

MAYOR FRANCISCO LECAROS, PETITIONER, VS. SANDIGANBAYAN, RESPONDENT.

G.R. No. 56384. March 22, 1984

Ponente: RELOVA, J.

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RELOVA, J.:

On October 21, 1980, petitioner was charged with the crime of grave coercion in an information filed before the respondent court, which reads:

"That on or about July 2, 1979, in the municipality of Sta. Cruz, Province of Marinduque, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, a public officer, being then the mayor of Sta. Cruz, Marinduque, taking advantage of his public position and which offense was committed in relation to his office, did then and there, wilfully, unlawfully and feloniously take over the operation and control of the gasoline station owned by Pedro Par, sell the gasoline therein to the public issuing the invoices of said gasoline station and some pieces of yellow pad paper for the purpose, and padlock the dispensing pump thereof without authority of law, depriving Pedro Par of the possession and exercise of a lawful trade or occupation, by means of threat, force and/or violence, thereby preventing said Pedro Par from doing something not prohibited by law or compelling him to do something against his will, whether it be right or wrong.

"CONTRARY TO LAW."

(p. 10, Rollo)

On November 27, 1980, the information was amended with the insertion of the phrase "by ordering his policemen companions" between the words "Pedro Par" and "to sell the gasoline."

Petitioner filed a motion to quash the information principally on the ground that the respondent court lacks jurisdiction to entertain the case and that it should have been filed with the ordinary courts in Marinduque where the alleged crime was committed.

Respondent court denied the motion. Hence, petitioner instituted this proceeding for certiorari seeking the same relief, alleging that -

1. The offense for which he was charged is not related to his office as mayor;
2. The offense of grave coercion is not among those mentioned or determined by Section 4(c), Presidential Decree No. 1486, as amended; and
3. Assuming that respondent has jurisdiction to try this case, it committed grave abuse of discretion in denying the transfer of the hearing of the case to the Court of First Instance of Marinduque because all witnesses of both the prosecution and defense will have to come from Marinduque, a far away island.

Section 5, Article XIII of the Constitution, provides for the creation of a special court known as the Sandigan-bayan and defines the jurisdiction thereof. It states:

"SEC. 5. The National Assembly shall create a special court, to be known as Sandiganbayan, which shall have jurisdiction over criminal and civil cases involving graft and corrupt practices and such other offenses committed by public officers and employees, including those in government-owned or controlled corporations, in relation to their office as may be determined by law."

It is clear from the above-quoted constitutional provision that respondent court has jurisdictional competence not only over criminal and civil cases involving graft and corrupt practices committed by public officers and employees but also over other crimes committed by them in relation to their office, though not involving graft and corrupt practices, as may be determined by law. The intention of the framers of the New Constitution is patent from the explicit language thereof as well as from Section 1 of the same Article XIII titled "Accountability of Public Officers," which provides:

"SECTION 1. Public office is a public trust. Public officers and employees shall serve with the highest degree of responsibility, integrity, loyalty, and efficiency, and shall remain accountable to the people."

There is no merit in petitioner's contention that 'Section 4(c) of Presidential Decree No. 1486, as amended, is violative of the provision of Section 5 of Article XIII of the New Constitution because the former enlarges what the latter limited. Said constitutional provision delegates to the lawmaking body the determination of "such other offenses" committed by public officers over which the Sandiganbayan shall have jurisdiction. Accordingly, the President of the Philippines, exercising his lawmaking authority and prerogative vested in him by the Constitution, issued Presidential Decree No. 1486 which mandates in Section 4(c) thereof that the Sandiganbayan shall have jurisdiction over "other crimes or offenses committed by public officers or employees, including those employed in government-owned or controlled corporation, in relation to their office." (Italics supplied) When the lawmaking authority chose to include all public office-related offenses over which respondent court shall have jurisdiction, the courts will not review questions of legislative policy. It is enough that the act is within the constitutional power of the lawmaking body or authority and, if it is, the courts are bound to follow and apply.

