

PEOPLE OF THE PHILIPPINES AND PHOTOKINA MARKETING CORPORATION, PETITIONERS, VS. ALFREDO L. BENIPAYO, RESPONDENT.

G.R. No. 154473. April 24, 2009

Ponente: NACHURA, J.

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NACHURA, J.:

Before the Court are two consolidated petitions for review on certiorari filed under Rules 45 and 122 of the Rules of Court: (1) G.R. No. 154473 assailing the June 18, 2002[1] and the June 23, 2002[2] Orders of the Regional Trial Court (RTC) of Quezon City, Branch 102 in Criminal Case No. Q-02-109407; and (2) G.R. No. 155573 challenging the June 25, 2002[3] and the September 18, 2002[4] Orders of the RTC of Quezon City, Branch 101 in Criminal Case No. Q-02-109406.

The petitions, while involving the same issues, rest on different factual settings, thus:

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On January 31, 2002, respondent Alfredo L. Benipayo, then Chairman of the Commission on Elections (COMELEC), delivered a speech in the "Forum on Electoral Problems: Roots and Responses in the Philippines" held at the Balay Kalinaw, University of the Philippines-Diliman Campus, Quezon City.[5] The speech was subsequently published in the February 4 and 5, 2002 issues of the Manila Bulletin.[6]

Petitioner corporation, believing that it was the one alluded to by the respondent when he stated in his speech that

Even worse, the Commission came right up to the brink of signing a 6.5 billion contract for a registration solution that could have been bought for 350 million pesos, and an ID solution that isn't even a requirement for voting. But reason intervened and no contract was signed. Now, they are at it again, trying to hoodwink us into contract that is so grossly disadvantageous to the government that it offends common sense to say that it would be worth the 6.5 billion-peso price tag.[7]

filed, through its authorized representative, an Affidavit-Complaint[8] for libel.

Arguing that he was an impeachable officer, respondent questioned the jurisdiction of the Office of the City Prosecutor of Quezon City (OCP-QC).[9] Despite the challenge, the City Prosecutor filed an Information[10] for libel against the respondent, docketed as Criminal Case No. Q-02-109407, with the RTC of Quezon City, Branch 102.

Petitioner later filed a Motion for Inhibition and Consolidation,[11] contending that Judge Jaime N. Salazar of Branch 102 could not impartially preside over the case because his appointment to the judiciary was made possible through the recommendation of respondent's father-in-law. Petitioner further moved that the case be ordered consolidated with the other libel case [Criminal Case No. Q-02-103406, which is the subject of G.R. No. 155573] pending with Branch 101 of the RTC.

While the said motion remained unresolved, respondent, for his part, moved for the dismissal of the case on the assertion that the trial court had no jurisdiction over his person for he was an impeachable officer and thus, could not be criminally prosecuted before any court during his incumbency; and that, assuming he can be criminally prosecuted, it was the Office of the Ombudsman that should investigate him and the case should be filed with the Sandiganbayan.[12]

On June 18, 2002, the trial court issued the challenged Order[13] dismissing Criminal Case No. Q-02-109407 and considering as moot and academic petitioner's motion to inhibit. While the RTC found that respondent was no longer an impeachable officer because his appointment was not confirmed by Congress, it ruled that the case had to be dismissed for lack of jurisdiction considering that the alleged libel was committed by respondent in relation to his office--he delivered the speech in his official capacity as COMELEC Chair. Accordingly, it was the Sandiganbayan that had jurisdiction over the case to the exclusion of all other courts.

On motion for reconsideration, the trial court adhered to its ruling that it was not vested with jurisdiction to hear the libel case.[14]

Aggrieved, petitioners timely filed before the Court, on pure questions of law, the instant Petition for Review on Certiorari[15] under Rule 122 in relation to Rule 45 of the Rules of Court raising the following grounds:

- THE TRIAL COURT SHOULD HAVE FIRST RESOLVED THE MOTION TO INHIBIT BEFORE RESOLVING THE MOTION TO DISMISS;
- THE TRIAL COURT ERRED IN RULING THAT THE CRIME OF LIBEL IN THIS CASE WAS COMMITTED BY ACCUSED "IN RELATION TO HIS OFFICE;" AND
- THE TRIAL COURT ERRED IN RULING THAT IT HAD NO JURISDICTION IN THIS CASE.[16]

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On March 13, 2002, respondent, as COMELEC Chair, and COMELEC Commissioner Luzviminda Tangcangco were guests of the talk show "Point Blank," hosted by Ces Drilon and televised nationwide on the ANC-23 channel. The television show's episode that day was entitled "COMELEC Wars." [17] In that episode, the following conversation transpired:

Drilon: Are you saying, Chairman, that COMELEC funds are being used for a "PR" campaign against you? Is that what you are saying?

