



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES, Criminal Case Nos.
Plaintiff, SB14CRM0434-0435

For: Violation of Sec. 3(e) RA 3019 and
of Section 217 of the Revised
Penal Code [Malversation of
Public Funds]

Present

- versus -

SERAFIN BLANCO,
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 Serafin G. Blanco on January 6, 2016. This Court has not set the initial date of hearing for the present case. The preliminary conference is set on January 15 and 20, 2016, and February 11 and 12, 2016, while the pre-trial is set on March 2, 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 Section 2 of Republic Act No. 10660".³

¹ Dated January 4, 2015; Record, Vol. I, pp. 317-321.

² Order dated November 25, 2015, p. 2, Record, Vol. 1, p. 308.

³ Motion to Cancel Hearing dated January 4, 2015, p. 2, Record, Vol. I, p. 318.

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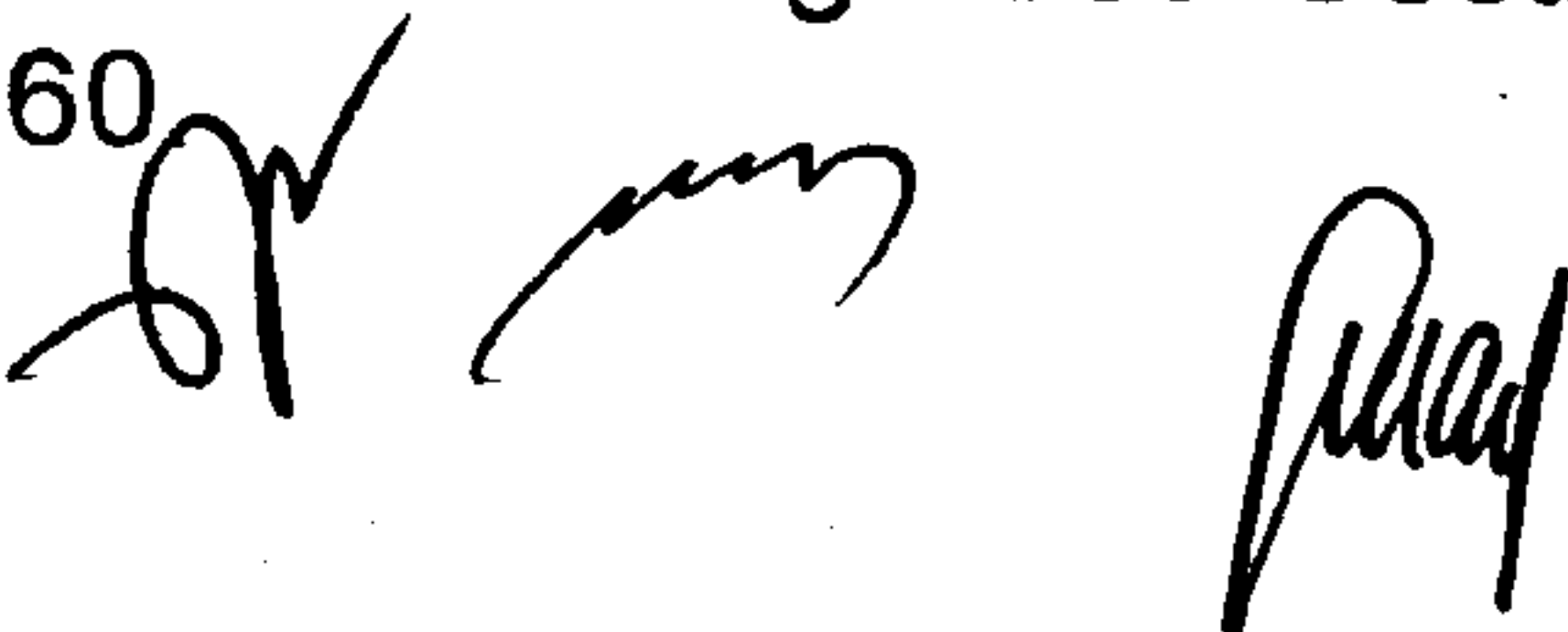
According to accused Blanco, since the amount involved in the present case is only PhP189,600.00, much less than PhP1,000,000.00, jurisdiction is vested with the Regional Trial Court.⁴

On January 15, 2016, the prosecution filed its *Comment/Opposition to the Motion to Cancel Hearing* dated January 4, 2016.⁵ It argued that:

- a. Accused' Motion to Cancel Hearing partakes of a Motion to Quash, thus, said *Motion* is a worthless piece of paper due to accused' failure to set the same for hearing;⁶
- b. The jurisdiction of the Sandiganbayan over the present case finds support in R.A. No. 10660;⁷
- c. R.A. No. 10660 does not provide for the retroactive application of Section 2 of the law; and
- d. The Sandiganbayan acquired jurisdiction over the present case upon the filing of the Informations before it. The Court's power to hear and decide the case shall continue until the termination thereof.⁸

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. 10660⁹ 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.



