

CRISPINIANO V. LAPUT AND CATALINO SALAS, PETITIONERS, VS. JOSE BERNABE, JUDGE, FIRST BRANCH, MUNICIPAL COURT, CITY OF MANILA, RESPONDENT.

G. R. No. 34882. February 12, 1931

Ponente: MALCOLM, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-34882/>

MALCOLM, J.:

This is a petition for a writ of mandamus to require the judge of the first branch of the municipal court of the City of Manila to recognize the right of an accused person to avail himself of the services of an agent or friend, not a licensed attorney-at-law, to aid him in the litigation.

It appears from the pleadings that Catalino Salas was charged in the municipal court of the City of Manila with the crime of damage to property through reckless imprudence. Thereupon, Salas authorized Crispiniano V. Laput to represent him in the case. Laput, it may be observed, is a law student and, accordingly, not a recognized member of the Philippine Bar. The written appointment of Laput was duly presented in court, but the respondent judge before whom the case was to be tried refused to allow Laput to act as the counsel of Salas. Hence, this petition for a writ of mandamus.

While the question appears simple, in order to resolve it properly there must be before us a chronological statement of the applicable law.

The Judiciary Law, Act No. 136, enacted in 1901, in its section 69 provided: "The existing courts of justices of the peace in the City of Manila shall be continued as now organized, and with the same jurisdiction as is now by law conferred upon them, and shall so continue until special provisions shall be made by law for the organization of inferior civil and criminal tribunals for the City of Manila." The Manila Charter, Act No. 183, approved in the same year, created municipal courts with criminal jurisdiction and justice of the peace courts with civil jurisdiction. Section 40 of the Charter, in one sentence, provided: "All proceedings and prosecutions for offenses against the laws of the Philippine Islands shall conform to the rules relating to process, pleading, practice, and procedure now or hereafter established for the judiciary of the Islands, and such rules shall govern said police courts and their officers in all cases in so far as the same may be applicable." Section 44 of the Charter, in its first sentence, further provided: "There shall be appointed by the Civil Governor, by and with the consent of the Commission, two justices of the peace and two auxiliary justices of the peace for the City of Manila, who shall be subject to removal in the manner provided for their appointment, and who shall exercise within the City of Manila the jurisdiction conferred upon justices of the peace in Act Numbered One hundred and thirty-six, providing for the organization of courts; but no justice of the peace, or auxiliary justice of the peace, of the City of Manila, shall exercise any criminal jurisdiction, such jurisdiction within the City of Manila being confined to Courts of First Instance and to the municipal courts herein provided." Likewise in the same year, the Code of Civil Procedure was approved in Act No. 190, and therein in section 34 was found the following: "Any party may conduct his litigation in a court of a justice of the peace, in person or with the aid of an agent or friend appointed by him for

that purpose, or with the aid of a lawyer; in any other court a party may conduct his litigation personally or by the aid of a lawyer, and his appearance must be either personal or by the aid of a duly authorized member of the bar." This section was subsequently amended and provisions inserted to govern the occupation of procuradores judiciales.

This dual system of justice of the peace courts and municipal courts continued until Act No. 3107 was enacted in 1923. By this Act, section 2466 of the Administrative Code was amended to read:

"There shall be a municipal court for the City of Manila, for which three judges shall be appointed, to be known, respectively, as judge of the first, second and third branch.

"The Municipal Court shall have the same jurisdiction in civil and criminal cases and the same incidental powers as at present conferred by law upon the Municipal Court and justice of the peace court of the City of Manila, and such additional jurisdiction and powers as may hereafter be conferred upon them by law." Section 2476 of the Administrative Code, relating to justice of the peace courts in the City of Manila was repealed.

The question now is, as to whether or not the existing municipal court of the City of Manila may be considered a court of a justice of the peace within the meaning of section 34 of the Code of Civil Procedure.

When the Code of Civil Procedure was placed on the statute books, there were in the City of Manila justice of the peace courts to which section 34 naturally applied; In these justice of the peace courts, there could have been no question that a party could conduct his litigation with the aid of an agent or friend appointed by him for that purpose. When the justice of the peace courts were abolished, the law was made to provide for a municipal court which was to have the same jurisdiction in civil and criminal cases, and the same incidental powers "as are at present conferred by law upon municipal courts and justice of the peace courts of the City of Manila." The intention here was, without doubt, to transfer the justice of the peace court as then existing to the municipal court and to make it a branch thereof. The justice of the peace court of the City of Manila, like all other justice of the peace courts, being included within the wording of section 34 of the Code of Civil Procedure, and the powers of this court having been given to the municipal court, it follows as a matter of course that, in so far as the civil jurisdiction of the municipal court was concerned, it was the same as the former justice of the peace court of the City of Manila and akin to that of justice of the peace courts in general.

