JEJOMAR C. BINAY, PETITIONER, VS. HON. SANDIGANBAYAN (THIRD DIVISION) AND THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT, RESPONDENTS.

G.R. Nos. 120681-83. October 01, 1999

Ponente: KAPUNAN, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-nos-120681-83/

KAPUNAN, J.:

Pursuant to Section 4, Article XIII of the 1973 Constitution, Presidential Decree No. 1486 created an Anti-Graft Court known as the Sandiganbayan. Since then the jurisdiction of the Sandiganbayan has under gone various changes,[1] the most recent of which were effected through Republic Act Nos. 7975[2] and 8249.[3] Whether the Sandiganbayan, under these laws, exercises exclusive original jurisdiction over criminal cases involving municipal mayors accused of violations of Republic Act No. 3019[4] and Article 220 of the Revised Penal Code[5] is the central issue in these consolidated petitions.

In G.R. Nos. 120681-83, petitioner Jejomar Binay seeks to annul, among others, the Resolution of the Sandiganbayan denying his motion to refer Criminal Case Nos. 21001, 21005 and 21007 to the Regional Trial Court (RTC) of Makati and declaring that the Sandiganbayan has jurisdiction over said cases despite the enactment of R.A. No. 7975.

In G.R. No. 128136, petitioner Mario C. Magsaysay, et al. assail the October 22, 1996 Resolution of the Sandiganbayan, reversing its Order of June 21, 1996 which suspended the proceedings in Criminal Case No. 23278 in deference to whatever ruling this Court will lay down in the Binay cases.

The facts, as gathered from t he records, are as follows:

G.R. Nos. 120681-83

On September 7, 1994, the Office of the Ombudsman filed before the Sandiganbayan three separate informations against petitioner Jejomar Binay, one for violation of Article 220 of the Revised Penal Code,[6] and two for violation of Section 3(e) of R.A. No. 3019.[7] The informations, which were subsequently amended on September 15, 1994, all alleged that the acts constituting these crimes were committed in 1987 during petitioner's incumbency as Mayor of Makati, then a municipality of Metro Manila.

Thereafter, petitioner moved to quash the informations. He contended that the six-year delay from the time the charges were filed in the Office of the Ombudsman on July 27, 1988 to the time the informations were filed in the Sandiganbayan on September 7, 1994 constituted a violation of his right to due process. Arraignment of the accused was held in abeyance pending the resolution of this motion.

On March 29, 1995, the Sandiganbayan issued a Resolution denying petitioner's motion to quash. Petitioner's motion for reconsideration, which was opposed by the prosecution, was likewise denied by the Sandiganbayan. The resolution denying the motion for reconsideration, however, was issued before the petitioner could file a reply to the prosecution's opposition to the motion for reconsideration.

In the meantime, on March 31, 1995, the prosecution filed a "Motion to Suspend Accused Pendente Lite." The Sandiganbayan, in a Resolution dated April 25, 1995, granted the motion and ordered the suspension of petitioner for ninety days from receipt of the resolution. The court ruled that the requisites for suspension pendente lite were present as petitioner was charged with one of the offenses under Section 13 of R.A. No. 3019[8] and the informations containing these charges had previously been held valid in the resolution denying the motion to quash and the resolution denying the motion for reconsideration.

Petitioner thus filed before this Court a petition for certiorari,[9] to set aside the resolution denying his motion for reconsideration, claiming that he was denied due process when the Sandiganbayan ordered his suspension pendente lite before he could file a reply to the prosecution's opposition to his motion for reconsideration of the resolution denying the motion to quash. In a Resolution dated April 28, 1995, the Court directed the Sandiganbayan to, among other things, permit petitioner to file said reply.

After allowing and considering petitioner's reply, the Sandiganbayan, on June 6, 1995, issued a Resolution reiterating the denial of his motion for reconsideration of the denial of the motion to quash. On the same day, the Sandiganbayan issued another resolution reiterating the order suspending petitioner pendente lite.

Meanwhile, R.A. No. 7975, redefining the jurisdiction of the Sandiganbayan, took effect on May 16, 1995.[10]

On June 13, 1995, petitioner filed before the Sandiganbayan a motion to refer his cases to the "proper court" for further proceedings, alleging that when the two Resolutions, both dated June 6, 1995, were issued by the Anti-Graft Court, it had already lost jurisdiction over the subject cases. The Sandiganbayan, in a Resolution dated July 4, 1995, denied petitioner's motion, holding thus:

> There is no question that Municipal Mayors are classified as Grade "27" under the compensation & Position Classification Act of 1989. Since, at the time of the commission of the offenses charged in he above-entitled cases, the accused Mayor Jejomar C. Binay was a Municipal Mayor, although in an acting or interim capacity, the Sandiganbayan, has, under Section 4 (e) 5, original jurisdiction over the cases therein filed against him. The allegation that Mayor Binay ought to have been classified with a salary grade lower than Grade "27", because at the time of the commission of the offenses charged he was paid a salary which merits a grade lower than Grade "27" does not hold water. In 1986 when the herein offenses were committed by the accused, the Compensation & Position Classification Act of 1989 was not as yet in existence. From the very definition of he very Act itself, it is evident that the Act was passed and had been effective only in 1989. The Grade classification of a public officer, whether at the time of the commission of the offense or thereafter, is determined by his classification under the Compensation & Position Classification Act of 1989. Thus since the accused Mayor Jejomar C. Binay was a Municipal Mayor at the time of the commission of the offenses and the Compensation & Position Classification Act of 1989 classifies Municipal Mayors as Grade "27", it is a conclusion beyond cavil that the Sandiganbayan has jurisdiction over the accused herein.
>
> As of July 1, 1989, when Republic Act No. 6758 took effect, Municipal Mayor Jejomar C. Binay had begun receiving a monthly salary of P15,180.00 which is equivalent to Grade "28" under the salary scale provided for in Section 27 of the said Act. Under the Index of Occupational Services, the position titles and salary grades of the Compensation & Position classification system prepared by the Department of Budget and Management pursuant to Section 6 of Republic [A]ct No. 6758, the position of Municipal Mayor had been classified as Grade "27."[11]

On July 7, 1995, petitioner filed the present petition for certiorari, prohibition and mandamus questioning the jurisdiction of the Sandiganbayan over Criminal Case Nos. 21001, 21005 and 21007. He prayed, among others, that the Court annul and set aside: (1) the Resolution of the Sandiganbayan dated June 6, 1995 reiterating the denial of the motion for reconsideration of the motion to quash; (2) the Resolution of the same court also dated June 6, 1995 reiterating the order suspending petitioner pendente lite; and (3) the Resolution of the

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Sandiganbayan dated July 4, 1995 denying the motion to refer case to the RTC. Petitioner also asked that the Court issue a temporary restraining order preventing the suspension and arraignment of petitioner. The Court on July 7, 1995, resolved, among others, to issue the temporary restraining order prayed for.

On July 14, 1995, petitioner filed an "Addendum to Petition (To allow the introduction of alternative reliefs)," praying that, should this Court hold that the Sandiganbayan has jurisdiction over the cases, the criminal cases filed against him be dismissed just the same on the ground that the long delay of the preliminary investigation before the Ombudsman prior to the filing of the informations, deprived him of his right to due process; and that, moreover, there was no probable cause to warrant the filing of the informations.

G.R. No. 128136

Petitioner Mario Magsaysay is the Mayor of the Municipality of San Pascual, Batangas. Save for petitioner Vicente dela Rosa, all of Mayor Magsaysay's co-petitioners are officials of the same municipality.