The original and amended information clearly alleged that petitioner took advantage of his position as mayor when he intimidated the gasoline station's owner in taking over the operation and control of the establishment, ordering his policemen to sell the gasoline therein and padlocking the dispensing pump thereof without legal authority. Stated differently, if petitioner were not the mayor he would not have allegedly directed the policemen and the latter would not have followed his orders and instructions to sell Pedro Par's gasoline and padlock the station. The fact that he is the mayor did not vest him with legal authority to take over the operations and control of complainant's gasoline station and padlock the same without observing due process.

The crime for which petitioner is charged, grave coercion, is penalized by arresto mayor and a fine not exceeding P500.00 under the first paragraph of Article 286 of the Revised Penal Code, as amended. Respondent court, pursuant to the provisions of Section 4 of Presidential Decree No. 1606, as amended, has concurrent jurisdiction with the regular courts. Well established is the rule that once a court acquires jurisdiction in a case where said jurisdiction is concurrent with another court, it must continue exercising the same to the exclusion of all other courts. In *Laquian vs. Baltazar*, 31 SCRA 551, We ruled that "in case of concurrent jurisdiction, it is axiomatic that the court first acquiring jurisdiction excludes the other courts." Thus, respondent's denial of petitioner's request for the transfer of the case to the Court of First Instance of Marinduque was well-grounded and certainly not a grave abuse of discretion.

It is true that on March 23, 1983, Presidential Decree No. 1861 amended Presidential Decree No. 1606, and it provides, among others, that where the penalty for offenses or felonies committed by public officers and employees in relation to their office does not exceed prison correccional or imprisonment for six (6) years, or fine of P6,000.00, they are no longer within the concurrent jurisdiction of respondent court and the regular courts but

are now vested in the latter. However, Section 2 of said Presidential Decree No. 1861 states:

"SECTION 2. All cases pending in the Sandiganbayan or in the appropriate courts as of the date of the effectivity of this Decree shall remain with and be disposed of by the courts where they are pending." (Italics supplied)

The information against petitioner was filed in 1980; therefore, respondent court retains jurisdiction over the case subject of instant petition.

The broad power of the New Constitution vests the respondent court with jurisdiction over "public officers and employees, including those in government-owned or controlled corporations." There are exceptions, however, like constitutional officers, particularly those declared to be removed by impeachment. Section 2, Article XIII of the 1973 Constitution provides:

"SEC. 2. The President, the Members of the Supreme Court, and the Members of the Constitutional Commissions shall be removed from office on impeachment for, and conviction of, culpable violation of the Constitution, treason, bribery, other high crimes, or graft and corruption."

Thus, the above provision proscribes removal from office of the aforementioned constitutional officers by any other method; otherwise, to allow a public officer who may be removed solely by impeachment to be charged criminally while holding his office with an offense that carries the penalty of removal from office, would be violative of the clear mandate of the fundamental law.

Chief Justice Enrique M. Fernando, in his authoritative dissertation on the New Constitution, states that "judgment in cases of impeachment shall be limited to removal from office and disqualification to hold any office of honor, trust, or profit under the Republic of the Philippines, but the party convicted shall nevertheless be liable and subject to prosecution, trial, and punishment, in accordance with law. The above provision is a reproduction of what was found in the 1935 Constitution. It is quite apparent from the explicit character of the above provision that the effect of impeachment is limited to the loss of position and disqualification to hold any office of honor, trust or profit under the Republic. It is equally manifest that the party thus convicted may be proceeded against, tried and thereafter punished in accordance with law. There can be no clearer expression of the constitutional intent as to the scope of the impeachment process (The Constitution of the Philippines, pp. 465-466)." The clear implication is, the party convicted in the impeachment proceeding shall nevertheless be liable and subject to prosecution, trial and punishment according to law; and that if the same does not result in a conviction and the official is not thereby removed, the filing of a criminal action "in accordance with law" may not prosper.

ACCORDINGLY, the petition is dismissed for lack of merit and the temporary restraining order issued on March 12, 1982 is hereby DISSOLVED.

SO ORDERED.

Makasiar, Acting C.J., Aquino, Guerrero, Abad Santos, De Castro, Plana, Escolin, Gutierrez, Jr. and De la Fuente, JJ., concur.

Melencio-Herrera, J., in the result.

Concepcion, Jr., J., took no part.

Fernando, C.J., and Teehankee, J., on leave - abroad.

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