



REPUBLIC OF THE PHILIPPINES

Sandiganbayan
Quezon City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, **SB-14-CRM-0420 to 0422**
Plaintiff, For: Violation of Section 3(e) of
Republic Act No. 3019

SB-14-CRM-0423
For: Violation of Section 3(h) of
Republic Act No. 3019

SB-14-CRM-0424
For: Violation of Section 89 (2) of
Republic Act No. 7160

Present

- versus -

AVELINO C. CERIOLA,
Accused.

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

Promulgated:

JANUARY 19, 2016

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RESOLUTION

FERNANDEZ, J.

This resolves the *Motion for Reconsideration (Re: This Honorable Court's Resolution dated 05 November 2015)*¹ of accused Avelino C. Ceriola.

Accused prays that this Court's *Resolution* dated November 5, 2015,² denying his *Very Urgent Consolidated Motion to Transfer Venue to the Regional Trial Court*,³ be reversed and set aside, and that a new order, granting his consolidated motions for the transfer of

¹ Dated November 16, 2015; pp. 248-251, Record

² pp. 239-244, Record

³ Dated August 20, 2015; pp. 209-213, Record

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his pending cases to any Regional Trial Court near his place, be issued.

He argues that this Court's interpretation of the transitory provision of Republic Act No. 10660 (R.A. No. 10660) is erroneous.

According to him, the phrase "shall apply to cases arising from offenses committed after the effectivity of this Act." [hereafter referred to as "last phrase"] pertains only to "(b) Section 3, amending Section 5 of Presidential Decree No. 1606, as amended, on 'Proceedings, How Conducted; Decision by Majority Vote' [hereafter referred to as "(b)"]," and does not apply to "(a) Section 2, amending Section 4 of Presidential Decree No. 1606, as amended, on 'Jurisdiction' [hereafter referred to as "(a)]."

He argues that the last phrase only applies to (b), and not to (a) because (b) and the last phrase are not separated by any punctuation mark, and therefore, the last phrase should be read as a part of (b) only, and not meant to apply to the whole second part.

In its *Comment/Opposition (To the Motion for Reconsideration of Accused, dated 16 November 2015)*,⁴ the prosecution counters that accused' motion is patently without merit. It also argues that R.A. No. 10660 is not self-executing, and hence, until the Supreme Court promulgates the implementing rules, R.A. No. 10660 cannot be implemented.

In his *Reply (Re: Comment/Opposition of the Prosecution dated 26 November 2015)*,⁵ accused reiterates his arguments in his motion for reconsideration, and further argues that R.A. No. 10660 already applies to the present cases, notwithstanding the fact that the Supreme Court has yet to promulgate the implementing rules.