In a complaint dated April 16, 1994, Victor Cusi, then Vice-Mayor of San Pascual, Batangas, charged petitioners along with Elpidia Amada, Jovey C. Babago, and Brigido H. Buhain, also officials of San Pascual Batangas, with violation of R.A. No. 3019, as amended. The complaint charged the respondent municipal officials of overpaying Vicente de la Rosa of TDR Construction for the landscaping project of the San Pascual Central School. This was docketed in the Office of the Ombudsman as OMB-1-94-1232.

In a Resolution dated June 14, 1995, Graft Investigation Officer Lourdes A. Alarilla recommended the filing of an information for violation of Section 3(e) and (g) of R.A. No. 3019, as amended, against petitioners with the Sandiganbayan. Director Elvis John S. Asuncion concurred in the resolution, and Manuel C. Domingo, Deputy Ombudsman for Luzon, recommended approval of the same. The resolution was approved by then Acting Ombudsman Francisco A. Villa with the following marginal note:

Authority is given to the deputy Ombudsman for Luzon to cause the preparation of the information and to approve the same for filing with the proper court.[12]

On August 11, 1995, an Information for violation of Section 3 (e) and (g) was filed against petitioners and Jovey C. Babago, not with the Sandiganbayan per the June 14, 1995 Resolution, but with the RTC of Batangas City. The information was signed by a Lourdes A. Alarilla, the same Graft Investigation Officer who recommended the filing of the information with the Sandiganbayan.

In the meantime, a group denominated as the Concerned Citizens of San Pascual, Batangas filed a complaint before the Ombudsman against petitioners, and Elpidia Amada and Brigido Buhain, with violations of R.A. No. 3019. The complaint also alleged, among others, the overpricing of the landscaping project of San Pascual Central School. The case was docketed as OMB-0-94-0149.

In a Resolution dated July 27, 1995, Graft Investigation Officer Ernesto M. Nocos recommended the filing of an information charging petitioners with violation of Section 3(e) and (g) of R.A. No. 3019, as amended "with proper court." The resolution, which was recommended for approval by Nicanor J. Cruz, OIC-Deputy Ombudsman for Luzon, and approved by Ombudsman Aniano A. Desierto, adopted the findings and conclusions in the resolution in OMB-1-94-1232 that the landscaping project was overpriced.

On February 9, 1996, another Information for violation of Section 3(e) of R.A. No. 3019, as amended, was filed against petitioners for the overpricing of the landscaping project, this time before the Sandiganbayan. The information was subsequently amended on May 17, 1996. Except for the date the alleged crime was committed, the information charged essentially the same inculpatory facts as the information filed in the RTC. The case was

docketed in the Sandiganbayan as Crim. Case No. 22378.

On June 1, 1996, the accused filed with the Sandiganbayan a motion to quash the information in Crim. Case No. 22378 on the following grounds: that the Sandiganbayan had no jurisdiction over the case; that the accused were charged with the same offense in two informations; and that the proceedings in the Sandiganbayan would expose petitioners to double jeopardy. The Sandiganbayan denied the accused's motion to quash in a Resolution dated June 21, 1996. The court, however, suspended proceedings in the case until the Supreme Court resolved the question of the Sandiganbayan's jurisdiction involved in the Binay petition.

Meanwhile, on June 7, 1996, Prosecutor Eric Mallonga filed a motion before the RTC to refer the R.A. No. 3019 case pending therein to the Sandiganbayan, arguing that under R.A. No. 7975 the Sandiganbayan, not the RTC, had jurisdiction over the case. On July 3, 1996, the RTC issued an order holding in abeyance the resolution of the motion to refer the case since the issue of jurisdiction was pending before the Sandiganbayan.

Back at the Sandiganbayan, the prosecution, on July 24, 1996, filed a motion for reconsideration of the Sandiganbayan's Order dated June 21, 1996. On August 2, 1996, filed their own motion for the reconsideration of the same order. On October 22, 1996, the Sandiganbayan granted the motion for reconsideration filed by the prosecution and set the case for arraignment. Petitioners moved for a reconsideration of the October 22, 1996 Resolution ordering their arraignment, which motion was denied on February 17, 1997.

On February 27, 1997, the accused filed the present petition.

On October 1, 1997, the Court resolved to issue a temporary restraining order to prevent respondents from further proceeding with Crim. Case No. 23278 of the Sandiganbayan.

The petition raises the following issues:

I

Had the Sandiganbayan been ousted of its jurisdiction over the case of municipal mayor after the passage of Republic Act No. 7975, coupled with the filing earlier of an information for the same offense before the Regional Trial Court having territorial jurisdiction and venue of the commission of the offense?

II

Are the respondents Ombudsman and the prosecutors estopped by laches or waiver from filing and prosecuting the case before respondent Sandiganbayan after the filing earlier of the information in the proper court, thereafter repudiating it, seeking another court of the same category and finally to respondent court?

III

Whether or not the filing of two (2) informations for the same offense violated the rule on duplicity of information?

IV

Whether or not the trial to be conducted by respondent court, if the case shall not be dismissed, will expose the petitioners who are accused therein to double jeopardy?

V

Under the circumstances, are the respondent Ombudsman and the prosecutors guilty of forum shopping?[13]

On October 6, 1997, the Court resolved to consolidate G.R. No. 128136 (the Magsaysay petition) with G.R. Nos. 120681-83 (the Binay petition).

In resolving these consolidated petitions, the Court shall first address the common question of the Sandiganbayan's jurisdiction.

I

The Court rules that it is the Sandiganbayan which has jurisdiction over the subject cases.

The informations against Mayor Binay were filed in the Sandiganbayan on July 7, 1994, pursuant to Presidential Decree No. 1606,[14] as amended by Presidential Decree No. 1861,[15] the pertinent provisions of which state:

> SEC. 4. Jurisdiction. - The Sandiganbayan shall exercise:
>
> (a) Exclusive original jurisdiction in all cases involving:
>
> (1) Violations of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, Republic Act No. 1379, and Chapter II, Section 2, Title VII of the Revised Penal Code;
>
> (2) Other offenses or felonies committed by public officers and employees in relation to their office, including those employed in government-owned or controlled corporations, whether simple or complexed with other crimes, where the penalty prescribed by law is higher than prision correccional or imprisonment for six (6) years, or a fine of P6,000.00; PROVIDED, HOWEVER, that offenses or felonies mentioned in this paragraph where the penalty prescribed by law does not exceed prision correccional or imprisonment for six (6) years or a fine of P6,000.00 shall be tried by the proper Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court and Municipal Circuit Trial Court.

xxx.

On May 16, 1995, R.A. No. 7975 took effect. At this time, Mayor Binay had not yet been arraigned in the Sandiganbayan. On the other hand, R.A. No. 7975 was already in effect when the information against Mayor Magsaysay et al., was filed on August 11, 1995 in the RTC of Batangas City.