Benipayo: No, I think [it's] not COMELEC funds, [it's] Photokina funds. You know, admittedly, according to [c]hargé d'[a]ffaires of the U.S. Embassy[,] in a letter sent to me in July of 2001, it is what's been [so] happening to the Photokina deal, they have already spent in excess of 2.4 [m]illion U.S. [d]ollars. At that time[,] that's about 120 [m]illion pesos and I said, what for? [T]hey wouldn't tell me, you see. Now you asked me, [who is] funding this? I think it's pretty obvious.[18]

Petitioner considered respondent's statement as defamatory, and, through its authorized representative, filed a Complaint-Affidavit[19] for libel. Respondent similarly questioned the jurisdiction of the OCP-QC.[20] The City Prosecutor, however, consequently instituted Criminal Case No. Q-02-109406 by filing the corresponding Information[21] with the RTC of Quezon City, Branch 101.

Respondent also moved for the dismissal of the information raising similar arguments that the court had no jurisdiction over his person, he being an impeachable officer; and that, even if criminal prosecution were possible, jurisdiction rested with the Sandiganbayan.[22]

On June 25, 2002, the trial court issued the assailed Order[23] dismissing Criminal Case No. Q-02-109406 for

lack of jurisdiction over the person of the respondent. The RTC, in the further assailed September 18, 2002 Order,[24] denied petitioner's Motion for Reconsideration.[25]

Displeased with the rulings of the trial court, petitioners seasonably filed before this Court, on pure questions of law, another Petition for Review on Certiorari[26] under Rule 122 in relation to Rule 45 of the Rules of Court raising the following grounds:

- THE TRIAL COURT ERRED IN RULING THAT THE CRIME OF LIBEL IN THIS CASE WAS COMMITTED BY RESPONDENT "IN RELATION TO HIS OFFICE"; AND
- IN THE ABSENCE OF ANY ALLEGATION IN THE INFORMATION THAT THE CRIME OF LIBEL WAS COMMITTED BY RESPONDENT IN RELATION TO HIS OFFICE, THE TRIAL COURT ERRED IN RULING THAT IT HAD NO JURISDICTION OVER THE CASE BELOW.
- EVEN ON THE ASSUMPTION THAT THE SANDIGANBAYAN HAS JURISDICTION OVER THE CASE, THE TRIAL COURT SHOULD HAVE ENDORSED THE CASE TO THE SANDIGANBAYAN INSTEAD OF DISMISSING IT OUTRIGHT.[27]

Considering that the two petitions, as aforesaid, involve the same issues and the same parties, the Court, upon the recommendation of the Clerk of Court,[28] consolidated the cases.[29]

The core issue for the resolution of the Court in these twin cases is whether the RTC has jurisdiction over libel cases to the exclusion of all other courts.

The Ruling of the Court

The Court observes that the parties have argued at length in their pleadings on the issue of whether the alleged criminal acts of respondent are committed in relation to his office. They are of the conviction that the resolution of the said question will ultimately determine which court--the RTC or the Sandiganbayan--has jurisdiction over the criminal cases filed. The Court, however, notes that both parties are working on a wrong premise. The foremost concern, which the parties, and even the trial court, failed to identify, is whether, under our current laws, jurisdiction over libel cases, or written defamations to be more specific, is shared by the RTC with the Sandiganbayan. Indeed, if the said courts do not have concurrent jurisdiction to try the offense, it would be pointless to still determine whether the crime is committed in relation to office.

