

REPUBLIC OF THE PHILIPPINES
Sandiganbayan
QUEZON CITY

FOURTH DIVISION

Minutes of the proceedings held on May 4, 2016.

Present:

Hon. JOSE R. HERNANDEZ..... Associate Justice
Hon. ALEX L. QUIROZ..... Associate Justice
Hon. GERALDINE FAITH A. ECONG..... Associate Justice

The following resolution was adopted:

SB-16-CRM-0133 – People vs. Quintino Soriano Caspillo, Jr.

This Court shall address *ex mero motu* the question of whether or not it has validly acquired jurisdiction over this case.

The information filed in this case charged the accused with violation of **Article 171, paragraph 4**, of the *Revised Penal Code*, which defines the crime of falsification of a public or official document by a public officer by “*making untruthful statements in a narration of facts*”. Ordinarily, this crime falls within the jurisdiction of the lower regular courts, and not the Sandiganbayan, an anti-graft court of limited and special jurisdiction. However, under Section 4(b) of P.D. No. 1606, as amended by R.A. No. 8249,¹ the Sandiganbayan may, **by way of exception**, validly take cognizance of this crime provided two conditions are met:

- (1) That it was **committed in relation to the office** of an accused public officer having the particular rank, position or title specified by law;² and
- (2) That such fact – i.e., that the crime was committed in relation to public office – is **properly alleged in the information**.

The reason behind the second condition is the unbending rule that **the jurisdiction of the court over a criminal case shall be determined by, and therefore must clearly appear from, the allegations in the complaint or information**.³ Thus, it is incumbent upon this Court to determine whether or not the facts necessary to

¹ The jurisdiction of the Sandiganbayan was further amended by **R.A. No. 10660** (“*An Act Strengthening Further the Functional and Structural Organization of the Sandiganbayan, Further Amending Presidential Decree No. 1606, as Amended and Appropriating Funds Therefor*”). This law is not, however, applicable to this case. Under its transitory provision (Section 5), its amendatory provision (Section 2) relating to the jurisdiction of the Sandiganbayan will apply only to offenses committed after its effectivity. This law, which was approved by the President on April 16, 2015, became effective on May 5, 2015, or fifteen (15) days after its publication in two (2) newspapers of general circulation. The crime charged in this case was committed “on or about June 17, 1997”.

² See Section 4(a), P.D. No. 1606 as amended by R.A. No. 8249.

³ *Republic vs. Asuncion*, 231 SCRA 211, 232 [1994]

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confer jurisdiction – in other words, “the jurisdictional facts” – were properly averred in the information before proceeding with this case.

The requirement that the information must aver that the crime charged was committed in relation to public office is not, however, satisfied by the mere expedient of using or incorporating in the information the standard phrase “committing the offense in relation to office” or any other phrase of similar import. Jurisprudence holds that phrase to be merely a **conclusion of law**, and as such, it would not automatically vest jurisdiction on the Sandiganbayan over the case. What is important to validly invoke the jurisdiction of the Sandiganbayan are **specific recitals of facts** in the information that would show that the commission of the crime charged – in this case, falsification – is intimately connected with or related to the performance of the accused public officer’s official functions or duties. In the language of **Lacson vs. Executive Secretary**:⁴

“What is controlling is the specific factual allegations in the information that would indicate the close intimacy between the discharge of the accused’s official duties and the commission of the offense charged, in order to qualify the crime as having been committed in relation to public office.”

The information filed in this case reads:

“The undersigned Assistant Prosecutor of the Office of the Special Prosecutor, hereby accuses QUINTINO SORIANO, CASPILLO, JR. of the crime of Falsification of Public Document, defined and penalized under Article 171, par. 4 of the Revised Penal Code, committed as follows:

“That on 17 June 1997, or sometime prior or subsequent thereto, in the Municipality of Talugtug, Nueva, Ecija, Philippines, and within this Honorable Court’s jurisdiction, the above-named accused, a public officer, being then the Municipal Mayor of Talugtug, Nueva Ecija, **taking advantage of his official position and committing the offense in relation to his duties**, did then and there willfully, unlawfully and feloniously **falsify a document or certification**, wherein said accused is legally bound to disclose the truth, by stating that he (accused) and Mr. Elmer F. Caspillo are not in any way related to each other, either by affinity

⁴ 301 SCRA 298, 332 [1999].

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or consanguinity, when in truth and in fact, as the said accused very well knew, said Elmer F. Caspillo is his nephew, thus, **making untruthful statements in a narration of facts**, to the damage and prejudice of the public interest.

CONTRARY TO LAW.”