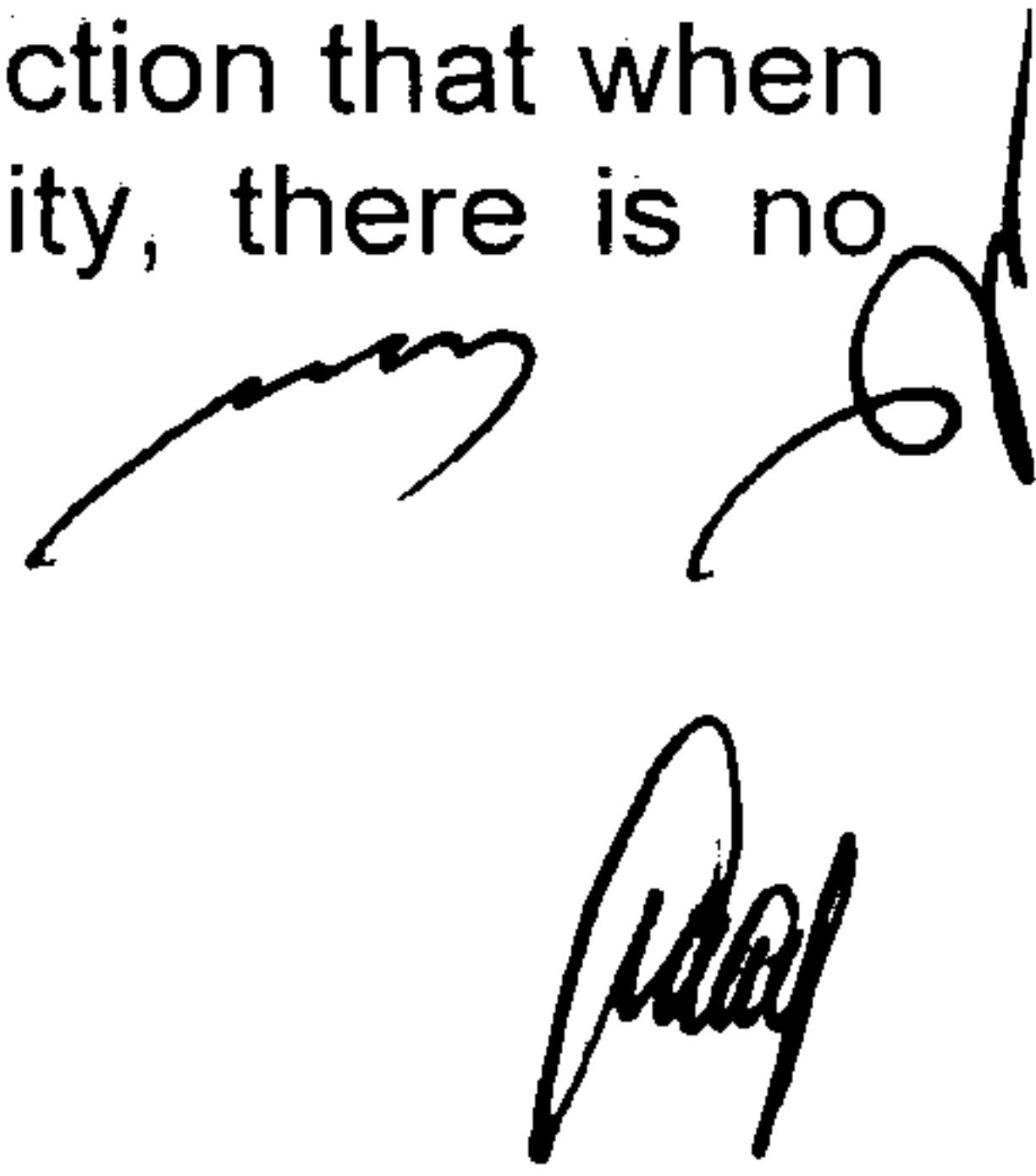
THE COURT'S RULING

Accused' motion for reconsideration is devoid of merit and should be denied.

To reiterate, it is a basic rule in statutory construction that when the law is clear and free from any doubt or ambiguity, there is no

⁴ Dated November 26, 2015; pp. 254-258, Record

⁵ Dated December 21, 2015; pp. 262-267, Record



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room for construction or interpretation. Where the law speaks in clear and categorical language, there is no occasion for interpretation; there is only room for application.⁶

There is no real ambiguity in Sec. 5 of R.A. No. 10660, pertaining to the applicability of the provisions thereof. Sec. 5 of R.A. No. 10660 provides:

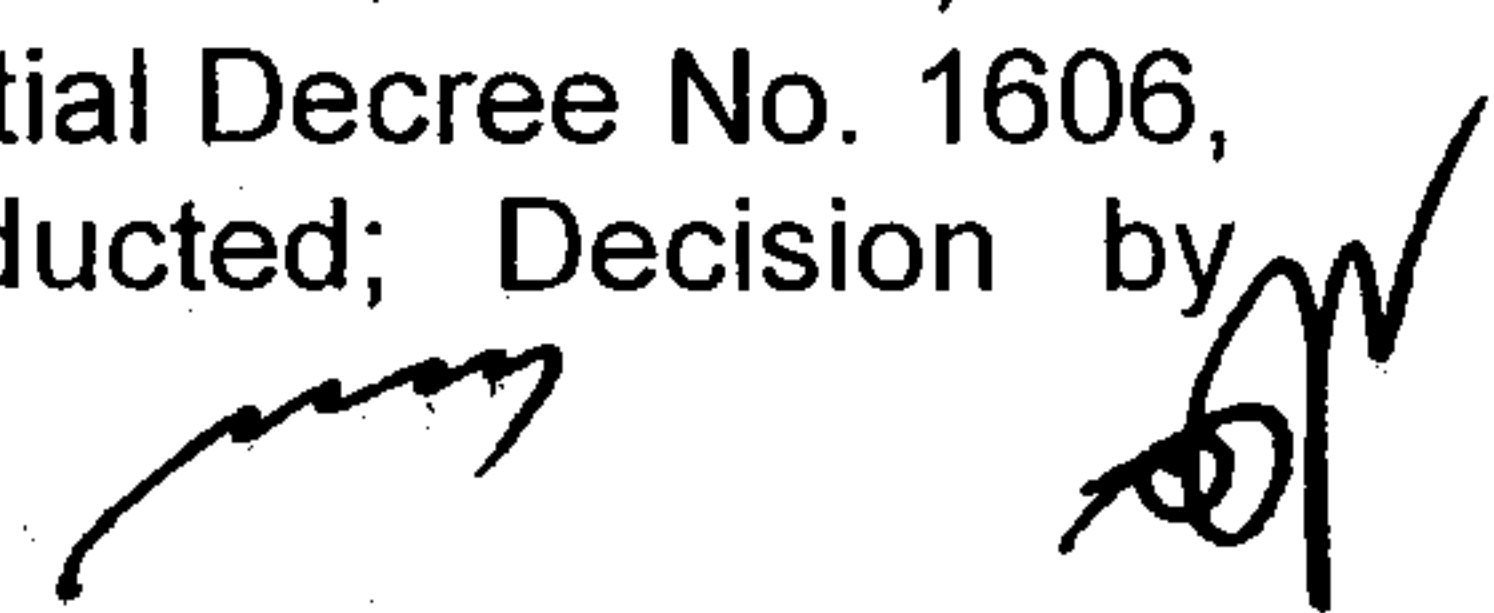
Sec. 5. *Transitory Provision.* – This Act shall apply to all cases pending in the Sandiganbayan over which trial has not begun: *Provided*, That: (a) Section 2, amending Section 4 of Presidential Decree No. 1606, as amended, on “Jurisdiction”; and (b) Section 3, amending Section 5 of Presidential Decree 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.

However, for greater clarity, the Court will discuss why Sec. 2⁷ of R.A. No. 10660 does not apply to the present cases. The first part of Sec. 5 is the general rule. *viz.*:

This Act shall apply to all cases pending in the Sandiganbayan over which trial has not begun: x x x

The second part, starting with “*Provided*,” is the exception. *viz.*:

x x x *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



⁶ *Twin Ace Holdings Corporation v. Rufina and Company*, G.R. no. 160191, June 8, 2006

⁷ Sec. 2. Section 4 of the same decree, as amended, is hereby further amended to read as follows:

“Sec. 4. *Jurisdiction.* – x x x

x x x

“*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 transaction 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.

x x x



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Majority Vote" shall apply to cases arising from offenses committed after the effectivity of this Act.

In the second part is an enumeration, as indicated by "(a)" and "(b)", of the cases where the first part does not apply. To further simplify, the second part could be read as: "Provided, That (a) Section 2 and (b) Section 3 shall apply to cases arising from offenses committed after the effectivity of this Act."

Accused' interpretation, that the exception applies to (b) but not to (a), would render (a) meaningless. (a) by itself, without the last phrase, would have no effect and cannot stand alone. The subject would have no predicate. To demonstrate, if the last phrase would not be made to apply to (a), it would only read:

Provided, That: (a) Section 2, amending Section 4 of Presidential Decree No. 1606, as amended, on "Jurisdiction".

In *Uytengsu v. Republic*,⁸ it was held:

x x x it is well settled that, whenever possible, a legal provision must not be so construed as to be a useless surplusage, and accordingly, meaningless, in the sense of adding nothing to the law or having no effect whatsoever thereon. x x x

Thus, to avoid rendering any part of Sec. 5 meaningless, the last phrase should be construed to apply to both (a) and (b).