Uniformly applied is the familiar rule that the jurisdiction of the court to hear and decide a case is conferred by the law in force at the time of the institution of the action, unless a latter statute provides for a retroactive application thereof.[30] Article 360 of the Revised Penal Code (RPC),[31] as amended by Republic Act No. 4363,[32] is explicit on which court has jurisdiction to try cases of written defamations, thus:

The criminal and civil action for damages in cases of written defamations as provided for in this chapter, shall be filed simultaneously or separately with the court of first instance [now, the Regional Trial Court] of the province or city where the libelous article is printed and first published or where any of the offended parties actually resides at the time of the commission of the offense xxx.[33] [Underscoring and italics ours.]

More than three decades ago, the Court, in *Jalandoni v. Endaya*,[34] acknowledged the unmistakable import of the said provision:

There is no need to make mention again that it is a court of first instance [now, the Regional Trial Court] that is specifically designated to try a libel case. Its language is categorical; its meaning is free from doubt. This is one of those statutory provisions that leave no room for interpretation. All that is required is application. What the law ordains must then be followed.[35]

This exclusive and original jurisdiction of the RTC over written defamations is echoed in *Bocobo v. Estanislao*,^[36] where the Court further declared that jurisdiction remains with the trial court even if the libelous act is committed "by similar means,"^[37] and despite the fact that the phrase "by similar means" is not repeated in the latter portion of Article 360.^[38] In these cases, and in those that followed, the Court had been unwavering in its pronouncement that the expanded jurisdiction of the municipal trial courts cannot be exercised over libel cases. Thus, in *Manzano v. Hon. Valera*,^[39] we explained at length that:

The applicable law is still Article 360 of the Revised Penal Code, which categorically provides that jurisdiction over libel cases [is] lodged with the Courts of First Instance (now Regional Trial Courts).

This Court already had the opportunity to rule on the matter in G.R. No. 123263, *People vs. MTC of Quezon City, Branch 32 and Isah v. Red* wherein a similar question of jurisdiction over libel was raised. In that case, the MTC judge opined that it was the first level courts which had jurisdiction due to the enactment of RA 7691. Upon elevation of the matter to us, respondent judge's orders were nullified for lack of jurisdiction, as follows:

"WHEREFORE, the petition is granted: the respondent Court's Orders dated August 14, 1995, September 7, 1995, and October 18, 1995 are declared null and void for having been issued without jurisdiction; and said Court is enjoined from further taking cognizance of and proceeding with Criminal Case No. 43-00548, which it is commanded to remand to the Executive Judge of the Regional Trial Court of Quezon City for proper disposition."

Another case involving the same question was cited as resolving the matter:

"Anent the question of jurisdiction, we ** find no reversible error committed by public respondent Court of Appeals in denying petitioner's motion to dismiss for lack of jurisdiction. The contention ** that R.A. 7691 divested the Regional Trial Courts of jurisdiction to try libel cases cannot be sustained. While libel is punishable by imprisonment of six months and one day to four years and two months (Art. 360, Revised Penal Code) which imposable penalty is lodged within the Municipal Trial Court's jurisdiction under R.A. No. 7691 (Sec. 32 [2]), said law however, excludes therefrom ** cases falling within the exclusive original jurisdiction of the Regional Trial Courts **. The Court in *Bocobo vs. Estanislao*, 72 SCRA 520 and *Jalandoni vs. Endaya*, 55 SCRA 261, correctly cited by the Court of Appeals, has laid down the rule that Regional Trial courts have the exclusive jurisdiction over libel cases, hence, the expanded jurisdiction conferred by R.A. 7691 to inferior courts cannot be applied to libel cases."

Conformably with [these] rulings, we now hold that public respondent committed an error in ordering that the criminal case for libel be tried by the MTC of Bangued.

For, although RA 7691 was enacted to decongest the clogged dockets of the Regional Trial Courts by expanding the jurisdiction of first level courts, said law is of a general character. Even if it is a later enactment, it does not alter the provision of Article 360 of the RPC, a law of a special nature. "Laws vesting jurisdiction exclusively with a particular court, are special in character, and should prevail over the Judiciary Act defining the jurisdiction of other courts (such as the Court of First Instance) which is a general law." A later enactment like RA 7691 does not automatically override an existing law, because it is a well-settled principle of construction that, in case of conflict between a general law and a special law, the latter must prevail regardless of the dates of their enactment. Jurisdiction conferred by a special law on the RTC must therefore prevail over that granted by a general law on the MTC.