[Emphasis supplied]

In the case at bar, accused Caspillo is charged with falsifying a document or certification where he has the legal duty to disclose the truth, making an untruthful statement in a narration of facts, by stating therein that he and Elmer F. Caspillo were not in any way related to each other, either by affinity or consanguinity, when in truth and in fact, Elmer F. Caspillo was actually his nephew, to the damage of the public interest. Although the information alleged that accused Caspillo “*took advantage of his official position*” and “*committed the offense in relation to his duties*” there was, however, no other specific recital of facts therein to show that the commission of the falsification was intimately connected with or related to the performance of his official functions or duties as Mayor of Talugtug, Nueva Ecija. In other words, from a perfunctory reading of the allegations in the information, which determines whether or not this Court has jurisdiction over the case, there is no indication at all, by means of specific factual recitals, that the falsification was perpetrated by the accused while he was in the performance, or on the occasion of the discharge, or as a consequence of the exercise, albeit maybe improper or irregular, of his official functions or duties, as Mayor of Talugtug, Nueva Ecija.

What official function or duty was accused Caspillo discharging or performing when he executed or issued the falsified document or certification, the information does not so state. What was the purpose of such document or certification and why was accused Caspillo required by the duties of his office to execute or issue it in the first place, again the information does not so state. The answers to these critical questions would determine whether or not the Sandiganbayan has jurisdiction over this case. If the issuance or execution by accused Caspillo of the subject document or certification is not required by or in connection with or related or incidental to the discharge or performance of his functions or duties as Mayor, Talugtug, Nueva Ecija, then the falsification he is alleged to have perpetrated thereon cannot be considered to have been committed “in relation to public office”. Verily, the information must allege the vital jurisdictional facts to show that the falsification committed by the accused is “office-related” or “service-connected”, and hence, within the proper jurisdiction of the Sandiganbayan. **The failure of the information to recite the requisite jurisdictional facts is fatal.**

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What is the legal effect of the failure of the information to aver the factual recitals that would show that the falsification allegedly committed by the accused was intimately connected with or related to the performance of his official functions or duties? The short answer: **It prevents this Court from validly acquiring jurisdiction over this case *ab initio*.**

It is well-settled that when the falsification of a public document was not committed in relation to the office of an accused public officer, it will not come under the jurisdiction of the Sandiganbayan. Thus, in ***Bartolome vs. People***,⁵ a case decided almost thirty years ago, the Supreme Court already held:

“In the instant case, there is no showing that the alleged falsification was committed by the accused, if at all, as a consequence of, and while they were discharging, official functions. The information does not allege that there was an intimate connection between the discharge of official duties and the commission of the offense. Besides, falsification of an official document may be committed not only by public officers and employees but even by private persons only. To paraphrase Montilla, public office is not an essential ingredient of the offense such that the offense cannot exist without the office.

Clearly, therefore, as the alleged falsification was not an offense committed in relation to the office of the accused, it did not come under the jurisdiction of the Sandiganbayan. It follows that all its acts in the instant case are null and void *ab initio*.”⁶

It is significant to note that in the case of *Bartolome vs. People*, the information therein even alleged that the accused “took advantage of their official positions”, and yet, the Supreme Court did not consider said allegation as sufficient to qualify the crime charged as having been committed in relation to public office.

