



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated 05 May 2021 which reads as follows:

“G.R. No. 243617 (*Teophanie Christy L. Sy v. People of the Philippines*). — Notwithstanding the constitutional guaranty against double jeopardy, the State is not without recourse in case of an acquittal when it is tainted with grave abuse of discretion. We uphold the application of this settled dictum in the Decision¹ dated April 19, 2018 and Resolution² dated November 23, 2018 of the Sandiganbayan in Criminal Case No. SB-16-SCA-0002, which are being challenged in this Petition for *Certiorari*³ under Rule 65 of the Revised Rules of Court on the ground of grave abuse of discretion.

Antecedents

Petitioner Teophanie Christy L. Sy (petitioner) was charged with Direct Bribery under Article 210⁴ of the Revised Penal Code (RPC) and

¹ *Rollo*, pp. 51-63; penned by Associate Justice Chairperson Oscar C. Herrera, Jr., with the concurrence of Associate Justices Michael Frederick L. Musngi and Lorifel L. Pahimna.

² *Id.* at 87-95.

³ *Id.* at 10-48.

⁴ ART. 210. *Direct Bribery*. — Any public officer who shall agree to perform an act constituting a crime, in connection with the performance of his official duties, in consideration of any offer, promise, gift or present received by such officer, personally or through the mediation of another, shall suffer the penalty of *prision mayor* in its medium and maximum periods and a fine [of not less than the value of the gift and] not less than three times the value of the gift in addition to the penalty corresponding to the crime agreed upon, if the same shall have been committed.

If the gift was accepted by the officer in consideration of the execution of an act which does not constitute a crime, and the officer executed said act, he shall suffer the same penalty provided in the preceding paragraph; and if said act shall not have been accomplished, the officer shall suffer the penalties of *prision correccional*, in its medium period and a fine of not less than twice the value of such gift.

If the object for which the gift was received or promised was to make the public officer refrain from doing something which it was his official duty to do, he shall suffer the penalties of *prision correccional* in its maximum period and a fine of not less than the value of the gift and not less than three times the value of such gift.

In addition to the penalties provided in the preceding paragraphs, the culprit shall suffer the penalty of special temporary disqualification.

The provisions contained in the preceding paragraphs shall be made applicable to assessors, arbitrators, appraisal and claim commissioners, experts or any other persons performing public duties.

Violation of Section 3(e)⁵ of Republic Act (RA) No. 3019⁶ or the “Anti-Graft and Corrupt Practices Act” before the Regional Trial Court (RTC) of Quezon City, docketed as Criminal Case No. Q-07-147712 and Criminal Case No. Q-07-147713 as follows:

Criminal Case No. Q-07-147712

That on August 16, 2005, in Alfredo’s Steak House Quezon City, and within the jurisdiction of this Honorable Court, the above-named accused who was then a public officer, did then and there, willfully, knowingly and feloniously, agreed to receive from GEORGE A. [GOQUINGCO], the President of Arayaland [M]anufacturing Corporation, the amount of [P]4,000,000.00 (but actually received the amount of [P]20,000.00 in cash and the rest of the agreed amount in boodle money) for purposes of reducing the tax delinquency and approving the staggered payment of the remaining Real Property Tax Delinquency of Arayaland Manufacturing Corporation[,] thereby depriving the Caloocan City Government of its much needed revenues, and that the acceptance of which was in relation to her function as the Officer-In-Charge of the Real Property Tax Division of the Office of the City Treasurer of Caloocan City, to the damage and prejudice of George A. Goquingco and the City of Caloocan.

CONTRARY TO LAW.⁷

Criminal Case No. Q-07-147713

That on August 16, 2005, in Alfredo’s Steak House Quezon City, and within the jurisdiction of this Honorable Court, the above-named accused who was then [the] Officer-In-Charge of the Real Property Tax Division of the Office of the City Treasurer of Caloocan City, did then and there, willfully, knowingly an[d] feloniously agreed to receive from GEORGE A. [GOQUINGCO], the President of Arayaland [M]anufacturing Corporation, the amount of [P]4,000,000.00 (but actually received the amount of [P]20,000.00 in cash and the rest of the agreed amount in boodle money) in connection with the reduction of the tax delinquency and approval of the staggered payment of the Real Property Tax Delinquency of Arayaland Manufacturing Corporation[,] and that she had the right to intervene in such transaction by virtue of her being the Officer-In-Charge of the Real Property Tax Division of the Office of the City Treasurer Caloocan City, thereby depriving the Caloocan City Government of its much-needed revenues, to the damage and prejudice of George A. Goquingco and the City of Caloocan.

