



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, Criminal Case No.
Plaintiff, SB-13-CRM-0908
For: Qualified Theft (Art. 310 in
relation to Arts. 308 and
309, Revised Penal Code)

Present

- versus -

MARIANO C. J. MARTINEZ,
Accused.

CABOTAJE-TANG, P.J.,
Chairperson
MARTIRES, J. and
FERNANDEZ, J.

Promulgated:

FEBRUARY 19, 2016

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RESOLUTION

FERNANDEZ, J.

For resolution is the *Motion to Cancel Hearing*¹ filed by accused Mariano C.J. Martinez. This Court has not set the initial date of hearing for the present case. The preliminary conference was set on January 6, 7, and 8, 2016, and February 3 and 4, 2016, while the pre-trial is set on February 29, 2016.²

In his Motion, accused prays that "the scheduled hearing be deferred until the jurisdiction of this present case be now granted to the appropriate Regional Trial Court pursuant to Republic Act No. 10660"

¹ Dated December 23, 2015, Filed on December 28, 2015; Record, Vol. I, pp. 529-532.

² Order dated November 4, 2015, p. 1; Record, Vol. 1, p. 520.

³ Formal Entry of Appearance with Motion to Cancel Hearing dated December 23, 2015, p. 2; Record, Vol. I, p. 530.

RESOLUTION

People vs. Martinez

Criminal Case No. SB-13-CRM-0908

Page 2 of 4

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According to accused Martinez, since the amount involved in the present case is only PhP28,000.00, much lower than PhP1,000,000.00, jurisdiction is vested with the Regional Trial Court.⁴

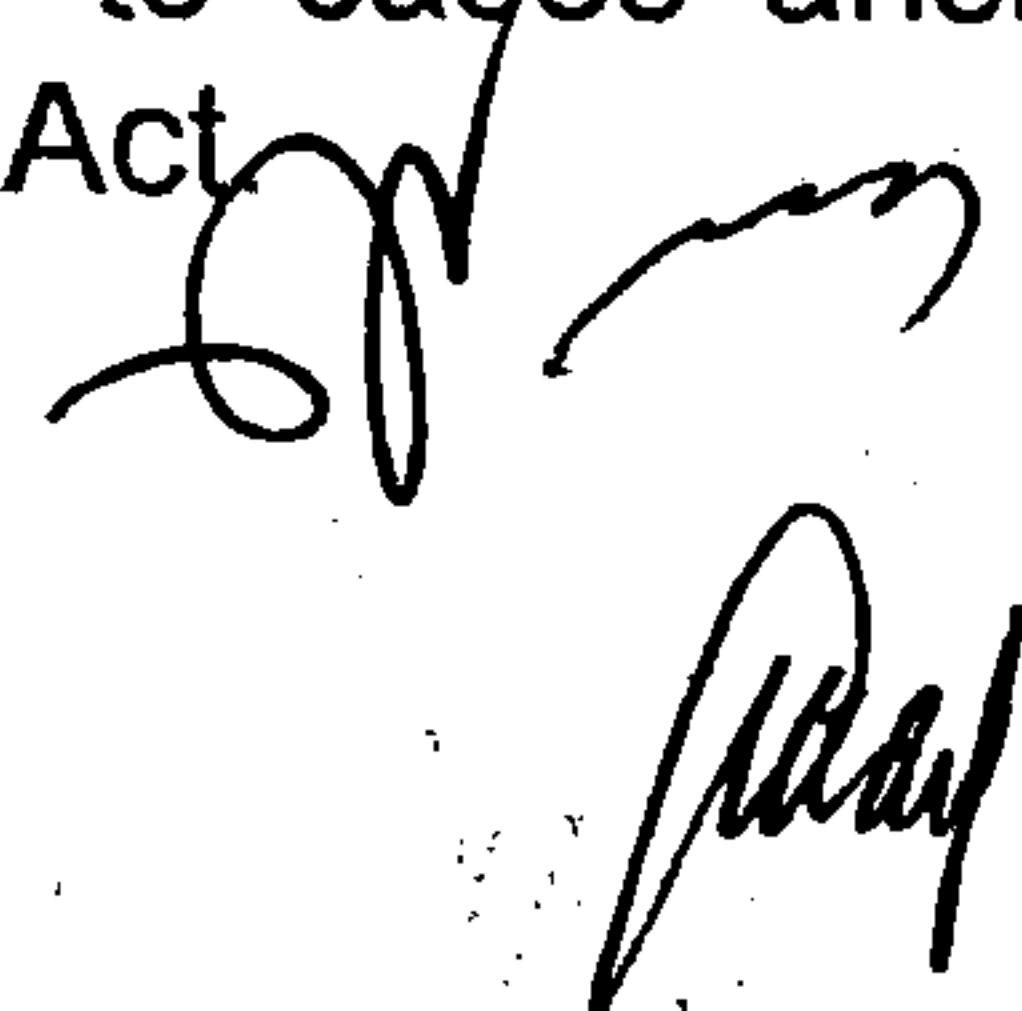
On January 29, 2016, the prosecution filed its *Comment/Opposition to the Motion to Cancel Hearing*.⁵ It argued that:

- a. R.A. 10660 is not self-operative or self-executing; in the absence of rules and regulations implementing the Law, jurisdiction to hear and try the present case remains with the Sandiganbayan;⁶ and
- b. Section 5, R.A. No. 10660 provides that "the time of the commission of the offense, not the state of the proceeding, is determinative of which court has jurisdiction over the case".⁷

Accused' *Motion to Cancel Hearing* must be denied. Accused erroneously assumed that this Court was ousted of its jurisdiction over the present case because Section 2 of R.A. No. 10660⁸ vested the Regional Trial Court with exclusive original jurisdiction over cases where the information 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 (PhP1,000,000.00).

This Court notes that the accused' position appears to have ignored or disregarded Section 5 (Transitory Provision) of R.A. No. 10660.

Section 5 of R.A. No. 10660 is clear-- the amendatory provision of Section 2 on *Jurisdiction* shall apply only to cases arising from offenses committed after the effectivity of the Act.



⁴ *Id.*

⁵ Dated January 28, 2016; Record, Vol. I, pp. 538-541.

⁶ Comment/Opposition dated January 28, 2016, pp. 1-2; Record, Vol. I, pp. 538-539

⁷ Comment/Opposition dated January 28, 2016, p. 2; Record, Vol. I, p. 539

⁸ *An Act Strengthening Further the Functional and Structural Organization of the Sandiganbayan, Further Amending Presidential Decree No. 1606, as amended, and Appropriating Funds Therefor*

RESOLUTION

People vs. Martinez

Criminal Case No. SB-13-CRM-0908

Page 3 of 4

X-----X

For convenience, the relevant provisions of R.A. No. 10660 are hereunder quoted:

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:

XXX XXX XXX

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).

XXX XXX XXX

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.**

Here, accused is charged with the crime of Qualified Theft⁹ for acts committed on or about December 2, 2003.¹⁰ Hence, the jurisdiction over the present case is rightfully with the Sandiganbayan. There is no reason for this Court to transfer the same to the Regional Trial Court. There is also, thus, no reason to cancel or defer the hearing in the present case

⁹ Defined and penalized under Art. 310 in relation to Arts. 308 and 309 of the Revised Penal Code.

¹⁰ Information dated August 27, 2013; Record, Vol. 1, p. 1.

RESOLUTION

People vs. Martinez

Criminal Case No. SB-13-CRM-0908

Page 4 of 4

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WHEREFORE, accused Mariano C.J. Martinez's *Motion to Cancel Hearing* dated December 28, 2015 is DENIED.

SO ORDERED.



SARAH JANE T. FERNANDEZ
Associate Justice

WE CONCUR:



AMPARO M. GABOTAJE-TANG
Presiding Justice
Chairperson



SAMUEL R. MARTIRES
Associate Justice