

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. SANDIGANBAYAN (THIRD DIVISION) AND VICTORIA AMANTE, RESPONDENTS.

G.R. No. 167304. August 25, 2009

Ponente: PERALTA, J.

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PERALTA, J.:

Before this Court is a petition[1] under Rule 45 of the Rules of Court seeking to reverse and set aside the Resolution[2] of the Sandiganbayan (Third Division) dated February 28, 2005 dismissing Criminal Case No. 27991, entitled *People of the Philippines v. Victoria Amante* for lack of jurisdiction.

The facts, as culled from the records, are the following:

Victoria Amante was a member of the Sangguniang Panlungsod of Toledo City, Province of Cebu at the time pertinent to this case. On January 14, 1994, she was able to get hold of a cash advance in the amount of P71,095.00 under a disbursement voucher in order to defray seminar expenses of the Committee on Health and Environmental Protection, which she headed. As of December 19, 1995, or after almost two years since she obtained the said cash advance, no liquidation was made. As such, on December 22, 1995, Toledo City Auditor Manolo V. Tulibao issued a demand letter to respondent Amante asking the latter to settle her unliquidated cash advance within seventy-two hours from receipt of the same demand letter. The Commission on Audit, on May 17, 1996, submitted an investigation report to the Office of the Deputy Ombudsman for Visayas (OMB-Visayas), with the recommendation that respondent Amante be further investigated to ascertain whether appropriate charges could be filed against her under Presidential Decree (P.D.) No. 1445, otherwise known as *The Auditing Code of the Philippines*. Thereafter, the OMB-Visayas, on September 30, 1999, issued a Resolution recommending the filing of an Information for Malversation of Public Funds against respondent Amante. The Office of the Special Prosecutor (OSP), upon review of the OMB-Visayas' Resolution, on April 6, 2001, prepared a memorandum finding probable cause to indict respondent Amante.

On May 21, 2004, the OSP filed an Information[3] with the Sandiganbayan accusing Victoria Amante of violating Section 89 of P.D. No. 1445, which reads as follows:

That on or about December 19, 1995, and for sometime prior or subsequent thereto at Toledo City, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the abovenamed accused VICTORIA AMANTE, a high-ranking public officer, being a member of the Sangguniang Panlungsod of Toledo City, and committing the offense in relation to office, having obtained cash advances from the City Government of Toledo in the total amount of SEVENTY-ONE THOUSAND NINETY-FIVE PESOS (P71,095.00), Philippine Currency, which she received by reason of her office, for which she is duty-bound to liquidate the same within the period required by law, with deliberate intent and intent to gain, did then and there, wilfully, unlawfully and criminally fail to liquidate said cash advances of P71,095.00, Philippine Currency, despite demands to the damage and prejudice of the government in aforesaid amount.

CONTRARY TO LAW.

The case was raffled to the Third Division of the Sandiganbayan. Thereafter, Amante filed with the said court a MOTION TO DEFER ARRAIGNMENT AND MOTION FOR REINVESTIGATION[4] dated November 18, 2004 stating that the Decision of the Office of the Ombudsman (Visayas) dated September 14, 1999 at Cebu City from of an incomplete proceeding in so far that respondent Amante had already liquidated and/or refunded the unexpected balance of her cash advance, which at the time of the investigation was not included as the same liquidation papers were still in the process of evaluation by the Accounting Department of Toledo City and that the Sandiganbayan had no jurisdiction over the said criminal case because respondent Amante was then a local official who was occupying a position of salary grade 26, whereas Section 4 of Republic Act (R.A.) No. 8249 provides that the Sandiganbayan shall have original jurisdiction only in cases where the accused holds a position otherwise classified as Grade 27 and higher, of the Compensation and Position Classification Act of 1989, R.A. No. 6758.

The OSP filed its Opposition[5] dated December 8, 2004 arguing that respondent Amante's claim of settlement of the cash advance dwelt on matters of defense and the same should be established during the trial of the case and not in a motion for reinvestigation. As to the assailed jurisdiction of the Sandiganbayan, the OSP contended that the said court has jurisdiction over respondent Amante since at the time relevant to the case, she was a member of the Sangguniang Panlungsod of Toledo City, therefore, falling under those enumerated under Section 4 of R.A. No. 8249. According to the OSP, the language of the law is too plain and unambiguous that it did not make any distinction as to the salary grade of city local officials/heads.