⁵ SEC. 3. *Corrupt practices of public officers.* — In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

⁶ Approved on August 17, 1960.

⁷ *Rollo*, p. 52.

CONTRARY TO LAW.”⁸

Petitioner filed two separate omnibus motions for reinvestigation and/or judicial determination of probable cause and suspension of the arraignment for each of the charges, which were denied by the RTC. Her consolidated motion for reconsideration (MR) of the denial of her omnibus motions was likewise denied. Petitioner then filed two separate motions to quash the charges, which were again denied. She moved for the reconsideration of the motion to quash the bribery charge, but the RTC also denied it.⁹

Eventually, petitioner pleaded not guilty to both charges. Pre-trial then ensued and upon its termination, the RTC issued a Pre-Trial Order¹⁰ dated May 26, 2008, which included the following stipulation and admission from both parties, to wit: “[t]he accused is a Public, Legal Officer particularly the Assistant Civil Officer of Caloocan City detailed as the Officer-[I]n-Charge of the Real Property Tax Division at the time of [the] incident.”¹¹ The Pre-Trial Order was, however, not signed by petitioner and her counsel.¹²

In due course, the prosecution completed the presentation of its evidence, and formally offered in evidence its documentary exhibits, which were admitted by the RTC.¹³ Thereafter, or on February 20, 2015, petitioner filed a consolidated demurrer to evidence with leave of court. She asserted that the prosecution failed to prove beyond reasonable doubt all the elements of the two charges.¹⁴

RTC Ruling

In an Order¹⁵ dated November 23, 2015, the RTC granted the demurrer and dismissed both charges on the **sole ground** that the **prosecution failed to prove that petitioner is a public officer at the time of the commission of the offenses charged** – an element common to both charges. The RTC reasoned that neither petitioner’s appointment paper nor her oath of office as Assistant City Legal Officer of Caloocan City was presented in evidence. The Certification dated August 16, 2015, which was signed and issued by a certain Atty. Teresita Capacillo, attesting that petitioner is the Assistant City Legal Officer of Caloocan, detailed as the Officer-In-Charge in the Real Property Tax Division of the City, was not properly identified by the signatory. Moreover, pursuant to Section 2,¹⁶

⁸ *Id.* at 52-53.

⁹ *Id.* at 58-62.

¹⁰ *Id.* at 110-112.

¹¹ *Id.* at 53 and 110.

¹² *Id.* at 110-112.

¹³ *Id.* at 53.

¹⁴ *Id.* at 54.

¹⁵ *Id.* at 105-108; penned by Presiding Judge Eleuterio Larisma Bathan.

¹⁶ SEC. 2. *Pre-trial agreement.* — All agreements or admissions made or entered during the pre-trial conference shall be reduced in writing and signed by the accused and counsel, otherwise, they cannot

Rule 118 of the Revised Rules of Court, petitioner's admission with regard to her position in the City Government of Caloocan during pre-trial cannot be considered as it was stated in a Pre-Trial Order, which was unsigned by petitioner and her counsel. The RTC then concluded that it was no longer necessary to belabor on the other grounds raised in the demurrer,¹⁷ thus:

WHEREFORE, foregoing premises considered, the Demurrer to Evidence is **GRANTED**. The above-entitled cases are hereby **DISMISSED** for insufficiency of evidence.

The Office of the Clerk of Court is **ORDERED** to **RELEASE** to the accused or his bondsman the bond she posted covered by OR No. 0075007 dated July 6, 2005 (*in Criminal Case No. Q-07-147712*) and OR No. 0074937 dated July 6, 2005 (*in Criminal Case No. Q-07-147713*) upon presentation of said Original Official Receipts.