Moreover, from the provisions of R.A. 7691, there seems to be no manifest intent to repeal or alter the jurisdiction in libel cases. If there was such intent, then the amending law should have clearly so indicated because implied repeals are not favored. As much as possible, effect must be given to all enactments of the legislature. A special law cannot be repealed, amended or altered by a subsequent general law by mere implication. Furthermore, for an

implied repeal, a pre-condition must be found, that is, a substantial conflict should exist between the new and prior laws. Absent an express repeal, a subsequent law cannot be construed as repealing a prior one unless an irreconcilable inconsistency or repugnancy exists in the terms of the new and old laws. The two laws, in brief, must be absolutely incompatible. In the law which broadened the jurisdiction of the first level courts, there is no absolute prohibition barring Regional Trial Courts from taking cognizance of certain cases over which they have been priorly granted special and exclusive jurisdiction. Such grant of the RTC (previously CFI) was categorically contained in the first sentence of the amended Sec. 32 of B.P. 129. The inconsistency referred to in Section 6 of RA 7691, therefore, does not apply to cases of criminal libel.

Lastly, in Administrative Order No. 104-96 issued 21 October 1996, this Court delineated the proper jurisdiction over libel cases, hence settled the matter with finality:

"RE: DESIGNATION OF SPECIAL COURTS FOR KIDNAPPING, ROBBERY, CARNAPPING, DANGEROUS DRUGS CASES AND OTHER HEINOUS CRIMES; INTELLECTUAL PROPERTY RIGHTS VIOLATIONS AND JURISDICTION IN LIBEL CASES.

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"LIBEL CASES SHALL BE TRIED BY THE REGIONAL TRIAL COURTS HAVING JURISDICTION OVER THEM TO THE EXCLUSION OF THE METROPOLITAN TRIAL COURTS, MUNICIPAL TRIAL COURTS IN CITIES, MUNICIPAL TRIAL COURTS AND MUNICIPAL CIRCUIT TRIAL COURTS."
(Underscoring supplied)[40]

As we have constantly held in *Jalandoni*, *Bocobo*, *People v. Metropolitan Trial Court of Quezon City*, Br. 32,[41] *Manzano*, and analogous cases, we must, in the same way, declare herein that the law, as it still stands at present, dictates that criminal and civil actions for damages in cases of written defamations shall be filed simultaneously or separately with the RTC to the exclusion of all other courts. A subsequent enactment of a law defining the jurisdiction of other courts cannot simply override, in the absence of an express repeal or modification, the specific provision in the RPC vesting in the RTC, as aforesaid, jurisdiction over defamations in writing or by similar means.[42] The grant to the Sandiganbayan[43] of jurisdiction over offenses committed in relation to (public) office, similar to the expansion of the jurisdiction of the MTCs, did not divest the RTC of its exclusive and original jurisdiction to try written defamation cases regardless of whether the offense is committed in relation to office. The broad and general phraseology of Section 4, Presidential Decree No. 1606, as amended by Republic Act No. 8249,[44] cannot be construed to have impliedly repealed, or even simply modified, such exclusive and original jurisdiction of the RTC.[45]

Since jurisdiction over written defamations exclusively rests in the RTC without qualification, it is unnecessary and futile for the parties to argue on whether the crime is committed in relation to office. Thus, the conclusion reached by the trial court that the respondent committed the alleged libelous acts in relation to his office as former COMELEC chair, and deprives it of jurisdiction to try the case, is, following the above disquisition, gross error. This Court, therefore, orders the reinstatement of Criminal Cases Nos. Q-02-109406 and Q-02-109407 and their remand to the respective Regional Trial Courts for further proceedings. Having said that, the Court finds unnecessary any further discussion of the other issues raised in the petitions.

WHEREFORE, premises considered, the consolidated petitions for review on certiorari are GRANTED. Criminal Cases Nos. Q-02-109406 and Q-02-109407 are REINSTATED and REMANDED to the Regional Trial Court of Quezon City for further proceedings.

SO ORDERED.

