

Title:

Carolina R. Javier vs. First Division of the Sandiganbayan and the People of the Philippines

Facts:

1. **Enactment of RA No. 8047**: On June 7, 1995, Republic Act (RA) No. 8047, the “Book Publishing Industry Development Act,” was passed to promote the development of the book publishing industry in the Philippines.
2. **Creation of NBDB**: The law created the National Book Development Board (NBDB), consisting of eleven members—five from the government and six from the private sector—appointed by the President.
3. **Appointment of Petitioner**: On February 26, 1996, Carolina R. Javier was appointed to the NBDB as a private sector representative for a one-year term, later extended until September 14, 1998.
4. **Travel Authority Issued**: On September 29, 1997, Javier received a travel authority to attend an international book fair in Madrid, Spain, from October 8-12, 1997, and was advanced P139,199 for travel expenses.
5. **Cancellation and Non-Refund**: Javier did not attend the event, but also did not refund the travel expenses as advised by the Resident Auditor on February 16, 1998, nor did she act upon a Summary of Disallowances issued on July 6, 1998.
6. **Ombudsman Complaint**: On September 23, 1999, a complaint was filed against Javier for malversation of public funds and failure to file her Statement of Assets and Liabilities under RA No. 6713.
7. **Filing of Information**: The Ombudsman found probable cause and recommended filing charges for violating Section 3(e) of RA No. 3019. An information was filed on February 18, 2000, now Criminal Case No. 25867.
8. **Additional Charges**: The Commission on Audit also charged her with malversation of public funds (Criminal Case No. 25898).
9. **Arraignment and Plea**: On arraignment in Criminal Case No. 25867, she pleaded not guilty and returned the funds to the First Division.
10. **Denial of Motions to Quash**: Motions to quash (October 10, 2000) and to reconsider

(January 17, 2001) were filed, arguing the Sandiganbayan's lack of jurisdiction and double jeopardy, but both were denied.

Issues:

1. **Jurisdiction**: Whether Javier, as a private sector representative, could be considered a public officer under RA No. 3019 and fall within the jurisdiction of the Sandiganbayan.
2. **Double Jeopardy**: Whether the simultaneous filing of two informations for the same alleged wrongful act violated Javier's right against double jeopardy.

Court's Decision:

1. **Jurisdiction**:

- The Supreme Court held that the NBDB performs public functions, defining a public office of sovereign functions for the government. As Javier was appointed by the President to perform functions that contribute to public service, she qualifies as a public officer.
- The Sandiganbayan has jurisdiction over public officers classified under Salary Grade (SG) 28; the Director of Organization, Position Classification and Compensation Bureau equated the Member of the Governing Board's rank to SG-28.

2. **Double Jeopardy**:

- The Court ruled that double jeopardy did not apply as Javier was only arraigned in one case (25867) while the motion to quash in the other (25898) was pending. Hence, the elements required for double jeopardy, including valid arraignment and case termination, were not met.

Doctrine:

- **Public Officer Definition Under RA No. 3019**: Even private sector representatives in statutory government agencies, by virtue of their official duties and responsibilities, can be deemed public officers.
- **Jurisdiction Over Public Officers**: The Sandiganbayan's jurisdiction extends to officials classified as SG-27 and higher, regardless of compensation received.
- **Non-attachment of Double Jeopardy**: A claim of double jeopardy cannot be maintained if the accused has not been arraigned on both charges.

Class Notes:

- **Public Officer**: Any person who takes part in the performance of public duties in any governmental capacity.
- **Anti-Graft Law (RA No. 3019)**: Governs public officers, including those from the

private sector involved in public administration.

- **Sandiganbayan Jurisdiction**: Covers government officials ranked SG-27 and higher.
- **Double Jeopardy**: Applies when formally charged offenses are identical, have a competent court, valid arraignment, and a prior judgment has been rendered.

Historical Background:

- **NBDB Formation and Appointment**: The National Book Development Board was created to properly represent and enhance the book publishing industry, and Javier's appointment was to ensure private sector interests were included in this development.
- **Sandiganbayan Jurisdiction Evolution**: Presidential decrees and subsequent amendments (including RA No. 8249) expanded Sandiganbayan's jurisdiction, specifying the ranks and positions subject to its authority.