

**Title:** George Uy vs. The Hon. Sandiganbayan, The Hon. Ombudsman, and The Hon. Roger C. Berbano, Sr.: Authority of the Ombudsman to Prosecute Cases

**Facts:**

The controversy arises from the interpretation of the prosecutorial powers of the Ombudsman in relation to cases falling within the jurisdiction of the Sandiganbayan versus those under regular courts. Initially, the Supreme Court held that the Ombudsman's prosecutorial power extends only to cases within the Sandiganbayan's jurisdiction, leaving those under regular courts to state prosecutors. This was based on an earlier decision dated August 9, 1999, and a resolution dated February 22, 2000. Ombudsman Aniano A. Desierto sought further clarification of this ruling, leading to this resolution. The Ombudsman presented three points for clarification regarding the jurisdictional and prosecutorial scope of its office vis-à-vis the Sandiganbayan and regular courts.

**Issues:**

1. Whether the Ombudsman has the authority to conduct preliminary investigations and prosecute all criminal cases involving public officers and employees, including those within the jurisdiction of the regular courts, apart from those cognizable by the Sandiganbayan.
2. The extent of the investigatory and prosecutory powers of the Ombudsman as conferred by RA 6770 (Ombudsman Act of 1989), particularly in light of the provisions vesting the Ombudsman with primary jurisdiction over cases cognizable by the Sandiganbayan.

**Court's Decision:**

The Supreme Court ruled that the Ombudsman possesses the authority to conduct preliminary investigations and to prosecute not only cases within the Sandiganbayan's jurisdiction but also those within the jurisdiction of regular courts. This authority is founded on Section 15 and Section 11 of RA 6770. The Court clarified that the legislative intent and the broad language of RA 6770 do not limit the Ombudsman's prosecutory power to cases cognizable by the Sandiganbayan alone. Furthermore, the Court emphasized that the jurisdiction of the Ombudsman should not be equated with that of the Special Prosecutor, which is expressly limited to cases within the Sandiganbayan's jurisdiction. The resolution thus expanded the prosecutory powers of the Ombudsman beyond the Sandiganbayan, addressing the concerns raised by Ombudsman Desierto.

**Doctrine:**

The Ombudsman is endowed with the authority to conduct preliminary investigation and prosecute all criminal cases involving public officers and employees, this includes both

cases within the jurisdiction of the Sandiganbayan and those within the jurisdiction of regular courts. The scope of the investigatory and prosecutory power of the Ombudsman as provided in RA 6770 does not distinguish between cases based on the court's jurisdiction.

**\*\*Class Notes:\*\***

1. **\*\*RA 6770 (Ombudsman Act of 1989):\*\*** The Ombudsman has the power to “investigate and prosecute on its own or on complaint by any person, any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient” (Section 15(1)).
2. **\*\*Primary Jurisdiction Over Cases Cognizable by the Sandiganbayan:\*\*** This jurisdiction allows the Ombudsman to take over investigations at any stage from any investigatory agency of the government (Section 15(1)).
3. **\*\*Concurrent Jurisdiction:\*\*** The Ombudsman's authority to prosecute cases in regular courts does not conflict with the power of regular prosecutors under the Department of Justice. It represents a concurrent jurisdiction in the prosecution of offenses charged.

**\*\*Historical Background:\*\***

The establishment and evolution of the Office of the Ombudsman in the Philippines reflect a progressive attempt to enhance governmental accountability and integrity. Beginning as a concept imported from Sweden, the Philippine implementation evolved through various incarnations before being constitutionalized and structurally defined by RA 6770. This act significantly expanded the investigatory and prosecutorial powers of the Ombudsman, distinguishing it from the classical model by empowering it not only to recommend but also to actively prosecute cases of governmental malfeasance. This case clarifies and expands that prosecutorial authority to include all cases involving public officers and employees, regardless of the jurisdiction of the courts involved, thereby amplifying the Ombudsman's role as a vital instrument of accountability within the Philippine government.