# ENGR. TEODOTO B. ABBOT, PETITIONER, VS. HON. JUDGE HILARIO I. MAPAYO, PRESIDING JUDGE, RTC-BR. 19, DIGOS, DAVAO DEL SUR AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

*G.R. No. 134102. July 06, 2000*

Ponente: BELLOSILLO, J.

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**BELLOSILLO, J.:**

We are tasked to resolve in this petition the issue of which tribunal - the Sandiganbayan or the Court of Appeals - has jurisdiction to entertain the Petition for Certiorari with Prohibition filed by petitioner Teodoto B. Abbot in the Court of Appeals. Petitioner claims that jurisdiction is vested in the Court of Appeals; on the other hand, the Court of Appeals together with the Office of the Solicitor General holds that the Petition for Certiorari with Prohibition falls properly within the jurisdiction of the Sandiganbayan.

Petitioner Teodoto B. Abbot, Chief of the Irrigation System, Mal-River Project, National Irrigation Administration, Manga, Matanao, Davao del Sur, was charged with Malversation Thru Falsification of Public Document. In an Information[1] lodged before the Sandiganbayan, it was alleged that Abbot falsified the Viability Incentive Grant payroll by making it appear that each of the seven (7) complaining witnesses received P4,500.00 when in fact four (4) of them received only P1,500.00 each while the other three (3) received P2,000.00 each, thereby enabling petitioner to obtain P19,500.00 which he misappropriated to his personal use.

The case was eventually transferred to the Regional Trial Court by virtue of RA 7975.[2] On arraignment petitioner pleaded not guilty. During the trial petitioner filed an Omnibus Motion for the dismissal of the case on the ground that there was no malversation to speak of because the money supposed to have been misappropriated ceased to be part of the public fund when cashier Catalino P. Cordero indorsed the check to petitioner who thereafter encashed and received the proceeds thereof for payment to the intended beneficiaries.[3]

On 29 October 1996 the Regional Trial Court-Br. 19, Digos, Davao del Sur, denied the Omnibus Motion.[4] On 12 February 1997 petitioner's Motion for Reconsideration was likewise denied.[5]

Petitioner assailed the 29 October 1996 and 12 February 1997 orders of the Regional Trial Court before the Court of Appeals through a Petition for Certiorari with Prohibition[6] arguing that the trial court gravely abused its discretion amounting to lack of jurisdiction when it did not dismiss the Information filed against him. He insisted that the Information was patently quashable on its face as the facts stated therein did not constitute an offense and the stipulation of facts made during the pre-trial rendered the case dismissible.

The Office of the Solicitor General, commenting on the petition, opined that the Court of Appeals was without jurisdiction to entertain the Petition for Certiorari with Prohibition as jurisdiction thereof was already vested in the Sandiganbayan. Subsequently, the Court of Appeals agreed with the Office of the Solicitor General and dismissed the case for lack of jurisdiction,[7] and likewise denied petitioner's Motion for Reconsideration.[8] Hence, this Petition for Review on Certiorari with petitioner insisting that the Court of Appeals and not the Sandiganbayan has jurisdiction over the Petition for Certiorari with Prohibition.

PD 1606[9] created the Sandiganbayan. In Sec. 4 thereof the jurisdiction of the Sandiganbayan is delineated -

> Sec. 4. Jurisdiction. - The Sandiganbayan shall exercise: (a) Exclusive original jurisdiction in all cases involving: (1) Violations of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, Republic Act No. 1379, and Chapter II, Section 2, Title VII, of the Revised Penal Code; (2) Other offenses or felonies committed by public officers and employees in relation to their office, including those employed in government-owned or controlled corporations, whether simple or complexed with other crimes, where the penalty prescribed by law is higher than prision correccional or imprisonment for six (6) years, or a fine of P6,000.00; PROVIDED, HOWEVER, that offenses or felonies mentioned in this paragraph where the penalty prescribed by law does not exceed prision correccional or imprisonment for six (6) years or a fine of P6,000.00 shall be tried by the proper Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court and Municipal Circuit Trial Court.
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> (b) Exclusive appellate jurisdiction: (1) On appeal, from the final judgments, resolutions or orders of the Regional Trial Courts in cases originally decided by them in their respective territorial jurisdictions; (2) By petition for review, from the final judgments, resolutions or orders of the Regional Trial Courts in the exercise of their appellate jurisdiction over cases originally decided by the Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts, in their respective jurisdictions x x x x

This law was applied in Garcia, Jr. v. Sandiganbayan[10] where the principal issue was the jurisdiction of the Sandiganbayan over special civil actions for prohibition, mandamus, and quo warranto. This Court held that the Sandiganbayan was a court with only special and limited jurisdiction, hence, could not exercise jurisdiction over the petition for prohibition, mandamus, and quo warranto filed by petitioner; thus -

