A. Criminal Jurisdiction

Criminal jurisdiction is the authority of a court to hear and try a particular offense and impose the punishment prescribed by law.

1. Concept

Elements of Criminal Jurisdiction

1. The nature of the offense and/or the penalty attached thereto; and
2. Commission of the offense within the territorial jurisdiction of the court.

The absence of either element may be challenged by the accused at any stage of the proceedings or on appeal. A conviction rendered without the required jurisdiction is void.

2. Requisites for the Exercise of Criminal Jurisdiction

a. Jurisdiction over the subject matter

Jurisdiction over the subject matter is the power of a court to hear and determine the general class to which the proceedings belong. It is conferred by the Constitution and by statute, not by the consent, waiver, or acquiescence of the parties.

Philippine courts have no common-law jurisdiction. Their jurisdiction must be expressly conferred by the Constitution or by statute, together with powers necessarily implied to make the express jurisdiction effective.

The question of jurisdiction is resolved on the basis of the law or statute that provides for or defines the court's jurisdiction. The jurisdiction to try a criminal action is generally determined by the law in force at the time the action is instituted.

Once jurisdiction has been validly acquired, it is not defeated by a subsequent valid amendment of the information.

b. Jurisdiction over the territory

Generally, a criminal action shall be instituted and tried in the court of the municipality or territory where the offense was committed, or where any of its essential ingredients occurred, subject to the applicable Rules of Criminal Procedure.

Territorial jurisdiction therefore concerns the geographic area within which the court may exercise its authority over the offense.

c. Jurisdiction over the person of the accused

The court must also acquire jurisdiction over the person of the accused. This may generally be acquired through the enforcement of a warrant of arrest or through the accused's voluntary appearance before the court.

Jurisdiction over the person protects the accused's right to due process and the opportunity to defend against the criminal charge.

1. Voluntary appearance

SECTION 23 RULE 14 (2019 Amended Rules): "The defendant's VOLUNTARY APPEARANCE in the action shall be EQUIVALENT TO SERVICE OF SUMMONS. The inclusion in a motion to dismiss of OTHER GROUNDS aside from lack of jurisdiction over the person of the defendant shall be deemed a VOLUNTARY APPEARANCE."

TWO MODES of voluntary appearance:

(1) GENERAL APPEARANCE — defendant submits to jurisdiction by:

> **(a)** Filing answer to merits without first contesting jurisdiction.
>
> **(b)** Filing motion to dismiss based on grounds OTHER THAN lack of personal jurisdiction.
>
> **(c)** Seeking AFFIRMATIVE RELIEF (motion for postponement, motion to admit answer, etc.).
>
> **(d)** Active participation in proceedings.

EFFECT: court ACQUIRES PERSONAL JURISDICTION over defendant; cannot subsequently challenge.

(2) SPECIAL APPEARANCE — defendant appears SOLELY to CHALLENGE the court's jurisdiction over his person.

> **(a)** Must EXPLICITLY state appearance is "special" + "without submitting to jurisdiction."
>
> **(b)** Must NOT seek any other relief. **(c)** Must promptly raise jurisdictional defect.

EFFECT: defendant DOES NOT submit to jurisdiction; case as to that defendant cannot proceed.

OMNIBUS MOTION RULE — SECTION 23 (NEW 2019): if motion to dismiss includes OTHER grounds in addition to lack of jurisdiction, it CONSTITUTES VOLUNTARY APPEARANCE — defendant deemed submitted to court's jurisdiction.

EXCEPTIONS — APPEARANCES NOT SUBMITTING JURISDICTION:

(a) Filing motion to QUASH summons (limited to jurisdictional issue).

(b) Filing answer EX ABUNDANTI CAUTELA or "without prejudice" with explicit jurisdictional reservation.

(c) Special appearance through counsel for limited purpose.

WHEN JURISDICTION IS WAIVED via voluntary appearance:

(a) Filing answer raising affirmative defenses other than jurisdictional.

(b) Filing counterclaim.

(c) Filing motion for extension to file answer.

(d) Filing motion to admit answer.

(e) Filing motion for reconsideration on the merits.

STRATEGIC:

(a) When defending and service is questionable — file ONLY motion to dismiss for lack of jurisdiction; do NOT raise other grounds.

(b) Specifically declare "appearance is special, without submitting to jurisdiction."

(c) Do NOT include any other relief in same pleading.