Puno C. J., Ynares-Santiago, Carpio, Austria-Martinez, Corona, Tinga, Chico-Nazario, Velasco, Jr., Leonardo-De Castro, Brion, Peralta, and Bersamin, JJ., concur.

Quisumbing, J., on official leave.

Carpio Morales, J., no part due to realtion to a party.

[1] Records (Crim. Case No. Q-02-109407), pp. 129-138.

[2] Id. at 175-177.

[3] Records (Crim. Case No. Q-02-109406), pp. 108-111.

[4] Id. at 157-158.

[5] Records (Crim. Case No. Q-02-109407), p. 3.

[6] Id. at 12-18.

[7] Id. at 14.

[8] Id. at 6-9.

[9] Id. at 34-41.

[10] Id. at 1-2. The accusatory portion of the Information reads:

"That on or about the 4[th] and 5[th] day of February 2002, in Quezon City, Philippines, the said accused, with malicious intent of impeaching the honor, virtue, character and reputation of PHOTOKINA MARKETING CORPORATION, a juridical person, represented by Atty. Rodrigo Sta. Ana with office address at 117 West Avenue, Quezon City, and with evident intent of exposing the said juridical person to public dishonor, discredit, contempt and ridicule, did then and there willfully, unlawfully, feloniously and maliciously utter the following defamatory statements, in a speech delivered at the University of the Philippines at its Diliman Campus in Quezon City, to wit:

"x x x x

"Even worse, the Commission came right up to the brink of signing a 6.5 billion contract for a registration solution that could have been bought for 350 million pesos, and an ID solution that isn't even a requirement for voting. But reason intervened and no contract was signed. Now, they are at it again, trying to hoodwink us into contract that is so grossly disadvantageous to the government that it offends common sense to say that it would be worth the 6.5 billion-peso price tag.

"x x x x

"that with the said statement, the said accused meant and intended to convey as in fact he did mean and convey, malicious and offensive insinuations and imputations that Photokina Marketing Corporation is a cheater and has unreasonable (sic) and grossly took advantage of the government whom it has outwitted into entering into a disadvantageous contract, which insinuations and imputations are destructive of and tends to destroy the good name and reputation of said Photokina Marketing Corporation as a juridical person, with no good or justifiable motive but solely for the purpose of maligning and besmirching the good name, honor, character and reputation of said Photokina Marketing Corporation, as in fact it was exposed to public hatred, contempt and ridicule, to the damage and prejudice of said juridical person.

"CONTRARY TO LAW."

[11] Id. at 55-58.

[12] Id. at 69-78.

[13] Supra note 1.

[14] Supra note 2.

[15] Rollo (G.R. No. 154473), pp. 18-41.

[16] Id. at 26-27.

[17] Records (Crim. Case No. Q-02-109406), p. 6.

[18] Id. at 1.

[19] Id. at 6-8.

[20] Id. at 9-15.

[21] Id. at 1-2. The accusatory portion of the Information reads:

"That on or about the 13[th] day of March, 2002, in Quezon City, Philippines, the said accused, with malicious intent of impeaching the honor, virtue, character and reputation of PHOTOKINA MARKETING CORPORATION, a juridical person, represented by Atty. Rodrigo Sta. Ana, with office address at 117 West Avenue, Quezon City, and with evident intent of exposing the said juridical person to public dishonor, discredit, contempt and ridicule, did then and there willfully, unlawfully, feloniously and maliciously utter the following defamatory statements, in response to the question of Cez Drilon, to wit:

"Cez Drilon: Are you saying, Chairman, that COMELEC funds are being used for a `PR' campaign against you? Is that what you are saying?

"Chairman Benipayo: No, I think [it's] not COMELEC funds, [it's] Photokina funds. You know, admittedly, according to [c]hargé d'[a]ffaires of the U.S. Embassy[,] in a letter sent to me in July of 2001, it is what's been so happening to the Photokina deal, they have already spent an excess of 2.4 [m]illion U.S. [d]ollars. At that time[,] that's about 120 [m]illion pesos and I said, what for[?] [T]hey wouldn't tell me, you see. Now you asked me, whose funding this? I think it's pretty obvious...

