

CIRIACO INGCO, PETITIONER-APPELLANT, VS. BENEDICTO M. SANCHEZ, IN HIS OFFICIAL CAPACITY AS PROVINCIAL FISCAL OF BATANGAS, AND CESAR MAÑEBO, RESPONDENTS-APPELLEES.

G.R. No. 23220, December 18, 1967

Ponente: ANGELES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-23220/>

ANGELES, J.:

The issue posed in this case is whether or not a criminal charge against an elective municipal official for acts done or committed by him in the discharge of his official functions during a previous term of office, may still be prosecuted after he had been reelected and while he is serving office for a subsequent term.

Ciriaco Ingco had been elected mayor of Bauan, Batangas, in November, 1955, was reelected in November, 1959, and again reelected in November, 1963. In September, 1963, one Cesar Mañebo accused the said mayor of estafa through falsification of public documents committed in the latter's discharge of his official functions during the period from February through August, 1963. The charge, which was filed before the Acting Prosecutor of the Department of Justice, was endorsed to the Provincial Fiscal of Batangas for preliminary investigation. It was not until after the November, 1963 elections, however, that the fiscal commenced the preliminary investigation of the case.

On January 8, 1964, Mayor Ingco moved for the dismissal of the complaint on the ground that the respondent provincial fiscal had neither jurisdiction nor authority to proceed with the preliminary investigation, alleging that his reelection to the position had operated to condone the alleged malfeasance committed by him during his previous term of office. The motion to dismiss was denied by the investigating fiscal and so was the motion for re-consideration of the order of its denial.

Hence, Mayor Ingco filed with the Court of First Instance of Batangas, a petition for writ of prohibition to restrain the respondent fiscal from proceeding with the investigation of the criminal complaint against him. After hearing, the court denied the petition on the theory that reelection to office "does not operate to wash away or condone the liability of an elective public official for an act violative of our penal laws which he might have committed during his past term of office." Not satisfied, the petitioner has elevated the case to Us by direct appeal.

The appeal is devoid of merit.

The fallacy in petitioner-appellant's proposition to prohibit the fiscal from further investigating the criminal complaint lies in his pretense that his case is parallel to Pascual vs. Provincial Board of Nueva Ecija,[1] wherein a pronouncement was made that a public officer should never be removed for acts done prior to his present term of office. There is a whole of a difference between the two cases. The basis of the investigation which has been commenced here, and which is sought to be restrained, is a criminal accusation the object of which is to cause the indictment and punishment of petitioner-appellant as a private citizen; whereas in the case cited, the subject of the investigation was an administrative charge against the officer therein involved and its object was merely to cause his suspension or removal from public office. While the criminal case involves the character of the mayor as a

private citizen and the People of the Philippines as a community is a party to the case, an administrative case involves only his actuations as a public officer as affect the populace of the municipality where he serves. The ruling, therefore, that - "when the people have elected a man to office it must be assumed that they did this with knowledge of his life and character and that they disregarded or forgave his faults or misconduct if he had been guilty of any" - refers only to an action for removal from office and does not apply to a criminal case, because a crime is a public wrong more atrocious in character than mere misfeasance or malfeasance committed by a public officer in the discharge of his duties, and is injurious not only to a person or group of persons but to the State as a whole. This must be the reason why Article 89 of the Revised Penal Code, which enumerates the grounds for extinction of criminal liability, does not include reelection to office as one of them, at least insofar as a public officer is concerned. Also, under our Constitution,[2] it is only the President who may grant the pardon of a criminal offense.

The circumstance that the offense alleged to have been committed was perpetrated in connection with the mayor's discharge of his official duties, is no reason to stop the prosecution of the case for the alleged acts constitute a crime distinct in itself, and detachable from its character as an administrative offense committed by a public officer. If petitioner-appellant's wrongful acts as charged may properly be the cause for removal, he might invoke his reelection as a defense in an administrative proceedings to remove him, but, certainly, this defense cannot be successfully invoked in the criminal charge against him. Applied to the case at bar, this is the import of the authority that "where certain conduct of a public officer subjects him to a criminal prosecution under the common law, the fact that a statute makes such conduct a ground for his removal from office does not relieve him of his criminal liability." [3]

IN VIEW HEREOF, the decision appealed from is hereby affirmed. No costs, on equitable grounds.

Concepcion, C.J., Reyes, JBL, Dizon, Makalintal, Bengzon, Zaldivar, Sanchez, Ruiz Castro, and Fernando, JJ., concur.

[1] G. R.No. L-11959, October 31, 1959.

[2] Sec. 10 [6], Article VII.

[3] 67 C. J. S. p. 431, citing Pa. -Commonwealth v. Philipps, 20 Pa. Dist. & Co. 141, 28 Laz Leg. Reg. 19.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.