PEOPLE OF THE PHILIPPINES, PETITIONER, VS. SANDIGANBAYAN (THIRD DIVISION) AND ROLANDO PLAZA, RESPONDENTS.

G.R. No. 169004. September 15, 2010

Ponente: PERALTA, J.

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PERALTA, J.:

For this Court's resolution is a petition[1] dated September 2, 2005 under Rule 45 of the Rules of Court that seeks to reverse and set aside the Resolution[2] of the Sandiganbayan (Third Division), dated July 20, 2005, dismissing Criminal Case No. 27988, entitled People of the Philippines v. Rolando Plaza for lack of jurisdiction.

The facts follow.

Respondent Rolando Plaza, a member of the Sangguniang Panlungsod of Toledo City, Cebu, at the time relevant to this case, with salary grade 25, had been charged in the Sandiganbayan with violation of Section 89 of Presidential Decree (P.D.) No. 1445, or The Auditing Code of the Philippines for his failure to liquidate the cash advances he received on December 19, 1995 in the amount of Thirty-Three Thousand Pesos (P33,000.00) . The Information reads:

> 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 above-named accused ROLANDO PLAZA, 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 THIRTY THREE THOUSAND PESOS (P33,000.00), Philippine Currency, which he received by reason of his office, for which he is duty bound to liquidate the same within the period required by law, with deliberate intent and intent to gain, did then and there, willfully, unlawfully and criminally fail to liquidate said cash advances of P33,000.00, Philippine Currency, despite demands to the damage and prejudice of the government in the aforesaid amount.
>
> CONTRARY TO LAW.

Thereafter, respondent Plaza filed a Motion to Dismiss[3] dated April 7, 2005 with the Sandiganbayan, to which the latter issued an Order[4] dated April 12, 2005 directing petitioner to submit its comment. Petitioner filed its Opposition[5] to the Motion to Dismiss on April 19, 2005. Eventually, the Sandiganbayan promulgated its Resolution[6] on July 20, 2005 dismissing the case for lack of jurisdiction, without prejudice to its filing before the proper court. The dispositive portion of the said Resolution provides:

> WHEREFORE, premises considered, the instant case is hereby ordered dismissed for lack of jurisdiction without prejudice to its filing in the proper court.
>
> SO ORDERED.

Thus, the present petition.

Petitioner contends that the Sandiganbayan has criminal jurisdiction over cases involving public officials and

employees enumerated under Section 4 (a) (1) of P.D. 1606, (as amended by Republic Act [R.A.] Nos. 7975 and 8249), whether or not occupying a position classified under salary grade 27 and above, who are charged not only for violation of R.A. 3019, R.A. 1379 or any of the felonies included in Chapter II, Section 2, Title VII, Book II of the Revised Penal Code, but also for crimes committed in relation to office. Furthermore, petitioner questioned the Sandiganbayan's appreciation of this Court's decision in Inding v. Sandiganbayan,[7] claiming that 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. 1606, as amended, exclusively to cases where the offense charged is either a violation of R.A. 3019, R.A. 1379 or Chapter II, Section 2, Title VII of the Revised Penal Code. Petitioner adds that the enumeration in Section 4 (a) (1) of P.D. 1606, as amended by R.A. 7975 and R.A. 8249, which was made applicable to cases concerning violations of R.A. 3019, R.A. 1379 and Chapter II, Section 2, Title VII of the Revised Penal Code, equally applies to offenses committed in relation to public office.

In his Comment[8] dated November 30, 2005, respondent Plaza argued that, as phrased in Section 4 of P.D. 1606, as amended, it is apparent that the jurisdiction of the Sandiganbayan was defined first, while the exceptions to the general rule are provided in the rest of the paragraph and sub-paragraphs of Section 4; hence, the Sandiganbayan was right in ruling that it has original jurisdiction only over the following cases: (a) where the accused is a public official with salary grade 27 and higher; (b) in cases where the accused is a 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. 1606, as amended and his offense involves a violation of R.A. 3019, R.A. 1379 and Chapter II, Section 2, Title VII of the Revised Penal Code; and (c) 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.

In a nutshell, the core issue raised in the petition is whether or not the Sandiganbayan has jurisdiction over a member of the Sangguniang Panlungsod whose salary grade is below 27 and charged with violation of The Auditing Code of the Philippines.

This Court has already resolved the above issue in the affirmative. People v. Sandiganbayan and Amante[9] is a case with uncanny similarities to the present one. In fact, the respondent in the earlier case, Victoria Amante and herein respondent Plaza were both members of the Sangguniang Panlungsod of Toledo City, Cebu at the time pertinent to this case. The only difference is that, respondent Amante failed to liquidate the amount of Seventy-One Thousand Ninety-Five Pesos (P71,095.00) while respondent Plaza failed to liquidate the amount of Thirty-Three Thousand Pesos (P33,000.00).

In ruling that the Sandiganbayan has jurisdiction over a member of the Sangguniang Panlungsod whose salary grade is below 27 and charged with violation of The Auditing Code of the Philippines, this Court cited the case of Serana v. Sandiganbayan, et al.[10] as a background on the conferment of jurisdiction of the Sandiganbayan, 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.[11]
>
> 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.[12]
>
> 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 .

