580 Phil. 58

THIRD DIVISION

[G.R. No. 147406, July 14, 2008]

VENANCIO FIGUEROA Y CERVANTES,[1] PETITIONER, VS. PEOPLE OF THE PHILIPPINES RESPONDENT.

D E C I S I O N

NACHURA, J.:

When is a litigant estopped by laches from assailing the jurisdiction of a tribunal? This is the paramount issue raised in this petition for review of the February 28, 2001 Decision[2] of the Court of Appeals (CA) in CA-G.R. CR No. 22697.

Pertinent are the following antecedent facts and proceedings:

On July 8, 1994, an information[3] for reckless imprudence resulting in homicide was filed against the petitioner before the Regional Trial Court (RTC) of Bulacan, Branch 18.[4] The case was docketed as Criminal Case No. 2235-M-94.[5] Trial on the merits ensued and on August 19, 1998, the trial court convicted the petitioner as charged.[6] In his appeal before the CA, the petitioner questioned, among others, for the first time, the trial court's jurisdiction.[7]

The appellate court, however, in the challenged decision, considered the petitioner to have actively participated in the trial and to have belatedly attacked the jurisdiction of the RTC; thus, he was already estopped by laches from asserting the trial court's lack of jurisdiction. Finding no other ground to reverse the trial court's decision, the CA affirmed the petitioner's conviction but modified the penalty imposed and the damages awarded.[8]

Dissatisfied, the petitioner filed the instant petition for review on *certiorari* raising the following issues for our resolution:

> a. Does the fact that the petitioner failed to raise the issue of jurisdiction during the trial of this case, which was initiated and filed by the public prosecutor before the wrong court, constitute laches in relation to the doctrine laid down in Tijam v. Sibonghanoy, notwithstanding the fact that said issue was immediately raised in petitioner's appeal to the Honorable Court of Appeals? Conversely, does the active participation of the petitioner in the trial of his case, which is initiated and filed not by him but by the public prosecutor, amount to estoppel?
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> b. Does the admission of the petitioner that it is difficult to ***immediately*** stop a bus while it is running at 40 kilometers per hour ***for the purpose of avoiding a person who unexpectedly***

crossed the road, constitute enough incriminating evidence to warrant his conviction for the crime charged?

c. Is the Honorable Court of Appeals justified in considering the place of accident as falling within Item 4 of Section 35 (b) of the Land Transportation and Traffic Code, and subsequently ruling that the speed limit thereto is only 20 kilometers per hour, when no evidence whatsoever to that effect was ever presented by the prosecution during the trial of this case?

d. Is the Honorable Court of Appeals justified in convicting the petitioner for homicide through reckless imprudence (the legally correct designation is "reckless imprudence resulting to homicide") ***with violation of the Land Transportation and Traffic Code*** when the prosecution did not prove this during the trial and, more importantly, the information filed against the petitioner does not contain an allegation to that effect?

e. Does the uncontroverted testimony of the defense witness Leonardo Hernal that the victim unexpectedly crossed the road resulting in him getting hit by the bus driven by the petitioner not enough evidence to acquit him of the crime charged?[9]

Applied uniformly is the familiar rule that the jurisdiction of the court to hear and decide a case is conferred by the law in force at the time of the institution of the action, unless such statute provides for a retroactive application thereof.[10] In this case, at the time the criminal information for reckless imprudence resulting in homicide with violation of the Automobile Law (now Land Transportation and Traffic Code) was filed, Section 32(2) of *Batas Pambansa* (B.P.) *Blg.* 129[11] had already been amended by Republic Act No. 7691. [12] The said provision thus reads:

> Sec. 32. *Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Criminal Cases.*--Except in cases falling within the exclusive original jurisdiction of Regional Trial Courts and the Sandiganbayan, the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:
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> x x x x
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> (2) Exclusive original jurisdiction over all offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of fine, and regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof: *Provided, however,* That in offenses involving damage to property through criminal negligence, they shall have exclusive original jurisdiction thereof.