SO ORDERED.¹⁸ (Emphases and italics in the original.)

The prosecution filed an MR, but was denied in the RTC's Order¹⁹ dated February 9, 2016. The RTC pointed out that the grant of the demurrer is tantamount to an acquittal, hence, immediately executory. This prompted the prosecution, through the Office of the Special Prosecutor (OSP) of the Office of the Ombudsman to file a Petition for *Certiorari* before the Sandiganbayan. In the main, the OSP imputed grave abuse of discretion upon the RTC for arbitrarily granting the demurrer by ignoring the judicial admissions made by petitioner regarding her position in the City Government of Caloocan.²⁰

Sandiganbayan Ruling

In a Decision²¹ dated April 19, 2018, the Sandiganbayan reversed and set aside the grant of the demurrer. It found that the common element in Direct Bribery and Violation of Section 3(e) of RA No. 3019 that the offender be a public officer at the time of the commission of the offense, was duly established by the series of judicial admissions made by petitioner in her pleadings. Specifically, in her omnibus motions, she confirmed that:

Herein accused was admitted into the practice of law last April 2002. She applied for, and was appointed as, Assistant City Legal Officer of Caloocan City last [July 5,] 2004. Before the filing of this case, the accused had an impeccable record, both as a lawyer and **a public official of the City Government of Caloocan City**.

be used against the accused. The agreements covering the matters referred to in section 1 of this Rule shall be approved by the court.

¹⁷ *Rollo*, p. 108.

¹⁸ *Id.*

¹⁹ *Id.* at 109; penned by Judge Eleuterio Larisma Bathan.

²⁰ *Id.* at 54-55.

²¹ *Supra* note 1.

On [January 20,] 2005[,] the **accused was detailed as the Officer-[I]n-Charge of the Real Property Tax Division [of the] Office of the City [Treasurer's] Office, Caloocan City x x x.**²² (Emphases supplied.)

As well, in her demurrer to evidence, petitioner stated that:

4. In *Manipon, Jr. vs. Sandiganbayan*, G.R. Nos. L-58889, [July 31,] 1986, it was held that the crime of direct bribery, as defined in Article 210 of the Revised Penal Code, consists of the following elements:

(a) [T]hat the accused is a public officer;

x x x x

5. Of the four (4) elements enumerated above, **only the first may be conceded.** All the rest are absent. x x x

[x x x x]

26. It is well-settled that the elements of the offenses defined under Section 3(b) [*sic*] of R.A. 3019 are:

(a) [T]hat the accused is a public officer;

x x x x

27. Of the five (5) elements enumerated above, **only the first may be conceded.** All the rest are absent. x x x²³ (Emphases supplied.)

Petitioner also made similar allegations as to her being a public officer in her motions to quash the Informations,²⁴ as well as in the consolidated MR of the denial of said motions to quash.²⁵ In view of these findings, the Sandiganbayan concluded that “[i]t was patently baseless, [if not] grossly misleading, to conclude that the prosecution failed to prove beyond reasonable doubt that [petitioner] was a public officer and to use it as basis for the grant of the demurrer to evidence.”²⁶ It disposed, thus:

WHEREFORE, premises considered, the *Petition for Certiorari* dated May 10, 2016, filed by petitioner *People of the Philippines*, is hereby granted. The *Order* dated November 23, 2015 and *Order* dated February 6, 2016 issued in Criminal Cases Nos. Q-07-147712 and Q-07-1477[1]3 by Judge Eleuterio L. Bathan of the Regional Trial Court of

²² *Id.* at 59-60.

²³ *Id.* at 55-56.

²⁴ *Id.* at 60-61.

²⁵ *Id.* at 61-62.

²⁶ *Id.* at 58.

Quezon City, Branch 92[,] are hereby nullified and set aside. The continuation of the proceedings in said criminal cases is hereby ordered.
SO ORDERED.²⁷ (Emphasis and italics in the original.)