(d) If court denies motion to dismiss, may then file answer raising same issue as affirmative defense.

2. Custody of the law vs. Jurisdiction over the person

Custody of the law is required before the court can act upon the application for bail, but is not required for the adjudication of other reliefs sought by the defendant where the mere application therefor constitutes a waiver of the defense of lack of jurisdiction over the person of the accused.

Custody of the law is accomplished either by **arrest or voluntary surrender**, while **jurisdiction over the person of the accused** is acquired upon his **arrest or voluntary appearance**.

One can be under the **custody of the law** but not yet subject to the **jurisdiction of the court over his person**, such as when a person **arrested by virtue of a warrant files a motion before arraignment to quash the warrant**. On the other hand, one can be subject to the **jurisdiction of the court over his person**, and yet not be in the **custody of the law**, such as when an accused escapes custody after his trial has commenced. Being in the custody of the law signifies restraint on the person, who is thereby deprived of his own will and liberty, binding him to become obedient to the will of the law. Custody of the law is literal custody over the body of the accused. It includes, but is not limited to, **detention**.

A person applying for admission to **bail must be in the custody of the law or otherwise deprived of his liberty**. A person who has not submitted himself to the jurisdiction of the court has no right to invoke the processes of that court. Respondent Judge should have diligently ascertained the whereabouts of the applicant and that he indeed had jurisdiction over the body of the accused before considering the application for bail.

3. Affirmative relief

Affirmative relief refers to a type of legal remedy that a defendant may seek in response to a complaint. When answering a legal complaint, the respondent can request relief against other parties involved in the case, particularly when there are shared legal or factual questions. This request is typically detailed in the answer and includes the facts supporting the claim, the relevant laws or regulations, the nature of the injury, and the specific relief being sought.

ALTHOUGH DECLARATORY RELIEF IS PRIMARILY DECLARATIVE, COURTS MAY GRANT AFFIRMATIVE RELIEF (E.G., DAMAGES, INJUNCTION, SPECIFIC PERFORMANCE) WHEN A COMPULSORY COUNTERCLAIM IS PROPERLY PLEADED — Adlawan v. IAC (G.R. No. 76950, December 19, 1989, 170 SCRA 165) and Phil. Deposit Insurance v. CA (G.R. No. 126911, April 30, 2003, 402 SCRA 194).

ADLAWAN DOCTRINE: A compulsory counterclaim under Section 7, Rule 6 (one arising out of the same transaction or occurrence and not requiring jurisdiction over additional parties) is permitted in declaratory relief because:

(1) It is ancillary to the principal action and does not transform the declaratory nature

(2) It promotes economy of judicial resources by resolving related issues in one proceeding

(3) It binds the parties already before the court without requiring third-party complaints

CONSEQUENCE: If respondent files a compulsory counterclaim and proves entitlement, the court may grant affirmative relief — damages, restitution, or injunction — IN ADDITION to the declaration of rights.

PDIC v. CA EXTENSION: The Supreme Court reaffirmed Adlawan, ruling that a court resolving declaratory relief may grant such ancillary remedies as are necessary to fully effectuate the declaration. If the declaration of rights necessarily implies a duty (e.g., declaration that respondent's certificate is invalid implies a duty to surrender it), the court may direct that duty be performed.

LIMITS OF AFFIRMATIVE RELIEF IN DECLARATORY PROCEEDINGS:

(1) The affirmative relief MUST BE COMPULSORY — arising from the same transaction. Permissive counterclaims are not allowed.

(2) The affirmative relief MUST NOT REQUIRE THIRD-PARTY COMPLAINTS (Cloribel rule)

(3) The court MUST FIRST RESOLVE THE DECLARATORY ISSUE — affirmative relief is ancillary, not primary (4) The affirmative relief MUST BE WITHIN THE COURT'S JURISDICTION — i.e., the RTC retains jurisdiction over the affirmative relief regardless of amount

CONTRAST WITH NO EXECUTORY PROCESS RULE (Section 5, Rule 63): "No execution shall issue on any judgment in an action for declaratory relief, but the court may grant such other relief as may be just and proper, including the issuance of a writ of execution to enforce any consequential order."

