



SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
Supreme Court  
Manila

**THIRD DIVISION**

**OMAR ERASMO GONOWON  
AMPONGAN,**

Petitioner,

- versus -

**HON. SANDIGANBAYAN,  
PEOPLE OF THE PHILIPPINES,  
AND OMBUDSMAN SPECIAL  
PROSECUTOR,**

Respondents.

**G.R. Nos. 234670-71**

**Present:**

PERALTA, J., *Chairperson*,  
LEONEN,  
REYES, A., JR.,  
HERNANDO, and  
INTING, JJ.

**Promulgated:**

August 14, 2019

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**DECISION**

**PERALTA, J.:**

Before us is a petition for *certiorari* under Rule 65 of the Rules of Court, filed by petitioner Omar Erasmo Gonowon Ampongan, seeking to annul and set aside the Order<sup>1</sup> dated September 29, 2017 issued by the Sandiganbayan in SB-17-CRM-1429 and SB-17-CRM-1430.

The antecedent facts are as follows:

On July 14, 2017, the Office of the Ombudsman, through the Office of the Special Prosecutor, filed two Informations with the Sandiganbayan charging petitioner with (1) violation of Section 3(e) of Republic Act (R.A.) No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act; and (2) violation of Article 171, paragraph 2 of the Revised Penal Code, in connection with the appointment of one Edsel Dimaiwat to the vacant

<sup>1</sup> Rollo, pp. 26-27. Penned by Associate Justice Oscar C. Herrera, Jr., and concurred in by Associate Justices Michael Frederick L. Musngi and Geraldine Faith A. Econg.

position of Secretary to the *Sangguniang Panlungsod* of Iriga City in 2014. At the time of the commission of the alleged offenses, petitioner was the Vice Mayor of Iriga City, Camarines Sur, with salary grade 26 as classified under R.A. No. 6758.<sup>2</sup>

The accusatory portion for the charge of violation of Section 3(e) of R.A. No. 3019 reads:

That on 3 November 2014, or sometime prior or subsequent thereto, in Iriga City, Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, accused OMAR ERASMO GONOWON AMPONGAN, a high-ranking public officer, being the City Vice-Mayor of Iriga City, in such capacity, committing the crime in relation to office and while in the performance of his official functions, acting with evident bad faith, manifest partiality and/or gross inexcusable negligence, did then and there willfully, unlawfully and criminally give unwarranted benefits, advantage or preference to Edsel S. Dimaiwat by appointing the latter to the vacant position of Secretary to the Sangguniang Panlungsod of Iriga City without the Iriga City Personnel Selection board having conducted a screening or deliberation on the qualifications of the candidates to the said vacant position, to the damage and prejudice of the public interest.

CONTRARY TO LAW.<sup>3</sup>

And the charge for Falsification of Public Document, as defined and penalized under Article 171, paragraph 2 of the Revised Penal Code, was committed as follows:

That on 3 November 2014, or sometime prior or subsequent thereto, in Iriga City, Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, accused OMAR ERASMO GONOWON AMPONGAN, a high-ranking public officer, being the City Vice-Mayor of Iriga City, in such capacity, committing the offense in relation to office and while in the performance of his official functions, and taking advantage of his position, did then and there willfully, unlawfully and feloniously make it appear or cause it to appear in the Civil Service Commission (CSC) appointment paper (KSS Porma Blg. 33) of Edsel S. Dimaiwat as Secretary to the Sangguniang Panlungsod of Iriga City, a public document, that “the appointee has been screened and found qualified by the Promotion/Personnel Selection Board”, when in truth and in fact, as accused well knew, that the Iriga City Personnel Selection Board did not conduct a screening or deliberation on the qualifications of the candidates to the said position, nor did the selection board convene, participate or deliberate on the qualifications of Dimaiwat for the same position, to the damage and prejudice of public interest.

CONTRARY TO LAW.<sup>4</sup>



<sup>2</sup> Compensation and Position Classification Act of 1989.

<sup>3</sup> *Rollo*, pp. 28-29. Docketed as SB-17-CRM-1429.

<sup>4</sup> *Id.* at 31-32. Docketed as SB-17-CRM-1430.