"that with the said statement, the said accused meant and intended to convey, as in fact he did mean and convey, malicious and offensive insinuations and imputations that Photokina (Marketing Corporation) funds are being used to destroy the respondent and that 2.4 [m]illion US dollars (P120 [m]illion [p]esos) (sic) have already been spent for the `Photokina deal,' which maliciously and publicly imputed and suggested a certain vice on the part of Photokina Marketing Corporation such as bribery and rigging of bids, as well as a defect on the Photokina VRIS contract, which insinuations and imputations are destructive of and tends to destroy the good name and reputation of said Photokina Marketing Corporation as a juridical person, with no good or justifiable motive but solely for the purpose of maligning and besmirching the good name, honor, character and reputation of said Photokina Marketing Corporation, as in fact it was exposed to public hatred, contempt and ridicule, to the damage and prejudice of said juridical person.

"CONTRARY TO LAW."

[22] Id. at 34-44.

[23] Supra note 3.

[24] Supra note 4.

[25] Records (Crim. Case No. Q-02-109406), pp. 118-127.

[26] Rollo (G.R. No. 155573), pp. 3-21.

[27] Id. at 8-9.

[28] Memorandum of the Clerk of Court dated July 22, 2003.

[29] Resolution dated July 29, 2003.

[30] Escobal v. Justice Garchitorena, 466 Phil. 625, 635 (2004); Alarilla v. Sandiganbayan, 393 Phil. 143, 155 (2000).

[31] Act No. 3815, as amended, entitled "An Act Revising the Penal Code and Other Penal Laws," which took effect on January 1, 1932.

[32] Entitled "An Act to Further Amend Article Three Hundred Sixty of the Revised Penal Code," which was approved on June 19, 1965.

[33] Article 360 of the RPC reads in full:

"Art. 360. Persons responsible.--Any person who shall publish, exhibit, or cause the publication or exhibition of any defamation in writing or by similar means, shall be responsible for the same.

"The author or editor of a book or pamphlet, or the editor or business manager of a daily newspaper, magazine or serial publication, shall be responsible for the defamations contained therein to the same extent as if he were the author thereof.

"The criminal and civil action for damages in cases of written defamations as provided for in this chapter, shall be filed simultaneously or separately with the court of first instance of the province or city where the libelous article is printed and first published or where any of the offended parties actually resides at the time of the commission of the offense: Provided, however, That where one of the offended parties is a public officer whose office is in the City of Manila at the time of the commission of the offense, the action shall be filed in the Court of First Instance of the City of Manila or of the city or province where the libelous article is printed and first published, and in case such public officer does not hold office in the City of Manila, the action shall be filed in the Court of First Instance of the province or city where he held office at the time of the commission of the offense or where the libelous article is printed and first published and in case one of the offended parties is a private individual, the action shall be filed in the Court of First Instance of the province or city where he actually resides at the time of the commission of the offense or where the libelous matter is printed and first published: Provided, further, That the civil action shall be filed in the same court where the criminal action is filed and vice versa: Provided, furthermore, That the court where the criminal or civil action for damages is first filed, shall acquire jurisdiction to the exclusion of other courts: And provided, finally, That this amendment shall not apply to cases of written defamations, the civil and/or criminal actions to which have been filed in court at the time of the effectivity of this law.

"Preliminary investigation of criminal actions for written defamations as provided for in this chapter shall be conducted by the provincial or city fiscal of the province or city, or by the municipal court of the city or capital of the province where such actions may be instituted in accordance with the provisions of this article.

"No criminal action for defamation which consists in the imputation of a crime which cannot be prosecuted de officio shall be brought except at the instance of and upon complaint expressly filed by the offended party."

[34] No. L-23894, January 24, 1974, 55 SCRA 261.

[35] *Id.* at 263.

[36] No. L-30458, August 31, 1976, 72 SCRA 520, 523.

[37] Article 355 of the Revised Penal Code states the other means of committing libel similar to writing. The provision reads:

"Art. 355. Libel by means of writings or similar means.--A libel committed by means of writing, printing, lithography, engraving, radio, phonograph, painting, theatrical exhibition, cinematographic exhibition, or any similar means, shall be punished by prision correccional in its minimum and medium periods or a fine ranging from 200 to 6,000 pesos, or both, in addition to the civil action which may be brought by the offended party."