The Sandiganbayan, in its Resolution[6] dated February 28, 2005, dismissed the case against Amante, the dispositive portion of which reads:

WHEREFORE, IN VIEW OF ALL THE FOREGOING, this case is hereby dismissed for lack of jurisdiction. The dismissal, however, is without prejudice to the filing of this case to the proper court.

The Motion for Reinvestigation filed by the movant is hereby considered moot and academic.

SO ORDERED.

Hence, the present petition.

Petitioner raises this lone issue:

WHETHER OR NOT THE SANDIGANBAYAN HAS JURISDICTION OVER A CASE INVOLVING A SANGGUNANG PANLUNGSOD MEMBER WHERE THE CRIME CHARGED IS ONE COMMITTED IN RELATION TO OFFICE, BUT NOT FOR VIOLATION OF RA 3019, RA 1379 OR ANY OF THE FELONIES MENTIONED IN CHAPTER II, SECTION 2, TITLE VII OF THE REVISED PENAL CODE.

In claiming that the Sandiganbayan has jurisdiction over the case in question, petitioner disputes the former's appreciation of this Court's decision in *Inding v. Sandiganbayan*. [7] According to petitioner, Inding did not categorically nor implicitly constrict or confine the application of the enumeration provided for under Section 4(a)(1) of P.D. No. 1606, as amended, exclusively to cases where the offense charged is either a violation of R.A. No. 3019, R.A. No. 1379, or Chapter II, Section 2, Title VII of the Revised Penal Code. Petitioner adds that the enumeration in Section (a)(1) of P.D. No. 1606, as amended by R.A. No. 7975 and R.A. No. 8249, which was made applicable to cases concerning violations of R.A. No. 3019, R.A. No. 1379 and Chapter II, Section 2, Title VII of the Revised Penal Code, equally applies to offenses committed in relation to public office.

Respondent Amante, in her Comment[8] dated January 16, 2006, averred that, with the way the law was phrased in Section 4 of P.D. No. 1606, as amended, it is obvious that the jurisdiction of the Sandiganbayan was defined first, enumerating the several exceptions to the general rule, while the exceptions to the general rule are provided

in the rest of the paragraph and sub-paragraphs of Section 4. Therefore, according to respondent Amante, the Sandiganbayan was correct in ruling that the latter has original jurisdiction only over cases where the accused is a public official with salary grade 27 and higher; and in cases where the accused is public official below grade 27 but his position is one of those mentioned in the enumeration in Section 4(a)(1)(a) to (g) of P.D. No. 1606, as amended and his offense involves a violation of R.A. No. 3019, R.A. No. 1379 and Chapter II, Section 2, Title VII of the Revised Penal Code; and if the indictment involves offenses or felonies other than the three aforementioned statutes, the general rule that a public official must occupy a position with salary grade 27 and higher in order that the Sandiganbayan could exercise jurisdiction over him must apply. The same respondent proceeded to cite a decision[9] of this Court where it was held that jurisdiction over the subject matter is conferred only by the Constitution or law; it cannot be fixed by the will of the parties; it cannot be acquired through, or waived, enlarged or diminished by, any act or omission of the parties, neither is it conferred by acquiescence of the court.

In its Reply[10] dated March 23, 2006, the OSP reiterated that the enumeration of public officials in Section 4(a)(1) to (a) to (g) of P.D. No. 1606 as falling within the original jurisdiction of the Sandiganbayan should include their commission of other offenses in relation to office under Section 4(b) of the same P.D. No. 1606. It cited the case of *Esteban v. Sandiganbayan, et al.*[11] wherein this Court ruled that an offense is said to have been committed in relation to the office if the offense is "intimately connected" with the office of the offender and perpetrated while he was in the performance of his official functions.

The petition is meritorious.