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Section 4 of P.D. 1606, as amended by Section 2 of R.A. 7975 which took effect on May 16, 1995, which was again amended on February 5, 1997 by R.A. 8249, is the law that should be applied in the present case, the offense having been allegedly committed on or about December 19, 1995 and the Information having been filed on March 25, 2004. As extensively explained in the earlier mentioned case,

> 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.[13] 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:
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> Sec. 4. Jurisdiction. - The Sandiganbayan shall exercise exclusive original jurisdiction in all cases involving:
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> - 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: x x x.[14]

Like in the earlier case, the present case definitely falls under Section 4 (b) where other offenses and felonies committed by public officials or employees in relation to their office are involved where the said provision, contains no exception. Therefore, what applies in the present case is 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. The present case having been instituted on March 25, 2004, the provisions of R.A. 8249 shall govern. P.D. 1606, as amended by R.A. 8249 states that:

> 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;
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> (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.

Again, the earlier case interpreted the above provisions, thus:

> 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-govenors, 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.[15]

Clearly, as decided in the earlier case and by simple application of the pertinent provisions of the law, respondent Plaza, a member of the Sangguniang Panlungsod during the alleged commission of an offense in relation to his office, necessarily falls within the original jurisdiction of the Sandiganbayan.

Finally, as to the inapplicability of the Inding[16] case wherein it was ruled that the officials enumerated in (a) to (g) of Section 4 (a) (1) of P.D. 1606, as amended, are included within the original jurisdiction of the Sandiganbayan regardless of salary grade and which the Sandiganbayan relied upon in its assailed Resolution, this Court enunciated, still in the earlier case of People v. Sandiganbayan and Amante,[17] that 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. 1606, as amended, exclusively to cases where the offense charged is either a violation of R.A. 3019, R.A. 1379 or Chapter II, Section 2, Title VII of the Revised Penal Code. As thoroughly discussed:

> x x x 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 Sec. 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.[18] Thus, in the case of Lacson v. Executive Secretary, et al..,[19] 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,[20] 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

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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"[21]

Moreover, it is beyond clarity that the same provisions 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,[22] unless it is evident that the legislature intended a technical or special legal meaning to those words.[23] The intention of the lawmakers - who are, ordinarily, untrained philologists and lexicographers - to use statutory phraseology in such a manner is always presumed. (Italics supplied.)[24]

With the resolution of the present case and the earlier case of People v. Sandiganbayan and Amante,[25] the issue as to the jurisdiction of the Sandiganbayan has now attained clarity.

WHEREFORE, the Petition dated September 2, 2005 is hereby GRANTED and the Resolution of the Sandiganbayan (Third Division) dated July 20, 2005 is hereby NULLIFIED and SET ASIDE. Let the case be REMANDED to the Sandiganbayan for further proceedings.

SO ORDERED.

Carpio, (Chairperson), Velasco, Jr.,[*] Bersamin,[*] and Abad, JJ., concur.

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[*] Designated additional members in lieu of Associate Justices Antonio Eduardo B. Nachura and Jose Catral Mendoza, who are on official leave per Special Order Nos. 883 and 886, respectively, both dated September 1, 2010.

[1] Rollo, pp. 28-55.

[2] Penned by Associate Justice Godofredo L. Legaspi, ret. (Chairperson), with Associate Justices Efren N. De La Cruz and Norberto Y. Geraldez (members), (concurring), id. at 13-25.

[3] Rollo, pp. 74-76.

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[4] Id. at 78.

[5] Id. at 80-85.

[6] Id. at 13-25.

[7] 478 Phil. 506 (2004).

[8] Rollo, pp. 91-98.

[9] G.R. No. 167304, August 25, 2009, 597 SCRA 49.

[10] G. R. No. 162059, January 22, 2008, 542 SCRA 238-240.

[11] Id., citing Presidential Decree No. 1486.

[12] 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.

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

[13] People v. Sandiganbayan and Amante, supra note 9, citing Subido, Jr. v. Sandiganbayan, 266 SCRA 379. (1996).

[14] Emphasis supplied.

[15] People v. Sandiganbayan and Amante, supra note 9, at 59-60. (Emphasis supplied.)

[16] Supra note 7.

[17] Supra note 9.

[18] Rodriguez, et al. v. Sandiganbayan, et al., 468 Phil. 374, 387 (2004), citing People v. Montejo, 108 Phil. 613 (1960).

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

[20] G.R. No. 136806, August 22, 2000, 338 SCRA 498.

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

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

[23] PLDT v. Eastern Telecommunications Phil., Inc., G.R. No. 94374, August 27, 1992, 213 SCRA 16, 26.

[24] People v. Sandiganbayan and Amante, supra note 9, at 62-65, citing Romualdez v. Sandiganbayan, et al., supra note 22, citing Estrada v. Sandiganbayan, 421 Phil. 443 (2001).

[25] Supra note 9.

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