Petitioner filed a motion<sup>5</sup> to quash the Informations for lack of jurisdiction. He claimed that since the Informations did not allege any damage to the government or any bribery, or that granting without admitting that the damage had been suffered by the government, the Informations did not allege that the government suffered any damage in excess of One million pesos, hence, the jurisdiction is vested with the proper Regional Trial Court (*RTC*) as provided under Section 2 of R.A. No. 10660.<sup>6</sup> Assuming that R.A. No. 8249, the law governing the jurisdiction of the Sandiganbayan at the time of the commission of the offense, is applicable, still petitioner, as Vice Mayor with salary grade 26, is not within the jurisdiction of the Sandiganbayan.

On September 29, 2017, the Sandiganbayan, during a scheduled hearing, issued the assailed Order<sup>7</sup> as follows:

When these cases were called for arraignment today, accused Omar Erasmo Gonowon Ampongan, through counsel, Atty. Emmanuel Brotardo, moved for the deferment of the arraignment on the ground that he has filed a Motion to Quash Information on September 25, 2017 based on the following grounds: (1) that the Court has no jurisdiction because there is no allegation of damage to the government in the amount of more than One Million, and (2) that as City Vice-Mayor, he holds a position equivalent to Salary Grade 26. The Court denied the Motion to Quash Informations for the reason that the requirement of allegation of damage to the government is (*sic*) an amount of more than One Million Pesos for the Sandiganbayan to have jurisdiction applies only to cases arising from offenses committed after May 15, 2015, while his, the alleged dated (*sic*) of commission of the offense is 2014. And the second, the position of City Vice-Mayor is among those enumerated in the provisions of R.A. 8249, reiterated in R.A. 1[0]660, over which the Court has jurisdiction.

The Court proceeded with the arraignment of accused Ampongan. The Informations were read to him in open Court. After the reading of the Informations, the accused, assisted by Atty. Brotardo, informed the Court that he understands the nature and cause of the accusations against him, but refuse (*sic*) to enter a plea. The Court ordered that the plea of not guilty be entered for the accused in the two (2) criminal cases.

The pre-trial of these cases is set on October 27, 2017 at 1:30 o'clock (*sic*) in the afternoon.

SO ORDERED.<sup>8</sup>

Aggrieved, petitioner files the instant petition for *certiorari* alleging that:

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<sup>5</sup> *Id.* at 34-43.

<sup>6</sup> AN ACT STRENGTHENING FURTHER THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE SANDIGANBAYAN, FURTHER AMENDING PRESIDENTIAL DECREE NO. 1606, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR.

<sup>7</sup> *Rollo*, pp. 26-27.

<sup>8</sup> *Id.*

THE PUBLIC RESPONDENT SANDIGANBAYAN  
COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO  
LACK OR EXCESS OF JURISDICTION WHEN IT HELD THAT IT HAS  
JURISDICTION TO TRY THE SUBJECT CASES.<sup>9</sup>

The issue for resolution is whether the Sandiganbayan has jurisdiction over the offenses allegedly committed by petitioner and over his person.

Preliminarily, we note that petitioner failed to file a motion for reconsideration before resorting to the instant petition for *certiorari*. Concededly, the settled rule is that a motion for reconsideration is a condition *sine qua non* for the filing of a petition for *certiorari*. Its purpose is to grant an opportunity for the court to correct any actual or perceived error attributed to it by the re-examination of the legal and factual circumstances of the case.<sup>10</sup>

The rule is, however, circumscribed by well-defined exceptions, such as: (a) where the order is a patent nullity, as where the court *a quo* has no jurisdiction; (b) where the questions raised in the *certiorari* proceedings have been duly raised and passed upon by the lower court, or are the same as those raised and passed upon in the lower court; (c) where there is an urgent necessity for the resolution of the question and any further delay would prejudice the interests of the Government or of the petitioner or the subject matter of the action is perishable; (d) where, under the circumstances, a motion for reconsideration would be useless; (e) where petitioner was deprived of due process and there is extreme urgency for relief; (f) where, in a criminal case, relief from an order of arrest is urgent and the granting of such relief by the trial court is improbable; (g) where the proceedings in the lower court are a nullity for lack of due process; (h) where the proceedings were *ex parte* or in which the petitioner had no opportunity to object; and (i) where the issue raised is one purely of law or where public interest is involved.<sup>11</sup>

In this petition for *certiorari*, petitioner reiterates the same arguments raised in his Motion to Quash Informations which were passed upon by the Sandiganbayan, and the issues involved are pure questions of law; hence, we find the petition falling under the above-stated exceptions (b) and (i).

