

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. SANDIGANBAYAN AND MANUEL S. ALBA, RESPONDENTS.

G.R. No. 144159. September 29, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

This is a petition for certiorari under Rule 65 of the Rules of Court, as amended, for the nullification of the Resolution of the Sandiganbayan (SB) dated June 23, 2000, quashing the Information in Criminal Case No. 25653 and acquitting the respondent of the crime charged therein.

The Antecedents

On February 17, 1999, an Affidavit-Complaint was filed by Luis G. Pabalan in the Office of the Ombudsman against the respondent, then City Administrator Manuel S. Alba of Quezon City, and the Chairman of Iglesia Evangelica Metodista En Las Islas Filipinas (IEMELIF), Jeremias T. Cruz. The case was docketed as OMB-0-99-0346 and was assigned to the Evaluation and Preliminary Investigation Bureau (EPIB) which, in turn, assigned Graft Investigator Romeo M. Pamute to conduct an evaluation and a preliminary investigation.

Based on the records, the Graft Investigator found that the case stemmed from the following facts:

Respondent MANUEL S. ALBA is a high ranking government official being the City Administrator of Quezon City with a salary grade of 27 while respondent JEREMIAS T. CRUZ is a private person. The latter is the Chairman of the Evangelist Methodist Church in the Philippines Novaliches Congregation, Novaliches, Quezon City.

In his sworn complaint, complainant, LUIS PABALAN, stated that he is the owner of a lot located at Susano Road, Novaliches, Quezon City, where the Congregation of Evangelist Church of the Philippines (IEMELIF) headed by respondent Architect JEREMIAS T. CRUZ encroached when improvements on their structure were made sometime in February 1997. The construction was done without the necessary building permit. The Quezon City building official was, accordingly, informed and consequently after hearing, the Assistant Building Official ordered the demolition of the structure. The Order becomes final and executory upon failure of the religious congregation (IEMELIF) to appeal on time to the DPWH.

On November 4, 1998, however, IEMELIF, through respondent JEREMIAS T. CRUZ, wrote respondent City Administrator, Mr. MANUEL ALBA requesting the latter that said order be not enforced pending appeal to the DPWH stating, among others, that the Order of the Assistant Building Official is illegal and the implementation of the same will cause irreparable damage and injury to the church (IEMELIF).

The letter of IEMELIF was received on November 5, 1998 by the Office of the respondent MANUEL ALBA but a Memorandum ordering the recall of the demolition order was dated November 4, 1998 or a day before the receipt of said letter.

The complainant objected and in a letter requested respondent ALBA to revoke the Order recalling the demolition, but respondent City Administrator refused and failed to respond and, as a result, the Building

Official was not able to effect the demolition.

Complainant presented his title to the lot, the Resolution of the Building Official ordering the demolition of the structure; the Order granting the Motion for Execution; the letter of Appeal by respondent JEREMIAS T. CRUZ to the Mayor of Quezon City thru respondent MANUEL ALBA stamped received by the City Administrator's Office on November 5, 1998; the Memorandum of respondent MANUEL S. ALBA to Engr. Romualdo Santos showing that the date is November 4, 1998; and the letter of objection and request that the recall order on the demolition be corrected was, likewise, presented by the complainant.[1]

In his Counter-Affidavit, the respondent alleged, inter alia, that he acted on the appeal of respondent Cruz and recalled the demolition order which was issued by the building official. He did so on the basis of the authority delegated to him under the January 12, 1994 Memorandum issued by the Mayor, as well as the guidelines implementing the said memorandum, where it was stated that no demolition shall be allowed pending an appeal to higher authorities.

The Graft Investigator found probable cause against the respondent for violation of Section 3(e) of Republic Act No. 3019 and recommended the filing of the Information against him. The Ombudsman approved the recommendation.

