

FIRST DIVISION

[G.R. No. 116688, August 30, 1996]

**WENEFREDO CALME, PETITIONER, VS. COURT OF APPEALS,
FORMER 10TH DIVISION WITH HON. ANTONIO M. MARTINEZ AS
CHAIRMAN AND HON. CANCIO C. GARCIA AND HON. RAMON
MABUTAS, AS MEMBERS, RESPONDENTS.**

D E C I S I O N

KAPUNAN, J.:

Petitioner Wenefredo Calme appeals from the decision of the Court of Appeals in CA-G.R. SP No. 28883 dated 10 December 1993 and its resolution dated 14 July 1994 upholding the jurisdiction of the Regional Trial Court, Branch 12, Oroquieta City over the information for murder filed against him (Calme).

Petitioner and four other persons were accused of killing Edgardo Bernal by allegedly throwing him overboard the M/V "Cebu City," an interisland passenger ship owned and operated by William Lines, Inc., while the vessel was sailing from Ozamis City to Cebu City on the night of 12 May 1991. Petitioner impugned the Oroquieta RTC's jurisdiction over the offense charged through a motion to quash which, however, was denied by Judge Celso Conol of RTC, Branch 12, Oroquieta City. Petitioner Calme's petition for certiorari and prohibition was denied due course and dismissed by the Court of Appeals in its decision dated 10 December 1993. Petitioner's motion for reconsideration of said decision was denied in the Court of Appeals's resolution of 14 July 1994. Hence, the present appeal wherein the only issue for resolution is whether or not the Oroquieta court has jurisdiction over the offense charged against petitioner.

Petitioner asserts that, although the alleged crime took place while the vessel was in transit, the general rule laid down in par. (a) of Sec. 15 (now Section 14), Rule 110 of the Revised Rules of Court is the applicable provision in determining the proper venue and jurisdiction and not Sec. 15(c) (now Section 14) thereof since the exact location where the alleged crime occurred was known.^[1]

Petitioner thus claims that the proper venue is Siquijor because, according to the Marine Protest filed by the vessel's captain, Elmer Magallanes, the ship was 8.0 miles off Minalonan Point, Siquijor Island, when he (Capt. Magallanes) received the report that "a passenger jumped overboard."^[2]

Petitioner's contention is unmeritorious. The exact location where the alleged offense was committed was not duly established. The Marine protest simply adverted that the vessel was within the waters of Siquijor Island when the captain was informed^[3] of the incident, which does not necessarily prove that the alleged murder took place in the same area. In any case, where the crime was actually committed is immaterial since it is undisputed that it occurred while the vessel was

in transit. "In transit" simply means "on the way or passage; while passing from one person or place to another. In the course of transportation."^[4] Hence, undoubtedly, the applicable provision is par. (c) of Sec. 15 (now Section 14), Rule 110 which provides that "(w)here an offense is committed on board a vessel in the course of its voyage, the criminal action may be instituted and tried in the proper court of the first port of entry or of any municipality or territory through which the vessel passed during such voyage subject to the generally accepted principles of international law."

Petitioner further contends that even if Sec. 15(c), Rule 110 governs, Oroquieta City would still be excluded as a proper venue because the reckoning point for determining the venue under the aforementioned paragraph is the first port of entry or the municipalities/territories through which the ship passed after the discovery of the crime, relying on Act No. 400.^[5]

We disagree. Obviously, Act No. 400 was amended by Sec. 15(c), Rule 110 of the Revised Rules of Court in that under the former law, jurisdiction was conferred to the CFI of any province into which the ship or water craft upon which the crime or offense was committed shall come after the commission thereof, while the present rule provides that jurisdiction is vested "in the proper court of the first port of entry or of any municipality or territory through which the vessel passed during such voyage x x x." This is the applicable provision and since it does not contain any qualification, we do not qualify the same. We fully concur with the findings of the Court of Appeals, thus:

To support his arguments, petitioner relies on Act 400, which according to him is the spirit behind the present Sec. 15(c), Rule 110. The said Act specifically provides, among other things, that for crimes committed within the navigable waters of the Philippine Archipelago, on board a ship or water craft of Philippine registry, jurisdiction may be exercised by the Court of First Instance in any province in which the vessel shall come after the commission of the crime.

Petitioner's reliance on Act 400 is erroneous. The provision of said Act vesting jurisdiction in the province where the vessel shall come after the commission of the crime is not carried in the present Rule.

xxx xxx xxx

It is a basic rule in statutory construction that where the provisions of the law or rule is clear and unequivocal, its meaning must be determined from the language employed. It must be given its literal meaning and applied without attempted interpretation (Globe Mackay Cable and Radio Corp. vs. NLRC, 206 SCRA [7]01; Pascual vs. Pascual-Bautista, 207 SCRA 561).

The words of Sec. 15(c) being clear, there is no reason to rely on Act 400 in determining its true meaning, regardless of whether said Act was indeed the moving spirit behind it. In fact, it does not seem that the provision of Act 400 was carried into the present rule, as it is now worded.^[6]