

CARLITO P. BONDOC, PETITIONER, VS. THE HONORABLE SANDIGANBAYAN AND THE HONORABLE TANODBAYAN, RESPONDENTS.

G.R. Nos. 71163-65. November 09, 1990

Ponente: NARVASA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-71163-65/>

NARVASA, J.:

Section 4 (paragraph 3) of Presidential Decree No.1606, as amended, provides in part that[1] -

"In case private individuals are charged as co-principals, accomplices or accessories with public officers or employees, including those employed in government-owned or controlled corporations, they should be tried jointly with said public officers or employees."

Whether or not compliance with this requirement is mandatory in every instance, and is indeed so essential as to cause the Sandiganbayan to lose jurisdiction over a specific criminal case in the event of its non-fulfilment, is the main issue presented by the special civil action of certiorari at bar. The issue is raised in the context of the undisputed facts hereunder narrated.

Two (2) employees of the Central Bank -- Manuel Valentino and Jesus Estacio -- and nine (9) private individuals, were charged with several felonies of estafa thru falsification of public documents in three (3) separate informations filed by the Tanodbayan with the Sandiganbayan on April 15, 1982. The actions were docketed as Criminal Cases Numbered 5949 to 5951. They were assigned to the Second Division of the Sandiganbayan.

Before the prosecution rested its case, the Tanodbayan filed with the Sandiganbayan on August 23, 1984, another set of three (3) indictments, this time against Carlito P. Bondoc (Assistant Manager of the Greenhills Branch of CITIBANK) and Rogelio Vicente, also a private individual, charging them with the same crimes involved in Cases No. 5949 to 5951 as principals by indispensable cooperation. The actions against Bondoc and Vicente were docketed as Criminal Cases Numbered 9349 to 9351. They were assigned to the Third Division of the Sandiganbayan.

Bondoc moved to quash the informations on January 3, 1985 on the basic theory that as a private individual charged as co-principal with government employees, he should be tried jointly with the latter pursuant to Section 4 (paragraph 3) of PD 1606, as amended, *supra*; hence, the separate proceedings commenced against him were invalid, for lack of jurisdiction of the Sandiganbayan over the offenses and his person.

The Third Division denied Bondoc's motion to quash, by Resolution dated February 22, 1985.[2] It ruled that (a) the joint trial of private individuals and public employees charged as co-principals, dealt with in the cited provision of law, is not a jurisdictional requirement; (b) Bondoc's theory would practically make the Court's "jurisdiction over a private individual charged as co-principal, accomplice or accessory with a public officer or employee dependent upon such private individual" (as by evading service of legal processes until "joint trial is no longer feasible"); and (c) it is the intention of the law, manifested in the same Section 4, "to avert split jurisdiction

(and) thus avoid multiplicity of suits."

Bondoc moved for reconsideration on March 4, 1985. His motion was denied by Resolution dated March 28, 1985. However, in order to obviate his objection to a separate trial, which was the principal basis of his motion to quash, the Third Division, in the same resolution, referred Bondoc's cases (No. 9349 to 9351) to the Second Division for consolidation with Cases Numbered 5949 to 5951.[3]

But by that time the trial of Criminal Cases No. 5949 to 5951 had been terminated. The Second Division thus resolved, on June 4, 1985,[4] to deny the proposed consolidation of the action and to return Criminal Cases No. 9349 to 9351 to the Third Division. In its Resolution, the Second Division also made the following observation, to wit:

"In Our resolution dated April 9, 1985, We accepted the transfer of these cases and directed the accused and counsel to ascertain the advisability of having them consolidated and jointly tried with Criminal Cases Nos. 5949 to 5951 which have been previously ordered reopened. However, at the hearing held on April 1, 1985, counsel for accused Rogelio G. Vicente manifested that there is no possibility of the instant cases being consolidated with Criminal Cases Nos. 5949 to 5951 or the adoption of prosecution's evidence adduced in said cases, as well as the fact that said accused has a pending motion for reinvestigation with the Tanodbayan * *

On receiving the criminal cases back from the Second Division, the Third Division set the cases for arraignment and trial on August 1 and 2, 1985.

