

FLORENTINO T. MANUEL, PETITIONER, VS. THE HON. FELIZARDO S.M. DE GUZMAN, ETC., LEOVIGILDO A. PANTEJO, ETC., OSCAR R. POSPIA, ETC., ET AL., RESPONDENTS.

G.R. No. 51739, February 28, 1980

Ponente: ABAD SANTOS, J.

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ABAD SANTOS, J.:

On January 19, 1979, an information for estafa thru falsification of public documents was filed against Florentino T. Manuel, the petitioner herein, in the Court of First Instance of Surigao del Sur and given Criminal Case No. 850. The body of the information reads:

"That on or about and during the period from March 2 to 15, 1974, in the City of Surigao, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being then a Mining Engineer employed with the Regional Office of the Bureau of Mines, Surigao City, with intent to prejudice and defraud the Government of the Republic of the Philippines, did then and there willfully, unlawfully and feloniously prepare and cause to be prepared the following documents, to wit: Itinerary of Travel and Daily Time Record, by stating therein, among others, that he was out from his office on field work on the following dates: March 2, 1974, he was in Placer; March 7 to 10, 1974 and March 12 to 15, 1974 in Dinagat and Nonoc Island, when in fact and in truth accused well knew that he was neither out on field work nor in his office on the aforesaid dates, thus accused had made untruthful statements in the narration of facts by making false entries in said official documents in the manner above-indicated and which falsified documents have facilitated the accused to prepare a general voucher for the amount of P172.50 for his per diem and daily allowance and enabled him to withdraw and collect and in fact he did withdraw and collect the said sum of P172.50 together with his salary for the period of nine days in the amount of P172.17 or a total of THREE HUNDRED FORTY FOUR PESOS & 67/100 (P344.67), Philippine Currency, which total amount he willfully, unlawfully and feloniously misappropriated, misapplied and converted to his own personal use and benefit, to the damage and prejudice of the Government of the Republic of the Philippines in the aforementioned amount of P344.67.

Contrary to Article 171 in relation to Article 315 of the Revised Penal Code."

The accused was ordered arrested on the same day but he was able to post a bail bond for his provisional liberty. Despite several attempts to arraign him, he has never been arraigned.

The counsel for the accused filed a motion to quash and/or to transfer the case to the Sandiganbayan on February 21, 1979, but the motion was denied by the lower court on August 7, 1979. The correctness of said order is now before us in this petition for certiorari, prohibition and mandamus.

Petitioner contends that the court which has jurisdiction over his case is the Sandiganbayan and he invokes Sec. 4 of P.D. No. 1606, which took effect on December 10, 1978, the relevant portions of which are as follows:

"Sec. 4. Jurisdiction. - The Sandiganbayan shall have jurisdiction over:

x x x x x x x x

(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." x x x

Petitioner contends that the penalty for falsification under Art. 171 of the Revised Penal Code is prision mayor and a fine not to exceed 5,000 pesos hence Criminal Case No. 850 falls under the jurisdiction of the Sandiganbayan and should be transferred thereto.

Respondents assert that the estafa committed by the accused involving the amount of P344.67 is penalized under Art. 315, par. 3, of the Revised Penal Code by prision correccional in its minimum period and, therefore, the case is within the concurrent jurisdiction of the Court of First Instance of Surigao del Sur where it should remain because that court first acquired jurisdiction.

We sustain the petitioner. Estafa (Art. 315, R.P.C.) thru falsification of public documents (Art. 171, R.P.C.) is a complex crime, for the falsification is the means to commit the estafa. Accordingly, the penalty for the most serious crime should be imposed in its maximum period (Art. 48, R.P.C.) Should the petitioner be convicted he will be punished by a penalty higher than prision correccional. Hence the Sandiganbayan has exclusive jurisdiction over the offense with which he is charged.

WHEREFORE, the petition is granted and the respondent judge is hereby ordered to transfer Criminal Case No. 850 to the Sandiganbayan pursuant to Sec. 8 of P.D. No. 1606. No special pronouncement as to costs.

SO ORDERED.

Barredo, (Chairman), Antonio, Aquino, and Concepcion, Jr., JJ., concur.

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