Section 2 of R.A. No. 7975 amended Section 4 of P.D. No. 1606 to read as follows:

> Sec. 4. Jurisdiction. -- The Sandiganbayan shall exercise original jurisdiction in all cases involving:
>
> a. Violations of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, Republic Act No. 1379, and Chapter II, Section 2, Title VII of the Revised Penal Code, where one or more of the principal accused are officials occupying the following positions in the government, whether in a permanent, acting or interim capacity, at the time of the commission of the offense:
>
> (1) Officials of the executive branch occupying the positions of regional director and higher, otherwise classified as grade "27" and higher, of the Compensation and Position Classification Act of 1989 (Republic Act No. 6758), specifically including:
>
> (a) Provincial governors, vice-governors, members of the sangguniang panlalawigan, and provincial treasurers, assessors, engineers, and other provincial department heads;
>
> (b) City mayors, vice-mayors, members of the sangguniang panlungsod, city treasurers, assessors, engineers, and other city department heads;

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

(c) Officials of the diplomatic service occupying the position of consul and higher;

(d) Philippine army and air force colonels, naval captains, and all officers of higher rank;

(e) PNP chief superintendent and PNP officers of higher rank;

(f) City and provincial prosecutors and their assistants, and officials and prosecutors in the Office of the Ombudsman and special prosecutor;

(g) Presidents, directors or trustees, or managers of government-owned or controlled corporations, state universities or educational institutions or foundations;

(2) Members of Congress and officials thereof classified as Grade "27" and up under the Compensation and Position Classification Act of 1989;

(3) Members of the judiciary without prejudice to the provisions of the Constitution;

(4) Chairmen and members of Constitutional Commissions, without prejudice to the provisions of the Constitution; and

(5) All other national and local officials classified as Grade "27" and higher under the Compensation and Position Classification Act of 1989.

b. Other offenses or felonies committed by the public officials and employees mentioned in subsection (a) of this section in relation to their office.

c. Civil and criminal cases filed pursuant to and in connection with Executive Order Nos. 1, 2, 14 and 14-A.

In cases where none of the principal accused are occupying positions corresponding to salary grade "27" or higher, as prescribed in the said Republic Act No. 6758, or PNP officers occupying the rank of superintendent or higher, or their equivalent, exclusive jurisdiction thereof shall be vested in the proper Regional Trial Court, Metropolitan Trial Court, Municipal Trial Court, and Municipal Circuit Trial Court, as the case may be, pursuant to their respective jurisdiction as provided in Batas Pambansa Blg. 129.

xxx.

While the cases against petitioners were pending in this Court, congress enacted R.A. No. 8249, again redefining the jurisdiction of the Anti-Graft Court. This law took effect, per Section 10 thereof, on February 23, 1997, fifteen days after its complete publication on February 8, 1997 in the Journal and Malaya, two newspapers of general circulation.

As further amended by Section 4 of R.A. No. 8249, Section 4 of P.D. No. 1606 now reads:

SEC. 4. Jurisdiction. - The Sandiganbayan shall exercise exclusive original jurisdiction in all cases involving:

a. Violations of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, Republic Act No. 1379, and Chapter II, Section 2, Title VII, Book II of the Revised Penal Code, where one or more of the accused are officials occupying the following positions in the government, whether in a permanent, acting or interim capacity, at he time of the commission of the offense:

(1) Officials of the executive branch occupying the position of regional director and higher, otherwise classified as grade "27" and higher, of the Compensation and Position Classification Act of 1989 (Republic Act No. 6758), specifically including:

(a) Provincial governors, vice-governors, members of the sangguniang panlalawigan, and provincial treasurers, assessors, engineers, and other provincial department heads;

(b) City mayors, vice-mayors, members of the sangguniang panlungsod, city treasurers, assessors, engineers, and other city department heads;

(c) Officials of the diplomatic service occupying the position of consul and higher;

(d) Philippine army and air force colonels, naval captains, and all officers of higher rank;

(e) Officers of the Philippine National Police while occupying the position of provincial director and those holding the rank of senior superintendent or higher;

(f) City and provincial prosecutors and their assistants, and officials and prosecutors in the office of the Ombudsman and special prosecutor;

(g) Presidents, directors or trustees, or managers of government-owned or controlled corporations, state universities or educational institutions or foundations.

(2) Members of Congress and officials thereof classified as Grade "27" and up under the Compensation and Position Classification Act of 1989;

(3) Members of the judiciary without prejudice to the provisions of the Constitution;

(4) Chairmen and members of Constitutional Commissions, without prejudice to the provisions of he Constitution; and

(5) All other national and local officials classified as Grade "27" and higher under the Compensation and Position Classification Act of 1989.

b. Other offenses or felonies whether simple or complexed with other crimes committed by the public officials and employees mentioned in subsection (a) of this section in relation to heir office.

d. Civil and criminal cases filed pursuant to and in connection with Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986.

In cases where none of the accused are occupying positions corresponding to salary grade "27" or higher, as prescribed in the said Republic Act No. 6758, or military and PNP officers mentioned above, exclusive original jurisdiction thereof shall be vested in the proper regional trial court, metropolitan trial court, municipal trial court, and municipal circuit trial court, as the case may be, pursuant to their respective jurisdictions as provided in Batas Pambansa Blg. 129, as amended.

Petitioners contend that they do not come under the exclusive original jurisdiction of the Sandiganbayan because:

(1) At the alleged time of the commission of the crimes charged, petitioner municipal mayors were not classified as Grade 27.

(2) Municipal mayors are not included in the enumeration in Section 4a(1) of P.D. No. 1606, as amended by R.A. No. 7975.

(3) Congressional records reveal that the law did not intend municipal mayors to come under the exclusive original jurisdiction of the Sandiganbayan.

A

In support of his contention that his position was not that of Grade 27, Mayor Binay argues:

xxx. The new law's consistent and repeated reference to salary grade show[s] an intention to base the separation of jurisdiction between the Sandiganbayan and the regular courts on pay scale. Grades are

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

> determined by compensation. The essence of grades is pay scales. Therefor, pay scales determine grades.[16]

Mayor Binay, thus, presented a Certification[17] from the City Personnel Officer of Makati stating that petitioner as mayor received a monthly salary of only P10,793.00 from March 1987 to December 31, 1988. This amount was supposedly equivalent to Grade 22 under R.A. No. 6758.

Mayor Magsaysay, for his part, submitted a similar Certification[18] from the Municipal Treasurer of San Pascual, Batangas, stating:

> x x x that the basic monthly salary received by Mario C. Magsaysay, Municipal Mayor of San Pascual, Batangas with Salary Grade 27 is ELEVEN THOUSAND EIGHT HUNDRED TWENTY EIGHT PESOS (P11,828.00) per month as of November 3, 1993 equivalent only to Grade 25, Step 5 of RA 6758, the Compensation and Position Classification Act of 1989.
>
> Section 444(1) (Grad[e] 27) of RA 6758 is not as yet implemented due to budgetary constraints. This certification is issued to Mayor Mario C. Magsaysay this 30th day of May 1996 at San Pascual, Batangas for whatever legal purpose and/or purposes it may serve.

The Court does not subscribe to the manner by which petitioners classify Grades.

The Constitution[19] states that in providing for the standardization of compensation of government officials and employees, Congress shall take "into account the nature of the responsibilities pertaining to, and the qualifications required for their positions," thus:

> The Congress shall provide for the standardization of compensation of government officials, including those in government-owned or controlled corporations with original charters, taking into account the nature of the responsibilities pertaining to, and the qualifications required for their positions.
>
> Corollary thereto, Republic Act No. 6758[20] provides in Section 2 thereof that differences in pay are to be based "upon substantive differences in duties and responsibilities, and qualification requirements of the positions.' In short, the nature of an official's position should be the determining factor in the fixing of his or her salary. This is not only mandated by law but dictated by logic as well.
>
> Consistent with these policies, the law employs the scheme known as the "grade" defined in Presidential Decree No. 985[21] as including
>
> xxx all classes of positions which, although different with respect to kind or subject matter of work, are sufficiently equivalent as to level of difficulty and responsibilities and level of qualification requirements of the work to warrant the inclusion of such classes of positions within one range of basic compensation.[22]

The grade, therefore, depends upon the nature of one's position -- the level of difficulty, responsibilities, and qualification requirements thereof -- relative to that of another position. It is the official's Grade that determines his or her salary, not the other way around.