In a Resolution²⁸ dated November 23, 2018, the Sandiganbayan denied petitioner's MR for being a rehash of the matters raised in the petition for *certiorari*. The Sandiganbayan emphasized that a judgment of acquittal may be assailed in a Petition for *Certiorari* under Rule 65 of the Revised Rules of Court upon a showing that the acquittal was attended by grave abuse of discretion amounting to lack or excess of jurisdiction. It reiterated that the RTC gravely abused its discretion when it granted the demurrer by deliberately disregarding petitioner's judicial admissions. The Sandiganbayan also explained that the other matters raised in petitioner's demurrer with regard to the other elements of the offenses is beyond the scope of its review because the assailed RTC Orders granted the demurrer solely for the alleged failure to establish the first element, *i.e.*, that the offender is a public officer. Hence, this Petition.

Petitioner maintains that the grant of demurrer, being tantamount to an acquittal, cannot be assailed without violating the constitutional guaranty against double jeopardy. She argues that her admission regarding her public office should be disregarded in view of the unsigned Pre-Trial Order, wherein it was stated. Further, she urges the Court to consider the other matters raised in the demurrer, *i.e.*, absence of the other elements of the offenses. Lastly, she adds that the OSP had no authority to file the petition for *certiorari* to assail her acquittal before the Sandiganbayan because such authority is vested upon the Office of the Solicitor General (OSG) pursuant to Section 35(1),²⁹ Chapter 12, Title III, Book IV of Executive Order No. 292³⁰ or the "Administrative Code of 1987."

For its part, respondent People of the Philippines, through the OSP, avers that there was no grave abuse discretion on the part of the Sandiganbayan in ruling that an acquittal may be questioned and nullified through a petition for *certiorari* on grounds of grave abuse of discretion and denial of due process; that the RTC gravely abused its discretion in deliberately disregarding petitioner's judicial admissions regarding her

²⁷ *Id.* at 62-63.

²⁸ *Supra* note 2.

²⁹ SEC. 35. *Powers and Functions.* — The Office of the Solicitor General shall represent the Government of the Philippines, its agencies and instrumentalities and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of a lawyer. When authorized by the President or head of the office concerned, it shall also represent government-owned or controlled corporations. The Office of the Solicitor General shall constitute the law office of the Government and, as such, shall discharge duties requiring the services of a lawyer. It shall have the following specific powers and functions:

(1) Represent the Government in the Supreme Court and the Court of Appeals in all criminal proceedings; represent the Government and its officers in the Supreme Court, the Court of Appeals, and all other courts or tribunals in all civil actions and special proceedings in which the Government or any officer thereof in his official capacity is a party.

³⁰ INSTITUTING THE "ADMINISTRATIVE CODE OF 1987;" signed on July 25, 1987.

public office. Anent its authority to file the *certiorari*, the OSP explained that it is, by law, vested with authority to prosecute criminal cases before the Sandiganbayan.³¹

Issue

The sole issue before us is whether the Sandiganbayan gravely abused its discretion in reversing and setting aside the RTC's grant of petitioner's demurrer to evidence.

Ruling

We dismiss the Petition.

An acquittal through the grant of a demurrer to evidence may be questioned through certiorari.

In criminal cases, the grant of demurrer amounts to an acquittal; hence, it is unappealable as it would place the accused in double jeopardy. Nevertheless, such grant may be reviewed through *certiorari* under Rule 65 of the Revised Rules of Court. For the writ to issue, there must be a showing of grave abuse of discretion amounting to lack or excess of jurisdiction.³² The abuse of discretion must be so patent and gross as to amount to an evasion of a positive duty or a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law³³ such as when respondent court blatantly ignores facts, denies the prosecution the opportunity to fully present its case,³⁴ or when the trial was a sham – all of which result in a void or an erroneous judgment of acquittal.³⁵

Congruent to the availability of the remedy of *certiorari* to review an acquittal through the grant of a demurrer is the settled rule that double jeopardy does not attach: (1) when there has been deprivation of due process and when there is a mistrial; or (2) when there has been grave abuse of discretion on the part of the court issuing the judgment of acquittal.³⁶ This is because any order rendered with grave abuse of discretion is deemed null and void. In turn, a petition for *certiorari* is intended to correct errors of jurisdiction, including those committed through grave abuse of discretion amounting to lack or excess of jurisdiction.³⁷ Verily, a review of an acquittal through the extraordinary remedy of *certiorari* under Rule 65 may be allowed, without violating the

³¹ *Rollo*, pp. 131-154.