To draw a distinction between criminal and civil cases in the municipal court of the City of Manila, with respect to the applicability of section 34 of the Code of Civil Procedure would, however, be unduly technical. The Organic Act recognizes three classes of courts only, the Supreme Court, courts of first instance, and municipal courts. This court, in the early case of *United States vs. Bian Jeng* ([1903], 2 Phil., 179), has given expression to a somewhat similar line of reasoning. But after all, it is only incumbent upon us to decide the case before us, and as to this case it is self-evident that, while a criminal prosecution, it has civil features which consist in fixing the amount of the damages.

It is accordingly our view that error was committed in the municipal court in not allowing Crispiniano V. Laput to act as an agent or friend of Catalino Salas to aid the latter in conducting his defense. The fear expressed that such a ruling may unduly embarrass the administration, of justice loses its force when it is recalled that, according to existing law, no person could engage in the occupation of appearing for or defending other persons in justice of the peace courts or in the municipal court without first being authorized to do so by the judge of first instance of the district. There is no reasonable ground for believing that in the City of Manila, judges of first instance will ever consent to the naming of procuradores judiciales.

The writ prayed for will issue, without costs.

Avanceña, C. J., Johnson, Villamor, Johns, and Villa-Real, JJ., concur.

DISSENTING

STREET, J., with whom concur OSTRAND, and ROMUALDEZ, JJ., :

Although the court of the justice of the peace is a municipal court in the general sense that its jurisdiction extends over the territory included in a municipality, in the same way that the jurisdiction of a Court of First Instance extends over the territory of a province, it does not by any means logically follow that the municipal court of the City of Manila is a court of the justice of the peace within the meaning of section 34 of the Code of Civil Procedure, as amended. This section makes a clear distinction between the court of a justice of the peace and "any other court," as appears from the last sentence in the section. It is true that the municipal court of the City of Manila now exercises all the functions of a justice of the peace court in and for the City of Manila. But the municipal court has additional powers, and the conditions in the City of Manila, with particular reference to the representation of litigants in court, are so different from those found generally in the municipalities throughout the Islands, that it cannot in my opinion, be reasonably inferred that it was intended by the Legislature that this section of the Code of Civil Procedure should be operative, in the municipal court, for the purpose of allowing an agent, without the qualifications of an attorney, to appear for a person who is brought before said court.

The petitioner Catalino Salas, who is being prosecuted for a misdemeanor in case No. F. 26815 upon the docket of the municipal court, asserts that he is fully able to bear the expense of employing an attorney to represent him in that case, if he should have so desired; and in fact if he had been so circumstanced as to be unable to bear the expense of employing a lawyer, a competent attorney would have been appointed for him by the court. The case is therefore evidently brought as a test case, doubtless with a view to opening the municipal court to the practice of judicial agents (*procuradores judiciales*), a class of petty attorneys for the appointment of whom provision is made in the proviso to section 34 of the Code of Civil Procedure, above cited; and although the opinion of the court in the present case expresses the confident belief that the judges of first instance in the City of Manila will never consent to the naming of *procuradores judiciales*, this confidence seems to me to be misplaced, in view of the fact that the decision here made by the majority of the court, if consistently followed, leads directly to the conclusion that such agents may lawfully be appointed to practice in the municipal court of the City of Manila. Is it not self-evident that if "court of a justice of the peace," at the beginning of section 34 of the Code of Civil Procedure, includes the municipal court of the City of Manila, the expression "justice of the peace courts," as used in the proviso to the said section, must also include the same municipal court? There is no possible ground for the conclusion that the term "court of a justice of the peace" or "justice of the peace court" has one meaning in the first part of the section and another meaning in the second part. The expressions referred to evidently have the same meaning throughout the section, and they are used in contradistinction to the expression "any other court" found near the close of the section, where it is declared that "In any other court a party may conduct his litigation personally or by aid of a lawyer and his appearance must be either personal or by the aid of a duly authorized member of the bar." In the light of these considerations it is evident to the undersigned that section 34 of the Code of Civil Procedure should not be interpreted as imposing on the judge of the municipal court the duty of permitting a friend or agent who is not a lawyer to appear for any litigant.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.