It is possible that a local government official's salary may be less than that prescribed for his Grade since his salary depends also on the class and financial capability of his or her respective local government unit.[23] Nevertheless, it is the law which fixes the official's grade.

Thus, Section 8 of R.A. 6758 fixes the salary grades of the President, Vice-President, Senate President, Speaker, Chief Justice, Senators, Members of the House of Representatives, Associate Justices of the Supreme Court, as well as the Chairmen and Members of the Constitutional Commissions. Section 8 also authorizes the Department of Budget and Management (DBM) to "determine the officials who are of equivalent rank to the foregoing officials, where applicable" and to assign such officials the same Salary Grades subject to a set of guidelines

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

found in said section.

For positions below those mentioned under Section 8, Section 9 instructs the DBM to prepare the "Index of Occupational Services" guided by the Benchmark Position prescribed in Section 9 and the factors enumerated therein.

To determine whether an official is within the exclusive original jurisdiction of the Sandiganbayan, therefore, reference should be made to R.A. No. 6758 and the Index of Occupational Services, Position Titles and Salary Grades. Salary level is not determinative. An official's grade is not a matter of proof, but a matter of law of which the Court must take judicial notice.[24]

As both the 1989 and 1997 versions of the Index of Occupational Services, Position Titles and Salary Grades list the municipal Mayor under Salary Grade 27, petitioner mayors come within the exclusive original jurisdiction of the Sandiganbayan. Petitioner mayors are "local officials classified as Grade '27' and higher under the Compensation and Position Classification Act of 1989," under the catchall provision, Section 4a(5) of P.D. No. 1606, as amended by R.A. No. 7975. More accurately, petitioner mayors are "[o]fficials of the executive branch occupying the positions of regional director and higher, otherwise classified as grade '27' and higher, of the Compensation and Position Classification Act of 1989," under Section 4a(1) of P.D. No. 1606, as amended by R.A. No. 7975.[25]

B

Petitioners, however, argue that they are not included in the enumeration in Section 4a(1). They invoke the rule in statutory construction expressio unius est expressio alterius. As what is not included in those enumerated is deemed excluded, municipal officials are excluded from the Sandiganbayan's exclusive original jurisdiction.

Resort to statutory construction, however, is not appropriate where the law is clear and unambiguous.[26] The law is clear in this case. As stated earlier, Section 4a(1) of P.D. No. 1606, as amended by R.A. No. 7975, speaks of "[o]fficials of the executive branch occupying the positions of regional director and higher, otherwise classified as grade '27' and higher, of the compensation and Position Classification Act of 1989."

The Court fails to see how a different interpretation could arise even if the plain meaning rule were disregarded and the law subjected to interpretation.

The premise of petitioners' argument is that the enumeration in Section 4a(1) is exclusive. It is not. The phrase "specifically including" after "[o]fficials of the executive branch occupying the positions of regional director and higher, otherwise classified as grade '27' and higher, of the Compensation and Position Classification Act of 1989" necessarily conveys the very idea of non-exclusivity of the enumeration. The principle of expressio unius est exclusio alterius does not apply where other circumstances indicate that the enumeration was not intended to be exclusive,[27] or where the enumeration is by way of example only.[28] In Conrado B. Rodrigo, et al. vs. The Honorable Sandiganbayan (First Division), supra, the Court held that the catchall in Section 4a(5) was "necessary for it would be impractical, if not impossible, for Congress to list down each position created or will be created pertaining to grades 27 and above." The same rationale applies to the enumeration in Section 4a(1). Clearly, the law did not intend said enumeration to be an exhaustive list.

Should there be any doubts as to whether petitioner mayors are under the category of Grade 27, Section 444(d) of the Local Government Code settles the matter:

The municipal mayor shall receive a minimum monthly compensation corresponding to Salary Grade twenty-seven (27) as prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto.

In the Court's Resolution in Rodrigo dated July 2, 1999 denying the motion for reconsideration, we treated the above provision as "confirmatory of the Salary Grade assigned by the DBM to Municipal Mayors."

C

Petitioner Binay cites previous bills[29] in Congress dealing with the jurisdiction of the Sandiganbayan. These bills supposedly sought to exclude municipal officials from the Sandiganbayan's exclusive original jurisdiction to relieve these officials ,especially those from the provinces, of the financial burden brought about by trials in Manila.

The resort to congressional records to determine the proper application of the law in this case is unwarranted in this case for the same reason that the resort to the rule of inclusio unius est expressio alterius is inappropriate.

> Verily, the interpretation of the law desired by the petitioner may be more humane but it is also an elementary rule in statutory construction that when the words and phrases of the statute are clear and unequivocal, their meaning must be determined from language employed and the statute must be taken to mean exactly what it says. (Baranda v. Gustilo, 165 SCRA 758-759[1988]). The courts may not speculate as to the probable intent of the legislature apart from the words (Aparri v. CA, 127 SCRA 233[1984]). When the law is clear, it is not susceptible to interpretation. It must be applied regardless of who may be affected, even if the law may be harsh or onerous. (Nepomuceno, et al. v. FC, 110 Phil. 42). And even granting that exceptions may be conceded, the same as a general rule, should be strictly but reasonably construed; they extend only so far as their language fairly warrants, and all doubts should be resolved in favor of the general provisions rather than the exception. Thus, where a general rule is established by statute, the court will not curtail the former nor add to the latter by implication (Samson v. CA., 145 SCRA 654[1986]).[30]

Thus, in Rodrigo, petitioners therein argued in their motion for reconsideration:

> x x x that the inclusion of Municipal Mayors within the jurisdiction of the Sandiganbayan would be inconvenient since the witness in their case would come from Baguio City and San Nicolas, Pangasinan. This, according to petitioners, would defeat one of the purposes of R.A. No. 7975, that is, the convenience of the accused.

The Court, in denying the motion for reconsideration, held, among others, that:

> The legislature has nevertheless chosen the mode and standard by which to implement its intent, and courts have no choice but to apply it. Congress has willed that positions with Grade 27 and above shall come within the jurisdiction of the Sandiganbayan and this Court is duty-bound to obey the congressional will.

Petitioner Binay also quotes the Sponsorship Speech of Senator Roco, stating:

> Since February 1979, when the Sandiganbayan was established up to the present, the Court has been confronted with the problem of those accused who are of limited means who stand trial for 'petty crimes,' the so-called 'small fry' -- the barangay officials, the municipal officials and employees, postal clerks and letter carriers and the like -- who are involved with 'nickel-and-dime' cases and money-related cases such as malversation, estafa and theft. xxx

xxx xxx xxx

Senate Bill No. 1353 modifies the present jurisdiction of the Sandiganbayan such that only those occupying high positions in Government and the military fall under the jurisdiction of the court.[31]

It is not clear, however, whether Senator Roco meant that all municipal officials are excluded from the jurisdiction of the Sandiganbayan. In any case, courts are not bound by a legislator's opinion in congressional

debates regarding the interpretation of a particular legislation. It is deemed a mere personal opinion of the legislator.[32] Such opinions do not necessarily reflect the view of the entire Congress.[33]

D

From the foregoing discussion, it is clear that the cases against petitioner Binay cannot be referred to the regular courts under Section 7 of R.A. No. 7975, which provides:

> Sec. 7. Upon effectivity of this Act, all criminal cases in which trial has not begun in the Sandiganbayan shall be referred to the proper courts.