³² *People v. Sandiganbayan (2nd Division)*, 765 Phil. 845, 859 (2015).

³³ *Singian, Jr. v. Sandiganbayan*, 718 Phil. 455, 473 (2013).

³⁴ *People v. Sandiganbayan*, *supra* note 32, at 864.

³⁵ *Id.* at 859.

³⁶ *People v. Alejandro*, 823 Phil. 684, 692 (2018).

³⁷ *People v. Sandiganbayan (4th Division)*, 488 Phil. 293, 310 (2004).

right against double jeopardy, upon a clear demonstration that the trial court blatantly abused its authority to a point so grave as to deprive it of its very power to dispense justice.³⁸

Hence, the Sandiganbayan committed no grave abuse of discretion in taking cognizance of the People's petition for *certiorari*, questioning the grant of petitioner's demurrer. It is imperative to determine now whether the RTC gravely abused its discretion in granting the demurrer.

The RTC committed grave abuse of discretion in granting petitioner's demurrer to evidence.

A demurrer to the evidence in criminal cases is an objection by the accused, to the effect that the evidence which the prosecution adduced is insufficient in point of law, whether true or not, to make out a case or sustain the issue. The court is, however, not limited to the evaluation of the prosecution evidence in resolving a demurrer. The court's task in resolving a demurrer is to ascertain if there is competent or sufficient evidence to establish a *prima facie* case to sustain the indictment or support a verdict of guilt.³⁹ Hence, its determination should include all the means sanctioned by the Rules of Court in ascertaining matters in judicial proceedings such as judicial admissions, matters of judicial notice, stipulations made during the pre-trial and trial, as well as other admissions and presumptions.⁴⁰ It is noteworthy that there is nothing in the rules which would bar the court from taking cognizance of any matter taken up during the trial or which has become part of the records of the case.⁴¹

In this case, the RTC granted the demurrer on the sole ground that the first element of both charges, *i.e.*, that petitioner was a public officer, was not established. Records of the case, however, show otherwise. As aptly pointed out by the Sandiganbayan, the records clearly show that petitioner made repeated judicial admissions that she was a public officer at the time of the incident through her pleadings and motions (omnibus motions, motions to quash Informations, several MRs, and even in the demurrer to evidence) filed before the RTC.⁴² Indeed, a judicial admission, verbal or written, is made by a party in the course of the proceedings in the same case which does not require proof,⁴³ especially so when such admission is categorical and definite. To contradict one's own admission, the person who made the same must show that it was made through palpable mistake or that no such admission was made. In this case, petitioner never denied making statements in her pleadings that she was a

³⁸ *People v. Judge Laguio, Jr.*, 547 Phil. 296, 315 (2007).

³⁹ *People v. Sandiganbayan (2nd Division)*, *supra* note 32.

⁴⁰ *Republic v. Sandiganbayan*, 830 Phil. 423, 454 (2018).

⁴¹ *Dans, Jr. v. People*, 349 Phil. 434, 458-459 (1998).

⁴² *Supra* notes 22-25.

⁴³ REVISED RULES OF COURT, Rule 129, SEC. 4: *Leynes v. People (Resolution)*, 795 Phil. 927, 935 (2016).

public officer at the time of the incident charged against her. She merely harps on the fact that her admissions during pre-trial cannot be used against her as they were not signed by her and her counsel in accordance with Section 2,⁴⁴ Rule 118 of the Revised Rules of Court. Truth remains, however, that she repeatedly made positive assertions on the matter in various pleadings in the course of the trial.

Indubitably, by disregarding what is evident on record, the RTC committed a reversible error that frustrates the ends of justice and adversely affects the public interest. The RTC's act was so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform a duty enjoined by law.⁴⁵ The Sandiganbayan, therefore, correctly ruled that the RTC committed grave abuse of discretion in granting petitioner's demurrer on the sole ground that the prosecution failed to prove that petitioner was a public officer at the time of the incident.

The Court, in this certiorari, cannot consider the existence or inexistence of the other elements raised in petitioner's demurrer to evidence.

