

LILIA B. ORGANO, PETITIONER, VS. THE SANDIGANBAYAN AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 133535. September 09, 1999

Ponente: PARDO, J.

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PARDO, J.:

The case before the Court is a special civil action for certiorari with preliminary injunction or temporary restraining order assailing the resolutions of the Sandiganbayan, Fourth Division,[1] that denied petitioner's motion to quash the information in the case below, for lack of merit.

We grant the petition.

The facts are as follows:

On August 15, 1997, Special Prosecution Officer Jose T. de Jesus, Jr., filed with the Sandiganbayan an Information against petitioner, together with others, for the crime of "plunder" or violation of R. A. No. 7080, as amended by R. A. No. 7659.[2]

The Information reads as follows:

"That on or about 05 November 1996, or sometime prior or subsequent thereto, in Quezon City, Philippines and within the jurisdiction of this Honorable Court, accused Dominga S. Manalili, Teopisto A. Sapitula, Jose dP. Marcelo, Lilia B. Organo, being then public officers and taking advantage of their official positions as employees of the Bureau of Internal Revenue, Region 7, Quezon City, and Gil R. Erencio, Reynaldo S. Enriquez and Luis S. Se, Jr., conspiring, confabulating and confederating with one another, did then and there wilfully, unlawfully and criminally amass and acquire funds belonging to the National Government by opening an unauthorized bank account with the Landbank of the Philippines, West Triangle Branch, Diliman, Quezon City, for and in behalf of the Bureau of Internal Revenue and deposit therein money belonging to the government of the Philippines, consisting of revenue tax payments, then withdraw therefrom the total sum of Pesos: One Hundred Ninety Three Million Five Hundred Sixty Five Thousand Seventy Nine & 64/100 (P193,565,079.64) Philippine Currency, between November, 1996 to February, 1997, without proper authority, through checks made payable to themselves and/or the sole proprietorship firms of the above named private persons, thereby succeeding in misappropriating, converting, misusing and/or malversing said public funds tantamount to a raid on the public treasury, to their own personal gains, advantages and benefits, to the damage and prejudice of the government in the aforestated amount"[3]

On August 20, 1997, petitioner filed with the Sandiganbayan a motion to quash information for lack of jurisdiction, contending that the Sandiganbayan no longer had jurisdiction over the case under R. A. 8249, approved on February 5, 1997.

On September 29, 1997, without first resolving petitioner's motion to quash information, the Sandiganbayan issued a warrant of arrest against all the accused in the case.

On November 28, 1997, the Sandiganbayan issued a resolution denying petitioner's motion to quash the

information for lack of merit.

On December 9, 1997, petitioner filed with the Sandiganbayan a motion for reconsideration, reiterating the ground of lack of jurisdiction over the case pursuant to Republic Act No. 8249, approved on February 5, 1997.

On April 28, 1998, after one hundred forty (140) days from its filing, the Sandiganbayan issued a resolution denying petitioner's motion for reconsideration ruling that she should first surrender to the court before she may file any further pleading with the court.

Hence, this petition.

On June 23, 1998, the Court resolved to require the respondents to comment on the petition, not to file a motion to dismiss, within ten (10) days from notice.[4]

On September 14, 1998, the Office of the Special Prosecutor, representing the People of the Philippines, filed its comment.[5]

On January 4, 1999, the Solicitor General filed his comment.[6]

We give due course to the petition.

At issue is whether the Sandiganbayan at the time of the filing of the information on August 15, 1997 had jurisdiction over the case, in view of the enactment on February 5, 1997 of Republic Act No. 8249, vesting in the Sandiganbayan jurisdiction over offenses and felonies whether simple or complexed with other crimes committed by public officers and employees mentioned in subsection (a) of Section 4 in relation to their office where the accused holds a position with salary grade "27" and higher under the Compensation and Position Classification Act of 1989.