In construing the correct import of Section 7, it may be helpful to refer to the guidelines in determining jurisdiction laid down in Bengzon vs. Inciong:[34]

> The rule is that where a court has already obtained and is exercising jurisdiction over a controversy, its jurisdiction to proceed to the final determination of the cause is not affected by new legislation placing jurisdiction over such proceedings in another tribunal. The exception to the rule is where the statute expressly provides, or is construed to the effect that it is intended to operate as to actions pending before its enactment. Where a statute changing the jurisdiction of a court has no retroactive effect, it cannot be applied to a case that was pending prior to the enactment of the statute.

R.A. No. 7975, by virtue of Section 7, belongs to the exception rather than the rule. The provision is transitory in nature and expresses the legislature's intention to apply its provisions on jurisdiction to "criminal cases in which trial has not begun in the Sandiganbayan." To this extent, R.A. 7975 is retroactive.

Such a transitory provision is not peculiar to R.A. No. 7975; similar provisions are found in other laws reallocating the jurisdiction of the courts.[35] There is no reason why Section 7 of R.A. No. 7975 should be any different.

The term "proper courts," as used in Section 7, means "courts of competent jurisdiction," and such jurisdiction is defined in Section 4 of P.D. No. 1606, as amended by R.A. No. 7975. The former should not be read in isolation but construed in conjunction with the latter.

The term "proper courts" as used in Section 7, therefore, is not restricted to "regular courts," but includes as well the Sandiganbayan, a special court. If the intent of Congress were to refer all cases the trials of which have not begun to the regular courts, it should have employed the term "proper regular courts" or "regular courts" instead of "proper courts." Accordingly, the law in the third paragraph of Section 4 P.D. No. 1606, as amended by Section 2 of R.A. No. 7975, uses the term "regular courts," not "proper courts":

> The Sandiganbayan shall exercise exclusive appellate jurisdiction on appeals from the final judgments, resolutions or orders of regular courts where all the accused are occupying positions lower than salary grade "27," or not otherwise covered by the preceding enumeration. [Underscoring supplied.]

Construed thus, the effects of Section 7 may be summarized as follows:

> 1. If trial of cases before the Sandiganbayan has already begun as of the approval of R.A. No. 7975, R.A. No. 7975 does not apply.
>
> 2. If trial of cases before the Sandiganbayan has not begun as of the approval of R.A. No. 7975, then R.A. No. 7975 applies.
>
> (a) If by virtue of Section 4 of P.D. No. 1606, as amended by Section 2 of R.A. No. 7975, the Sandiganbayan has jurisdiction over a case before it, then the case shall be referred to the Sandiganbayan.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> (b) If by virtue of Section 4 of P.D. No. 1606, as amended by Section 2 of R.A. No. 7975, the Sandiganbayan has no jurisdiction over a case before it, the case shall be referred to the regular courts.

The trial of the cases involving Mayor Binay had not yet begun as of the date of the approval of R.A. 7975; consequently, the Anti-Graft Court retains jurisdiction over the said cases.

In any case, whatever seeming ambiguity or doubt regarding the application of Section 7 of R.A. No. 7975 should be laid to rest by Section 7 of R.A. No. 8249, which states:

> Sec. 7. Transitory Provision. - This Act shall apply to all cases pending in any court over which trial has not begun as of the approval hereof.

The latter provision more accurately expresses the legislature's intent and in any event should be applied in this case, R.A. No. 8249 having superseded R.A. No. 7975.

In Panfilo M. Lacson vs. The Executive Secretary, et al.,[36] The Court explained the purpose of the foregoing provision.

> x x x it can be reasonably anticipated that an alteration of [Sandiganbayan's] jurisdiction would necessarily affect pending cases, which is why it has to provide for a remedy in the form of a transitory provision. x x x. The transitory provision does not only cover cases which are in the Sandiganbayan but also in "any court." x x x. Moreover, those cases where trial had already begun are not affected by the transitory provision under Section 7 of the new law (RA 8249). [Emphasis in the original.]

The possible disruptive effect of the amendments to the Sandiganbayan's jurisdiction on pending cases was, therefore, not lost on the legislature. Congress has, furthermore, deemed the commencement of the trial as the crucial point in determining whether a court retains a case pending before it or lose the same on the ground of lack of jurisdiction per the provisions of R.A. 8249. The law obviously does not want to waste the time and effort already devoted to the presentation of evidence if trial had already begun. On the other hand, not much disruption would be caused if the amendment were made to apply to cases the trials of which have not yet to start.

The ramifications of Section 7 of R.A. No. 8249 may be stated as follows:

> 1. If trial of the cases pending before whatever court has already begun as of the approval of R.A. No. 8249, said law does not apply.
>
> 2. If trial of cases pending before whatever court has not begun as of the approval of R.A. No. 8249, then said law applies.
>
> (a) If the Sandiganbayan has jurisdiction over a case pending before it, then it retains jurisdiction.
>
> (b) If the Sandiganbayan has no jurisdiction over a case pending before it, the case shall be referred to the regular courts.
>
> (c) If the Sandiganbayan has jurisdiction over a case pending before a regular court, the latter loses jurisdiction and the same shall be referred to the Sandiganbayan.
>
> (d) If a regular court has jurisdiction over a case pending before it, then said court retains jurisdiction.

Thus, under both R.A. Nos. 7975 and 8429, the Sandiganbayan retains jurisdiction over said cases.

II

Petitioner Binay avers in his Addendum to Petition that his right to speedy disposition has been violated by the inordinate delay in the resolution of the subject cases by the Ombudsman.

Article III of the Constitution provides that:

> Sec. 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

The constitutional right to "a speedy disposition of cases" is not limited to the accused in criminal proceedings but extends to all parties in all cases, including civil and administrative cases, and in all proceedings, including judicial and quasi-judicial hearings.[37] Hence, under the Constitution, any party to a case may demand expeditious action on all officials who are tasked with the administration of justice.[38]

However, the right to a speedy disposition of a case, like the right to speedy trial,[39] is deemed violated only when the proceedings is attended by vexatious, capricious, and oppressive delays; or when unjustified postponements of the trial are asked for and secured, or when without cause or justifiable motive a long period of time is allowed to elapse without the party having his case tried.[40] Equally applicable is the balancing test used to determine whether a defendant has been denied his right to a speedy trial, or a speedy disposition of a case for that matter, in which the conduct of both the prosecution and the defendant is weighed, and such factors as the length of the delay, the reasons for such delay, the assertion or failure to assert such right by the accused, and the prejudice caused by the delay.[41] The concept of speedy disposition is a relative term and must necessarily be a flexible concept.[42]

A mere mathematical reckoning of the time involved, therefore, would not be sufficient.[43] In the application of the constitutional guarantee of the right to speedy disposition of cases, particular regard must also be taken of the facts and circumstances peculiar to each case.[44]

In Tatad vs.Sandiganbayan,[45] the Court held that the length of delay and the simplicity of the issues did not justify the delay in the disposition of the cases therein. The "unexplained inaction"[46] of the prosecutors called for the dismissal of the cases against petitioner Tatad.

In Alvizo vs. Sandiganbayan,[47] the Court also ruled that there was no violation of the right to speedy disposition. The Court took into account the reasons for the delay, i.e., the frequent amendments of procedural laws by presidential decrees, the structural reorganizations in existing prosecutorial agencies and the creation of new ones by executive fiat, resulting in changes of personnel, preliminary jurisdiction, and the functions and powers of prosecuting agencies. The Court likewise considered the failure of the accused to assert such right, and the lack of prejudice caused by the delay to the accused.