Petitioner urges this Court to resolve her demurrer on its merits, *i.e.*, determine the existence or inexistence of the other elements of the offenses charged, for the grant of the present Petition. In this regard, it should be emphasized that a demurrer to evidence is a motion to dismiss on the ground of insufficiency of evidence.⁴⁶ Its resolution entails a calibration of the evidence on record and the totality of all the other relevant circumstances in the case, which are factual matters beyond this Court's scope of review in a petition for *certiorari*.⁴⁷ We stress that a Rule 65 petition is an extraordinary remedy, which calls only for a review of any error arising from the exercise of jurisdiction or lack thereof, and not a review of an error of judgment.⁴⁸ Unfortunately, in this case, the RTC assessed petitioner's demurrer by considering only the first element of the offenses charged. No discussion was made with regard to the existence or otherwise of the other elements. Hence, this Court, as well as the Sandiganbayan, cannot make a determination with regard to the other elements of the offenses as it will require us to evaluate evidence at first instance, which is clearly beyond the ambit of resolving questions of jurisdiction. Too, even if we opt to write to *finis* petitioner's demurrer, this Court will not be able to make a judicious assessment because petitioner failed to attach the pertinent documents necessary for its resolution. Due process requires, thus, that the criminal cases be reinstated in the RTC for

⁴⁴ *Supra* note 16.

⁴⁵ *People v. Go*, 740 Phil. 583, 610-611 (2014).

⁴⁶ *Republic v. de Borja*, 803 Phil. 8, 16 (2017).

⁴⁷ *Id.*, citing *Felipe v. MGM Motor Trading Corp.*, 770 Phil. 232, 239 (2015).

⁴⁸ *People v. Sandiganbayan (4th Division)*, *supra* note 37, at 310.

the proper resolution of the demurrer to evidence and to proceed accordingly.

The OSP is not without authority to file the Petition for Certiorari before the Sandiganbayan.

At the outset, we note that petitioner questioned the OSP's authority for the first time before this Court. At any rate, we cannot subscribe to petitioner's contention that the OSP is without authority to file the petition for *certiorari* before the Sandiganbayan. Foremost, petitioner's reliance on Section 35(1),⁴⁹ Chapter 12, Title III, Book IV of the Administrative Code of 1987 to support her claim that it is the OSG, which is authorized to file the petition for *certiorari* before the Sandiganbayan is misplaced. That provision pertains to the representation of the State before the Court of Appeals and the Supreme Court. Apropos is RA No. 6770⁵⁰ or the Ombudsman Act of 1989, which provides for the composition and functions of the OSP. The OSP is an organic component of the Office of the Ombudsman. Section 11(4) of said Act provides:

SEC. 11. *Structural Organization.* — The authority and responsibility for the exercise of the mandate of the Office of the Ombudsman and for the discharge of its powers and functions shall be vested in the Ombudsman, who shall have supervision and control of the said office.

x x x x

- (3) The Office of the Special Prosecutor shall be composed of the Special Prosecutor and his prosecution staff. The Office of the Special Prosecutor shall be an organic component of the Office of the Ombudsman and shall be under the supervision and control of the Ombudsman.
- (4) The Office of the Special Prosecutor shall, under the supervision and control and upon the authority of the Ombudsman, have the following powers:
 - (a) **To conduct preliminary investigation and prosecute criminal cases within the jurisdiction of the Sandiganbayan;**
 - (b) To enter into plea bargaining agreements; and
 - (c) **To perform such other duties assigned to it by the Ombudsman.** (Emphases supplied.)

To be sure, the prosecution of criminal offenses does not end in the filing of charges in court. The effective discharge of its duty and power to

⁴⁹ *Supra* note 29.

⁵⁰ AN ACT PROVIDING FOR THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE OFFICE OF THE OMBUDSMAN, AND FOR OTHER PURPOSES; approved on November 17, 1989.

investigate and prosecute criminal cases within the jurisdiction of the Sandiganbayan carries with it the duty to pursue all legal means such as the filing of a petition for *certiorari*, in connection with its investigation and prosecution.