On September 9, 1999, an Information was filed with the SB, charging the respondent with violation of Section 3(e) of Rep. Act No. 3019. The accusatory portion of the Information reads:

That on or about November 5, 1998 or sometime prior or subsequent thereto, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, above-named accused, a public officer, being the City Administrator of Quezon City while in the performance of his official function and acting with evident bad faith and manifest partiality, did then and there, willfully, unlawfully and criminally, issue a Memorandum recalling the Order of Demolition issued by the Acting Building Official knowing fully well that he has no authority to do so, thus, giving unwarranted preference to Jeremias T. Cruz in the discharged (sic) of his official functions.

CONTRARY TO LAW.[2]

Appended to the Information were the following: (a) the memorandum of the Legal Counsel, Office of the Ombudsman duly approved by the Ombudsman, which recommended the approval of the resolution of the EPIB, Office of the Ombudsman, finding probable cause against the respondent, as well as the prosecution of the crime charged; (b) the affidavit-complaint; (c) the counter-affidavit of the respondent; and (d) the Resolution of the EPIB. As ordered by the SB, the special prosecutor submitted Annexes "A" to "F" of the affidavit-complaint and Annexes "1" to "4" of the respondent's counter-affidavit on September 24, 1999.

On October 4, 1999, the respondent filed with the SB a Motion for Leave to Order Reinvestigation and/or Quash Information on the following grounds:

I

THE FINDING OF PROBABLE CAUSE IN THE RESOLUTION OF THE OFFICE OF THE OMBUDSMAN, WHICH WAS THE BASIS OF THE INFORMATION FILED AGAINST THE ACCUSED, WAS NOT SUPPORTED BY THE FACTS AND EVIDENCE OF THIS CASE.

II

THE FACTS RECITED IN THE INFORMATION ARE NOT SUFFICIENT IN SUBSTANCE TO INDICT THE ACCUSED CRIMINALLY, BECAUSE THEY WERE BASED ON ERRONEOUS PREMISES CONTAINED IN THE RESOLUTION OF THE OFFICE OF THE OMBUDSMAN.[3]

During the hearing of the motion, the respondent, through counsel, agreed to convert his motion into a motion for reconsideration of the resolution of the Ombudsman finding probable cause against him. Since no objection was made by the special prosecutor to the motion for a reinvestigation, the SB issued an Order on October 8, 1998, granting the motion and ordering the special prosecutor to take appropriate action on the respondent's motion for reconsideration. It, likewise, directed the Special Prosecutor to inform the SB of its findings and recommendation, as well as the order of the Ombudsman, within sixty (60) days from the said date.[4] On December 8, 1999, the respondent filed a Memorandum in support of his motion for reconsideration.

On January 25, 2000, the Special Prosecutor filed a Manifestation and Motion,[5] informing the SB that, after a review of the case, the Office of the Ombudsman was affirming its finding of probable cause against the respondent and prayed for his arraignment. Appended to the motion was the memorandum duly approved by the Ombudsman, recommending that the resolution of the EPIB be affirmed.[6] Accordingly, the SB set the arraignment of the respondent at 8:30 a.m. of February 18, 2000. On February 2, 2000, the respondent filed a Motion to Resolve the Opposition to the Manifestation and Motion of the Special Prosecutor dated January 21, 2000, with a motion to reset his arraignment. He later filed a motion for postponement/deferment of his arraignment and the pre-trial to enable him to file the appropriate motion with the SB. The arraignment of the respondent was reset to 8:30 a.m. of March 27, 2000.

In its Comment on the Opposition of the respondent to the Manifestation and Motion[7] dated January 28, 2000, the prosecution averred that the said opposition and motion had been mooted by the re-setting of the respondent's arraignment on March 27, 2000. On even date, the SB issued an Order[8] holding in abeyance the arraignment of the respondent until after it shall have resolved the motion for leave to order reinvestigation and/or quash information filed by him.

Nevertheless, on April 10, 2000, the respondent, assisted by counsel, was arraigned and pleaded not guilty. On the same day, the SB issued an Order[9] granting his motion for leave to travel abroad without prejudice to the resolution of his motion to quash information. On April 14, 2000, the Special Prosecutor filed her Comment/Opposition[10] to the respondent's motion to quash.

