

THE PEOPLE OF THE PHILIPPINE ISLANDS, PLAINTIFF AND APPELLEE, VS. LUIS J. PEGARUM, DEFENDANT AND APPELLANT.

G.R. No. 37565. November 13, 1933

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

On February 6, 1932, a complaint was filed in the justice of the peace court of Baguio, Mountain Province, wherein the appellant was charged with having committed, on December 28, 1931, a crime of estafa. After a preliminary investigation, the justice of the peace, on March 1, 1932, remanded the case to the Court of First Instance of the Mountain Province. On March 21, 1932, the provincial fiscal of the Mountain Province filed in the said court an information in the following tenor:

"That on or about the 28th day of December, 1931, in the City of Baguio, Philippine Islands, and within the jurisdiction of this court, the above-named accused Luis J. Pegarum, being then employed as stenographer and collector of the Marsman & Company, and as such collected for the said Marsman & Company from Wah Hing the amount of P94.35, did voluntarily, maliciously and feloniously fail to turn or deliver said P94.35 to the said Marsman & Company and appropriated and applied to his own personal use and benefit said amount of P94.35, thereby damaging and prejudicing the said Marsman & Company in the said sum of P94.35 equivalent to 471 15/20 pesetas."

When the case was called for trial, the attorney for the defendant raised the question of the jurisdiction of the court to try it, contending that it was originally cognizable by the justice of the peace of the City of Baguio. The court ruled that it had jurisdiction to try the case in accordance with section 366 of the Revised Penal Code, and proceeded with the trial. Thereafter, the defendant was found guilty of the crime charged in the information, and sentenced to three months and one day of arresto mayor, to pay Marsman & Co. the sum of P94.35, or to suffer the corresponding subsidiary imprisonment in case of insolvency, and also to pay the costs.

On this appeal, the first question presented is one of law, and involves the jurisdiction of the Court of First Instance to try the case. Under existing law justices of the peace, except in the City of Manila, have original jurisdiction to try persons charged with offenses for 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." (Section 4 of Act No. 1627, as amended by Act No. 2131.) The jurisdiction of a justice of the peace in criminal actions is determined by the penalty which may be imposed. (*U. S. vs. Bernardo*, 19 Phil., 265; *U. S. vs. Regala*, 28 Phil., 57.) Before the Revised Penal Code took effect, the penalty provided by law for the offense alleged to have been committed by the appellant, was arresto mayor in its medium degree to presidio correccional in its minimum degree, or from two months and one day of arresto mayor to two years and four months of presidio correccional. The penalty prescribed in the Revised Penal Code for the same offense is arresto mayor in its medium and maximum periods, or from two months and one day to six months of arresto mayor. This is the penalty applicable in this case. (Revised Penal Code, article 22.)

It is, thus, clear that under the law in force at the time the crime was committed, the Court of First Instance had

jurisdiction to try the case; while under the law in force at the time the complaint or information was filed, the case was originally cognizable by the justice of the peace. The specific question thus raised is whether the jurisdiction of a court to try a criminal action is to be determined by the law in force at the time of the commission of the crime, or by that in force at the time of instituting the action. "As a general rule the jurisdiction of a court depends upon the state of the facts existing at the time it is invoked, and if the jurisdiction once attaches to the person and subject matter of the litigation, the subsequent happening of events, although they are of such a character as would have prevented jurisdiction from attaching in the first instance, will not operate to oust jurisdiction already attached." (16 C. J., sec. 246, p. 181.) In the instant case, jurisdiction was invoked for the first time when the complaint was filed in the justice of the peace court on February 6, 1932. That was after the Revised Penal Code took effect. By reason of the penalty which might be imposed, jurisdiction to try the case was already vested in the justice of the peace. Hence, the Court of First Instance acted beyond its jurisdiction in trying the case. As the Supreme Court of the United States has declared, "where life or liberty is affected by its proceedings, the court must keep strictly within the limits of the law authorizing it to take jurisdiction and to try the case and to render judgment. It cannot pass beyond those limits in any essential requirement in either stage of these proceedings; and its authority in those particulars is not to be enlarged by any mere inferences from the law or doubtful construction of its terms. There has been a great deal said and written, in many cases with embarrassing looseness of expression, as to the jurisdiction of the courts in criminal cases. From a somewhat extended examination of the authorities we will venture to state some rule applicable to all of them, by which the jurisdiction as to any particular judgment of the court in such cases may be determined. It is plain that such court has jurisdiction to render a particular judgment only when the offense charged is within the class of offenses placed by the law under its jurisdiction; and when, in taking custody of the accused, and in its modes of procedure to the determination of the question of his guilt or innocence, and in rendering judgment, the court keeps within the limitations prescribed by the law, customary or statutory. When the court goes out of these limitations its action, to the extent of such excess, is void." (Re Bonner, 151 U. S., 242, 256, 257; 38 Law. ed., 149, 151.)

The judgment appealed from is set aside and the case is remanded to the court below for further proceedings not inconsistent with this opinion. So ordered.

Avanceña, C. J., Street, Vickers, and Butte, JJ., concur.

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