Furthermore, Section 4 of RA No. 8249,⁵¹ as amended by Section 2 of RA No. 10660,⁵² particularly provides that “[i]n all cases elevated to the Sandiganbayan and from the Sandiganbayan to the Supreme Court, the Office of the Ombudsman, through its special prosecutor [OSP], shall represent the People of the Philippines, x x x.” Clearly, it is the OSP, not the OSG, which was authorized by law to file the petition for *certiorari* before the Sandiganbayan and even before this Court.

Also, it does not come amiss to state that RA No. 6770 grants broad prosecutorial powers to the Ombudsman. In *Uy v. Sandiganbayan*,⁵³ the Court described such power to investigate and to prosecute as “plenary and unqualified.”⁵⁴ His or her office is mandated by law to act on all complaints against officers and employees of the government, and to enforce their administrative, civil, and criminal liability in every case where the evidence warrants.⁵⁵ Section 15 of said Act enumerates its powers, functions, and duties, which include:

- (1) Investigate and prosecute on its own or on complaint by any person, any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient. **It has primary jurisdiction over cases cognizable by the Sandiganbayan** and, in the exercise of this primary jurisdiction, it may take over, at any stage, from any investigatory agency of Government, the investigation of such cases;

x x x x (Emphasis supplied.)

To carry out this duty, the law allows the Ombudsman to utilize the personnel of his or her office and/or designate any fiscal, state prosecutor or lawyer in the government service to act as special investigator or prosecutor to assist in the investigation and prosecution of certain cases, who will be under his or her supervision and control.⁵⁶ Thus, the OSP, under the supervision and control of the Ombudsman, may be authorized to represent the People in filing an action for *certiorari* before the Sandiganbayan, relative to the prosecution of a public official’s offense committed in the performance of his or her office.

⁵¹ 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; approved on February 5, 1997.

⁵² AN ACT STRENGTHENING FURTHER THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE SANDIGANBAYAN, FURTHER AMENDING PRESIDENTIAL DECREE NO. 1606, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR; approved on April 16, 2015.

⁵³ 407 Phil. 154 (2001).

⁵⁴ *Id.* at 164.

⁵⁵ RA NO. 6770, SEC. 13.

⁵⁶ RA NO. 6770, SEC. 31.

All told, we find no grave abuse of discretion on the part of the Sandiganbayan in reversing and setting aside the RTC's grant of petitioner's demurrer to evidence.

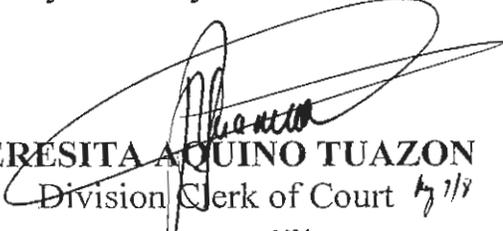
On a final note, we remind judges to be scrupulous in resolving demurrers to evidence as it may irreparably prejudice the right of the People to due process and frustrate the ends of justice, thus:

The power of courts to grant demurrer in criminal cases should be exercised with great caution, because not only the rights of the accused – but those of the offended party and the public interest as well – are involved. **Once granted, the accused is acquitted and the offended party may be left with no recourse. Thus, in the resolution of demurrers, judges must act with utmost circumspection and must engage in intelligent deliberation and reflection, drawing on their experience, the law and jurisprudence, and delicately evaluating the evidence on hand.**⁵⁷ (Emphasis supplied.)

FOR THESE REASONS, the Petition is **DISMISSED**. The Decision dated April 19, 2018 and Resolution dated November 23, 2018 of the Sandiganbayan in Criminal Case No. SB-16-SCA-0002 are **AFFIRMED**. The Regional Trial Court, Branch 92, Quezon City is **DIRECTED** to appropriately resolve the demurrer to evidence, and to proceed accordingly with deliberate dispatch.

SO ORDERED."

By authority of the Court,


TERESITA AQUINO TUAZON
Division Clerk of Court *by 7/9*

09 JUL 2021

⁵⁷ *People v. Go*, *supra* note 45, at 587.

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 92
Quezon City

JUDGMENT DIVISION (x)
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Supreme Court, Manila

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