We now tackle the substantive issue raised, regarding the jurisdiction of the Sandiganbayan.

In *Serana v. Sandiganbayan, et al.*,<sup>12</sup> we have discussed a brief history of the law creating the Sandiganbayan, to wit:

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<sup>9</sup> *Id.* at 9.

<sup>10</sup> *Rep. of the Phils. v. Bayao, et al.*, 710 Phil. 279, 287 (2013).

<sup>11</sup> *Id.* at 287-288.

<sup>12</sup> 566 Phil. 224 (2008).

The Sandiganbayan was created by P.D. No. 1486, promulgated by then President Ferdinand E. Marcos on June 11, 1978. It was promulgated to attain the highest norms of official conduct required of public officers and employees, based on the concept that public officers and employees shall serve with the highest degree of responsibility, integrity, loyalty and efficiency and shall remain at all times accountable to the people.

P.D. No. 1486 was, in turn, amended by P.D. No. 1606 which was promulgated on December 10, 1978. P.D. No. 1606 expanded the jurisdiction of the Sandiganbayan.

P.D. No. 1606 was later amended by P.D. No. 1861 on March 23, 1983, further altering the Sandiganbayan jurisdiction. R.A. No. 7975 approved on March 30, 1995 made succeeding amendments to P.D. No. 1606, which was again amended on February 5, 1997 by R.A. No. 8249. Section 4 of R.A. No. 8249 further modified the jurisdiction of the Sandiganbayan.<sup>13</sup> (Citations omitted.)

R.A. No. 8249 was later amended by R.A. No. 10660 which took effect on May 5, 2015. Section 2 of R.A. No. 10660 amends the jurisdiction of the Sandiganbayan and which we quote the pertinent portions thereof, to wit:

Section 2. Section 4 of the same decree, as amended, is hereby further amended to read as follows:

“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 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;

X X X X



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<sup>13</sup> *Id.* at 240-241.

“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 their office.

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

**“Provided, That the Regional Trial Court shall have exclusive original jurisdiction where the information: (a) does not allege any damage to the government or any bribery; or (b) alleges damage to the government or bribery arising from the same or closely related transactions or acts in an amount not exceeding One million pesos (P1,000,000.00).**

**“Subject to the rules promulgated by the Supreme Court, the cases falling under the jurisdiction of the Regional Trial Court under this section shall be tried in a judicial region other than where the official holds office.**

“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.” (Emphasis supplied.)

Petitioner contends that based on Section 2 of R.A. No. 10660, which is the law at the time of the institution of the actions, the Sandiganbayan has no jurisdiction over his cases since the Informations filed against him do not allege any damage to the government or any bribery; or the Informations allege damage to the government in an amount not exceeding One million pesos, hence, the cases fall under the jurisdiction of the RTC.

We are not persuaded.

Generally, the jurisdiction of a court to try a criminal case is to be determined at the time of the institution of the action, not at the time of the commission of the offense.<sup>14</sup> In this case, the Informations were filed on July 14, 2017, for petitioner’s violations of Section 3(e) of R.A. No. 3019 and Article 171(2) of the Revised Penal Code, allegedly committed on November 3, 2014 or sometime prior or subsequent thereto. While R.A. No. 10660 which took effect on May 5, 2015 is the law in force at the time of the institution of the action, such law is not applicable to petitioner’s cases. R.A. No. 10660 provides that the reckoning period to determine the jurisdiction of the Sandiganbayan in cases involving violations of R.A. No. 3019 is the time of the commission of the offense, to wit:

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<sup>14</sup> *People v. Sandiganbayan (Third Div.), et al.*, 613 Phil. 407, 418 (2009), citing *Subido, Jr. v. Sandiganbayan*, 334 Phil. 346 (1997).

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 the time of the commission of the offense[.]