On June 26, 1985, Bondoc filed with this Court the petition for certiorari and prohibition at bar.

He argues that the Sandiganbayan acted with grave abuse of discretion in seeking to try him separately from the Central Bank employees:

1. In accordance with the clear phraseology of paragraph 3, Section 4, PD 1606, it is required that he shall be tried jointly with the government employees involved in the same offenses, namely: Manuel Valentino and Jesus Estacio; the language is mandatory, the requirement jurisdictional.
2. Being mandatory and jurisdictional, the provision should be given a strict construction, citing American authorities[5] to the effect that if mandatory provisions prescribed by law are not followed, the proceedings to which they relate are illegal and void.
3. Since the Sandiganbayan is a special court, with jurisdiction over special cases which are removed from the jurisdiction of regular courts; and since the governing law allows only one appeal from its judgments of conviction and therefore the defendant's chances of eventual acquittal is thereby lessened, the law creating said Sandiganbayan should be subject to strict interpretation because in derogation of general jurisdiction and of rights of individuals.[6]
4. In sum, before the Sandiganbayan may lawfully try a private individual under PD 606, the following requisites must be satisfied:
 - a) he must be charged with a public officer/employee, and
 - b) he must be tried jointly.Otherwise, ordinary courts should have jurisdiction. Any other interpretation would render the provision in question "useless, meaningless and nugatory."
5. The Third Division itself recognized the need for a joint trial when it referred his cases to the Second Division for consolidation.

6. Since a joint trial was then already impossible, said mandatory and jurisdictional provision can no longer be complied with; therefore, the Sandiganbayan cannot exercise jurisdiction over the offense and the person of the petitioner.

7. Under these circumstances, the petitioner has a right to be tried by civil courts where his chances of acquittal are greater considering that therein, there are at least two levels of appeal.

8. The prosecution should have amended the informations in Criminal Cases No. 5949 to 5951 to include Bondoc as additional accused (this being only an amendment in form); then it could ask for suspension of the proceedings, so the evidence can be re-introduced as against Bondoc.

9. Finally, the only public employee charged in Criminal Cases 5949-5951 is janitor-messenger, Estacio. The other Central Bank employee, Valentino, had already been discharged as a state witness. He (Bondoc) was being made to stand trial in the Sandiganbayan simply because an "errand boy" in the Central Bank has also been accused of some complicity in the crime.

The Solicitor General, for his part -

1) brands as absurd the petitioner's argument that the Sandiganbayan may acquire jurisdiction only by a joint trial, this being contrary to the rule that in criminal cases jurisdiction of the person is acquired by his arrest (or voluntary submission to the Court), and over the offense, by the filing of the indictment; and

2) asserts that Section 4 (3), PD 1606 merely prescribes the procedure when a private individual is charged with a public officer or employee; once jurisdiction is acquired, it is not lost by procedural error (Ramos, et al. v. CB, 41 SCRA 565; Dioquino v. Cruz, et al., 116 SCRA 451).

Section 4 of Presidential Decree No. 1606 vests the Sandiganbayan with exclusive original jurisdiction over specific crimes and, as the Sandiganbayan has pointed out, *supra*, provides against split jurisdiction as regards the civil liability arising from the crime. It declares that the Sandiganbayan shall have -

" ** 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 prison correccional or imprisonment for six (6) years, or a fine of P6,000.00."

