

Title:

People of the Philippines vs. The Sandiganbayan and Ceferino S. Paredes, Jr., G.R. No. 99439

Facts:

In a detailed series of events:

1. **Initial Complaints:** On October 28, 1986, and December 9, 1986, Teofilo Gelacio filed complaints with the Tanodbayan against Ceferino S. Paredes, Jr., a former Provincial Attorney of Agusan del Sur.
2. **Subject of the Complaint:** The complaints questioned the issuance of a free patent title to Paredes in 1976, for Lot No. 3097-8, which was purportedly reserved for a school site.
3. **Referral:** The Tanodbayan referred the complaint to the City Fiscal of Butuan City on February 23, 1989.
4. **Lack of Notice:** The subpoena for Paredes' preliminary investigation was not served on him but on the Station Commander of San Francisco, who failed to notify Paredes.
5. **Ex Parte Preliminary Investigation:** City Fiscal Ernesto Brocoy conducted a preliminary investigation ex parte, leading to a recommendation for filing an information.
6. **Approval and Filing of Information:** The Tanodbayan approved the recommendation, and on August 10, 1989, filed an information in the Sandiganbayan against Paredes.
7. **Arrest and Detention:** Paredes was arrested based on a warrant issued by the Sandiganbayan and refused to post bail, claiming invalidity of the information and the warrant.
8. **Habeas Corpus Petition:** Paredes' wife filed a habeas corpus petition, which was denied by the Supreme Court with a suggestion to post bail and subsequently move to quash the information.
9. **Motion to Quash:** On April 5, 1991, Paredes filed a motion to quash the information, alleging prescription, invalid preliminary investigation, and violation of due process.
10. **Sandiganbayan Ruling:** On August 1, 1991, the Sandiganbayan granted the motion to quash the information on the ground of prescription.

Issues:

1. **Prescriptive Period:** When does the period for prescription of the offense for violating Sec. 3(a) of R.A. No. 3019 commence?
2. **Validity of the Preliminary Investigation:** Whether the preliminary investigation, information prepared, and the arrest warrant were invalid due to lack of notice to Paredes.
3. **Violation of Constitutional Rights:** Whether Paredes' constitutional right to due

process was violated due to the delay in the preliminary investigation.

4. **Retroactive Application of B.P. Blg. 195:** Whether B.P. Blg. 195 extending the prescription period from 10 to 15 years can retroactively apply.

Court's Decision:

1. **Prescription of the Offense:**

- The violation occurred on January 21, 1976, the date Paredes filed his application for the free patent.

- The 10-year prescriptive period thus started on that date, reaching its end on January 21, 1986.

- The period can alternatively be considered from May 28, 1976 (issuance of the title), still lapsing by May 28, 1986.

- Gelacio's complaint filed on October 28, 1986, was beyond this period, making the action prescribed.

2. **Validity of Preliminary Investigation:**

- Lack of notice invalidated the preliminary investigation conducted by Deputized Tanodbayan Ernesto Brocoy.

3. **Due Process Violation:**

- The Court considered Paredes' claim of due process violation due to the delay but primarily ruled on the prescription period.

4. **Retroactive Application of B.P. Blg. 195:**

- The Court ruled against the retroactive application of B.P. Blg. 195 as it would constitute an ex post facto law, prejudicing Paredes post facto.

Doctrine:

- **Prescription in Special Laws:** Violation of special laws like R.A. No. 3019 is subject to the prescriptive period from the date of violation or its discovery. Once the statutory period lapses, prosecution is barred.

- **Ex Post Facto Law:** Laws cannot retroactively alter the prescriptive period to the detriment of the accused for crimes committed before the law's amendment.

Class Notes:

- **Key Elements and Concepts:**

- **Prescription:** Time bar for prosecuting crimes starts from the commission or discovery of the act.

- **Due Process:** Right to notice in preliminary investigations.

- **Ex Post Facto Law:** Prohibits retroactive application of laws detrimental to the

accused.

- **Relevant Statutes:**
- **R.A. No. 3019, Sec. 3(a):** Anti-Graft and Corrupt Practices Act.
- **B.P. Blg. 195:** Amended prescriptive period to 15 years.
- **Act No. 3326, Sec. 2 & 29:** Governs prescription for special laws.
- **1987 Constitution, Sec. 22, Art. III:** Prohibition of ex post facto laws.

Historical Background:

- **Political Climate:** The case occurred during a politically tumultuous period in the Philippines, post-EDSA Revolution (1986), with numerous investigations into alleged abuses by previous officials.
- **Legislation:** The Anti-Graft and Corrupt Practices Act (R.A. No. 3019) of 1960 aimed to combat corruption, with B.P. Blg. 195 enhancing enforcement by extending the prescriptive period in 1982.