FLEURDELIZ B. ORGANO, PETITIONER, VS. SANDIGANBAYAN AND THE JAIL WARDEN OF MANILA, RESPONDENTS.

G.R. No. 136916. December 14, 1999

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Under Republic Act (RA) No. 8249, the Sandiganbayan has jurisdiction over accused public officials only when they occupy positions corresponding to Salary Grade 27 or higher. Thus, RA 7080, insofar as it provided that all prosecutions for plunder fell within the Sandiganbayan's jurisdiction, was impliedly repealed.

The Case

Before us is a Petition for Habeas Corpus under Rule 102 of the Rules of Court, praying that this Court direct the jail warden of Manila to produce the body of petitioner's mother, Lilia B. Organo, and to set her at liberty without delay. Earlier, the accused had been detained, pursuant to a Warrant of Arrest issued by the Sandiganbayan[1] in connection with an Information[2] for plunder dated August 14, 1997 and docketed as Criminal Case No. 24100. Petitioner maintains that the Warrant was invalid, because that court had no jurisdiction over her mother.

The Facts

The facts of the case, as summarized by the Office of the Solicitor General, are as follows:

> In an Information filed before the Sandiganbayan on August 15, 1997, Dominga S. Manalili, Teopisto A. Sapitula, Jose DP. Marcelo, Lilia B. Organo, Gil R. Erencio, Reynaldo S. Enriquez and Luis S. Se, Jr. were charged with the violation of RA No. 7080 (Plunder) committed 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, Teofisto A. Sapitula, Joel 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 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.
>
> CONTRARY TO LAW.'

"The Information, docketed as Criminal Case No. 24100, was raffled to the First Division of the Sandiganbayan.

"On August 20, 1997, Lilia B. Organo filed a Motion to Quash Information for lack of jurisdiction and to defer the issuance of a warrant of arrest.

"Thereafter, with the creation of [the] 4th and 5th Divisions of the Sandiganbayan, the case was unloaded to the respondent court, 4th Division.

"On September 29, 1997, respondent court issued a warrant of arrest against the accused in Criminal Case No. 24100.

"On October 1, 1997, Organo filed an Urgent Motion to Recall and /or Quash Warrant of Arrest Pending Resolution on the Issue of Lack of Jurisdiction and Other Incidents. The motion was opposed by the prosecution.

"In a Resolution dated November 20, 1997, respondent court denied Organo's motion.

"On December 9, 1997, Organo filed with the respondent court a Motion for Reconsideration of the November 20, 1997 Resolution.

"On April 28, 1998, respondent court denied Organo's Motion for Reconsideration ruling as follows:

> `The Motion for Reconsideration dated December 9, 1997 filed by accused Lilia Organo, through counsel, is hereby denied, there being no valid and compelling reason to set aside our Resolution dated November 28, 1997 denying her Motion to Quash Information for Lack of Jurisdiction. Besides, accused movant is still a fugitive from justice and continues to evade arrest so that jurisdiction over her person has not yet been acquired by this Court.
>
> `Hence, movant Organo has no right to file with this Court her said Motion to Quash which was denied, and subsequently her subject Motion for Reconsideration.
>
> `Movant Organo should first surrender and place her person under the jurisdiction of this Court before she may file any further pleading with this Court.'

"With the denial of her Motion for Reconsideration, Organo filed before the Supreme Court a petition for certiorari and prohibition under Rule 65 of the Rules of Court against herein respondents People of the Philippines and the 4[th] Division of the Sandiganbayan. Petitioner alleges in the main that respondent court has no jurisdiction over a case of plunder if the officials or employees fall below salary grade 27 and that respondent court gravely abused its discretion amounting to lack of jurisdiction in failing to act on her motion to Quash before issuing a warrant of arrest. x x x.

"With the warrant of arrest issued by the respondent court, Organo was arrested and detained by the National Bureau of Investigation in its detention cell. Thereafter, she was transferred to the Manila City Jail."[3]

The Issue
Petitioner submits this sole issue for the consideration of the Court:

> "Does the Respondent Court, the Honorable Sandiganbayan, have jurisdiction over a case of plunder when none of the accused occupy Salary Grade `27' or higher as provided under Republic Act No. 6758 x x x"[4]

The Court's Ruling
The Petition is meritorious.

Sole Issue:
Jurisdiction of the Sandiganbayan
Petitioner contends that the Sandiganbayan has no jurisdiction to hear Criminal Case No. 24100 and to issue a warrant of arrest therein. True, Section 3 of Republic Act 7080, the law penalizing plunder, states that "[u]ntil

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otherwise provided by law, all prosecutions under this Act shall be within the original jurisdiction of the Sandiganbayan." When the crime charged was allegedly committed, however, already in effect were RA 7975[5] and RA 8249,[6] which confined the Sandiganbayan's jurisdiction to public officials with Salary Grade 27 or higher. Since not one of the accused occupies such position, the Sandiganbayan has no jurisdiction over Criminal Case No. 24100.