It also declares that -

"Any provision of law or the Rules of Court to the contrary notwithstanding, the criminal action and the corresponding civil action for the recovery of civil liability arising from the offense charged shall at all times be simultaneously instituted with, and jointly determined in the same proceeding by the Sandiganbayan or the appropriate courts (also vested with jurisdiction over crimes committed by public officers and employees), the filing of the criminal action being deemed to necessarily carry with it the filing of the civil action, and no right to reserve the filing of such civil action separately from the criminal action shall be recognized; Provided, However, That where the civil action had heretofore been filed separately but judgment therein has not yet been rendered, and the criminal case is hereafter filed with the Sandiganbayan or the appropriate court, said civil action shall be transferred to the Sandiganbayan or the appropriate court, as the case may be, for consolidation and joint determination with the criminal action, otherwise the separate civil action shall be considered abandoned.

Now, the crime with which Bondoc is charged -- as co-principal by indispensable cooperation with the Central Bank employees above mentioned (Valentino and Estacio) -- in each of the three (3) indictments against him is the complex felony of estafa thru falsification of public documents under Article 171[7] in relation to Articles 315[8] and 48[9] of the Revised Penal Code. The crimes are "offenses or felonies committed by public officers and employees in relation to their office," in confabulation and conspiracy with him (Bondoc) and other private persons. The penalty prescribed by law for each of the three offenses is higher than the penalty set out in Section 4 of PD 1606 above cited, i.e., prision correccional or six years, or a fine of P6,000.00[10] Each offense is therefore within the exclusive original jurisdiction of the Sandiganbayan.

It is indisputable that the Sandiganbayan acquired jurisdiction of the offenses charged in the informations against Bondoc and his co-accused, based on the nature of the crimes as described in the indictments and the penalty prescribed therefor by law. Also incontrovertible is that the Sandiganbayan acquired jurisdiction of the persons of the accused through their arrest by virtue of a warrant, or voluntary submission to the Court's authority.

It is true that the law requires that Bondoc and Vicente, as private individuals charged as co-principals with public officers or employees, "be tried jointly with said public officers or employees." Given the peculiar circumstances of their cases, i.e., they (Bondoc and Vicente) were not investigated and indicted until long after the criminal proceedings against their co-principals had commenced, and the latter's cases had already been submitted for decision when Bondoc's and Vicente's own cases came up for trial -- the question that now arises is whether or not the declaration of the Sandiganbayan that it was no longer possible or legally feasible to try them jointly with the government employees accused of the same offenses, had the effect of causing the Sandiganbayan to lose jurisdiction over Bondoc's cases, and whether or not, as a consequence, those cases became cognizable by the regular courts and should be transferred thereto for trial and adjudgment.

It must at once be evident that the seeming impossibility of a joint trial cannot and does not alter the essential nature of the crimes in question, as felonies perpetrated by public officers or employees in confabulation with private persons. It should be as obvious, too, that assuming it is correct to construe the law in a strictly literal sense, the indicated course of action would be to insist on holding a joint trial regardless of whatever circumstances may appear to make such a joint trial inappropriate, inconvenient, unfeasible. Thus, for instance, the cases in the Second Division, although already submitted for decision, should be reopened to allow for the consolidation of Bondoc's cases with those of the defendants therein, and the reception of evidence against and for Bondoc. Indeed, even in the extreme hypothesis of appeal having already been taken by Bondoc's co-accused, the course of action dictated by a literal construction of the provision on joint trial is the remand of the appealed case to the Sandiganbayan so that the joint trial may be conducted.

To construe the law in the manner indicated, however, would be unreasonable, if not absurd (what of the case, for instance, where the accused public officers or employees have already been convicted and have appealed, or are already serving sentence, or have been acquitted), and settled is the rule that courts should not give a statute a meaning that would lead to absurdities;[11] general terms of a statute should be so limited in their application as precisely to avoid absurdities, and it will always be presumed that the legislature intended exceptions to its language which would avoid consequences of this character.[12] The provision in question should thus be read as requiring that private individuals accused in the Sandiganbayan, together with public officers or employees, must be tried jointly with the latter unless the attendant circumstances have made impossible or impracticable such a joint trial, as in the cases at bar, in which event the trial of said private persons may proceed separately from the public officers or employees whose own trials have been concluded.

