

****Title:**** Villa v. Ibanez: Legal Qualifications for Special Counsel Appointment

****Facts:****

1. Pedro P. Villa, the petitioner, was charged with falsification of a payroll within the Manila Health Department's division of veterinary services.
2. Attorney Abelardo Subido, Chief of the Division of Investigation in the Office of the Mayor of Manila, was appointed by then Secretary of Justice, Ricardo Nepomuceno, as a special counsel to assist the City Fiscal of Manila.
3. Subido, in this capacity, filed an information against Villa for the alleged falsification.
4. Villa challenged Subido's authority to file the information, questioning his legal qualifications under Section 1686 of the Revised Administrative Code, as amended by Commonwealth Act No. 144.
5. Judge Fidel Ibanez of the Court of First Instance of Manila sustained Subido's authority, leading Villa to file a petition for certiorari, effectively seeking prohibition against further proceedings based on the contested information.
6. Villa had already pleaded to the information but later filed a motion to quash it, essentially on jurisdictional grounds.

****Issues:****

1. Whether Attorney Subido, being outside the Department of Justice, was legally qualified to be appointed as special counsel under Section 1686 of the Revised Administrative Code.
2. Whether Villa's plea to the information constituted a waiver of his right to object to the information's validity based on Subido's qualifications and its impact on jurisdiction.

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

1. The Supreme Court deemed Attorney Subido's appointment as special counsel invalid for not meeting the statutory qualifications under Section 1686. The Code stipulates that eligible individuals must either be subordinates from the Department of Justice or competent individuals not already in public service.
2. Subido, being a regular officer in the Department of Interior, did not fit these criteria, as the statute was designed to ensure that special counsel would be subject to the exclusive supervision of the Secretary of Justice, preventing conflicts between different executive branches.
3. As the appointment did not comply with these provisions, it rendered the information filed by Subido invalid, thus barring jurisdiction over Villa's case on that defective basis.
4. The Court asserted that a question of jurisdiction could be raised at any stage of the proceedings, which Villa did post-plea. The infirmity relating to the competence of the

officer signing the information wasn't just a formal defect but a fundamental jurisdictional one that wasn't cured by Villa's prior involvement or consent.

****Doctrine:****

The appointment of special counsels under Section 1686 of the Revised Administrative Code must strictly include only those within the Department of Justice or private individuals not holding public office, ensuring full supervisory control by the Secretary of Justice.

****Class Notes:****

- Key Statutory Provision: Section 1686 of the Revised Administrative Code, as amended by Commonwealth Act No. 144.
- Jurisdictional Defects: Issues concerning the personal or subject-matter jurisdiction can be raised at any proceeding's stage.
- Supervision and Control: Public officers appointed must fall under the supervision of the appointing official to avoid conflicts of directives.

****Historical Background:****

The case reflects the separation of powers and oversight principles crucial during the mid-20th century in the Philippines, emphasizing the necessity for clear bureaucratic and jurisdictional boundaries. This period saw restructuring efforts for enhanced governance, notably aiming to consolidate prosecutorial oversight within appropriate executive branches, emphasizing judicial autonomy and administrative legality.