We agree. The Sandiganbayan's jurisdiction over petitioner's mother and the other accused in Criminal Case No. 24100 has been resolved by the Supreme Court in Lilia B. Organo v. Sandiganbayan.[7] In that case, we ruled 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." The Court explained that "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.' Republic Act No. 8249, 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." (Italics supplied)

The Office of the Solicitor General argues, however, that the Sandiganbayan has jurisdiction over cases of plunder, regardless of the public official's salary grade. Arguing that a special law will prevail over a statute or law of general application, it maintains that RA 8249 provides for the general jurisdiction of the Sandiganbayan, while RA 7080 is a special law which deals with the crime of plunder.

Furthermore, it avers that a "close perusal of RA 8249 would show that the legislature did not intend to repeal or alter the provisions of RA 7080 as regards the jurisdiction of the Sandiganbayan in cases of plunder. In fact, Section 4 (a) shows the instances wherein the jurisdiction of the Sandiganbayan is limited to those where the accused public official occupies a Salary Grade of `27' or above only involves `Violations of RA 3019', as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, Republic Act No. 1379, and Chapter 11, Section 2, Title VII, Book II of the Revised Penal Code. Subsection (a) does not mention cases involving violations of RA 7080. Necessarily, the jurisdiction of the Sandiganbayan in cases relating to plunder is not subject to the limitations under Section 4 of RA 8249. Had the legislature intended to modify the jurisdiction of the Sandiganbayan in cases involving plunder, it would not have left out `cases involving violations of RA 7080' from the enumeration in Subsection (a) Section 4, RA 8249."[8]

The argument is incorrect. Section 4 of RA 8249 is reproduced in full as follows:

> "Sec. 4. Jurisdiction. - - The Sandiganbayan shall exercise original jurisdiction in all cases involving:
>
> a. 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, where one or more of the principal accused are officials occupying the following positions in the government, whether in a permanent, acting or interim capacity, at the time of the commission of the offense:
>
> (1) Officials of the executive branch occupying the positions of regional director and higher, otherwise classified as grade "27" and higher, of the Compensation and Position Classification Act of 1989 (Republic Act No. 6758), specifically including:
>
> (a) Provincial governors, vice-governors, members of the sangguniang panlalawigan and provincial treasurers, assessors, engineers, and other provincial department heads;
>
> (b) City mayors, vice mayors, members of the sangguniang panlungsod, city treasurers, assessors, engineers, and other city department heads.

(c) Officials of the diplomatic service occupying the position of consul and higher;

(d) Philippine army and air force colonels, naval captains, and all officers of higher rank;

(e) PNP chief superintendent and PNP officers of higher rank;

(f) City and provincial prosecutors and their assistants, and officials and prosecutors in the Office of the Ombudsman and Special Prosecutor;

(g) Presidents, directors or trustees, or managers of government-owned or controlled corporations, state universities or educational institutions or foundations;

(2) Members of Congress and officials thereof classified as Grade "27" and up under the Compensation and Position Classification Act of 1989;

(3) Members of the judiciary without prejudice to the provisions of the Constitution;

(4) Chairmen and members of Constitutional Commissions, without prejudice to the provisions of the Constitution; and

(5) All other national and local officials classified as Grade "27" and higher under the Compensation and Position Classification Act of 1989.

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

c. Civil and criminal cases filed pursuant to and in connection with Executive Order Nos. 1, 2, 14 and 14-A.

In cases where none of the principal 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 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.

It is true that a violation of RA 7080 penalizing plunder is not mentioned in Section 4 (a) of RA 8249. However, the crime falls squarely under Section 4 (b), which we again quote below:

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

Plunder is clearly a crime committed by public officials in relation to their office. Hence, there is no doubt that this crime is covered by Section 4 (b). Clearly, RA 7080 was impliedly repealed by RA 8249, such that prosecutions for plunder are cognizable by the Sandiganbayan only when the accused is a public official with Salary Grade 27 or higher.

Explaining the effect of RA 8249, the Court in People v. Magallanes[9] has categorically ruled that the Sandiganbayan has jurisdiction over public officials only if their positions fall under Salary Grade 27 or higher.