> It is settled that the authority to issue writs of certiorari, prohibition, and mandamus involves the exercise of original jurisdiction which must be expressly conferred by the Constitution or by law. In Garcia v. De Jesus, this Court stated: In the Philippine setting, the authority to issue Writs of Certiorari, Prohibition and Mandamus involves the exercise of original jurisdiction. Thus, such authority has always been expressly conferred, either by the Constitution or by law. As a matter of fact, the well-settled rule is that jurisdiction is conferred only by the Constitution or by law. It is never derived by implication. Indeed, while the power to issue the writ of certiorari is in some instances conferred on all courts by constitutional or statutory provisions, ordinarily, the particular courts which have such power are expressly designated.
>
> Thus, our Courts exercise the power to issue Writs of Certiorari, Prohibition and Mandamus by virtue of express constitutional grant or legislative enactments. To enumerate: (1) Section 5[1], Article VIII of the 1987 Constitution conferred upon this Court such jurisdiction; (2) Section 9[1] of Batas Pambansa Blg. 129, or the Judiciary Reorganization Act of 1980, to the Court of Appeals (then Intermediate Appellate Court); (3) Section 21[1] of the said Act, to the Regional Trial Courts; (4) Section 5[1] of Republic Act No. 6734, or the Organic Act for the Autonomous Region in Muslim Mindanao, to the newly created Shari'ah Appellate Court; and, (5) Article 143[e], Chapter I, Title I, Book IV of Presidential Decree No. 1083, or the Code of Muslim Personal Law, to Shari'ah District Courts.
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> With respect to petitions for quo warranto and habeas corpus, original jurisdiction over them is expressly conferred in this Court by Section 5(1), Article VIII of the Constitution and to the Court of Appeals and the Regional Trial Courts by Section 9(1) and Section 21(1), respectively, of B.P. Blg. 129.
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> In the absence then of a specific statutory grant of jurisdiction to issue the said extraordinary writs, the Sandiganbayan, as a court with only special and limited jurisdiction, cannot exercise jurisdiction over the petition for prohibition, mandamus, and quo warranto filed by petitioner.[11]

After the promulgation of the Garcia, Jr. v. Sandiganbayan decision herein cited, Congress enacted RA 7975, An Act to Strengthen the Functional and Structural Organization of the Sandiganbayan, Amending for that Purpose


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Presidential Decree No. 1606, as Amended, which took effect 6 May 1995. In Sec. 4(c) thereof, the jurisdiction of the Sandiganbayan was expanded to include petitions for the issuance of writs of mandamus, prohibition, certiorari, habeas corpus, injunction, and other ancillary writs and processes in aid of its appellate jurisdiction. Thus -

> Sec. 4. Jurisdiction. - (c) x x x The Sandiganbayan shall have exclusive original jurisdiction over petitions for issuance of the writs of mandamus, prohibitions, certiorari, habeas corpus, injunction, and other ancillary writs and processes in aid of its appellate jurisdiction: Provided: That the jurisdiction over these petitions shall not be exclusive of the Supreme Court.

In effect, our ruling in Garcia, Jr. v. Sandiganbayan[12] was supplanted in RA 7975 which was the law already in force at the time of the commission of the offense charged. Hence, both the Court of Appeals and the Office of the Solicitor General are correct in concluding that it is the Sandiganbayan which has jurisdiction over the questioned Petition for Certiorari with Prohibition. No grave abuse of discretion could therefore be imputed to the Court of Appeals in refusing to take cognizance of the oft-mentioned Petition for Certiorari with Prohibition.

WHEREFORE, the instant petition for review is DENIED. The assailed Decision of the Court of Appeals dated 11 November 1997 dismissing the Petition for Certiorari with Prohibition as well as its Resolution dated 14 May 1998 denying reconsideration is AFFIRMED. No costs.

**SO ORDERED.**

Mendoza, Quisumbing, Buena, and De Leon, Jr., JJ., concur.

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[1] Annex "C;" Records, pp. 28-29.

[2] An Act to Strengthen the Functional and Structural Organization of the Sandiganbayan, Amending for that Purpose Presidential Decree No. 1606, as Amended.

[3] Annex "E;" Records, pp. 32-37.

[4] Annex "B," Id., p. 28.

[5] Annex "A," Id., p. 27.

[6] Records, pp. 9-23.

[7] Decision dated 11 November 1997 with Associate Justice Conrado M. Vasquez, Jr. as ponente and Associate Justices Consuelo Ynares-Santiago and Robert A. Barrios, concurring; id., pp. 99-102.

[8] Resolution; id., p. 120.

[9] Revising Presidential Decree No. 1486 Creating a Special Court to be known as "Sandiganbayan" and for Other Purposes.

[10] G.R. No. 114135, 7 October 1994, 237 SCRA 552.

[11] Ibid.

[12] Ibid.

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