And more importantly, the transitory provision of R.A. No. 10660 provides:

Section 5. *Transitory Provision.* – This Act shall apply to all cases pending in the Sandiganbayan over which trial has not begun: *Provided, That:* (a) Section 2, amending Section 4 of Presidential Decree No. 1606, as amended, on “Jurisdiction”; and (b) Section 3, amending Section 5 of Presidential Decree No. 1606, as amended, on “Proceedings, How Conducted; Decision by Majority Vote” shall apply to cases arising from offenses committed after the effectivity of this Act.


It is clear from the transitory provision of R.A. No. 10660 that the amendment introduced regarding the jurisdiction of the Sandiganbayan shall apply to cases arising from offenses committed after the effectivity of the law. Consequently, the new paragraph added by R.A. No. 10660 to Section 4 of Presidential Decree (*P.D.*) No. 1606, as amended, transferring the exclusive original jurisdiction to the RTC of cases where the information: (a) does not allege any damage to the government or any bribery; or (b) alleges damage to the government or bribery arising from the same or closely related transactions or acts in an amount not exceeding One million pesos, applies to cases which arose from offenses committed after the effectivity of R.A. No. 10660.

In this case, while the Informations were filed on July 14, 2017, the alleged offenses were committed by petitioner on November 3, 2014, which was six months before the effectivity of R.A. No. 10660 on May 5, 2015. Hence, the Sandiganbayan did not abuse its discretion when it denied the motion to quash the Informations since R.A. No. 10660 finds no application to petitioner’s case.

Therefore, the applicable law to petitioner’s cases is R.A. No. 8249,<sup>15</sup> which took effect on February 23, 1997. Section 4 of R.A. No. 8249, which contains the same provision as found in Section 2 of R.A. No. 7975 which took effect on May 6, 1995, pertinently provides:

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<sup>15</sup> 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.



Section 4. Section 4 of the same decree is hereby further amended to read as follows:

“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 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:

x x x x

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

x x x x

“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 their office.

“c. 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 or 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 jurisdiction as provided in Batas Pambansa Blg. 129, as amended.”

Petitioner claims that even under R.A. No. 8249, the Sandiganbayan has no jurisdiction over him since he was then occupying the position of Vice Mayor with a salary grade of 26.

The argument deserves scant consideration.

In *Inding v. Sandiganbayan*,<sup>16</sup> where the issue presented was whether the Sandiganbayan has original jurisdiction over the petitioner therein, a member of the *Sangguniang Panlungsod* of Dapitan City with salary grade 26, who was charged with violation of Section 3(e) of R.A. No. 3019, we answered in the affirmative and held:

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<sup>16</sup> 478 Phil. 506 (2004).



Section 2 of Rep. Act No. 7975 expanded the jurisdiction of the Sandiganbayan as defined in Section 4 of P.D. No. 1606, thus:

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;

(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.

A plain reading of the above provision shows that, for purposes of determining the government officials that fall within the original jurisdiction of the Sandiganbayan in cases involving violations of Rep. Act No. 3019 and Chapter II, Section 2, Title VII of the Revised Penal Code, Rep. Act No. 7975 has grouped them into five categories, to wit:

(1) Officials of the executive branch occupying the positions of regional director and higher, otherwise classified as grade 27 and higher[;]

(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;

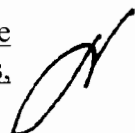
(4) Chairmen and members of Constitutional Commissions, without prejudice to the provisions of the Constitution; and

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

With respect to the first category, *i.e.*, officials of the executive branch with SG 27 or higher, Rep. Act No. 7975 further specifically included the following officials as falling within the original jurisdiction of the Sandiganbayan:

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

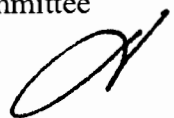
(f) City and provincial prosecutors and their assistants, and officials and prosecutors in the Office of the Ombudsman and special prosecutor;

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

The specific inclusion of the foregoing officials constitutes an exception to the general qualification relating to officials of the executive branch as “occupying the positions of regional director and higher, otherwise classified as grade 27 and higher, of the Compensation and Position Classification Act of 1989.” In other words, violation of Rep. Act No. 3019 committed by officials in the executive branch with SG 27 or higher, and the officials specifically enumerated in (a) to (g) of Section 4 a.(1) of P.D. No. 1606, as amended by Section 2 of Rep. Act No. 7975, regardless of their salary grades, likewise fall within the original jurisdiction of the Sandiganbayan.