As the imposable penalty for the crime charged herein is *prision correccional* in its medium and maximum periods or imprisonment for 2 years, 4 months and 1 day to 6 years,[13] jurisdiction to hear and try the same is conferred on the Municipal Trial Courts (MTCs). Clearly, therefore, the RTC of Bulacan does not have jurisdiction over Criminal Case No. 2235-M-94.

While both the appellate court and the Solicitor General acknowledge this fact, they nevertheless are of the position that the principle of estoppel by laches has already precluded the petitioner from questioning the jurisdiction of the RTC--the trial went on for 4 years with the petitioner actively participating therein and without him ever raising the jurisdictional infirmity. The petitioner, for his part, counters that the lack of jurisdiction of a court over the subject matter may be raised at any time even for the first time on appeal. As undue delay is further absent herein, the principle of laches will not be applicable.

To settle once and for all this problem of jurisdiction *vis-à-vis* estoppel by laches, which continuously confounds the bench and the bar, we shall analyze the various Court decisions on the matter.

As early as 1901, this Court has declared that *unless jurisdiction has been conferred by some legislative act, no court or tribunal can act on a matter submitted to it*.[14] We went on to state in *U.S. v. De La Santa* [15] that:

> It has been frequently held that a lack of jurisdiction over the subject-matter is fatal, and subject to objection at any stage of the proceedings, either in the court below or on appeal (Ency. of Pl. & Pr., vol. 12, p. 189, and large array of cases there cited), and indeed, **where the subject-matter is not within the jurisdiction, the court may dismiss the proceeding *ex mero motu***. (4 Ill., 133; 190 Ind., 79; Chipman vs. Waterbury, 59 Conn., 496.)
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> Jurisdiction *over the subject-matter* in a judicial proceeding is conferred by the sovereign authority which organizes the court; it is given only by law and in the manner prescribed by law and an objection based on the lack of such jurisdiction **can not be waived by the parties**. x x x [16]

Later, in *People v. Casiano*,[17] the Court explained:

> 4. ***The operation of the principle of estoppel on the question of jurisdiction seemingly depends upon whether the lower court actually had jurisdiction or not*. If it had *no* jurisdiction, but the case was tried and decided upon the theory that it *had* jurisdiction, the parties are not barred, on appeal, from assailing such jurisdiction, for the same "must exist *as a matter of law,* and *may not be conferred by consent of the parties or by estoppel*"** (5 C.J.S., 861-863). However, if the lower court *had* jurisdiction, and the case was heard and decided upon a given theory, such, for instance, as that the court had *no* jurisdiction, the party who induced it to adopt such theory will not be permitted, on appeal, to assume an inconsistent position--that the lower court *had* jurisdiction. Here, the principle of estoppel applies. The rule that jurisdiction is conferred by law, and does not depend upon the will of the parties, has *no* bearing thereon. Thus, Corpus Juris Secundum says:
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> > Where accused has secured a decision that the indictment is void, or has been granted an instruction based on its defective character directing the jury to acquit, he is estopped, when

> subsequently indicted, to assert that the former indictment was valid. In such case, *there may be a new prosecution whether the indictment in the former prosecution was good or bad*. Similarly, *where, after the jury was impaneled and sworn, the court on accused's motion quashed the information on the erroneous assumption that the court had no jurisdiction, accused cannot successfully plead former jeopardy to a new information*. *x x x* (22 C.J.S., sec. 252, pp. 388-389; italics ours.)
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> Where accused procured a prior conviction to be set aside on the ground that the court was *without* jurisdiction, *he is estopped* subsequently to assert, in support of a defense of previous jeopardy, that such court had jurisdiction." (22 C.J.S. p. 378.)[18]

But in *Pindañgan Agricultural Co., Inc. v. Dans*,[19] the Court, in not sustaining the plea of lack of jurisdiction by the plaintiff-appellee therein, made the following observations:

> It is surprising why it is only now, after the decision has been rendered, that the plaintiff-appellee presents the question of this Court's jurisdiction over the case. Republic Act No. 2613 was enacted on August 1, 1959. This case was argued on January 29, 1960. Notwithstanding this fact, the jurisdiction of this Court was never impugned until the adverse decision of this Court was handed down. The conduct of counsel leads us to believe that they must have always been of the belief that notwithstanding said enactment of Republic Act 2613 this Court has jurisdiction of the case, such conduct being born out of a conviction that the actual real value of the properties in question actually exceeds the jurisdictional amount of this Court (over P200,000). Our minute resolution in G.R. No. L-10096, Hyson Tan, et al. vs. Filipinas Compaña de Seguros, et al., of March 23, 1956, a parallel case, is applicable to the conduct of plaintiff-appellee in this case, thus:
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> > x x x that an appellant who files his brief and submits his case to the Court of Appeals for decision, without questioning the latter's jurisdiction until decision is rendered therein, should be considered as having voluntarily waived so much of his claim as would exceed the jurisdiction of said Appellate Court; for the reason that a contrary rule would encourage the undesirable practice of appellants submitting their cases for decision to the Court of Appeals in expectation of favorable judgment, but with intent of attacking its jurisdiction should the decision be unfavorable: x x x[20]

Then came our ruling in *Tijam v. Sibonghanoy*[21] that a party may be barred by laches from invoking lack of jurisdiction at a late hour for the purpose of annulling everything done in the case with the active participation of said party invoking the plea. We expounded, thus:

A party may be estopped or barred from raising a question in different ways and for different reasons. Thus, we speak of estoppel *in pais*, of estoppel by deed or by record, and of estoppel by *laches* .

Laches, in a general sense, is failure or neglect, for an unreasonable and unexplained length of time, to do that which, by exercising due diligence, could or should have been done earlier; it is negligence or omission to assert a right within a reasonable time, warranting a presumption that the party entitled to assert it either has abandoned it or declined to assert it.

The doctrine of laches or of "stale demands" is based upon grounds of public policy which requires, for the peace of society, the discouragement of stale claims and, unlike the statute of limitations, is not a mere question of time but is principally a question of the inequity or unfairness of permitting a right or claim to be enforced or asserted.

It has been held that a party cannot invoke the jurisdiction of a court to secure affirmative relief against his opponent and, after obtaining or failing to obtain such relief, repudiate or question that same jurisdiction (Dean vs. Dean, 136 Or. 694, 86 A.L.R. 79). In the case just cited, by way of explaining the rule, it was further said that the question whether the court had jurisdiction either of the subject matter of the action or of the parties was not important in such cases because the party is barred from such conduct *not because the judgment or order of the court is valid and conclusive as an adjudication, but for the reason that such a practice cannot be tolerated-- obviously for reasons of public policy*.

Furthermore, it has also been held that after voluntarily submitting a cause and encountering an adverse decision on the merits, it is too late for the loser to question the jurisdiction or power of the court (Pease vs. Rathbun-Jones etc., 243 U.S. 273, 61 L. Ed. 715, 37 S.Ct. 283; St. Louis etc. vs. McBride, 141 U.S. 127, 35 L. Ed. 659). And in Littleton vs. Burgess, 16 Wyo. 58, the Court said that it is not right for a party who has affirmed and invoked the jurisdiction of a court in a particular matter to secure an affirmative relief, to afterwards deny that same jurisdiction to escape a penalty.

Upon this same principle is what We said in the three cases mentioned in the resolution of the Court of Appeals of May 20, 1963 (supra)--to the effect that we frown upon the "undesirable practice" of a party submitting his case for decision and then accepting the judgment, only if favorable, and attacking it for lack of jurisdiction, when adverse--as well as in Pindañgan etc. vs. Dans et al., G.R. L-14591, September 26, 1962; Montelibano et al. vs. Bacolod-Murcia Milling Co., Inc., G.R. L-15092; Young Men Labor Union etc. vs. The Court of Industrial Relations et al., G.R. L-20307, Feb. 26, 1965, and Mejia vs. Lucas, 100 Phil. p. 277.

The facts of this case show that from the time the Surety became a quasi-party on July 31, 1948, it could have raised the question of the lack of jurisdiction of the Court of First Instance of Cebu to take cognizance of the present action by reason of the sum of money involved which,