Petitioner contends that since none of the accused holds a position with Salary Grade "27" and higher, jurisdiction over the case falls with the Regional Trial Court.[7] On the other hand, respondent Sandiganbayan's position is that Republic Act No. 7080 which defines and penalizes the crime of "plunder" vests in the Sandiganbayan jurisdiction thereof, and since it is a special law, it constitutes an exception to the general law, Republic Act No. 8249.[8]

Republic Act No. 7080, Section 3 provides:

"Until otherwise provided by law, all pro-sections under this Act shall be within the original jurisdiction of the Sandiganbayan."

This law was enacted on September 23, 1991, and was effective on October 7, 1991.

On February 5, 1997, Republic Act No. 8249 was approved, further defining the jurisdiction of the Sandiganbayan.

Section 4 of the law provides:

"Sec. 4. Jurisdiction – The Sandiganbayan shall exercise exclusive original jurisdiction in all cases involving:

"x x x

"b. Other offenses or felonies whether simple or complexed with other crimes committed by the public officials and employees mentioned in sub-section a of this section in relation to their office.

"x x x

"In cases where none of the accused are occupying positions corresponding to Salary Grade '27' or higher, as

prescribed in the said Republic Act No. 6758, or military and PNP officers mentioned above, exclusive original jurisdiction thereof shall be vested in the proper regional trial court, metropolitan trial court, municipal trial court, and municipal circuit trial court, as the case may be, pursuant to their respective jurisdictions as provided in Batas Pambansa Blg. 129, as amended.”[9]

This latest enactment collated the provisions on the exclusive jurisdiction of the Sandiganbayan. It is a special law enacted to declog the Sandiganbayan of "small fry" cases. In an unusual manner, the original jurisdiction of the Sandiganbayan as a trial court was made to depend not on the penalty imposed by law on the crimes and offenses within its jurisdiction but on the rank and salary grade of accused government officials and employees.

However, the crime of "plunder" defined in Republic Act No. 7080, as amended by Republic Act No. 7659, was provisionally placed within the jurisdiction of the Sandiganbayan "until otherwise provided by law." [10] Republic Act No. 8429, enacted on February 5, 1997 is the special law that provided for the jurisdiction of the Sandiganbayan "otherwise" than that prescribed in Republic Act No. 7080.

Consequently, we rule that the Sandiganbayan has no jurisdiction over the crime of plunder unless committed by public officials and employees occupying the positions with Salary Grade "27" or higher, under the Compensation and Position Classification Act of 1989 (Republic Act No. 6758) in relation to their office.

In ruling in favor of its jurisdiction, even though none of the accused occupied positions with Salary Grade "27" or higher under the Compensation and Position Classification Act of 1989 (Republic Act No. 6758), the Sandiganbayan incurred in serious error of jurisdiction, entitling petitioner to the relief prayed for.

WHEREFORE, the Court hereby GRANTS the petition for certiorari and ANNULS the resolutions of the Sandiganbayan, dated November 20, 1997, and April 28, 1998, in Criminal Case No. 24100.

The Court orders the Sandiganbayan to forthwith refer the case to the court of proper jurisdiction.

No costs.

SO ORDERED.

Puno, Kapunan, and Ynares-Santiago, JJ., concur. Davide, Jr., C.J., (Chairman), on official leave.

[1] Narciso S. Nario, J., ponente, Sabino R. de Leon, Jr. and Teresita Leonardo-de Castro, JJ., concurring.

[2] Docketed as Criminal Case No. 24100.

[3] Annex "F", Petition, Rollo, pp. 36-43, on p. 37.

[4] Rollo, p. 54.

[5] Rollo, pp. 71-79.

[6] Rollo, pp. 94-107.

[7] Petition, Rollo, pp. 3-22, at pp. 9-11.

[8] Comment, Rollo, pp. 96-107, at pp. 98-99.

[9] Vol. 93, No. 15, Official Gazette, pp. 2282-2283

[10] Republic Act No. 7080, Section 3.

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