On June 23, 2000, the SB issued a Resolution granting the motion to quash the information of the accused and acquitting the respondent of the charge.[11] The SB held that based on the records, there was no probable cause to charge the respondent of the crime. It based its findings on the Memorandum of then Mayor Ismael A. Mathay to the respondent dated January 12, 1994, and a portion of the Resolution of Graft Investigator Romeo Pamute dated July 23, 1999 which was duly approved by the Ombudsman. The SB lifted the Hold Departure Order it earlier issued on June 26, 2000.[12]

The Present Petition

On August 15, 2000, the People of the Philippines, through the Special Prosecutor's Office (SPO), filed a petition for certiorari under Rule 65 of the Rules of Court, as amended, for the nullification of the June 23, 2000 Resolution of the Sandiganbayan (SB). It anchors its petition on the following arguments:

- THE SANDIGANBAYAN COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT ACQUITTED MANUEL ALBA OF THE CRIME CHARGED IN CRIMINAL CASE NO. 25653 DESPITE THE FACT THAT HE HAS NOT YET BEEN ARRAIGNED OR THE PROSECUTION ALLOWED TO PROVE ITS CASE.
- THE SANDIGANBAYAN COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT GRANTED MANUEL ALBA'S MOTION TO QUASH ON THE BASIS OF A MEMORANDUM ISSUED BY THE QUEZON CITY MAYOR, WHICH

MEMORANDUM HAS ALREADY BEEN SUPERSEDED.

- THE SANDIGANBAYAN COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION WHEN IT DENIED THE PETITIONER ITS RIGHT TO DUE PROCESS.[13]

On the first issue, the petitioner avers that the SB acted with grave abuse of discretion amounting to lack or excess of jurisdiction in quashing the information.

We agree with the petitioner. The records show that the SB quashed the information with the ruling that the respondent acted on the basis of the January 12, 1994 Memorandum to him of then Mayor Ismael Mathay, quoted infra:

MEMORANDUM

TO : DR. MANUEL ALBA

City Administrator

In view of the multifarious duties attendant to my dual position as Chairman, Metro Manila Authority and Mayor of Quezon City, the authority to issue orders for the demolition of illegal structures is hereby delegated to you. You may sign as follows:

BY AUTHORITY OF THE CITY MAYOR

MANUEL S. ALBA

City Administrator

It is understood that the aforementioned authority shall be exercised pursuant to the attached copy of guidelines issued by the undersigned. Periodic reports of demolition undertaken under this authority should be submitted to this Office.

This Memorandum takes effect immediately.

(Sgd.) ISMAEL A. MATHAY, JR.

City Mayor[14]

The SB concluded that, having acted on the basis of the memorandum of the Mayor, the respondent could not be considered as having usurped the authority of the building official or of the Secretary of Public Works and Highways, or that he acted with manifest partiality, evident bad faith or gross inexcusable negligence. The SB also relied on the resolution of the Graft Investigator, Romeo Pamute, dated July 23, 1999, duly approved by the Ombudsman, which reads:

It is our view that the relief granted by respondent City Administrator in his Memorandum is only temporary in nature and will last only for a meantime that the legality or otherwise of the contested demolition order is being determined by the DPWH. We agree that greater injury could have been caused had the questioned demolition order was carried out but later on if it will be found that the property claimed by the complainant as his belongs not to him but to the religious congregation represented by the private respondent. We see nothing wrong if the complainant could wait a little while in the interest of justice and fair play. It has to be realized that the ownership issue should share equal attention as that of the demolition issue raised by the complainant. It is a reality in our system of government that resolving an issue via a judicial or administrative remedy, is a long and tedious process if we have to be meticulous in the just dispensation of justice. The government has not yet invented a system, a sure-fire formula wherein justice could be dispensed with in just a click of a finger. To hurry demolishing a structure where an appeal has been made and taken cognizance of by higher appellate agency of the government is recklessness and may result to grave injustice. We agree with the rationale in the

assailed Memorandum issued by the respondent City Administrator to the Acting Building Official. ...[15]

The SB ruled that, based on the facts and the evidence on record, there was no probable cause for the issuance of a warrant of arrest against the respondent; hence, the information should be quashed and the respondent be acquitted of the crime charged.

