

**GAVINO MANIKAD, ROBERTO BAÑEZ AND BENITO ARELLANO,  
PETITIONERS, VS. TANODBAYAN, HON. BENJAMIN T. VIANZON, AS  
DEPUTIZED TANODBAYAN PROSECUTOR, GUILLERMO M. SANTOS,  
JR., AND BERNA...**

*G.R. No. 65097. February 20, 1984*

Ponente: ESCOLIN, J.

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**ESCOLIN, J.:**

The question posed for determination in this petition for certiorari and prohibition may be propounded thus: Is the power vested by Section 7 of Presidential Decree No. 1716-A on the Export Processing Zone Authority (EPZA) "to receive and investigate complaints relative to violation of penal laws committed inside the zones and areas owned and administered by the Authority" exclusive in character as to preclude the Tanodbayan or his deputies from conducting a preliminary investigation on a complaint against the director and members of the EPZA Police Force for offenses committed within said zone?

The salient facts are not controverted: Sometime in November, 1982, respondents Guillermo M. Santos, Jr. and Bernardo S. Yambao, both members of the EPZA Police Force in Bataan, filed a complaint with the deputized Tanodbayan prosecutor, respondent Benjamin T. Vianzon, charging petitioners Gavino Manikad, Roberto Bañez and Benito Arellano, director and members, respectively, of the EPZA Police Force, with the crimes of smuggling, qualified theft, violations of the Anti-Graft Law, as well as the Anti-Fencing Law.

On the date scheduled for the preliminary investigation of the complaint, petitioners filed a motion to dismiss<sup>[1]</sup> advancing as grounds therefor that [1] Tanodbayan Prosecutor Vianzon had no authority to conduct the corresponding preliminary investigation; [2] the complaint filed by respondents Santos and Yambao was improperly and prematurely filed; and [3] there was no prima facie case against them. The motion was seasonably opposed by private respondents.

On March 8, 1983, respondent Fiscal Vianzon issued the challenged order denying petitioners' motion to dismiss.<sup>[2]</sup> Upon receipt of said order, petitioners filed a motion for reconsideration and/or petition for review with the Tanodbayan; but the same was likewise denied by the latter in an order dated May 27, 1983. Still unable to secure a reconsideration thereof, petitioners came to this Court on certiorari and prohibition.

Petitioners submit that respondent Fiscal Vianzon acted with grave abuse of discretion amounting to lack of jurisdiction in having assumed jurisdiction over the complaint filed by respondents Santos and Yambao, arguing in support thereof that the power to investigate complaints of this nature is lodged exclusively upon the EPZA under Section 7 of P.D. 1716-A.

A mere cursory reading of the legal provision relied upon by petitioners shows their submission to be devoid of merit. Said Section 7 provides:

"The EPZA, in the exercise of its sole police authority over the export processing zones and areas owned or

administered by the authority, shall have the power to receive and investigate complaints relative to violation of penal laws committed inside the zones and areas owned and administered by the Authority, and when the evidence warrants, to file and be deputized herein to prosecute the corresponding criminal cases before the appropriate court or body."

Indubitably, the aforecited provision empowers the EPZA not only to exercise police authority, including the conduct of ordinary police operations such as the maintenance of peace and order, enforcement of the law, prevention and detection of crimes and apprehending of criminals, but also, as an incident to its police authority, to perform such functions as are usually assigned to the prosecution service. Thus, it has been empowered [1] to receive and investigate complaints relative to violations of penal laws committed inside the zones and areas owned and be deputized under said presidential decree to prosecute the corresponding criminal cases before the appropriate court or tribunal.

It bears emphasis, however, that there is nothing in the context of said Section 7 to even intimate that the latter functions are to be exercised in an exclusive manner. While the adjective "sole" was used in conjunction with "police authority", no similar term or synonym was employed to describe the other powers vested by Section 7 on the EPZA. It is a basic rule of statutory construction that a meaning that does not appear nor is intended or reflected in the very language of the statute cannot be placed therein.[3]

Thus, the interpretation given to Sections 182 and 184 of the Election Code of 1978 in the case of Rogelio de Jesus vs. People of the Philippines,[4] cited by petitioners, cannot be accorded Section 7 of PD 1716-A. Neither can the latter decree be considered as an exception to, or a limitation on, the authority of the Tanodbayan or his deputies to investigate complaints for offenses falling within the jurisdiction of the Sandiganbayan, to wit:

"(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;

"(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."[5]

The objection posed by petitioners to the authority of respondent Tanodbayan's prosecutor to conduct a preliminary investigation of the complaint filed against petitioners by private respondents, being premised on the alleged exclusive authority of the EPZA "to file and be deputized x x x to prosecute the corresponding criminal cases before the appropriate court or body," must therefore fail.

Equally untenable is the allegation of prematureness ascribed by petitioners to the complaint filed against them. The pendency of an administrative proceeding does not constitute a bar to a criminal prosecution for the same offense. An administrative case is an entirely separate and distinct proceeding from a criminal action. Each may proceed independently of the other.

WHEREFORE, the petition is hereby denied. Costs against petitioners. SO ORDERED.

Fernando, C.J., Teehankee, Aquino, Concepcion, Jr., Guerrero, De Castro, Melencio-Herrera, Plana, Relova, and Gutierrez, Jr., JJ., concur.

Makasiar, J., joins J. Abad Santos in his concurring opinion, adding that Sec. 6 of Art. XIII of the 1973 Constitution prevails over Sec. 7 of PD 1716-A

Abad Santos, J., concurs with a brief opinion.

[1] Annex "A", p. 9, Rollo.

[2] Annex "C", p. 17, Rollo.

[3] Chang Yung Fa, et al. vs. Gianzon, 97 Phil. 913.

[4] G.R. No. 61998, promulgated on February 22, 1983.

[5] Section 4, P.D. No. 1606.

ABAD SANTOS, J., concurs in a brief opinion:

I concur. In my view Sec. 7 of P.D. No. 1716-A gives the EPZA no more than the power to organize a police department with functions similar to the police department of a municipal corporation. Like the police in town or city the EPZA police can file complaints in criminal cases; it can prosecute criminal cases in municipal trial courts but it cannot conduct preliminary investigations pertaining to fiscals, the Tanodbayan and judges.

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