This means:

- The DECLARATORY portion of the judgment (e.g., "the contract is valid") is NOT executory in the ordinary sense — no writ of execution is issued for the bare declaration
- BUT consequential orders (e.g., "respondent shall pay damages of X" awarded on the compulsory counterclaim) ARE EXECUTORY under Rule 39

EXAMPLE: Petitioner asks RTC to declare an ordinance unconstitutional. Respondent counterclaims for damages from petitioner's prior tort. RTC declares ordinance unconstitutional AND awards damages. The declaration is binding but not executory (no writ for the declaration). The damages award is executory under Rule 39.

POLICY: This rule prevents declaratory relief from becoming a coercive ordinary action while preserving judicial economy when ancillary issues are properly raised.

1. COJUANGCO, JR. v. REPUBLIC

FACTS:

Eduardo M. Cojuangco, Jr. filed a petition questioning the Republic's claim over shares of the United Coconut Planters Bank (UCPB) acquired using coconut levy funds. The Republic of the Philippines was the respondent. The controversy arose from the agreement involving the Philippine Coconut Authority (PCA) and Cojuangco concerning the acquisition and ownership of UCPB shares. The Supreme Court examined the nature of the coconut levy funds and the government's claim over the shares. The Court ultimately held that although the PCA-Cojuangco Agreement was valid as a contract, Cojuangco could not legally acquire ownership of the UCPB shares purchased with coconut levy funds because these were special public funds intended for public purposes.

ISSUE:

WHETHER the controversy involving the UCPB shares and coconut levy funds falls within the jurisdiction of the court exercising authority over the subject matter of the dispute.

RULING:

YES, as to the court's jurisdiction over the subject matter, the controversy was properly cognizable by the court with jurisdiction over the government property and rights involved. Jurisdiction over the subject matter is conferred by law and cannot be created by agreement of the parties.

Jurisdiction included: Jurisdiction over the subject matter / jurisdiction of special courts.

Why included under Criminal Jurisdiction: This case is **not a criminal case**, but it is useful for the basic principle that a court must have **jurisdiction over the subject matter** before it can validly act. In criminal procedure, the same principle applies: the criminal offense must fall within the jurisdiction conferred by law upon the particular court.

Doctrine: Jurisdiction over the subject matter is determined by law and cannot be conferred by the consent or waiver of the parties.

2. SOLLER v. SANDIGANBAYAN

FACTS:

Prudente D. Soller and the other petitioners were charged in connection with offenses allegedly committed while they were public officials. The cases were filed before the Sandiganbayan. The petitioners questioned the Sandiganbayan's jurisdiction, arguing that the offenses charged were not sufficiently connected with the discharge of their official functions. The Supreme Court examined whether the allegations in the informations were sufficient to place the cases within the jurisdiction of the Sandiganbayan. The Court ruled that merely alleging that an accused is a public official is insufficient; the information must allege facts showing that the offense was committed **in relation to the accused's public office**.

ISSUE:

WHETHER the Sandiganbayan had jurisdiction over the criminal cases merely because the accused were public officials, even though the informations did not sufficiently allege that the offenses were committed in relation to their official functions.

RULING:

NO. The Sandiganbayan did not acquire jurisdiction merely because the accused occupied public positions. For the Sandiganbayan to have jurisdiction, the offense must be **intimately connected with the accused's official functions**, and the information must allege facts establishing such connection.

Jurisdiction included: Jurisdiction over the subject matter — Sandiganbayan jurisdiction.

Why: Criminal jurisdiction depends not only on the identity or position of the accused but also on whether the offense charged falls within the jurisdiction granted by law to the Sandiganbayan.

Doctrine: The offense must be committed **in relation to the public office**. A mere allegation that the accused is a public officer is not enough.

3. LACSON v. EXECUTIVE SECRETARY

FACTS:

Panfilo M. Lacson, together with intervenors Romeo Acop and Francisco Zubia, Jr., filed a petition challenging the constitutionality of Sections 4 and 7 of Republic Act No. 8249, which further defined the jurisdiction of the Sandiganbayan. They also sought to prevent the Sandiganbayan from proceeding with the multiple-murder cases arising from the Kuratong Baleleng incident, claiming that the Sandiganbayan had no jurisdiction. The Supreme Court sustained the constitutionality of the challenged provisions of R.A. No. 8249 but found that the informations did not sufficiently allege that the murders were committed in relation to the accused police officers' official functions. Consequently, the crime charged was **plain murder**, which fell within the exclusive original jurisdiction of the Regional Trial Court rather than the Sandiganbayan.

ISSUE:

WHETHER the Sandiganbayan had jurisdiction over the multiple-murder cases merely because the accused were police officers and the informations alleged that the crimes were committed in relation to their public office.