However, as pointed out by the petitioner, the January 12, 1994 Memorandum of the Mayor had already been amended by a subsequent issuance, Memorandum No. 4, which states, inter alia, that the authority to act on violations of the Building Code no longer rested on the respondent as City Administrator, but on the City Engineer or his assistant, viz:

- a. For violation of Building Code City Engineer/Asst. City Bldg. Official
- b. Illegal Structures under RA 7279
(Squatting) City Administrator[16]

We also agree with the petitioner's contention that the January 12, 1994 Memorandum of Mayor Mathay is even contrary to Section 307 of Presidential Decree No. 1096, otherwise known as the "National Building Code of the Philippines," which reads:

"Section 307. Appeal. Within fifteen (15) days from the date of receipt of advice of the non-issuance, suspension or revocation of permits, the applicant-permittee may file an appeal with the Secretary who shall render his decision within fifteen days from date of receipt of notice of appeal. The decision of the Secretary shall be final subject only to review by the Office of the President.[17]

To rectify his erroneous January 12, 1994 Memorandum, Mayor Mathay had to issue Memorandum No. 4 to the respondent.

Moreover, in Opinion No. 36, Series of 1996, the Secretary of Justice succinctly ruled that only the city engineer, as the building official, has the exclusive authority to act on matters relating to the issuance of demolition permits or the revocation or suspension thereof.

The law is clear that the Secretary of the Department of Public Works and Highways has jurisdiction over appeals from the decisions of building officials involving the non-issuance, suspension or revocation of building permits. His decision is final subject only to review by the Office of the President.

In line with existing jurisprudence, jurisdiction must exist as a matter of law. (Bacalso vs. Ramolete, 21 SCRA 519; Garcia vs. De Jesus, 206 SCRA 779) Section 307 of P.D. No. 1096 is the law that confers jurisdiction upon the DPWH Secretary to adjudicate appeals from the orders or decisions of the building officials.

Section 477 of the Local Government Code of 1991 is cited to support the view that the appellate jurisdiction over decisions of building officials has been devolved to the city/municipal mayor. But Section 477 which reads: "Section 477- Qualifications, Powers and Duties –

xxx xxx xxx

The appointment of an engineer shall be mandatory for the provincial, city and municipal governments. The city and municipal engineer shall also act as the local building official"

should be read in conjunction with Section 205 of the National Building Code which provides:

"Section 205. Building Officials.

xxx xxx xxx

Due to the exigencies of the service, the Secretary may designate incumbent Public Works District Engineers, City Engineers and Municipal Engineers to act as Building Officials of their respective areas of jurisdiction.

[“Section 201] – Due to the exigencies of the service, the incumbent city and municipal engineers have been designated to act as building officials in their respective areas of jurisdiction. (Section 205) x x x When acting as building officials the city and municipal engineers, who are local officials, should be deemed national officials subject to the supervision of the Minister of Public Works (Opinion No. 144, Series of 1979).” (Underscoring supplied)

It does not appear from the Local Government Code that vesting of power in the local chief executive to appoint engineer who, in the case of cities and municipalities, shall likewise act as local building official, also carries with it the power to exercise appellate jurisdiction over the decisions in matters involving non-issuance, suspension, revocation of building permits.

Absent any clear and explicit provision in the said code to this effect, we cannot conclude that the appellate jurisdiction vested in the Secretary of Public Works and Highways under Section 307 of the National Building Code has been transferred to the city or municipal mayor.[18]

What is worrisome is that, to justify its illegal quashal of the information, the SB quoted only a portion of the resolution of Special Prosecutor Pamute, and omitted, either deliberately or inadvertently, the ratio decidendi thereof:

We agree with the rationale in the assailed Memorandum issued by the respondent City Administrator to the Acting Building Official. It is alright if only the same is issued by the officials authorized to do so – by the DPWH officials where appeal of that nature is vested by law. But it appears that respondent Manuel S. Alba is bereft of power to exercise appellate jurisdiction over the action of local building official relative to building permits. We find merit in complainant’s submission in his reply that nowhere in the National Building Code or in the DILG law could we find a provision “which empower the local chief executive to exercise appellate jurisdiction over the decisions of the local building officials relative to the non-issuance, suspension or revocation of building permits. x x x Absent any clear provision of law we cannot conclude that the appellate jurisdiction vested in the Secretary of Public Works and Highways under Section 307 of the National Building Code has been transferred to the city or municipal mayor. Moreover, the action made by respondent City Administrator is flawed by the fact that the date of the assailed Memorandum is earlier than the date of receipt of the letter that has to be acted upon. We viewed this as irregular.” (Underscoring supplied)[19]

We note that during the hearing of October 8, 1999, the respondent agreed that his motion for leave to order reinvestigation and/or quash the information be converted to a motion for reconsideration of the Resolution of the Office of the Ombudsman, finding probable cause for violation of Section 3(e) of Rep. Act No. 3019. This can be gleaned from the following Order of the SB:

When the “Motion for Leave to Order Reinvestigation and/or Quash Information” dated October 4, 1999 filed by the accused, through counsel, was called for hearing, Pros. Jacqueline Ongpauco-Cortel manifested in open court that the prosecution has no objection if the said motion is converted by movant-accused into a “Motion for Reconsideration” under Section 27 of Republic Act No. 6770 (Ombudsman Act) inasmuch as the five-day period provided therein was not observed. The accused, assisted by counsel, Atty. Danny B. Gille, agreed to convert the said motion into a “Motion for Reconsideration” under Section 27 of Republic Act No. 6770.[20]

With the conversion of the Omnibus Motion of the respondent into a motion for reconsideration, he, in effect, withdrew his motion to quash the information. Accordingly, the required reinvestigation was conducted to ascertain, once again, if there was probable cause for the filing of the information. There was, thus, no motion to quash the information pending resolution by the SB.

Moreover, on January 12, 2000, the SPO filed a Manifestation and Motion[21] with the SB stating, among others, that the Ombudsman had affirmed his finding of a probable cause against the respondent and prayed for the arraignment of the accused. The respondent was accordingly arraigned, on April 10, 2000, and pleaded not guilty. He even posted a bail bond for his provisional liberty, which was duly approved by the SB. The court, thus, had already acquired jurisdiction over the person of the respondent without the need for the issuance of a warrant of arrest for his apprehension and incarceration. The SB should have set the pre-trial of the case instead of quashing the Information and even acquitting the respondent. The arraignment of the respondent and his posting a bail bond for his provisional liberty proscribed the SB from dismissing the case for lack of probable cause.

Under Section 3, Rule 117, of the Rules of Criminal Procedure, a motion to quash an information may be filed only for the following grounds:

- SEC. 3. Grounds.— The accused may move to quash the complaint or information on any of the following grounds:(a) That the facts charged do not constitute an offense;
- (b) That the court trying the case has no jurisdiction over the offense charged;
- (c) That the court trying the case has no jurisdiction over the person of the accused;
- (d) That the officer who filed the information had no authority to do so;
- (e) That it does not conform substantially to the prescribed form;
- (f) That more than one offense is charged except when a single punishment for various offenses is prescribed by law;
- (g) That the criminal action or liability has been extinguished;
- (h) That it contains averments which, if true, would constitute a legal excuse or justification; and
- (i) That the accused has been previously convicted or acquitted of the offense charged, or the case against him was dismissed or otherwise terminated without his express consent.[22]

To quash means to annul, vacate or overthrow.[23] The absence of probable cause for the issuance of a warrant of arrest is not a ground for the quashal of the Information but is a ground for the dismissal of the case.