Had it been the intention of Congress to confine the original jurisdiction of the Sandiganbayan to violations of Rep. Act No. 3019 only to officials in the executive branch with SG 27 or higher, then it could just have ended paragraph (1) of Section 4 a. of P.D. No. 1606, as amended by Section 2 of Rep. Act No. 7975, with the phrase “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.” Or the category in paragraph (5) of the same provision relating to “[a]ll other national and local officials classified as Grade ‘27’ and up under the Compensation and Classification Act of 1989” would have sufficed. Instead, under paragraph (1) of Section 4 a. of P.D. No. 1606, as amended by Section 2 of Rep. Act No. 7975, Congress included specific officials, without any reference as to their salary grades. Clearly, therefore, Congress intended these officials, regardless of their salary grades, to be specifically included within the Sandiganbayan’s original jurisdiction, for had it been otherwise, then there would have been no need for such enumeration. It is axiomatic in legal hermeneutics that words in a statute should not be construed as surplusage if a reasonable construction which will give them some force and meaning is possible.

That the legislators intended to include certain public officials, regardless of their salary grades, within the original jurisdiction of the Sandiganbayan is apparent from the legislative history of both Rep. Acts Nos. 7975 and 8249. In his sponsorship speech of Senate Bill No. 1353, which was substantially adopted by both Houses of Congress and became Rep. Act No. 7975, Senator Raul S. Roco, then Chairman of the Committee on Justice and Human Rights, explained:



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

As proposed by the Committee, the Sandiganbayan shall exercise original jurisdiction over cases assigned to it only in instances where one or more of the principal accused are officials occupying the positions of regional director and higher or are otherwise classified as Grade 27 and higher by the Compensation and Classification Act of 1989, whether in a permanent, acting or interim capacity at the time of the commission of the offense. The jurisdiction, therefore, refers to a certain grade upwards, which shall remain with the Sandiganbayan.

The President of the Philippines and other impeachable officers such as the justices of the Supreme Court and constitutional commissions are not subject to the original jurisdiction of the Sandiganbayan during their incumbency.

The bill provides for an extensive listing of other public officers who will be subject to the original jurisdiction of the Sandiganbayan. It includes, among others, Members of Congress, judges and justices of all courts.

More instructive is the sponsorship speech, again, of Senator Roco, of Senate Bill No. 844, which was substantially adopted by both Houses of Congress and became Rep. Act No. 8249. Senator Roco explained the jurisdiction of the Sandiganbayan in Rep. Act No. 7975, thus:

#### SPONSORSHIP OF SENATOR ROCO

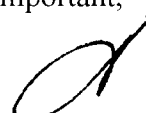
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By way of sponsorship, Mr. President – we will issue the full sponsorship speech to the members because it is fairly technical – may we say the following things:

To speed up trial in the Sandiganbayan, Republic Act No. 7975 was enacted for that Court to concentrate on the “larger fish” and leave the “small fry” to the lower courts. This law became effective on May 6, 1995 and it provided a two-pronged solution to the clogging of the dockets of that court, to wit:

It divested the Sandiganbayan of jurisdiction over public officials whose salary grades were at Grade “26” or lower, devolving thereby these cases to the lower courts, and retaining the jurisdiction of the Sandiganbayan only over public officials whose salary grades were at Grade “27” or higher and over other specific public officials holding important positions in government regardless of salary grade;

Evidently, the officials enumerated in (a) to (g) Section 4 a.(1) of P.D. No. 1606, amended Section 2 of Rep. Act No. 7975, were specifically included within the original jurisdiction of the Sandiganbayan because the lawmakers considered them “big fish” and their positions important, regardless of their salary grades.



This conclusion is further bolstered by the fact that some of the officials enumerated in (a) to (g) are not classified as SG 27 or higher under the Index of Occupational Services, Position Titles and Salary Grades issued by the Department of Budget and Management in 1989, then in effect at the time that Rep. Act No. 7975 was approved. x x x

x x x x

Noticeably, the vice mayors, members of the Sangguniang Panlungsod and prosecutors, without any distinction or qualification, were specifically included in Rep. Act No. 7975 as falling within the original jurisdiction of the Sandiganbayan. Moreover, the consuls, city department heads, provincial department heads and members of the Sangguniang Panlalawigan, albeit classified as having salary grades 26 or lower, were also specifically included within the Sandiganbayan's original jurisdiction. As correctly posited by the respondents, Congress is presumed to have been aware of, and had taken into account, these officials' respective salary grades when it deliberated upon the amendments to the Sandiganbayan jurisdiction. Nonetheless, Congress passed into law Rep. Act No. 7975, specifically including them within the original jurisdiction of the Sandiganbayan. By doing so, it obviously intended cases mentioned in Section 4 a. of P.D. No. 1606, as amended by Section 2 of Rep. Act No. 7975, when committed by the officials enumerated in (1)(a) to (g) thereof, regardless of their salary grades, to be tried by the Sandiganbayan.

