

HON. ELISEO C. DE GUZMAN, PETITIONER, VS. HON. ONOFRE A. VILLALUZ, AS JUDGE OF THE CIRCUIT CRIMINAL COURT, 7TH JUDICIAL DISTRICT; MARIANO ZUÑIGA, PASCUAL MANUGUIT, BENJAMIN ARDA...

G.R. No. L-33995. September 30, 1982

Ponente: RELOVA, J.

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RELOVA, J.:

Mariano Zuñiga, Pascual Manuguit, Benjamin Ardaniel and Felicisima Evangelista filed a complaint for falsification of public document against Assistant Fiscal Eliseo C. de Guzman of Pasig, Rizal before the Circuit Criminal Court, Seventh Judicial District, in Pasig, Rizal. The complaint alleged that –

"On or about June 3, 1971 in the municipality of Pasig, province of Rizal, Philippines, and within the jurisdiction of this Honorable Circuit Criminal Court, the said accused Assistant Fiscal Eliseo C. de Guzman of the province of Rizal while being a public officer and/or employee of the government taking advantage of his official position did then and there willfully, unlawfully and feloniously falsified a public document by signing under oath and later filed an information against the undersigned complainants and offended parties causing it to appear therein that persons have participated in an act or proceeding when they did not in fact so participate, and attributing to persons who have participated in the act or proceeding statements other than those in fact made by them, and further made untruthful statements in the narration of facts with the aggravating circumstance of the fact that the wrong done in the commission of the crime was deliberately augmented by causing another wrong not necessary for its commission."

The case was docketed as Criminal Case No. CCC-VII-841-Rizal.

Then Judge Onofre A. Villaluz, upon receipt of the complaint, issued an order as follows:

"The complaint, being sufficient in form and substance and pursuant to Section 13, Rule 112 of the New Rules of Court, in relation to Section 6, Rule 135 thereto, the respondent, Assistant Fiscal Eliseo C. de Guzman of Pasig, Rizal, is hereby directed to answer the complaint of the following complainants-offended parties: Mariano Zuñiga, Pascual Manuguit, Benjamin Ardaniel, and Felicisima Evangelista, for Falsification of Public Document (Art. 171 of the Revised Penal Code), within ten (10) days from receipt hereof."

Petitioner Fiscal filed a MOTION TO DISMISS on the ground that (1) the Circuit Criminal Court is without jurisdiction to take cognizance of a complaint filed directly before it, to conduct a preliminary investigation under the provisions of Section 13, Rule 112 of the Rules of Court, and to issue the abovementioned orders; and (2) it has no jurisdiction over the crime charged in the complaint which is for falsification of a public document defined and penalized under Article 171 of the Revised Penal Code.

The Motion to Dismiss as well as the Motion for Reconsideration were denied and the case (CCC-VII-841- Rizal) was set for preliminary investigation.

Thereafter, herein petitioner, Fiscal Eliseo C. de Guzman, filed this petition praying that, after proper hearing, judgment be entered (a) prohibiting the respondent Judge from further proceeding with the preliminary investigation of Criminal Case No. CCC-VII-841-Rizal; and (b) setting aside and declaring null and void the orders of the respondent Judge (Annexes "B", "D", "E" [p. 9] and "F").

This Court issued a resolution requiring the herein respondents "to file an answer to the petition for certiorari and prohibition with preliminary injunction within ten (10) days from notice hereof, and not to move to dismiss the petition."

Private respondents filed their Answer to the petition contending, among others, that "under Section 3 of Republic Act No. 5179 respondent Judge possesses the same prerogatives and power as the Judges of the Courts of First Instance relative to cases cognizable within their jurisdiction. For the petitioner to say that respondent Judge cannot conduct the preliminary investigation himself in Criminal Case No. CCC-VII-841-Rizal is to thwart justice."

The matter as to whether Circuit Criminal Judges have the power to conduct preliminary investigation has been settled by this Court in the case of *Collector of Customs vs. Villaluz*, 71 SCRA 356 when it ruled that:

"The two-fold purpose for which the Circuit Criminal Courts were created was to alleviate the burden of the regular Courts of First Instance and accelerate the disposition of criminal cases filed therein. Such being the admitted purpose, the power to conduct preliminary examination must necessarily attach to the duties of a Circuit Criminal Court Judge; for aside from being one of the instruments by which a case may be accelerated and disposed of, it is a duty which truly lies within the scope of the office, essential to the accomplishment of the main purpose for which the office was created, even if regarded as incidental and collateral, is germane to, and serves to promote the accomplishment of the principal purpose.

x x x x x x x x

"But while we sustain the power of the Circuit Criminal Courts to conduct preliminary examination pursuant to Our Constitutional power of administrative supervision over all courts as a matter of policy, WE enjoin the respondent Judge and other Circuit Criminal Court Judges to concentrate on hearing and deciding criminal cases filed before their courts. x x x Circuit Criminal judges therefore, should not encumber themselves with the preliminary examination and investigation of criminal complaints, which they should refer to the municipal judge or provincial or city fiscal, who in turn can utilize the assistance of the state prosecutor to conduct such preliminary examination and investigation. Or the Judge of the CCC can directly request the Secretary of Justice to assign a state prosecutor for the same purpose."

With respect to the contention that the jurisdiction of Circuit Criminal Courts insofar as crimes committed by public officers are concerned should be confined only to those defined and penalized under Title VII of the Revised Penal Code, i.e., from Article 204 to Article 245, relevant portions of Section 4 of Presidential Decree No. 1606, which took effect on December 10, 1978, read as follows:

"Sec. 4. Jurisdiction. - The Sandiganbayan shall have jurisdiction over:

x x x x x x x x

"(c) Other crimes or offenses committed by public officers or employees, including those employed in government-owned or controlled corporations in relation to their office.

"The jurisdiction herein conferred shall be original and exclusive if the offense charged is punishable by a penalty higher than prision correccional, or its equivalent, except as herein provided; in other offenses, it shall be concurrent with the regular courts." x x x

The penalty for falsification under Article 171 of the Revised Penal Code for which herein petitioner, Assistant Fiscal Eliseo C. de Guzman is charged, is prision mayor and a fine not to exceed P5 ,000.00. Hence, the Sandiganbayan, not the Courts of First Instance or the Circuit Criminal Courts, has the exclusive jurisdiction over the offense of falsification of public documents allegedly committed by a government employee. (Manuel vs. de Guzman, 96 SCRA 398). In any event, the Circuit Criminal Courts would have no jurisdiction over falsification.

ACCORDINGLY, the Judge of the Circuit Criminal Court, Seventh Judicial District, is hereby directed to refer the records of this case to the Tanodbayan for its appropriate action.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Vasquez, and Gutierrez, Jr., JJ., concur.
Melencio-Herrera and Plana, JJ., in the result.

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