In Santiago vs. Garchitorena,[48] the complexity of the issues and the failure of the accused to invoke her right to speedy disposition at the appropriate time spelled defeat to her claim to the constitutional guarantee.

In Cadalin vs. POEA's Administrator,[49] the Court, considering also the complexity of the cases ("not run-of-the-mill variety") and the conduct of the parties' lawyers, held that the right to speedy disposition was not violated therein.

In petitioner Binay's case, the Court finds that there was no undue delay in the disposition of the subject cases. The proceedings conducted before the Office of the Tanodbayan, and later with the Office of the Ombudsman, adequately explains the length of the delay:

> 1. That on July 27, 1988 Bobby Brillante filed with the Office of the Tanodbayan an affidavit-complaint

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

charging, Jejomar Binay, Sergio Santos, Roberto Chang, Delfin Almeda, Nelson Irasga, Nicasio Santiago, Feliciano Basam, Maria Chan, Romeo Barrios, Azucena Diaz, Virgilio Clarete, Godofredo Marcelo, Armando San Miguel, Salvador Pangilinan and John Does of the following offenses: (a) Massive Malversation of Public Funds; (b) Multiple Falsification of Public Documents; (c) Usurpation of Official Functions; (d) Violation of Election Law; and (e) Violation of Sec. 3(e) of R.A. 3019.

1.1. Brillante's complaint was based on the initial findings and observations of the COA on the examination of the cash and accounts covering transactions from April 1, 1987 to January 4, 1988 and Post-Audit of Selected Accounts for the last quarter of 1987 of the Municipality of Makati contained in its Report dated January 11, 1988. The COA furnished the Tanodbayan a copy of this report on August 1, 1988 upon request of the latter.

1.2. In the letter of the COA transmitting a copy of the report, the Tanodbayan was informed that this COA audit report of January 11, 1988 is not yet released since the Mayor of Makati was given thirty days within which to explain/clarify the findings in the report and is subject to change or modification depending upon the explanation/clarification to be submitted by the Mayor of Makati. Because of this information from the COA the preliminary investigation was held in abeyance until the submission of the final report.

1.3. On March 1, 1989, the first part of the Final Report on Audit of Makati was received by the Office of the Ombudsman and was transmitted for purposes of the ensuring preliminary investigation to the Tanodbayan which received the same on March 22, 1989.

1.4. This first part of the Final Report contained the fifteen (15) adverse findings, above elsewhere stated as the basis of Bobby Brillante's complaint.

1.5. Eleven (11) COA auditors participated in the documentation and analysis of its findings and preparation of the final report.

1.6. The first part of the final report was followed by a Supplemental Report on Findings No. 1 and 3. This Supplemental Report is dated July 3, 1989.

2. After securing machine copies of the voluminous documents supporting the COA findings, Pros. Margarito Gervacio, Chairman of the Panel of Prosecutors, issued the corresponding subpoena directing the respondents to submit their respective counter-affidavits.

2.1. In compliance with the subpoena, Mayor Jejomar Binay submitted his counter-affidavit on May 18, 1990, Marissa Chan, Feliciano Bascon, Nicanor Santiago, Jr. on June 19, 1990, Renato Manrique on June 4, 1990, Alfredo Ignacio on June 6, 1990, Roberto Chang on August 27, 1990. Feliciano Bascon submitted his Supplemental Affidavit on November 22, 1990.

2.2. Thereafter, clarificatory examinations were conducted on September 27, 1990, October 26, 1990, November 8, 9, 14, 22, 1990.

3. On January 15, 1991 Mayor Jejomar Binay submitted a copy of this Petition for Certiorari in G.R. No. 92380 which he and the municipality of Makati filed with the Supreme Court against COA Chairman, Eufemio Domingo and the Commission on Audit, with a manifestation that said petition is submitted to support Binay's stand as regard COA Finding No. 9 aforestated.

4. On April 2, 1992 respondent Marissa Chan filed an affidavit containing allegations incriminating Jejomar Binay;

5. Upon being ordered to comment on the said April 2, 1992 affidavit of Marissa Chan, Jejomar Binay submitted his comment thereto on April 30, 1992.

6. On August 4, 1993, the Investigation Panel submitted to the Deputy Special Prosecutor its Resolution disposing

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

the preliminary investigation of the case.

> 6.1. On August 10, 1993 the said Resolution was approved by the Special Prosecutor, who forwarded the same and the entire records to the Office of the Ombudsman for review and/or final action.
>
> 6.2. On August 16, 1994, the Review Panel of the Ombudsman submitted to the latter its review action for approval.
>
> 6.3. On August 19, 1994, the Ombudsman approved some of the recommendations of the Review Panel and directed the preparation and filing of the informations.[50]

Furthermore, the prosecution is not bound by the findings of the Commission on Audit (COA); it must rely on its own independent judgment in the determination of probable cause. Accordingly, the prosecution had to conduct it s own review of the COA findings. Judging from said findings, we find that the cases were sufficiently complex, thus justifying the length of time for their resolution. As held by the Sandiganbayan in its Resolution dated March 29, 1995 denying the Motion to Quash:

> 2. Ten charges are involved in these cases and the prosecution, unable to rely on the raw findings of the Commission on Audit in 15 reports caused the investigation and examination of thousands of vouchers, payrolls, and supporting documents considering that no less than the Chairman of the Commission on Audit, assisted by a team supervisor and 10 team members had to take part in the conduct of a final audit consisting of evaluation and analysis of the initial findings in the 15 raw reports, the cases must have involved complicated legal and factual issues which do warrant or justify a longer period of time for preliminary investigation.
>
> xxx
>
> 5. In the TATAD case, the preliminary investigation was resolved close to three (3) years from the time all the counter-affidavits were submitted to the Tanodbayan, notwithstanding the fact that very few documentary and testimonial evidence were involved. In the above-entitled cases, the preliminary investigation of all ten (10) cases was terminated in merely two (2) years and four (4) months from the date Mayor Binay filed his last pleading, on April 30, 1992.[51]

Petitioner claims that the Resolution of the Sandiganbayan ordering his suspension pendente lite is unwarranted since the informations charging him were not valid. This contention, however, must fail in view of our pronouncement that there was no delay in the resolution of the subject cases in violation of his right to speedy disposition. Accordingly, the informations in question are valid an petitioner’s suspension pendente lite must be upheld.

Finally, whether or not there is probable cause to warrant the filing of the subject cases is a question best left to the discretion of the Ombudsman. Absent any grave abuse of such discretion, the Court will not interfere in the exercise thereof.[52] Petitioner in this case has failed to establish any such abuse on the part of the Ombudsman.

III

Having ruled that the criminal case against petitioners in G.R. No. 128136 is within the exclusive original jurisdiction of the Sandiganbayan, the Court will now dispose of the following issues raised by them:

> (1) The Sandiganbayan was ousted of its jurisdiction by the filing of an information alleging the same facts with the Regional Trial Court.
>
> (2) Respondents are estopped from filing an information before the Sandiganbayan considering that they had already filed another information alleging the same facts before the Regional Trial Court.
>
> (3) The filing of the information before the Sandiganbayan constitutes double jeopardy.

The Court tackles these arguments successively then deals with the questions of duplicity of information and forum shopping.