The focal issue raised in the petition is the jurisdiction of the Sandiganbayan. As a background, this Court had thoroughly discussed the history of the conferment of jurisdiction of the Sandiganbayan in *Serana v. Sandiganbayan, et al.*,[12] thus:

x x x The Sandiganbayan was created by P.D. No. 1486, promulgated by then President Ferdinand E. Marcos on June 11, 1978. It was promulgated to attain the highest norms of official conduct required of public officers and employees, based on the concept that public officers and employees shall serve with the highest degree of responsibility, integrity, loyalty and efficiency and shall remain at all times accountable to the people.[13]

P.D. No. 1486 was, in turn, amended by P.D. No. 1606 which was promulgated on December 10, 1978. P.D. No. 1606 expanded the jurisdiction of the Sandiganbayan.[14]

P.D. No. 1606 was later amended by P.D. No. 1861 on March 23, 1983, further altering the Sandiganbayan jurisdiction. R.A. No. 7975 approved on March 30, 1995 made succeeding amendments to P.D. No. 1606, which was again amended on February 5, 1997 by R.A. No. 8249. Section 4 of R.A. No. 8249 further modified the jurisdiction of the Sandiganbayan. x x x

Specifically, the question that needs to be resolved is whether or not a member of the Sangguniang Panlungsod under Salary Grade 26 who was charged with violation of The Auditing Code of the Philippines falls within the jurisdiction of the Sandiganbayan.

This Court rules in the affirmative.

The applicable law in this case is Section 4 of P.D. No. 1606, as amended by Section 2 of R.A. No. 7975 which took effect on May 16, 1995, which was again amended on February 5, 1997 by R.A. No. 8249. The alleged commission of the offense, as shown in the Information was on or about December 19, 1995 and the filing of the Information was on May 21, 2004. The jurisdiction of a court to try a criminal case is to be determined at the time of the institution of the action, not at the time of the commission of the offense.[15] The exception contained in R.A. 7975, as well as R.A. 8249, where it expressly provides that to determine the jurisdiction of the

Sandiganbayan 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 is not applicable in the present case as the offense involved herein is a violation of The Auditing Code of the Philippines. The last clause of the opening sentence of paragraph (a) of the said two provisions states:

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

A. Violations of Republic Act No. 3019, as amended, other 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:

The present case falls under Section 4(b) where other offenses and felonies committed by public officials or employees in relation to their office are involved. Under the said provision, no exception is contained. Thus, the general rule that jurisdiction of a court to try a criminal case is to be determined at the time of the institution of the action, not at the time of the commission of the offense applies in this present case. Since the present case was instituted on May 21, 2004, the provisions of R.A. No. 8249 shall govern. Verily, the pertinent provisions of P.D. No. 1606 as amended by R.A. No. 8249 are the following:

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 city 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.

The above law is clear as to the composition of the original jurisdiction of the Sandiganbayan. Under Section 4(a), the following offenses are specifically enumerated: violations of R.A. No. 3019, as amended, R.A. No. 1379, and Chapter II, Section 2, Title VII of the Revised Penal Code. In order for the Sandiganbayan to acquire jurisdiction over the said offenses, the latter must be committed by, among others, officials of the executive branch occupying positions of regional director and higher, otherwise classified as Grade 27 and higher, of the Compensation and Position Classification Act of 1989. However, the law is not devoid of exceptions. Those that are classified as Grade 26 and below may still fall within the jurisdiction of the Sandiganbayan provided that they hold the positions thus enumerated by the same law. Particularly and exclusively enumerated are provincial governors, vice-governors, members of the sangguniang panlalawigan, and provincial treasurers, assessors, engineers, and other provincial department heads; city mayors, vice-mayors, members of the sangguniang panlungsod, city treasurers, assessors, engineers, and other city department heads; officials of the diplomatic service occupying the position as consul and higher; Philippine army and air force colonels, naval captains, and all officers of higher rank; PNP chief superintendent and PNP officers of higher rank; City and provincial prosecutors and their assistants, and officials and prosecutors in the Office of the Ombudsman and special prosecutor; and presidents, directors or trustees, or managers of government-owned or controlled corporations, state universities or educational institutions or foundations. In connection therewith, Section 4(b) of the same law provides that other offenses or felonies committed by public officials and employees mentioned in subsection (a) in relation to their office also fall under the jurisdiction of the Sandiganbayan.

By simple analogy, applying the provisions of the pertinent law, respondent Amante, being a member of the Sangguniang Panlungsod at the time of the alleged commission of an offense in relation to her office, falls within the original jurisdiction of the Sandiganbayan.