[38] *Bocobo v. Estanislao*, *supra* note 36, at 523-524.

[39] 354 Phil. 66 (1998).

[40] *Id.* at 74-77.

[41] G.R. No. 123263, December 16, 1996, 265 SCRA 645.

[42] *Manzano v. Hon. Valera*, *supra* note 39.

[43] This court was created on June 11, 1978 by the issuance of Presidential Decree (P.D.) No. 1486. On December 10, 1978, P.D. No. 1606 was issued to revise and repeal P.D. No. 1486. Throughout the years, P.D. No. 1606 underwent a series of amendments--on January 14, 1983, by P.D. No. 1860; on March 23, 1983, by P.D. No. 1861; on March 30, 1995, by Republic Act (R.A.) No. 7975; and on February 5, 1997, by R.A. No. 8249.

[44] Section 4 of R.A. No. 8249, entitled "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," reads:

"SECTION 4. Section 4 of the same decree is hereby further amended to read as follows:

"Sec. 4. Jurisdiction.--The Sandiganbayan shall exercise exclusive 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, Book II of the Revised Penal Code, where one or more of the 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) Officers of the Philippine National Police while occupying the position of provincial director and those holding the rank of senior superintendent or higher;

"(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, issued in 1986.

"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 or 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 jurisdiction as provided in Batas Pambansa Blg. 129, as amended.

"The Sandiganbayan shall exercise exclusive appellate jurisdiction over final judgments, resolutions or orders or regional trial courts whether in the exercise of their own original jurisdiction or of their appellate jurisdiction as herein provided.

"The Sandiganbayan shall have exclusive original jurisdiction over petitions for the issuance of the writs of mandamus, prohibition, certiorari, habeas corpus, injunctions, and other ancillary writs and processes in aid of its appellate jurisdiction and over petitions of similar nature, including quo warranto, arising or that may arise in cases filed or which may be filed under Executive Order Nos. 1,2,14 and 14-A, issued in 1986: Provided, That the jurisdiction over these petitions shall not be exclusive of the Supreme Court.

"The procedure prescribed in Batas Pambansa Blg. 129, as well as the implementing rules that the Supreme Court has promulgated and may hereafter promulgate, relative to appeals/petitions for review to the Court of Appeals, shall apply to appeals and petitions for review filed with the Sandiganbayan. In all cases elevated to the Sandiganbayan and from the Sandiganbayan to the Supreme Court, the Office of the Ombudsman, through its

special prosecutor, shall represent the People of the Philippines, except in cases filed pursuant to Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986.

"In case private individuals are charged as co-principals, accomplices or accessories with the public officers or employees, including those employed in government-owned or controlled corporations, they shall be tried jointly with said public officers and employees in the proper courts which shall exercise exclusive jurisdiction over them.

"Any provisions of law or Rules of Court to the contrary notwithstanding, the criminal action and the corresponding civil action for the recovery of civil liability shall at all times be simultaneously instituted with, and jointly determined in, the same proceeding by the Sandiganbayan or the appropriate courts, the filing of the criminal action being deemed to necessarily carry with it the filing of the civil action, and no right to reserve the filing of such civil action separately from the criminal action shall be recognized: Provided, however, That where the civil action had therefore been filed separately but judgment therein has not yet been rendered, and the criminal case is hereafter filed with the Sandiganbayan or the appropriate court, said civil action shall be transferred to the Sandiganbayan or the appropriate court, as the case may be, for consolidation and joint determination with the criminal action, otherwise the separate civil action shall be deemed abandoned." [Italics ours]

[45] See *De Jesus v. People*, 205 Phil. 663, 670 (1983), in which the Court ruled that the provision of the law stating the jurisdiction of the Sandiganbayan, which is phrased in terms so broad and general, cannot be legitimately construed to vest the said court with exclusive jurisdiction over election offenses committed by public officers in relation to their office. Neither can it be interpreted to impliedly repeal the exclusive and original jurisdiction granted by Section 184 of the Election Code of 1978 to the court of first instance (now, the RTC) to hear and decide all election offenses, without qualification as to the status of the accused.

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