Petitioners invoke the rule that "the jurisdiction of a court once it attaches cannot be ousted by subsequent happenings or events, although of such character which would have prevented jurisdiction from attaching in the first instance."[53] They claim that the filing of the information in the Sandiganbayan was a "subsequent happening or event" which cannot oust the RTC of its jurisdiction.

This rule has no application here for the simple reason that the RTC had no jurisdiction over the case. Jurisdiction never attached to the RTC. When the information was filed before the RTC, R.A. No. 7975 was already in effect and, under said law, jurisdiction over the case pertained to the Sandiganbayan.

Neither can estoppel be successfully invoked. First, jurisdiction is determined by law, not by the consent or agreement of the parties or by estoppel.[54] As a consequence of this principle, the Court held in Zamora vs. Court of Appeals[55] that:

> It follows that as a rule the filing of a complaint with one court which has no jurisdiction over it does not prevent the plaintiff from filing the same complaint later with the competent court. The plaintiff is not estopped from doing so simply because it made a mistake before in the choice of the proper forum. In such a situation, the only authority the first court can exercise is to dismiss the case for lack of jurisdiction. This has to be so as a contrary conclusion would allow a party to divest the competent court of its jurisdiction, whether erroneously or even deliberately, in derogation of the law.

It is true that the Court has ruled in certain cases[56] that estoppel prevents a party from questioning the jurisdiction of the court that the party himself invoked. Estoppel, however, remains the exception rather than the rule, the rule being that jurisdiction is vested by law.[57] Even in those instances where the Court applied estoppel, the party estopped consistently invoked the jurisdiction of the court and actively participated in the proceedings, impugning such jurisdiction only when faced with an adverse decision. This is not the case here. After discovering that a similar information had earlier been filed in the RTC, respondents promptly asked the trial court to refer the case to the Sandiganbayan, which motion was followed by a motion to resolve the previous motion. There was no consistent invocation of the RTC's jurisdiction. There were no further proceedings after the filing of the information save for the motion to refer the case precisely on the ground of lack of jurisdiction, and the motion to resolve the earlier motion. Finally, the trial court had not rendered any decision, much less one adverse to petitioners.

Second, petitioners cannot hold respondents in estoppel for the latter are not themselves party to the criminal action. In a criminal action, the State is the plaintiff, for the commission of a crime is an offense against the State. Thus, the complaint or information filed in court is required to be brought in the name of the "People of the Philippines."[58] Even then, the doctrine of estoppel does not apply as against the people in criminal prosecutions.[59] Violations of the Anti-Graft and Corrupt Practices Act, like attempted murder,[60] is a public offense. Social and public interest demand the punishment of the offender; hence, criminal actions for public offenses can not be waived or condoned, much less barred by the rules of estoppel.[61]

The filing of the information in the Sandiganbayan did not put petitioners in double jeopardy even though they had already pleaded "not guilty" to the information earlier filed in the RTC. The first jeopardy never attached in the first place, the RTC not being a court of competent jurisdiction. There can be no double jeopardy where the accused entered a plea in a court that had no jurisdiction.[62] The remedy of petitioners, therefore, was not to move for the quashal of the information pending in the Sandiganbayan on the ground of double jeopardy.[63] Their remedy was to move for the quashal of the information pending in the RTC on the ground of lack of

jurisdiction. [64]

The contention that the filing of the information in the Sandiganbayan violated the rule against duplicitous informations is patently unmeritorious. That rule presupposes that there is one complaint or information charging not one offense, but two or more offenses. Thus, Rule 110 of the Rules of Court states:

> Sec. 13. Duplicity of offense. - A complaint or information must charge but one offense, except only in those cases in which existing laws prescribed a single punishment for various offenses.
>
> Non-compliance with this rule is a ground for quashing the duplicitous complaint or information under Rule 117:
>
> Sec. 3. Grounds. - The accused may move to quash the complaint or information on any of the following grounds:
>
> x x x
>
> (e) That more than one offense is charged except in those cases in which existing laws prescribe a single punishment for various offenses;
>
> x x x
>
> Here, petitioners are faced not with one information charging more than one offense but with more than one information charging one offense.

The Court does not find the prosecution guilty of forum-shopping. Broadly speaking, forum shopping exists when, as a result of an adverse opinion in one forum, a party seeks a favorable opinion (other than by appeal or certiorari) in another, or when he institutes two or more actions or proceedings grounded on the same cause, on the gamble that one or the other court would make a favorable disposition.[65] We discern no intent on the part of the State, in filing two informations in two different courts, to "gamble that one or the other court would make a favorable disposition."

Obviously, respondents got their signals crossed. One set of officials, after investigating a complaint filed by the Vice-Mayor of San Pascual, Batangas charging petitioners of overpricing, filed the information for violation of Section 3(e) of R.A. No. 3019 in the RTC. Another set of officials investigated another complaint from the Concerned Citizens Group accusing petitioners of, among others, overpricing the same project subject of the previous complaint. Finding probable cause, the second set of officials instituted the criminal action, charging the same offense and alleging essentially the same facts as the first, this time in the Sandiganbayan. Later learning of the procedural faux pas, respondents without undue delay asked the RTC to refer the case to the Sandiganbayan.

WHEREFORE, the consolidated petitions are hereby DISMISSED.

Bellosillo, Melo, Puno, Vitug, Mendoza, Purisima, Pardo, Buena, Gonzaga-Reyes, and Ynares-Santiago, JJ., concur.

Panganiban, J., see separate opinion.

Davide, Jr., C.J., joins J. Panganiban in his separate opinion.

Quisumbing, J., concurs with J. Panganiban's separate opinion.

---

[1] See Presidential Decree No. 1606, Batas Pambansa Blg. 129, and Presidential Decrees Nos. 1860 and 1861. (Panfilo M. Lacson vs. The Executive Secretary, et al., G.R. No. 128096, January 20, 1999.)

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

[2] An Act to Strengthen the Functional and Structural Organization of the Sandiganbayan, amending for that Purpose Presidential Decree No. 1606, as amended.

[3] An Act Further Defining the Jurisdiction of the Sandiganbayan, Amending for the purpose Presidential Decree No. 1606, as amended, Providing Funds Therefor, and for Other Purposes.

[4] Otherwise known as the Anti-Graft and Corrupt Practices Act.

[5] Illegal use of public finds or property.

[6] Docketed as Criminal Case No. 21001 (For: Viol. Of Art. 220, Revised Penal Code [Illegal Use of Public Funds]).

[7] Docketed as Criminal Case Nos. 21005 and 21007 (For: Viol. Of Sec. 3(e), R.A. 3019 [The Anti-Graft and Corrupt Practices Act]).

[8] SEC. 13. Suspension and loss of benefits. -- Any incumbent public officer against whom any criminal prosecution under a valid information under this Act or under Title 7, Book II of the Revised Penal Code or for any offense involving fraud upon government or public funds or property whether as a simple or as a complex offense and in whatever stage of execution and mode of participation, is pending in court, shall be suspended from office.

[9] G.R. Nos. 119781-83.

[10] Panfilo M. Lacson vs. The Executive Secretary, et al., supra.

[11] Rollo, G.R. Nos. 120681-83, pp. 56-57.

[12] Rollo, G.R. No. 128136, p. 49.

[13] Id., at 16-17.

[14] Entitled “Revising Presidential Decree No. 1486 Creating A Special Court to be known as Sandiganbayan and for Other Purposes,” promulgated 10 December 1978.

[15] Entitled “Amending the Pertinent Provisions of Presidential Decree No. 1606 and Batas Pambansa Blg. 129 Relative to the Jurisdiction of the Sandiganbayan and for Other Purposes,” promulgated 23 March 1983.