However, the Sandiganbayan, in its Resolution, dismissed the case with the following ratiocination:

x x x the ruling of the Supreme Court in the Inding case, stating that the Congress' act of specifically including the public officials therein mentioned, "obviously intended cases mentioned in Section 4 (a) of P.D. No. 1606, as amended by Section 2 of R.A. No. 7975, when committed by the officials enumerated in (1)(a) to (g) thereof, regardless of their salary grades, to be tried by the Sandiganbayan." Obviously, the Court was referring to cases involving violation of R.A. No. 3019, R.A. No. 1379 and Chapter II, Section 2, Title VII of the Revised Penal Code only because they are the specific cases mentioned in Section 4 (a) of P.D. No. 1606 as amended, so that when they are committed even by public officials below salary grade '27', provided they belong to the enumeration, jurisdiction would fall under the Sandiganbayan. When the offense committed however, falls under Section 4(b) or 4(c) of P.D. No. 1606 as amended, it should be emphasized that the general qualification that the public official must belong to grade '27' is a requirement so that the Sandiganbayan could exercise original jurisdiction over him. Otherwise, jurisdiction would fall to the proper regional or municipal trial court.

In the case at bar, the accused is a Sangguniang Panlungsod member, a position with salary grade '26'. Her office is included in the enumerated public officials in Section 4(a) (1) (a) to (g) of P.D. No. 1606 as amended by Section 2 of R.A. No. 7975. However, she is charged with violation of Section 89 of The Auditing Code of the Philippines which is not a case falling under Section 4(a) but under Section 4(b) of P.D. No. 1606 as

amended. This being the case, the principle declared in *Inding* is not applicable in the case at bar because as stated, the charge must involve a violation of R.A. No. 3019, R.A. No. 1379 or Chapter II, Section 2, Title VII of the Revised Penal Code. Therefore, in the instant case, even if the position of the accused is one of those enumerated public officials under Section 4(a)(1)(a) to (g), since she is being prosecuted of an offense not mentioned in the aforesaid section, the general qualification that accused must be a public official occupying a position with salary grade '27' is a requirement before this Court could exercise jurisdiction over her. And since the accused occupied a public office with salary grade 26, then she is not covered by the jurisdiction of the Sandiganbayan.

Petitioner is correct in disputing the above ruling of the Sandiganbayan. Central to the discussion of the Sandiganbayan is the case of *Inding v. Sandiganbayan*[16] where this Court ruled that the officials enumerated in (a) to (g) of Section 4(a)(1) of P. D. No. 1606, as amended are included within the original jurisdiction of the Sandiganbayan regardless of salary grade. According to petitioner, the *Inding* case did not categorically nor implicitly constrict or confine the application of the enumeration provided for under Section 4(a)(1) of P.D. No. 1606, as amended, exclusively to cases where the offense charged is either a violation of R.A. No. 3019, R.A. No. 1379, or Chapter II, Section 2, Title VII of the Revised Penal Code. This observation is true in light of the facts contained in the said case. In the *Inding* case, the public official involved was a member of the Sangguniang Panlungsod with Salary Grade 25 and was charged with violation of R.A. No. 3019. In ruling that the Sandiganbayan had jurisdiction over the said public official, this Court concentrated its disquisition on the provisions contained in Section 4(a)(1) of P.D. No. 1606, as amended, where the offenses involved are specifically enumerated and not on Section 4(b) where offenses or felonies involved are those that are in relation to the public officials' office. Section 4(b) of P.D. No. 1606, as amended, provides that:

b. Other offenses or felonies committed by public officials and employees mentioned in subsection (a) of this section in relation to their office.

A simple analysis after a plain reading of the above provision shows that those public officials enumerated in Section 4(a) of P.D. No. 1606, as amended, may not only be charged in the Sandiganbayan with violations of R.A. No. 3019, R.A. No. 1379 or Chapter II, Section 2, Title VII of the Revised Penal Code, but also with other offenses or felonies in relation to their office. The said other offenses and felonies are broad in scope but are limited only to those that are committed in relation to the public official or employee's office. This Court had ruled that as long as the offense charged in the information is intimately connected with the office and is alleged to have been perpetrated while the accused was in the performance, though improper or irregular, of his official functions, there being no personal motive to commit the crime and had the accused not have committed it had he not held the aforesaid office, the accused is held to have been indicted for "an offense committed in relation" to his office.[17] Thus, in the case of *Lacson v. Executive Secretary*,[18] where the crime involved was murder, this Court held that:

The phrase "other offenses or felonies" is too broad as to include the crime of murder, provided it was committed in relation to the accused's official functions. Thus, under said paragraph b, what determines the Sandiganbayan's jurisdiction is the official position or rank of the offender - that is, whether he is one of those public officers or employees enumerated in paragraph a of Section 4. x x x.