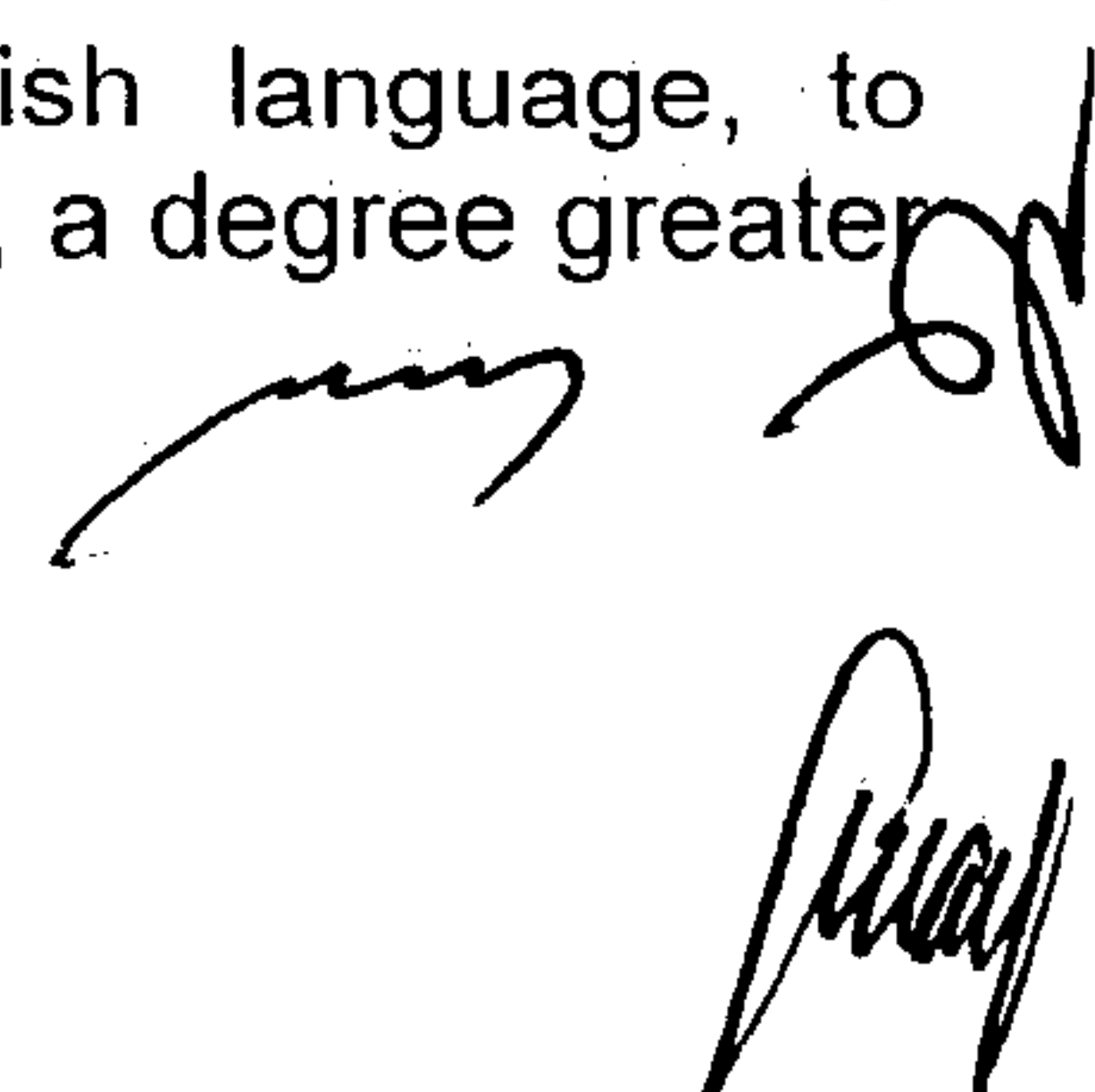
Furthermore, the semicolon at the end of "(a) Section 2, amending Section 4 of Presidential Decree No. 1606, as amended, on 'Jurisdiction'" was not placed to introduce a new idea, or to limit the application of the last phrase to (b). (b), which follows the semicolon, is related to (a), in that they are both included in the enumeration of exceptions to the general rule.