"As a consequence of these amendments, the Sandiganbayan partly lost its exclusive original jurisdiction in cases involving violations of R.A. No. 3019, as amended; R.A. No. 1379, and Chapter II, Section 2, Title VII of the Revised Penal Code. It retains only cases where the accused are those enumerated in subsection a, Section 4 above and, generally, national and local officials classified as Grade `27' and higher under the Compensation and Position Classification Act of 1989 (R.A. No. 6758). Moreover, its jurisdiction over other offenses or felonies committed by public officials and employees in relation to their office is no longer determined by the prescribed penalty, viz., that which is higher than prision correccional or imprisonment for six years or a fine of P6,000.00; it is enough that they are committed by those public officials and employees

> enumerated in subsection a, Section 4 above. However, it retains its exclusive original jurisdiction over civil and criminal cases filed pursuant to or in connection with E.O. Nos. 1, 2, 14, and 14-A."

Moreover, the Court in Rodrigo v. Sandiganbayan[10] has explained that the intent of Congress in RA 8249 was to make Salary Grade 27 the demarcation line determining the jurisdiction of the Sandiganbayan and other courts.

> "The apparent intendment of these amendments is to ease the dockets of the Sandiganbayan and to allow the Anti-Graft Court to focus its efforts on the trial of those occupying higher positions in government, the proverbial "big fish." Section 4, as amended, freed the Sandiganbayan from the task of trying cases involving lower-raking government officials, imposing such duty upon the regular courts instead. The present structure is also intended to benefit these officials of lower rank, especially those residing outside Metro Manila, charged with crimes related to their office, who can ill-afford the expenses of a trial in Metro Manila. As the Explanatory Note of House Bill No. 9825 states:
> `One is given the impression that only lowly government workers or the so-called `small fry' are expediently tried and convicted by the Sandiganbayan. The reason for this is that at present, the Sandiganbayan has the exclusive and original jurisdiction over graft cases committed by all officials and employees of the government, irrespective of rank and position, from the lowest-paid janitor to the highly-placed government official. This jurisdiction of the Sandiganbayan must be modified in such a way that only those occupying high positions in the government and the military (the big fishes) may fall under its exclusive and original jurisdiction. In this way, the Sandiganbayan can devote its time to big time cases involving the `big fishes' in the government. The regular courts will be vested with the jurisdiction of cases involving less-ranking officials (those occupying positions corresponding to salary grade twenty-seven (27) and below and PNP members with a rank lower than Senior Superintendent. This set-up will prove more convenient to people in the provinces. They will no longer have to travel to Manila to file their complaint or to defend themselves. They can already file their complaint or their defense before the Regional Trial Court or the Municipal Trial Court in their respective localities, as the case may be.'

"To distinguish the `big fish' from the `small fry,' Congress deemed the 27th Grade as the demarcation between those who should come under the jurisdiction of the Sandiganbayan and those within the regular courts."

Epilogue

Desperate people sometimes resort to desperate methods. In the present case, desperation may have impelled this original action because petitioner was frantic to free her mother from detention. While we understand her plight, we must call attention to the folly of her act. Inasmuch as a Petition for Certiorari (GR No. 133535) raising the same issue had already been submitted by her mother before the Court at the time, the present Petition for Habeas Corpus should not have been filed at all. A motion in GR No. 133535 asking for Mrs. Organo's release would have accomplished the same result even more expeditiously and would have avoided the double vexation on this Court's time and attention. While the elements of forum shopping may not be present because the herein petitioner was not a party in GR No. 133535, still we must express our displeasure at the attempt to vex this Court twice for the same relief. Hence, though granted relief, petitioner is assessed costs.

WHEREFORE, the Petition is GRANTED and the Manila jail warden is ORDERED to immediately release Lilia B. Organo from custody, unless a valid information has been filed in the proper court and a warrant for her arrest properly issued. Costs against petitioner.

SO ORDERED.

Melo, (Chairman), Vitug, Purisima, and Gonzaga-Reyes, JJ., concur.

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[1] Fourth Division, composed of JJ Sabino de Leon Jr. (chairman); Narciso S. Nario and Teresita L. de Castro

(members).

[2] Signed by Special Prosecution Officer Jose T. de Jesus.

[3] Respondents' Memorandum, pp. 1-3

[4] Petitioner's Memorandum, p. 1.

[5] "An Act to Strengthen the Functional and Structural Organization of the Sandiganbayan, amending for the purpose Presidential Decree No. 1606, as amended."

[6] "An Act Further Defining the Jurisdiction of the Sandiganbayan Amending for the Purpose Presidential Decree No. 1606. As Amended, Providing Funds Therefor, and For Other Purposes."

[7] GR No. 133535, September 9, 1999, p. 7, per Pardo, J.

[8] Respondents' Memorandum, p. 10. Underscoring found in the original.

[9] People v. Magallanes, 249 SCRA 225-226, October 11, 1995, per Davide, J. (now CJ).

[10] GR No. 125498, February 18, 1999, per Kapunan, J. Italics supplied.

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