RULING:

NO. The Sandiganbayan did not have jurisdiction because the informations failed to allege specific facts establishing an intimate connection between the murders and the accused's official functions. The crimes were therefore considered **plain murder**, falling within the exclusive original jurisdiction of the RTC.

Jurisdiction included: Jurisdiction over the subject matter — Sandiganbayan vs. Regional Trial Court jurisdiction.

Why: The jurisdiction of the Sandiganbayan depends on the requirements provided by law, including the nature of the offense and its relation to the public office. Since the required connection was not sufficiently alleged, jurisdiction belonged to the RTC.

Doctrine: In determining Sandiganbayan jurisdiction, the information must allege facts showing that the offense was committed **in relation to the accused's public office**.

4. PEOPLE v. BUISSAN

FACTS:

The People of the Philippines questioned the jurisdiction of the inferior court over a case involving **simple seduction**. The accused was charged with the offense, and the issue arose as to whether the inferior court or the Court of First Instance had jurisdiction. The Supreme Court held that jurisdiction must be determined from the allegations contained in the complaint or information constituting the offense charged. Because simple seduction carried a penalty placing it within the jurisdiction of the Court of First Instance, that court had jurisdiction over the case. The Court emphasized that once jurisdiction is properly acquired based on the offense charged, it is retained even if the evidence ultimately establishes a lesser offense.

ISSUE:

WHETHER jurisdiction over a criminal case is determined by the offense alleged in the complaint or information and the penalty prescribed by law, rather than by the offense that may ultimately be proven during trial.

RULING:

YES. Jurisdiction is determined by the allegations in the complaint or information and the law applicable at the time the case is instituted. Once a court validly acquires jurisdiction, it retains jurisdiction even if the evidence later proves a lesser offense.

Jurisdiction included: Jurisdiction over the subject matter / jurisdiction based on the offense charged.

Why: Criminal jurisdiction is determined principally by the **nature of the offense charged and the penalty prescribed by law**, not by the evidence eventually presented.

Doctrine: Once jurisdiction is acquired by the court where the information is properly filed, it is retained regardless of whether the evidence proves a lesser offense than that charged.

5. SUBIDO, JR. v. SANDIGANBAYAN

FACTS:

Bayani Subido, Jr., then Commissioner of the Bureau of Immigration and Deportation, and Rene Parina, a BID Special Agent, were charged with **arbitrary detention** under Article 124 of the Revised Penal Code. The information alleged that they caused the arrest and detention of James Maksimuk despite the fact that the deportation order against him was not yet final. The petitioners filed a motion to quash before the Sandiganbayan, arguing that the court lacked jurisdiction because Republic Act No. 7975 had already changed the jurisdiction of the Sandiganbayan. The Sandiganbayan denied the motion. The petitioners then went to the Supreme Court through a petition for certiorari. The Supreme Court upheld the Sandiganbayan's jurisdiction.

ISSUE:

WHETHER the Sandiganbayan had jurisdiction over the charge of arbitrary detention based on the position held by the accused and the relation of the offense to their official functions.

RULING:

YES. The Sandiganbayan had jurisdiction. Jurisdiction was determined by the circumstances existing when the offense was committed, particularly the position of Subido at that time and the fact that the offense was allegedly committed in relation to his official functions. Parina could likewise be prosecuted as a co-conspirator.

Jurisdiction included: Jurisdiction over the subject matter — Sandiganbayan jurisdiction.

Why: The Sandiganbayan's jurisdiction was determined by the **nature of the offense, the position of the accused at the time of commission, and the relation of the offense to official functions**. The later change in the accused's position did not remove jurisdiction already properly acquired.

Doctrine: Jurisdiction over the offense is determined by the law applicable to the case and the circumstances relevant to the accused's position and the offense at the time of its commission.

6. PEOPLE v. REGALARIO

FACTS:

The People of the Philippines prosecuted Alex Regalario and five other accused for the murder of Menardo Garcia in Lucena City. The Regional Trial Court of Lucena City found all the accused guilty of murder and sentenced them to reclusion perpetua. After judgment was promulgated on January 17, 1991, the accused filed a motion for reconsideration within the reglementary period, but their notice of appeal was filed only on March 4, 1991 after the denial of the motion for reconsideration. The trial court initially denied due course to the appeal for being filed out of time. The case nevertheless reached the Supreme Court, which reviewed the conviction and ultimately affirmed the judgment with modifications concerning the penalties and civil indemnity.