Indeed, it is a basic precept in statutory construction that the intent of the legislature is the controlling factor in the interpretation of a statute. From the congressional records and the text of Rep. [Act Nos.] 7975 and 8249, the legislature undoubtedly intended the officials enumerated in (a) to (g) of Section 4 a.(1) of P.D. No. 1606, as amended by the aforesaid subsequent laws, to be included within the original jurisdiction of the Sandiganbayan.

Following this disquisition, the paragraph of Section 4 which provides that if the accused is occupying a position lower than SG 27, the proper trial court has jurisdiction, can only be properly interpreted as applying to those cases where the principal accused is occupying a position lower than SG 27 and not among those specifically included in the enumeration in Section 4 a. (1)(a) to (g). Stated otherwise, except for those officials specifically included in Section 4 a. (1)(a) to (g), regardless of their salary grades, over whom the Sandiganbayan has jurisdiction, all other public officials below SG 27 shall be under the jurisdiction of the proper trial courts "where none of the principal accused are occupying positions corresponding to SG 27 or higher." By this construction, the entire Section 4 is given effect. The cardinal rule, after all, in statutory construction is that the particular words, clauses and phrases should not be studied as detached and isolated expressions, but the whole and every part of the statute must be considered in fixing the meaning of any of its parts and in order to produce a harmonious whole. And courts should adopt a construction that will give effect to every part of a statute, if at all possible. *Ut magis valeat quam pereat* or that construction is to be sought which gives effect to the whole of the statute – its every word.<sup>17</sup> (Citations omitted; underscores supplied.)



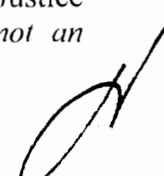
To stress, Section 4(a) of P.D. No. 1606, as amended by R.A. No. 8249, provides, among others, that officials of the executive branch occupying positions of regional director and higher, otherwise classified as Grade 27 and higher, of the Compensation and Position Classification Act of 1989 and those specifically enumerated positions therein, *i.e.*, without regard to salary grade, which include the position of, among others, Vice Mayors, are within the exclusive original jurisdiction of the Sandiganbayan if these public officials commit crimes involving: (a) violations of R.A. No. 3019, as amended, R.A. No. 1379, and Chapter II, Section 2, Title VII of the Revised Penal Code; and (b) other offenses or felonies committed in relation to their office.

In this case, petitioner was charged with violation of Section 3(e) of R.A. No. 3019 and Falsification of Public Document under Article 171(2) of the Revised Penal Code which he allegedly committed when he was the Vice Mayor of Iriga City. Violation of R.A. No. 3019 is one of those offenses, when committed by the public official enumerated in the law, to be under the Sandiganbayan's jurisdiction. While the charge of falsification is not specifically included in the enumeration of crimes over which the Sandiganbayan has jurisdiction, however, such crime falls under the category of other offenses committed in relation to the office of the public official enumerated under the law.

In *Alarilla v. Sandiganbayan*,<sup>18</sup> where one of the issues raised was whether the crime of grave threats was committed by petitioner Municipal Mayor in relation to his office and, therefore, within the jurisdiction of the Sandiganbayan, we held in the affirmative and said:

The Court has held that an offense is deemed to be committed in relation to the accused's office when such office is an element of the crime charged or when the offense charged is intimately connected with the discharge of the official functions of accused. This was our ruling in *Cunanan v. Arceo* wherein the Court explained several decisions dealing with the Sandiganbayan's jurisdiction. The Court held –

In *Sanchez v. Demetriou* [227 SCRA 627 (1993)], the Court elaborated on the scope and reach of the term "offense committed in relation to [an accused's] office" by referring to the principle laid down in *Montilla v. Hilario* [90 Phil 49 (1951)], and to an exception to that principle which was recognized in *People v. Montejo* [108 Phil 613 (1960)]. The principle set out in *Montilla v. Hilario* is that an offense may be considered as committed in relation to the accused's office if "the offense cannot exist without the office" such that "the office [is] a constituent element of the crime x x x." In *People v. Montejo*, the Court, through Chief Justice Concepcion, said that "although public office is not an



<sup>18</sup> 393 Phil. 143 (2000).

