

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLANT, VS. CRISPIN DE VERA, DEFENDANT AND APPELLEE.

G.R. No. 26478. February 23, 1927

Ponente: VILLA-REAL, J.

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VILLA-REAL, J.:

This is an appeal taken by the prosecution from an order of the Court of First Instance of Pangasinan, granting the accused's motion for dismissal of the action upon the ground that the justice of the peace who originally tried the cause, as well as the judge of said Court of First Instance, before whom said appeal was pending, had no jurisdiction, inasmuch as the misdemeanor committed by said accused is defined in article 588 of the Penal Code and punished with *arresto menor* and private censure, and dismissing the cause, reserving the right to commence another criminal action for the same offense.

In support of his appeal the appellant assigns the following alleged errors as committed by the trial court in its order, to wit: (1) The court below erred in holding that the justice of the peace court had no jurisdiction over a misdemeanor punishable under article 588 of the Penal Code, and that, consequently, the Court of First Instance had no appellate jurisdiction over said misdemeanor; (2) that the court below erred in dismissing the case.

Section 4 of Act No. 1627, as amended by section 2 of Act No. 2131, which confers criminal jurisdiction upon justices of the peace, reads as follows:

"Competencia para juzgar y sentenciar.—Los jueces de paz, excepto de la Ciudad de Manila, tendran competencia original para juzgar a las personas acusadas de faltas, de infracciones de los reglamentos establecidos por las respectivas juntas provinciales, en virtud de las disposiciones del articulo 13 (k), como esta reformado, de la Ley No. 83, titulada 'Ley Provincial,' y de las infracciones de las ordenanzas municipales que se cometen dentro del territorio de su jurisdiction, cuando la pena señalada por la ley no exceda de seis meses de prision o de una multa de doscientos pesos, o de ambas penas."

The english text of the same section, reads:

"Jurisdiction to try and sentence.—Justices of the peace, except in the City of Manila, shall have original jurisdiction to try parties charged with misdemeanors, offenses, violations of regulations adopted by the respective provincial boards, under the provisions of section thirteen (k), as amended, of Act Numbered Eighty-three, entitled 'The Provincial Government Act,' and infractions of municipal ordinances, committed within the territory within their jurisdiction, in which the penalty provided by law does not exceed six months' imprisonment or a fine of two hundred pesos, or both such imprisonment and fine."

* * * * *

In the first place, it may be noted that in the Spanish text there is no word equivalent to "offenses," used in the English-text and that misdemeanor means the same as felony. Inasmuch as the word "falta" was translated by "misdemeanor," the English text in using the word "offense," intended to mean "crime." It may likewise be noted

that the law confers original and exclusive criminal jurisdiction upon justices of the peace over all misdemeanors, without distinction as to class or penalty.

As ignorance of the law excuses nobody, in conferring original exclusive criminal jurisdiction upon justices of the peace over misdemeanors in general, the legislator was aware that the Penal Code imposes only light penalties for the same (art. 6, paragraph 3, Penal Code) which are "arresto menor," and "private censure" (art. 25, Penal Code) the duration of arresto menor being from one to thirty days (art. 28, paragraph 8 of the Penal Code). It is, therefore, logical and reasonable to suppose that in fixing an imprisonment penalty not to exceed six months or a fine not exceeding P200, or both, the legislature could not have meant misdemeanors but only felonies penalized by the Penal Code and violations of special laws and provincial regulations, because said code contains crimes that are punishable not only with arresto mayor, the duration of which is from one month and one day to six months of imprisonment, but also with other penalties without the deprivation of liberty, the duration of which exceeds six months, besides the accessories, the duration of which also exceeds six months and there are special laws and provincial regulations which provide for penalties of imprisonment exceeding six months and fines greater than P200. To give section 4 of Act No. 1627, as amended by section 2 of Act No. 2131, any other interpretation would be to suppose that the legislator was inconsistent and wanted to limit the criminal jurisdiction of the justices of the peace to six months' imprisonment and a P200 fine for misdemeanors, when he knew that the Penal Code imposed only light penalties, such as arresto menor, the duration of which is from one to thirty days, and that of private censure, which lasts no longer than the time necessary to give a slight reprimand behind closed doors.