⁴ Motion to Cancel Hearing dated January 4, 2015, p. 1, Record, Vol. I, p. 317.

⁵ Dated January 15, 2016, Record, Vol. I, pp. 325-329.

⁶ Comment/Opposition dated January 15, 2016, p. 1, Record, Vol. I, p. 325.

⁷ Comment/Opposition dated January 15, 2016, p. 2, Record, Vol. I, p. 326.

⁸ Comment/Opposition dated January 15, 2016, p. 3, Record, Vol. I, p. 327.

⁹ *An Act Strengthening Further the Functional and Structural Organization of the Sandiganbayan, Further Amending Presidential Decree No. 1606, as amended, and Appropriating Funds Therefor*

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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.

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 violation of Section 3(e) of Republic Act No. 3019¹⁰ and Article 217 of the Revised Penal Code¹¹ for acts committed on or about December 20, 2001.¹²

¹⁰ *Anti-Graft and Corrupt Practices Act*

¹¹ *Malversation of Public Funds*

¹² *Informations dated April 10, 2014, Record, Vol. 1, p. 1 and Folder 2, p. 1.*

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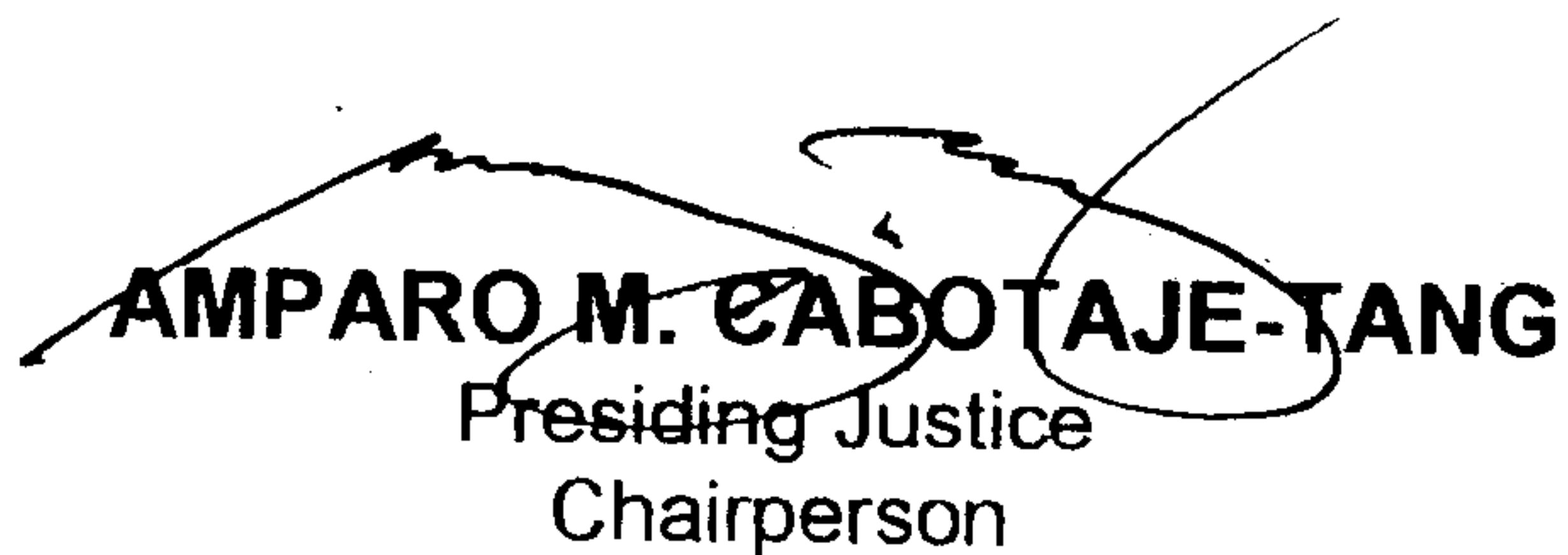
Hence, the jurisdiction over the present case is with the Sandiganbayan. There is no reason for this Court to transfer the same to the Regional Trial Court. There is also, thus, no reason to cancel or defer the hearing in the present case.

WHEREFORE, accused Serafin G. Blanco's *Motion to Cancel Hearing* dated January 4, 2015 is DENIED. Let the preliminary conference and pre-trial proceed on the dates previously set by this Court.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice

WE CONCUR:


AMPARO M. CABOTAJE-TANG
Presiding Justice
Chairperson


SAMUEL R. MARTIRES
Associate Justice