It bears stressing that, even before the effectivity of the Revised Rules of Criminal Procedure, the Regional Trial Court issues a warrant for the arrest of the accused only upon a finding of probable cause based on the resolution of the Investigating Prosecutor, the affidavits and other evidences appended to the Information, whatever evidence the Prosecutor may adduce upon order of the court. If the court finds that there is no probable cause for the issuance of a warrant of arrest, it may dismiss the case. The dismissal of the case is without prejudice to the refiling thereof unless barred by prescription. Indeed, the procedure is now encoded in Section 6, Rule 112, of the Revised Rules of Criminal Procedure. The trial court is mandated to immediately dismiss the case upon finding that no probable cause exists to issue a warrant of arrest, and after having evaluated the resolution of the prosecutor and the supporting evidence:

- SEC. 6. When warrant of arrest may issue.— (a) By the Regional Trial Court.— Within ten (10) days from the filing of the complaint or information, the judge shall personally evaluate the resolution of the prosecutor and its supporting evidence. He may immediately dismiss the case if the evidence on record clearly fails to establish probable cause. If he finds probable cause, he shall issue a warrant of arrest, or a commitment order if the accused has already been arrested pursuant to a warrant issued by the judge who conducted the preliminary investigation or when the complaint or information was filed pursuant to Section 7 of this Rule. In case of doubt on the existence of probable cause, the judge may order the prosecutor to present additional evidence

within five (5) days from notice and the issue must be resolved by the court within thirty (30) days from the filing of the complaint or information.

The absence or presence of probable cause is to be determined from the material averments of the information and the appendages thereof, as enumerated in Rule 112, Section 8 of the Revised Rules of Criminal Procedure, viz:

SEC. 8. Records.—(a) Records supporting the information or complaint. An information or complaint filed in court shall be supported by the affidavits and counter-affidavits of the parties and their witnesses, together with the other supporting evidence and the resolution of the case.

By quashing the Information on the premise of lack of probable cause instead of merely dismissing the case, the SB acted in violation of case law and, thus, acted with grave abuse of its discretion amounting to excess or lack of jurisdiction.

On the second issue, we find and so rule that in acquitting the respondent of the crime charged before trial, and without the latter having prayed for such relief, the SB acted without jurisdiction, thereby depriving the petitioner of its right to due process. The records show that the only prayer of the respondent in his Omnibus Motion was as follows:

WHEREFORE, it is most respectfully prayed of this Honorable Court that the Motion for Reinvestigation and/or Motion to Quash be granted and in the interim, an order for suspension of proceedings be issued during the pendency thereof.

Other reliefs and equitable under the premises are likewise prayed for.[24]

And yet, the SB acquitted the respondent. It is basic that the dismissal of a case is different from the acquittal of the accused therein. Except in a dismissal of the case based on a Demurrer to Evidence filed by the accused, or for violation of the right of the accused to a speedy trial, the dismissal of a criminal case will not result in the acquittal of the said accused. As fully explained by the Court in *People vs. Salico*:[25]

This argument or reasoning is predicated on a confusion of the legal concepts of dismissal and acquittal. Acquittal is always based on the merits, that is, the defendant is acquitted because the evidence does not show that defendant's guilt is beyond a reasonable doubt; but dismissal does not decide the case on the merits or that the defendant is not guilty. Dismissal terminates the proceeding, either because the court is not a court of competent jurisdiction, or the evidence does not show that the offense was committed within the territorial jurisdiction of the court, or the complaint or information is not valid or sufficient in form and substance, etc. The only case in which the word dismissal is commonly but not correctly used, instead of the proper term acquittal, is when, after the prosecution has presented all its evidence, the defendant moves for the dismissal and the court dismisses the case on the ground that the evidence fails to show beyond a reasonable doubt that the defendant is guilty; for in such case the dismissal is in reality an acquittal because the case is decided on the merits. If the prosecution fails to prove that the offense was committed within the territorial jurisdiction of the court and the case is dismissed, the dismissal is not an acquittal, inasmuch as if it were so the defendant could not be again prosecuted before the court of competent jurisdiction; and it is elemental that in such case, the defendant may again be prosecuted for the same offense before a court of competent jurisdiction.[26]

By its precipitate and patently illegal acts, the SB deprived the petitioner of its right to due process, an aberration that should not be countenanced. The assailed Resolutions of the SB are, thus, null and void. We reiterate our pronouncement in *Paulin vs. Gimenez*:[27]

Where the order of dismissal was issued at a time when the case was not ready for trial and adjudication, the order is null and void (*People v. Pamittan*, 30 SCRA 98 [1969]).