Besides, there is nothing so sacrosanct or important about a joint trial as to justify a radical deviation from ordinary, orderly court processes in order to have it, or as to affect the very jurisdiction of the Court required to

conduct it. The evidence of the State or of the accused does not become weaker or stronger whether presented at a joint or separate trial; the rights of the accused are not enhanced or diluted by the character of a trial as joint or separate; the procedure prescribed in either situation is essentially the same. Indeed, it is a gauge of the importance of a joint trial, in the eyes of trial attorneys and of the law itself, that there are as many lawyers moving for a separate trial as there are for a joint trial, and that courts are granted the discretion, in case where two or more accused are jointly charged with an offense, to order separate trials instead of a joint trial, on motion of the fiscal or any accused.[13]

Furthermore, it is not legally possible to transfer Bondoc's cases to the Regional Trial Court, for the simple reason that the latter would not have jurisdiction over the offenses. As already above intimated, the inability of the Sandiganbayan to hold a joint trial of Bondoc's cases and those of the government employees separately charged for the same crimes, has not altered the nature of the offenses charged, as estafa thru falsification punishable by penalties higher than prision correccional or imprisonment of six years, or a fine of P6,000.00, committed by government employee in conspiracy with private persons, including Bondoc. These crimes are within the exclusive, original jurisdiction of the Sandiganbayan. They simply cannot be taken cognizance of by the regular courts, apart from the fact that even if the cases could be so transferred, a joint trial would nonetheless not be possible.

As to Bondoc's only other argument, that his cases should be transferred to the regular courts because he would there have two levels of appeal (i.e.. the Court of Appeals, and then the Supreme Court), unlike in the Sandiganbayan where his appellate recourse is only one, to the Supreme Court, it suffices to point out, as the Sandiganbayan has, that the matter has long since been laid to rest, in *Nuñez v. Sandiganbayan*.[14]

WHEREFORE, the petition is DENIED for lack of merit, with costs against petitioner.

SO ORDERED.

Fernan, C.J., Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Gancayco, Padilla, Bidin, Sarmiento, Griño-Aquino, Medialdea, and Regalado, JJ., concur.
Feliciano, J., on leave.

[1] Italics supplied

[2] Rollo, pp. 34-39

[3] *Id.*, p. 49

[4] *Id.*, pp. 56-57

[5] 50 Am Jur 19, 22

[6] 50 Am Jur 398

[7] Defining the felony of falsification by a public officer or employee, etc. and imposing the penalty of prision mayor and a fine not to exceed 5,000 pesos therefore

[8] Defining the felony of swindling (estafa), and imposing therefor the penalty inter alia of prision correccional in its maximum period to prision mayor in its minimum period, if the amount of the fraud is over 12,000 pesos but does not exceed 22,000 pesos, and if such amount exceeds the latter sum, providing for the imposition of the prescribed penalty in its maximum period, adding also, one year for each additional 10,000 pesos, the total imposable penalty not to exceed 20 years

[9] Which provides inter alia that when an offense is a necessary means for committing the other, the penalty for the most serious crime shall be imposed, the same to be applied in its maximum period

[10] See preceding footnotes 7-9

[11] Agpalo, Ruben E., Statutory Construction, 1986, ed, p. 109, citing Automotive Parts & Equipment Co. v. Lingad, 30 SCRA 247 (1969); In re Allen, 2 Phil. 630 (1903); Ledesma v. Pictain, 79 Phil. 95 (11947); Pritchard v. Republic, 81 Phil. 244 (1948); Chartered Bank v. Imperial, 48 Phil. 931 (1921); Director of Lands v. Abaya, 63 Phil. 559 (1936); Peo. v. de Guzman 90 Phil. 132 (1951)

[12] Op cit., citing In re Allen, 2 Phil. 630 (1903)

[13] Sec. 8, Rule 119, Rule of Court, as amended

[14] 111 SCRA 433,449-451 (1982)

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.