Moreover, such an interpretation would work a great hardship in practice. If the criminal jurisdiction of the justices of the peace were limited to misdemeanors punishable by penalties of deprivation of liberty and a fine only, there would be misdemeanors that would have to be tried by justices of the peace and there would be misdemeanors which would come under the jurisdiction of the judges of the Courts of First Instance, as the case now before us. Neither do we believe that this was the intention of the legislator.

If it had been the intention of the legislator to confer original exclusive criminal jurisdiction upon justices of the peace over all misdemeanors in general, without distinction as to class or penalty, and over offenses and violations of special laws and provincial regulations for which the penalty provided does not exceed six months' imprisonment or a fine of P200 or both, the fact that the misdemeanor is punishable with private censure, besides arresto menor, does not deprive said justices of the jurisdiction to try them.

All of the cases in which this court has held that the justices of the peace had no original jurisdiction, notwithstanding that the penalty imposed by the law did not exceed six months, involved felonies and not misdemeanors. The case of *United States vs. Bernardo* (19 Phil., 265), dealt with the crime of simple and not qualified seduction defined and penalized in article 443 of the Penal Code. Although the penalty provided by the law is that of arresto mayor, the duration of which is from one month and one day to six months (art. 28, Penal Code), the criminal carries with it the civil liability as well as the obligation to endow the offended party if she be single or a widow, to acknowledge the offspring if the character of its origin does not prevent it, and in every case to support it (art. 449, Penal Code). Inasmuch as every person criminally liable for a felony or misdemeanor is also civilly liable (art. 17, Penal Code), unless the offended party expressly waives his right (art. 23, Penal Code); inasmuch as said civil liability must be determined in the same proceeding unless he renounces or reserves his right to bring the proper civil action (art. 112, Criminal Proc. of 1882); inasmuch as the endowment and maintenance of the offspring may exceed P200, and inasmuch as the acknowledgment of the offspring provided by article 135 of the Civil Code is within the exclusive jurisdiction of the judges of the Court of First Instance, the justices of the peace have no jurisdiction to take cognizance of the crime of rape.

The case of *United States vs. Regala* (28 Phil., 57), dealt with the crime of estafa committed by a public official. Although the imprisonment provided for it does not exceed six months (art. 534, Penal Code) it carries with it temporary special disqualification in its maximum degree to perpetual special disqualification (art. 399, Penal Code), the duration of which is from ten years and one day to thirty years (art. 28, Penal Code), which exceeds six months.

The case now before us involves a simple misdemeanor, defined and penalized in article 588 of the Penal Code, the penalty provided by law being that of arresto, which is not less than five nor more than fifteen days' imprisonment and private censure. If, as stated above, section 4 of Act No. 1627, as amended by section 2 of Act No. 2131, confers exclusive jurisdiction over misdemeanors upon justices of the peace, without distinction as to class or penalty, and over crimes and violations of special laws, for which the penalty provided does not exceed six months nor a fine of P200 or both; and as the penalty of private censure is nothing more than a reprimand given behind closed doors, the duration of which is no longer than the time it takes to give the reprimand, the justice of the peace of origin has jurisdiction to try the misdemeanor, the subject of the proceeding, and render judgment, and the Judge of the Court of First Instance of Pangasinan to try it on appeal and decide it.

By virtue of the foregoing, the order appealed from is revoked and the case is ordered remanded to the court of origin in order that the motion of dismissal may be overruled and said court may proceed to the trial of the case, with the costs de oficio.

Johnson, Street, Malcolm, Ostrcmd, and Romualdez, JJ., concur.

Villamor, J., concurs in the result.

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