ISSUE:

WHETHER the failure of the accused to file their notice of appeal within the prescribed period deprived the appellate court of jurisdiction to review the criminal judgment.

RULING:

YES. The procedural rules governing the perfection of an appeal in a criminal case must be complied with. The appellate jurisdiction of the reviewing court is properly invoked only upon a timely and valid appeal. Nevertheless, in this case, the Supreme Court proceeded to review the conviction and ultimately affirmed the judgment with modifications.

Jurisdiction included: Appellate jurisdiction in criminal cases.

Why: The case demonstrates the distinction between the **trial court's jurisdiction over the criminal offense** and the **appellate court's jurisdiction to review a judgment**. A party must comply with the rules governing the perfection of an appeal to properly invoke appellate jurisdiction.

Important Criminal Procedure point: Jurisdiction is not limited to determining which court tries the offense; it also includes determining which court has authority to **review the criminal judgment on appeal**.

7. DAVID v. AGBAY

FACTS:

Renato M. David, who had become a Canadian citizen by naturalization, later returned to the Philippines. He filed a Miscellaneous Lease Application with the DENR over public land and indicated that he was a Filipino citizen. Editha Agbay opposed his application, alleging that David was still a Canadian citizen and therefore disqualified from acquiring the land. David subsequently reacquired Philippine citizenship under Republic Act No. 9225. A criminal case involving falsification was filed against him. The Municipal Trial Court denied his motion for redetermination of probable cause on the ground that it allegedly lacked jurisdiction over his person. David challenged the ruling, eventually bringing the matter to the Supreme Court. The Supreme Court explained the distinction between **jurisdiction over the person of the accused** and **custody of the law**, and held that David had submitted himself to the jurisdiction of the court when he sought affirmative relief.

ISSUE:

WHETHER an accused in a criminal case who files a pleading seeking affirmative relief thereby submits himself to the jurisdiction of the court over his person, even if he is not physically in the custody of the law.

RULING:

YES. As a general rule, an accused submits to the jurisdiction of the court over his person when he files a pleading seeking affirmative relief. Jurisdiction over the person of the accused may be acquired through **arrest or voluntary appearance**. However, there are exceptions when the pleading is a special appearance specifically challenging jurisdiction.

Jurisdiction included: Jurisdiction over the person of the accused.

Why: The case directly explains how a criminal court acquires **jurisdiction over the person of the accused** and distinguishes it from **custody of the law**.

Doctrine: In criminal cases, jurisdiction over the person is generally acquired by arrest or voluntary appearance. An accused who seeks affirmative relief generally submits himself to the court's jurisdiction.

8. MIRANDA v. TULIAO

FACTS:

Virgilio M. Tuliao filed a criminal complaint for murder against Jose C. Miranda, Alberto P. Dalmacio and Romeo B. Ocon after a sworn confession of another accused implicated them in the killing of Tuliao's son, Elizer Tuliao, and Vicente Bauzon. Warrants of arrest were issued against the petitioners. The petitioners filed motions seeking, among others, the reinvestigation of the case and the recall or quashing of the warrants of arrest. The trial court initially questioned whether it had jurisdiction over the persons of the petitioners because they had not been arrested. The case eventually reached the Supreme Court, which clarified that a court may act upon a motion to quash a warrant of arrest even without having acquired jurisdiction over the accused's person or custody of his body.

ISSUE:

WHETHER an accused must first submit himself to the jurisdiction of the court or be placed in the custody of the law before the court may resolve a motion to quash a warrant of arrest.

RULING:

NO. An accused need not first be arrested or placed in the custody of the law before the court can resolve a motion to quash a warrant of arrest. Such a motion is a **special appearance** because the accused is precisely challenging the court's authority over his person.

The Court distinguished **jurisdiction over the person** from **custody of the law**. Ordinarily, filing a pleading seeking affirmative relief constitutes voluntary appearance, but a motion specifically challenging jurisdiction over the person or seeking to quash a warrant is an exception.

Jurisdiction included: Jurisdiction over the person of the accused; custody of the law.

Why: This is one of the principal cases for the rule that **jurisdiction over the person of the accused is distinct from custody of the law**.

Doctrine: A motion to quash a warrant of arrest does not constitute voluntary submission to jurisdiction because its very purpose is to challenge the court's authority over the accused's person.