In *People v. Bocar* (138 SCRA 166 [1985]), this Court found that the prosecution was denied due process as it

never had the chance to offer its evidence formally in accordance with the Rules of Court in view of the trial court's order of dismissal. The trial court was thereby ousted from its jurisdiction when it violated the right of the prosecution to due process by aborting its right to complete the presentation of its evidence and, therefore, the first jeopardy had not been terminated. Hence, the remand of the case for further hearing or trial is merely a continuation of the first jeopardy and does not expose the accused to a second jeopardy.

In the subsequent case of *People v. Albano* (163 SCRA 511 [1988]), this Court reiterated its previous ruling in the *Bocar* case, holding that the trial court exceeded its jurisdiction and acted with grave abuse of discretion, tantamount to lack of jurisdiction, when it pre-emptively dismissed the case and as a consequence thereof, deprived the prosecution of its right to prosecute and prove its case, thereby violating its fundamental right to due process. With such violation, its orders are, therefore null and void and cannot constitute a proper basis for a claim of double jeopardy.[28]

The respondent cannot even invoke double jeopardy, conformably to our ruling in *People of the Philippines vs. Court of Appeals*,[29] where we had the occasion to state:

The appellate court acted with grave abuse of its discretion when it ventured beyond the sphere of its authority and arrogated unto itself, in the certiorari proceedings, the authority to review perceived errors of the trial court in the exercise of its judgment and discretion, which are correctible only by appeal by writ of error. Consequently, the decision of the CA acquitting respondent Almuete of the crime charged is a nullity. If a court is authorized by statute to entertain jurisdiction in a particular case only, and undertakes to exercise the jurisdiction conferred in a case to which the statute has no application, the judgment rendered is void. The lack of statutory authority to make a particular judgment is akin to lack of subject-matter jurisdiction. In this case, the CA is authorized to entertain and resolve only errors of jurisdiction and not errors of judgment.

A void judgment has no legal and binding effect, force or efficacy for any purpose. In contemplation of law, it is non-existent. It cannot impair or create rights; nor can any right be based on it. Thus, respondent Almuete cannot base his claim of double jeopardy on the appellate court's jurisdiction.[30]

IN LIGHT OF ALL THE FOREGOING, the petition is GRANTED. The assailed Resolutions of the Sandiganbayan are NULLIFIED. The records are remanded to the Sandiganbayan for further proceedings. No costs.

SO ORDERED.

Austria-Martinez, and Tinga, JJ., concur.

Puno, (Chairman), J., no part.

Chico-Nazario, J., on leave.

[1] Records, pp. 14-15.

[2] Id. at 1.

[3] Id. at 36.

[4] Id. at 54.

[5] Id. at 103-104.

[6] Id. at 105-112.

[7] Id. at 130-131.

[8] Id. at 153.

[9] Id. at 161.

[10] Id. at 171-172.

[11] Id. at 195-206.

[12] Id. at 216.

[13] Rollo, p. 8.

[14] Id. at 13.

[15] Id. at 37-38.

[16] Id. at 67.

[17] Id. at 63.

[18] Rollo, pp. 64-65.

[19] Id. at 17-18.

[20] Records, p. 54.

[21] Id. at 105-110.

[22] The assailed Resolution was issued before the effectivity of the 2000 Revised Rules of Criminal Procedure.

[23] *Wilson vs. Commonwealth*, 162 S.E. 1 (1932).

[24] Records, p. 42.

[25] 84 Phil. 722 (1949).

[26] Id. at 732-733.

[27] 217 SCRA 386 (1993).

[28] Id. at 392-393.

[29] G.R. No. 144332, June 10, 2004.

[30] Id. at 10-11.

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