Also, in the case *Alarilla v. Sandiganbayan*,[19] where the public official was charged with grave threats, this Court ruled:

x x x In the case at bar, the amended information contained allegations that the accused, petitioner herein, took advantage of his official functions as municipal mayor of Meycauayan, Bulacan when he committed the crime of grave threats as defined in Article 282 of the Revised Penal Code against complainant Simeon G. Legaspi, a municipal councilor. The Office of the Special Prosecutor charged petitioner with aiming a gun at and

threatening to kill Legaspi during a public hearing, after the latter had rendered a privilege speech critical of petitioner's administration. Clearly, based on such allegations, the crime charged is intimately connected with the discharge of petitioner's official functions. This was elaborated upon by public respondent in its April 25, 1997 resolution wherein it held that the "accused was performing his official duty as municipal mayor when he attended said public hearing" and that "accused's violent act was precipitated by complainant's criticism of his administration as the mayor or chief executive of the municipality, during the latter's privilege speech. It was his response to private complainant's attack to his office. If he was not the mayor, he would not have been irritated or angered by whatever private complainant might have said during said privilege speech." Thus, based on the allegations in the information, the Sandiganbayan correctly assumed jurisdiction over the case.

Proceeding from the above rulings of this Court, a close reading of the Information filed against respondent Amante for violation of The Auditing Code of the Philippines reveals that the said offense was committed in relation to her office, making her fall under Section 4(b) of P.D. No. 1606, as amended.

According to the assailed Resolution of the Sandiganbayan, if the intention of the law had been to extend the application of the exceptions to the other cases over which the Sandiganbayan could assert jurisdiction, then there would have been no need to distinguish between violations of R.A. No. 3019, R.A. No. 1379 or Chapter II, Section 2, Title VII of the Revised Penal Code on the one hand, and other offenses or felonies committed by public officials and employees in relation to their office on the other. The said reasoning is misleading because a distinction apparently exists. In the offenses involved in Section 4(a), it is not disputed that public office is essential as an element of the said offenses themselves, while in those offenses and felonies involved in Section 4(b), it is enough that the said offenses and felonies were committed in relation to the public officials or employees' office. In expounding the meaning of offenses deemed to have been committed in relation to office, this Court held:

In *Sanchez v. Demetriou* [227 SCRA 627 (1993)], the Court elaborated on the scope and reach of the term "offense committed in relation to [an accused's] office" by referring to the principle laid down in *Montilla v. Hilario* [90 Phil 49 (1951)], and to an exception to that principle which was recognized in *People v. Montejo* [108 Phil 613 (1960)]. The principle set out in *Montilla v. Hilario* is that an offense may be considered as committed in relation to the accused's office if "the offense cannot exist without the office" such that "the office [is] a constituent element of the crime x x x." In *People v. Montejo*, the Court, through Chief Justice Concepcion, said that "although public office is not an element of the crime of murder in [the] abstract," the facts in a particular case may show that

x x x the offense therein charged is intimately connected with [the accused's] respective offices and was perpetrated while they were in the performance, though improper or irregular, of their official functions. Indeed, [the accused] had no personal motive to commit the crime and they would not have committed it had they not held their aforesaid offices. x x x[20]

Moreover, it is beyond clarity that the same provision of Section 4(b) does not mention any qualification as to the public officials involved. It simply stated, public officials and employees mentioned in subsection (a) of the same section. Therefore, it refers to those public officials with Salary Grade 27 and above, except those specifically enumerated. It is a well-settled principle of legal hermeneutics that words of a statute will be interpreted in their natural, plain and ordinary acceptation and signification,[21] unless it is evident that the legislature intended a technical or special legal meaning to those words.[22] The intention of the lawmakers ¹ who are, ordinarily, untrained philologists and lexicographers ² to use statutory phraseology in such a manner is always presumed.[23]

WHEREFORE, the Petition dated April 20, 2005 is hereby GRANTED and the Resolution of the Sandiganbayan (Third Division) dated February 28, 2005 is NULLIFIED and SET ASIDE. Consequently, let the case be

REMANDED to the Sandiganbayan for further proceedings.

SO ORDERED.

Carpio Morales,[*] Chico-Nazario, (Acting Chairperson),[**] Velasco, Jr., and Nachura, JJ., concur.