The Supreme Court's discussion in *Agcaoili v. Suguitan*,⁹ on the functions of a semicolon, is instructive. To wit:

x x x. Does that which follows the semicolon have reference to the same subject matter which precedes it? A semicolon is a mark of grammatical punctuation, in the English language, to indicate a separation in the relation of the thought, a degree greater

⁸ G.R. No. L-6379, September 29, 1954

⁹ G.R. No. L-24806, February 13, 1926



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than that expressed by a comma, and what follows that semicolon must have relation to the same matter which precedes it. A semicolon is not used for the purpose of introducing a new idea. A semicolon is used for the purpose of continuing the expression of a thought, a degree greater than that expressed by a mere comma. It is never used for the purpose of introducing a new idea. The comma and semicolon are both used for the same purpose, namely, to divide sentences and parts of the sentences, the only difference being that the semicolon makes the division a little more pronounced than the comma. x x x

(underscoring supplied)

In fine, the provisions of R.A. No. 10660 apply to cases pending in the Sandiganbayan over which trial has not begun, except for Sections 2 and 3, which apply only to cases arising from offenses committed after the effectivity of the said law. The present cases involve acts allegedly committed well before the effectivity of the R.A. No. 10660, and therefore, Sec. 2 does not apply.

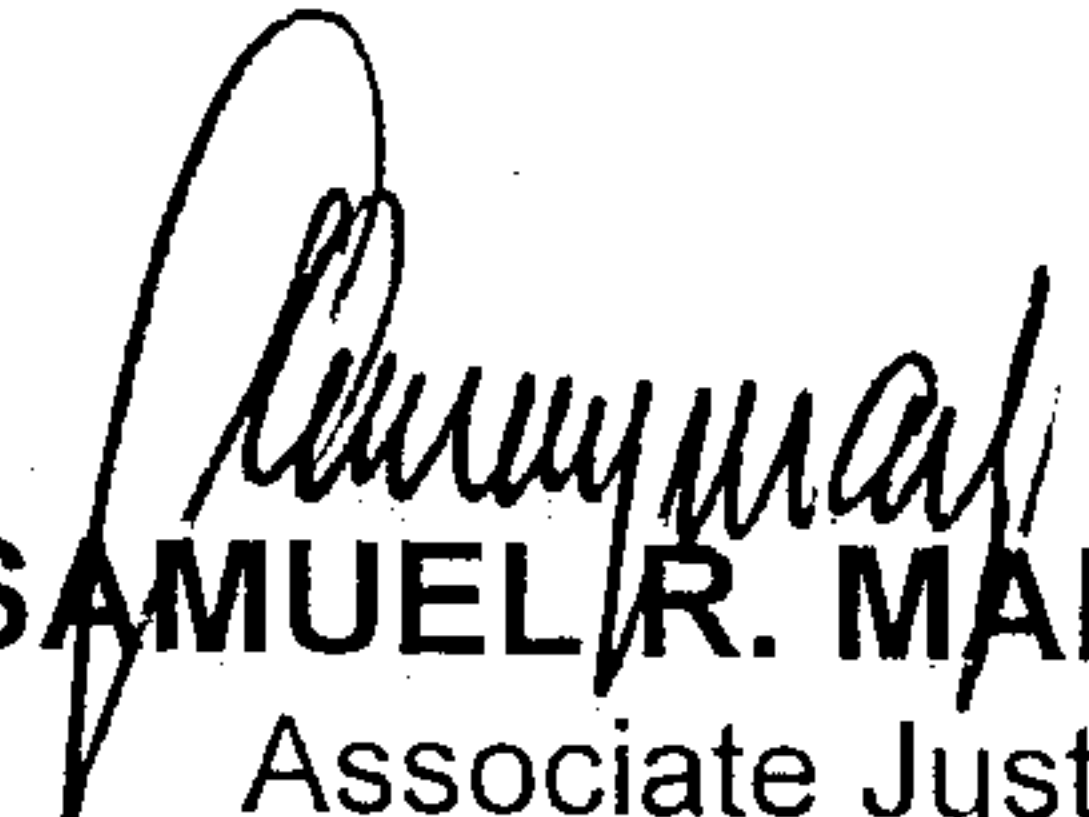
WHEREFORE, the motion for reconsideration of accused Avelino C. Ceriola is hereby DENIED for lack of merit.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice

WE CONCUR:


AMPARO M. CABOTAJE-TANG
Presiding Justice
Chairperson


SAMUEL R. MARTIRES
Associate Justice