

GO CAM, ANG TIONG, LO BOK, LIM PENG, TE CHAYE, SY BIO AND MARCOS ENAGE, PETITIONERS, VS. HON. MAGNO S. GATMAITAN AND FILEMON SAAVEDRA, RESPONDENTS.

G.R. No. L-2856. March 27, 1950

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/7eade5ead973/>

PADILLA, J.:

On 15 April 1946 in the City of Davao, Ang Liongto was shot to death. On 23 August 1946, an information for murder was filed in the Court of First Instance of Davao by the Provincial Fiscal against Dy Too alias Donato Pomarala, Chu Chi Beng, John Doe, Richard Doe and three others for the death of Ang Liongto (Criminal Case No. 131). On 18 December 1947, another information for murder was filed by the Provincial Fiscal, ex-officio City Attorney, against James Young for the death of Ang Liongto (Criminal Case No. 343). On 5 August 1948, a third information for murder was filed against Go Cam, Ang Tiong, Lo Bok, Lim Peng, Te Chaye, Sy Bio, Marcos Enage, six other named defendants, and twenty-five (25) other unnamed Chinese Davao residents for the death of Ang Liongto (Criminal Case No. 458). The last information was signed by Filemon Saavedra, a special attorney in the office of the Solicitor General. On 31 January 1949, counsel for the defendants moved to quash the information, on the ground that it does not conform substantially to the prescribed form, and that the Court of First Instance of Davao "has no jurisdiction over the case and over the persons of the defendants." On 17 February, the court denied the motion to quash. A motion for reconsideration was denied.

Thereupon seven defendants named in the last information instituted these proceedings seeking to annul the orders of the court denying the motion to quash and the motion for reconsideration; to enjoin the Court of First Instance of Davao and Special Prosecutor Filemon Saavedra from trying or in anyway disposing of the case; and to have the bail filed by the petitioners for their temporary release cancelled.

In his answer the respondent Special Prosecutor states that, under and pursuant to Administrative Order No. 94 issued by the Secretary of Justice on 13 May 1948 detailing him "to temporary duty to the province of Davao there to investigate and prosecute the murder of Alfonso Ang Liongto," he was empowered to sign and file the information against the petitioners and their co-defendants in criminal case No. 458 of the Court of First Instance of Davao.

Petitioners claim that a special prosecutor who is a special attorney in the office of the Solicitor General created by Republic Act No. 311 is not authorized to sign the information filed against the petitioners and their co-defendants in the criminal case referred to, and for that reason the information signed and filed by him is illegal and the court acquired no jurisdiction over the case. Hence the orders denying the motion to quash and the motion for reconsideration are null and void.

The Special Prosecutor, on the other hand, contends that his detail by the Secretary of Justice, by virtue and pursuant to Administrative Order No. 94 referred to, confers upon him authority to sign the information filed against the petitioners and their co-defendants.

It would serve no useful purpose to restate the grounds upon which the decision in the case of *Lo Cham vs. Ocampo et al.*; *Canape et al. vs. Jugo et al.*; and *People vs. Dinglasan* (44 Off.Gaz., 458[1]) is made to rest. There the original law and the subsequent changes made until it reached the present form (section 1686 of the Revised Administrative Code, as amended by section 4 of Com. Act No. 144), are set forth. Under either of the interpretations made of the statute, to wit: whether the appointment of a lawyer, "being either a subordinate from his office or a competent person not in the public service, temporarily to assist a fiscal or prosecuting attorney in the discharge of his duties," confers upon the appointee the authority or carries with it the power to sign and file informations, or whether such authority is conferred by the express language of the statute which clothes the appointee "with the same authority therein as might be exercised by the Attorney General or Solicitor General," the respondent Special Prosecutor detailed by the Secretary of Justice possesses the authority and power to sign and file the information in question. Hence the respondent court did not err neither did it exceed its jurisdiction, nor did it commit a grave abuse of discretion, when it denied the motion to quash the information filed against the petitioners and their co-defendants.

Petition denied, with costs against the petitioners.

Moran, C. J., Pablo, Bengzon, Tuason, and Reyes, JJ., concur.

[1] 77 Phil., 635.

PADILLA, J.:

I certify that Mr. Justice Torres voted for the denial of the petition, and that Mr. Justice Montemayor also voted for denial.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.