if the private document subject of the information was falsified by the persons therein charged, the act of falsification - the signing of the document and the coetaneous intent to cause damage - was committed and consummated outside the territorial jurisdiction of the City of Angeles, and that whether the falsified private document was thereafter put or not put to the illegal use for which it was intended, or was signed by the other contracting party within the territorial jurisdiction of the City of Angeles is in no wise a material or essential element of the crime of falsification of the private document, nor could it in any way change the fact that the act of falsification charged was committed outside the territorial jurisdiction of Angeles City. Thus, that the City Court of Angeles has no jurisdiction over the offense charged is beyond question.

Respondents, however, contend that the motion to quash filed by the defendants necessarily assumes the truth of the allegation of the information to the effect that the offense was committed within the territorial jurisdiction of Angeles City and that they may not be allowed to disprove this at this early stage of the proceedings. This is not exactly the law on the matter at present. It was the law applicable to a demurrer - now obsolete - to an information. The motion to quash now provided for in Rule 117 of the Rules of Court is manifestly broader in scope than the demurrer, as it is not limited to defects apparent upon the face of the complaint or Information but extends to issues arising out of extraneous facts, as shown by the circumstance that, among the grounds for a motion to quash, Section 2 of said Rule provides for former jeopardy or acquittal, extinction of criminal action or liability, insanity of the accused etc., which necessarily involve questions of fact in the determination of which a preliminary trial is required.

In the present case, the portion of the record of the reinvestigation which was submitted to the respondent judge for consideration in connection with the resolution of the motion to quash filed by the defendants shows beyond question that the offense charged was committed far beyond the territorial jurisdiction of Angeles City.

On the propriety of the writs prayed for, it may be said that, as a general rule, a court of equity will not issue a writ of certiorari to annul an order of a lower court denying a motion to quash, nor issue a writ of prohibition to prevent said court from proceeding with the case after such denial, it being the rule that upon such denial the defendant should enter his plea of not guilty and go to trial and, if convicted, raise on appeal the same legal questions covered by his motion to quash. In this as well as in other jurisdictions, however, this is no longer the hard and fast rule.

The writs of certiorari and prohibition, as extraordinary legal remedies, are, in the ultimate analysis, intended to annul void proceedings; to prevent the unlawful and oppressive exercise of legal authority and to provide for a fair and orderly administration of justice. Thus, in *Yu Kong Eng vs. Trinidad*, 47 Phil. 385, We took cognizance of a petition for certiorari and prohibition although the accused in the case could have appealed. In due time from the order complained of, our action in the premises being based on the public welfare and the advancement of public policy. In *Dimayuga vs. Fajardo*, 43 Phil. 304, We also admitted a petition to restrain the prosecution of certain chiropractors although, if convicted, they could have appealed. We gave due course to their petition for the orderly administration of justice and to avoid possible oppression by the strong arm of the law. And in *Arevalo vs. Nepomuceno*, 63 Phil. 627, the petition for certiorari challenging the trial court's action admitting an amended information was sustained despite the availability of appeal at the proper time.

More recently, We said the following in *Yap vs. the Hon. D. Lutero etc.* G. R. No. L-12669, April 30, 1959:

"Manifestly, the denial, by respondent herein, of the motion to quash the information in case No. 16443, may not be characterized as 'arbitrary' or 'despotic', or to be regarded as amounting to 'lack of jurisdiction'. The proper procedure, in the event of denial of a motion to quash, is for the accused, upon arraignment, to plead not guilty and reiterate his defense of former jeopardy, and, in case of conviction, to appeal therefrom, upon the ground that he had been twice put in jeopardy of punishment, either for the same offense, or for the same act, as the case may be. However, were we to require adherence to this pretense, the case at bar would have to be dismissed and petitioner required to go through the inconvenience, not to say the mental agony and torture, of submitting himself to trial on the merits in case No. 16443, apart from the expenses incidental thereto, despite the fact that his trial and conviction therein would violate one of his constitutional rights, and that, on appeal to this Court, we would, therefore, have to set aside the judgment of conviction of the lower court. This would, obviously, be most unfair and unjust. Under the circumstances obtaining in the present case, the flaw in the procedure followed by petitioner herein may be overlooked, in the interest of a more enlightened and substantial justice."

Indeed, the lack of jurisdiction of the City Court of Angeles over the criminal offense charged being patent, it

would be highly unfair to compel the parties charged to undergo trial in said court and suffer all the embarrassment and mental anguish that go with it.

WHEREFORE, judgment is hereby rendered declaring that the offense charged in the information filed in Criminal Case No.O-2268 of the City Court of Angeles City is not within the jurisdiction of said court and that, therefore, said court is hereby restrained and prohibited from further proceedings therein. Costs against the private respondents.

Concepcion, C.J., Reyes, J. B. L., Regala, Makalintal, Bengzon, J. P., Zaldivar, Sanchez and Ruiz Castro, JJ., concur.

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