[*] Designated as an additional member in lieu of Associate Justice Consuelo Ynares-Santiago per Special Order No. 679 dated August 3, 2009.

[**]Per Special Order No. 678 dated August 3, 2009.

[1] Dated April 20, 2005, rollo, pp. 30-58.

[2] Penned by Associate Justice Godofredo L. Legaspi (now retired), with Associate Justices Efren N. De La Cruz and Norberto Y. Germaldez, concurring, rollo, pp. 59-75.

[3] Sandiganbayan rollo, pp. 1-3.

[4] Id. at 34-35.

[5] Id. at 45-48.

[6] Id. at 54-70.

[7] G..R. No. 143047, July 14, 2004, 434 SCRA 388.

[8] Rollo, pp. 96-102.

[9] Municipality of Sogod v. Rosal, G.R. No. L-38204, September 24, 1991, 201 SCRA 632.

[10] Rollo, pp. 106-110.

[11] G.R. Nos. 146646-49, March 11, 2005, 453 SCRA 236, 242, citing *People v. Montejo*, 108 Phil. 613 (1960).

[12] G.R. No. 162059, January 22, 2008, 542 SCRA 224.

[13] Id. at 238-239, citing Presidential Decree No. 1486

[14] Id., citing Section 4. Jurisdiction. - The Sandiganbayan shall have jurisdiction over:

(a) Violations of Republic Act No. 3019, as amended, otherwise, known as the Anti-Graft and Corrupt Practices Act, and Republic Act No. 1379;

(b) Crimes committed by public officers and employees including those employed in government-owned or controlled corporations, embraced in Title VII of the Revised Penal Code, whether simple or complexed with other crimes; and

(c) Other crimes or offenses committed by public officers or employees, including those employed in government-owned or controlled corporations, in relation to their office.

The jurisdiction herein conferred shall be original and exclusive if the offense charged is punishable by a penalty higher than prision correccional, or its equivalent, except as herein provided; in other offenses, it shall be concurrent with the regular courts.

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.

Where an accused is tried for any of the above offenses and the evidence is insufficient to establish the offense charged, he may nevertheless be convicted and sentenced for the offense proved, included in that which is charged.

Any provision of law or the Rules of Court to the contrary notwithstanding, the criminal action and the corresponding civil action for the recovery of civil liability arising from the offense charged shall, at all times, be simultaneously instituted with, and jointly determined in the same proceeding by, the Sandiganbayan, 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 action shall be recognized; Provided, however, that, in cases within the exclusive jurisdiction of the Sandiganbayan, where the civil action had therefore been filed separately with a regular court but judgment therein has not yet been rendered and the criminal case is hereafter filed with the Sandiganbayan, said civil action shall be transferred to the Sandiganbayan for consolidation and joint determination with the criminal action, otherwise, the criminal action may no longer be filed with the Sandiganbayan, its exclusive jurisdiction over the same notwithstanding, but may be filed and prosecuted only in the regular courts of competent jurisdiction; Provided, further, that, in cases within the concurrent jurisdiction of the Sandiganbayan and the regular courts, where either the criminal or civil action is first filed with the regular courts, the corresponding civil or criminal action, as the case may be, shall only be filed with the regular courts of competent jurisdiction.

Excepted from the foregoing provisions, during martial law, are criminal cases against officers and members of the armed forces in the active service.

[15] Subido, Jr. v. Sandiganbayan, G.R. No. 122641, January 20, 1997, 266 SCRA 379.

[16] Supra note 7.

[17] Rodriguez v. Sandiganbayan 468 Phil. 374, 387 (2004), citing People v. Montejo, supra note 11, at 622.

[18] G.R. No. 128096, January 20, 1999, 301 SCRA 298, 318.

[19] 393 Phil. 143, 157-158 (2000).

[20] Cunanan v. Arceo, G.R. No. 116615, March 1, 1995, 242 SCRA 88, 96.

[21] Romualdez v. Sandiganbayan, 479 Phil. 265, 287 (2004), citing Mustang Lumber, Inc. v. Court of Appeals, 257 SCRA 430, 448 (1996).

[22] Id., citing PLDT v. Eastern Telecommunications Phil., Inc., 213 SCRA 16, 26 (1992).

[23] Id., citing Estrada v. Sandiganbayan, supra, at 347-348.

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