

**\*\*Title:\*\*** People of the Philippines vs. Garfin & Saballegue, G.R. No. 470 Phil. 211

**\*\*Facts:\*\***

On June 22, 2001, an information was filed by State Prosecutor Romulo SJ. Tolentino against Serafin Saballegue for violating Section 22(a) in relation to Sections 19(b) and 28(e) of RA 8282 (Social Security Act). The information asserted that Saballegue, proprietor of Saballegue Printing Press in Naga City, had failed to remit SSS premiums from February 1990 to the time of filing, totaling over PHP 6,500 with penalties amounting to PHP 11,143.28.

The case was initially raffled to RTC Branch 19, presided by Judge Zeida Aurora B. Garfin. On September 24, 2001, Saballegue pleaded not guilty. Subsequently, on September 27, 2001, Saballegue filed a motion to dismiss on the grounds that the information lacked prior written authority or approval from the city or provincial prosecutor, as stipulated by Rule 112, Section 4 of the Rules on Criminal Procedure.

The State Prosecutor opposed the motion, leading to a series of pleadings between the parties. The trial court granted the motion to dismiss on February 26, 2002, citing the information did not comply with procedural rules requiring approval by the city prosecutor and emphasizing that jurisdiction could be questioned at any stage. Despite the State Prosecutor's motion for reconsideration, highlighting Tolentino's appointment undersigned by higher authority, Judge Garfin denied the motion on April 3, 2002, due to lack of notice of hearing.

The People of the Philippines, through Regional and State Prosecutors, filed a petition for certiorari and mandamus under Rule 65, claiming grave abuse of discretion by the trial court in dismissing the case.

**\*\*Issues:\*\***

1. Whether the absence of prior written authority from the city or provincial prosecutor in filing the information undermines the court's jurisdiction.
2. Whether Judge Garfin erred in concluding that the combination of jurisdictional defect and want of prosecutorial approval is uncured by entering a plea.

**\*\*Court's Decision:\*\***

1. **\*\*Lack of Prosecutorial Authority:\*\***

- The Court agreed with the trial court that the absence of prior written authority from the city or provincial prosecutor made the information defective. It upheld the interpretation that the directive from the Regional State Prosecutor to State Prosecutor Tolentino did not equate to authorization from the Secretary of Justice, rendering the case procedurally flawed.

## 2. **Waiver through Plea:**

- The Court reinforced the doctrine that insufficient authority in filing an information equates to a lack of jurisdiction, which is not remedied by the accused entering a plea. Jurisdiction is foundational and cannot be conferred by silence or acquiescence. The Court cited the *Villa v. Ibañez* precedent, allowing challenges on jurisdiction grounds at any stage of the proceedings.

### **Doctrine:**

- **Authority to File an Information:** In accordance with Rule 112, Section 4, filing an information without prior written approval from a city or provincial prosecutor renders it jurisdictionally defective.

- **Jurisdictional Defects Not Waived by Plea:** Lack of authority to file an information constitutes a jurisdictional defect that is not waived by the accused entering a plea. This doctrine has been consistently applied as seen in *Villa v. Ibañez* and upheld in subsequent cases.

### **Class Notes:**

#### - **Key Legal Concepts:**

- The authority of the State to prosecute is derived from the official signing the information, wherein unauthorized filing results in jurisdictional lapses.

- Procedural requirements under Rule 112 establish a strict mandate for prosecutorial approvals.

- In criminal procedure, jurisdiction issues rooted in filings are perpetual and can be raised at any time.

### **Historical Background:**

This case was considered in the backdrop of increasing enforcement of the Social Security Act provisions and strict procedural adherence in criminal filings under the Revised Rules of Court. It highlights tussles between procedural technicalities and substantive justice,

reflecting judicial efforts to balance the integrity of prosecution with compliance to administrative hierarchical approvals, during a time of legal system reformations in the early 2000s Philippines.