[16] Rollo, G.R. Nos. 120681-83, pp. 18-19. Emphasis in the original.

[17] Id., at 45.

[18] Rollo, G.R. No. 128136, p. 115.

[19] Section 5, Article IX-B.

[20] An Act Prescribing A Revised Compensation and Position Classification System in the Government and other Purposes.

[21] A Decree Revising the Position Classification and Compensation Systems in the National Government and integrating the same.

[22] Section 3h, P.D. No. 985.

[23] Section 10 and 19 (b), R.A. No. 6758.

[24] Section 1, Rule 129 of the Rules of Court states:

> SECTION 1. Judicial notice, when mandatory. -- A court shall take judicial notice, without the introduction of evidence, xxx the official acts of the legislative, executive and judicial department of the Philippines, xxx.

[25] See Conrado B. Rodrigo, Jr. et al. vs. The Honorable Sandiganbayan (First Division), et al., G.R. No. 125498, February 18, 1999.

[26] Cecilleville Realty and Service Corp. vs. Court of Appeals, 278 SCRA 819 (1997); Victoria vs. Commission on Elections, 229 SCRA 269 (1994); Allarde vs. Commission on Audit, 218 SCRA 227 (1993); Pascual vs. Pascual-Bautista, 207 SCRA 561 (1992); Fagel Tabin Agricultural Corp. vs. Jacinto, 203 SCRA 189 (1991); Insular Bank of Asia and America Employee's Union (IBAAEU) vs. Inciong, 132 SCRA 663 (1984); Insular Lumber Co. vs. Court of Tax Appeals, 104 SCRA 710 (1981).

[27] Escribano vs. Avila, 85 SCRA 245 (1978).

[28] Gomez vs. Ventura, 54 Phil. 726 (1930).

[29] Senate Bill Nos. 594 and 761.

[30] Pascual vs. Pascual-Buatista, supra.

[31] Rollo, G.R. Nos. 120681-83, p. 312. Emphasis and underscoring in the original.

[32] Mayon Motors, Inc. vs. Acting Commissioner of Internal Revenue, 1 SCRA 918 (1961).

[33] Casco Philippine Chemical Co., Inc. vs. Gimenez, 7 SCRA 347 (1963).

[34] 91 SCRA 248 (1979), cited in Atlas Fertilizer Corporation vs. Navarro, 149 SCRA 432 (1987).

[35] E.g., Section 7 of Republic Act No. 7691 and Section 8 of P.D. No. 1606.

[36] Supra.

[37] Cadalin vs. POEA's Administrator, 238 SCRA 722 (1994).

[38] Ibid.

[39] Section 14 (2), Article III, Constitution.

[40] Gonzales vs. Sandiganbayan, 199 SCRA 298 (1991).

[41] Ibid. See also Alvizo vs. Sandiganbayan, 220 SCRA 55 (1993); Caballero vs. Alfonso, Jr., 153 SCRA 153 (1987).

[42] Alvizo vs. Sandiganbayan, supra. See also Cadalin vs. POEA's Administrator, supra, citing Caballero vs. Alfonso, 153 SCRA 153 (1987).

[43] Socrates vs. Sandiganbayan, 253 SCRA 773 (1996).

[44] Ibid., reiterating Tatad vs. Sandiganbayan, 159 SCRA 70 (1988).

[45] Supra.

[46] See Santiago vs. Garchitorena, 228 SCRA 214 (1993).

[47] Supra.

[48] Supra.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

[49] Supra.

[50] Sandiganbayan Resolution dated March 29, 1995, pp. 3-4; Rollo, G.R. Nos. 120681-83, pp. 238-239.

[51] Rollo, G.R. Nos. 120681-83, pp. 248-249.

[52] Conrado B. Rodrigo et al. vs. The Honorable Sandiganbayan (First Division) et al., supra, citing cases.

[53] Citing I Regalado, Remedial Law Compendium, 1984 ed., p. 9, and cases cited therein.

[54] Tolentino vs. Court of Appeals, 280 SCRA 226 (1997).

[55] 183 SCRA 279 (1990). See also China Banking Corporation vs. Court of Appeals, 270 SCRA 503 (1997).

[56] E.g., Ramirez vs. Commission on Elections, 270 SCRA 590 (1997); Quintanilla vs. Court of Appeals, 279 SCRA 397 (1997); Sia vs. Court of Appeals, 272 SCRA 141 (1997).

[57] Calimlim vs. Ramirez, 118 SCRA 399 (1982). See also Dy vs. NLRC, 145 SCRA 211 (1986); People vs. Eduarte, 182 SCRA 750 (1990); Corona vs. Court of Appeals, 214 SCRA 378 (1992).

[58] Section 2, Rule 110, Rules of Court.

[59] Talusan vs. Ofiana, 45 SCRA 467 (1972).

[60] Ibid.

[61] Ibid.

[62] See De Guzman vs. Escalona; 97 SCRA 619 (1980); People vs. Galano, 75 SCRA 193 (1977).

[63] Section 3 (h), Rule 117, Rules of Court.

[64] Section 3(b), Rule 117, Rules of Court.

[65] Benguet Electric Cooperative, Inc. vs. Flores, 287 SCRA 449 (1998).

SEPARATE OPINION

PANGANIBAN, J.:

I concur with the majority that, as a rule, the Sandiganbayan retains jurisdiction over criminal cases involving municipal mayors.

Due to their peculiar factual circumstances, however, Petitioner Binay's cases, I believe, should be deemed exceptions and referred to the "proper courts," that is, the regional trial courts. These factual circumstances are simple: (1) the Information charging Binay were filed in the Sandiganbayan on July 7, 1994, prior the enactment of RA 7975; and (2) when RA 7975 took effect on May 16, 1995, trial in the anti-graft court had not yet commenced. In fact, Binay had not been arraigned yet. These undisputed facts are plainly governed by the unambiguous provision of Section 7, RA 7975, which reads:

> "Sec. 7. Upon the effectivity of this Act, all criminal cases in which trial has not begun in the Sandiganbayan shall be referred to the proper courts."

The majority, however, complicates the above syllogistic application of the law by ruling that before Section 7 could be used, a prior determination as to which court has jurisdiction over the cases should first be undertaken.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Since the aforesaid general rule states that the Sandiganbayan retains jurisdiction over municipal mayors, then Binay's cases should be referred by the anti-graft court to itself, not to the regional trial courts.

With due respect, I believe this rather circumlocutory interpretation renders Section 7 useless. In fact, I daresay that said interpretation or explanation is much more difficult to understand than the provision itself. Indeed, why should the words "proper courts" be deemed to include the Sandiganbayan? The majority's ruling leads to the absurdity of the Sandiganbayan's being required to refer to itself a criminal case already pending before it, one in which trial has not yet begun. I would rather rest on the most fundamental rule in statutory construction: Interpretation is needed only when the law is vague, not when it is clear and unambiguous,[1] as in the case of Section 7, RA 7975.

Consequently, I vote (1) to GRANT the Petition in GR Nos. 120681-83, because Binay's cases fall under the exception stated in Section 7, RA 7975; and (2) to DISMISS the Petition in GR No. 128136, because Petitioner Magsaysay's cases were filed after RA 7975 had taken effect; they are thus covered by the general rule that the Sandiganbayan has jurisdiction over municipal mayors.

---

[1] Ruben E. Agpalo, Statutory Construction, 1990 ed., p. 94.1

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

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.