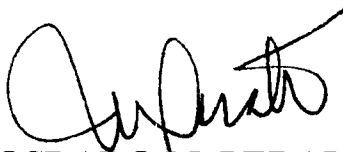
*element of the crime of murder in [the] abstract,”* the facts in a particular case may show that

“x x x the offense therein charged is *intimately connected* with [the accused’s] respective offices and was *perpetrated while they were in the performance*, though improper or irregular, of *their official functions*. Indeed, [the accused] had *no personal motive to commit the crime and they would not have committed it had they not held their aforesaid offices.*”<sup>19</sup> (Citations omitted; italics in the original.)

In this case, the Information for Falsification of Public Document under Article 171(2) of the Revised Penal Code alleged that petitioner, being the Vice Mayor of Iriga City, in such capacity, committed the offenses in relation to his office and, while in the performance of his official functions, had taken advantage of his position when he committed the falsification, as he made it appear or cause it to appear in the Civil Service Commission appointment paper (KSS Porma Blg. 33) of Dimaiwat as Secretary to the *Sangguniang Panlungsod* of Iriga City, a public document, that “the appointee has been screened and found qualified by the Promotion/Personnel Selection Board,”<sup>20</sup> when in truth and in fact, as accused well knew, the Iriga City Personnel Selection Board did not conduct a screening or deliberation on the qualifications of the candidates to the said position, nor did the selection board convene, participate or deliberate on the qualifications of Dimaiwat for the same position. The jurisdiction of a court is determined by the allegations in the complaint or information.<sup>21</sup> Considering the allegations in the Information, the Sandiganbayan did not commit any grave abuse of discretion in finding that it has jurisdiction over petitioner and over the offenses charged.

**WHEREFORE**, premises considered, the petition for *certiorari* is **DISMISSED**. The Order dated September 29, 2017 issued by the Sandiganbayan in SB-17-CRM-1429 and SB-17-CRM-1430 is hereby **AFFIRMED**.

**SO ORDERED.**

  
**DIOSDADO M. PERALTA**  
Associate Justice

<sup>19</sup> *Id.* at 156-157.

<sup>20</sup> *Rollo*, p. 31.

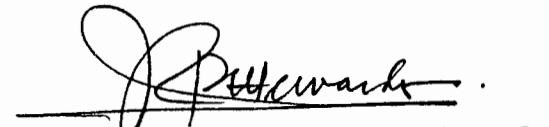
<sup>21</sup> *Alarilla v. Sandiganbayan*, *supra* note 18, at 157 (citation omitted).

**WE CONCUR:**



**MARVIC MARIO VICTOR F. LEONEN**  
Associate Justice

*Reyes*  
**ANDRES B. REYES, JR.**  
Associate Justice



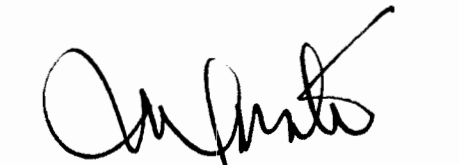
**RAMON PAUL L. HERNANDO**  
Associate Justice



**HENRI JEAN PAUL B. INTING**  
Associate Justice

**ATTESTATION**

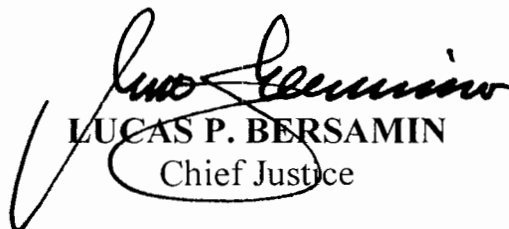
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**DIOSDADO M. PERALTA**  
Associate Justice  
Chairperson, Third Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**LUCAS P. BERSAMIN**  
Chief Justice