

**NATIVIDAD CORPUZ, AURORA FONBUENA, JOSIE PERALTA,
CRESENCIA PADUA, DOMINADOR BAUTISTA, LEOLA NEOG,
EPIFANIO CASTILLEJOS AND EDGAR CASTILLEJOS, PETITIONERS,
VS. TANODBAYAN OF THE...**

G.R. No. 62075. April 15, 1987

Ponente: CORTES, J.

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CORTES, J.:

Petitioners Natividad Corpuz, Aurora Fonbuena, Josie Peralta, Cresencia Padua, Dominador Bautista and Leola Neog were members of the Citizens Election Committee of Caba, La Union in the January 30, 1980 elections; petitioner Epifanio Castillejos was Director of the Bureau of Domestic Trade and petitioner Edgar Castillejos was then a candidate and later elected mayor in the same election. Private respondent Esteban Mangaser, an independent candidate for vice-mayor of the same municipality sent a letter to President Ferdinand E. Marcos charging the petitioners with violation of the 1978 Election Code, specifically for electioneering and/or campaigning inside the voting centers during the election. On instruction from the Commission on Elections (COMELEC) the Regional Election Director of San Fernando, La Union, conducted a formal investigation and on September 29, 1981 submitted its report recommending to the COMELEC the dismissal of the complaint. On October 29, 1981, private respondent Mangaser formally withdrew his charges filed with the COMELEC stating his intention to refile it with the Tanodbayan. On November 26, 1981 the COMELEC dismissed the complaint for insufficiency of evidence.

Subsequently the assistant provincial fiscal started a preliminary investigation of a complaint filed by Mangaser with the Tanodbayan against the same parties and on the same charges previously dismissed by the COMELEC. The COMELEC Legal Assistance Office entered its appearance for the respondents (except Director Epifanio Castillejos and Edgar Castillejos) and moved for dismissal of the complaint. The motion was denied. The TANODBAYAN asserting exclusive authority to prosecute the case, stated in a letter to the COMELEC Chairman that a lawyer of the COMELEC if not properly deputized as a Tanodbayan prosecutor has no authority to conduct preliminary investigations and prosecute offenses committed by COMELEC officials in relation to their office. (Rollo p. 102) A motion for reconsideration was denied. Hence, the present petition for certiorari and preliminary injunction. This Court after considering the pleadings filed and deliberating on the issues raised considered the comment of the Solicitor General an Answer to the petition and considered the case submitted for decision.

In the landmark case of the *De Jesus v. People* (No. L-61998, February 28, 1983, 120 SCRA 760) this Court dealt with the following question of first impression relative to the rival claim of jurisdiction over election offenses committed by public officials:

Which of these entities have the power to investigate, prosecute and try election offenses committed by a public officer in relation to his office — the Commission on Elections and the Court of First Instance (now the regional

trial court) or the Tanodbayan and the Sandiganbayan?

This Court rejected the assertion that no tribunal other than the Sandiganbayan has jurisdiction over offenses committed by public officers and employees in relation to their office, thus:

The grant to the COMELEC of the power, among others, to enforce and administer all laws relative to the conduct of election and the concomittant authority to investigate and prosecute election offenses is not without compelling reason. The evident constitutional intendment in bestowing this power to the COMELEC is to insure the free, orderly and honest conduct of elections, failure of which would result in the frustration of the true will of the people and make a mere idle ceremony of the sacred right and duty of every qualified citizen to vote. To divest the COMELEC of the authority to investigate and prosecute offenses committed by public officials in relation to their office would thus seriously impair its effectiveness in achieving this clear constitutional mandate.

From a careful scrutiny of the constitutional provisions relied upon by the Sandiganbayan, We perceived neither explicit nor implicit grant to it and its prosecuting arm, the Tanodbayan, of the authority to investigate, prosecute and hear election offenses committed by public officers in relation to their office as contradistinguished from the clear and categorical bestowal of said authority and jurisdiction upon the COMELEC and the courts of first instance under Sections 182 and 184, respectively, of the Election Code of 1978.

An examination of the provisions of the Constitution and the Election Code of 1978 reveals the clear intention to place in the COMELEC exclusive jurisdiction to investigate and prosecute election offenses committed by any person, whether private individual or public officer or employee, and in the latter instance, irrespective of whether the offense is committed in relation to his official duties or not. In other words, it is the nature of the offense and not the personality of the offender that matters. As long as the offense is an election offense jurisdiction over the same rests exclusively with the COMELEC, in view of its all-embracing power over the conduct of elections.

WHEREFORE, inasmuch as the charge of electioneering filed against the petitioners had already been dismissed by the COMELEC for insufficiency of evidence, the petition is hereby granted and the complaint filed by private respondent being investigated anew by the Tanodbayan charging the petitioners with the same election offense, **DISMISSED.**

SO ORDERED.

Teehankee, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin and Sarmiento, JJ., concur.

Yap and Fernan, JJ., on leave.

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