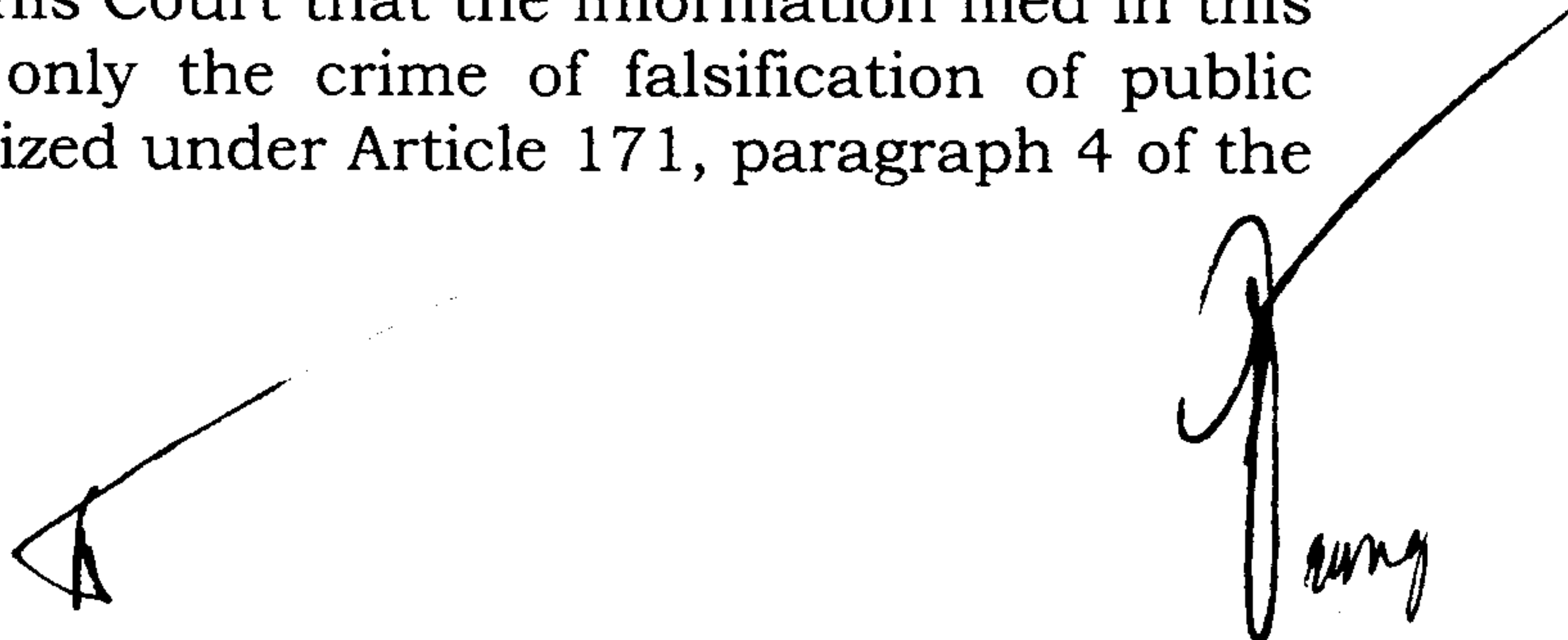
In the case of ***People vs. Magallanes***,⁷ decided nine years after *Bartolome vs. People*, the Supreme Court reiterated the ruling that the mere allegation of “taking advantage of his position” incorporated in the information is not sufficient to bring an offense within the definition of “offenses committed in relation to public office”, which are within the jurisdiction of the Sandiganbayan.

All told, it is the view of this Court that the information filed in this case, as formulated, charged only the crime of falsification of public document as defined and penalized under Article 171, paragraph 4 of the

⁵ 142 SCRA 459 [1986]

⁶ *Ibid.*, at pp. 465-466

⁷ 249 SCRA 212 [1995]

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Revised Penal Code, which is cognizable by the lower regular courts of general jurisdiction, and not by the Sandiganbayan, an anti-graft court of special and limited jurisdiction.

The next question now arises: Can this Court preserve its jurisdiction to try this case through the simple expedient of later on admitting an amended information containing the necessary factual recitals showing that the crime charged was committed in relation to public office?

In **Antiporda, Jr. vs. Garchitorea**,⁸ the Supreme Court held that if the Sandiganbayan has no jurisdiction over the offense charged in the information for its failure to aver facts showing the office-related character thereof it cannot be permitted to subsequently acquire such jurisdiction by the simple expedient of amending the information to supply for the first time jurisdictional facts not previously averred in said information. It is well-settled that a complaint or information cannot be validly amended for the purpose of conferring jurisdiction to the court. Thus, it has been held that where a court did not acquire jurisdiction over the case by the filing of the information, it neither has the power nor the jurisdiction to act on the motion for the admission of the amended information, much less allow such amendment, since it is elementary that the court must first acquire jurisdiction over the case in order to validly act therein.⁹

Consequently, and inasmuch as the information filed in this case failed to allege the requisite jurisdictional facts showing the office-related or service-connected character of the crime charged, it is evident that this Court did not validly acquire jurisdiction over this case *ab initio*. Thus, the continuance of further proceedings herein has become untenable and the only residual authority that this Court can exercise over this case is to issue an order for its dismissal. As held in **Ace Publications, Inc. vs. Commissioner of Customs**.¹⁰

"Courts are bound to take notice of the limits of their authority, and as such, they may by their own motion, even though the question is not raised by the pleadings, or not even suggested by counsel, recognize the want of jurisdiction and act accordingly by staying pleadings, dismissing the action, or otherwise noticing the defect, at any stage of the proceedings."

WHEREFORE, it appearing that the information filed in this case failed to aver the facts necessary to confer jurisdiction to this Court, let this case be DISMISSED, without prejudice, however, to the re-filing of another information which is sufficient to confer jurisdiction, either to

⁸ 321 SCRA 551 [1999]

⁹ See *Gaspar vs. Dorado*, 15 SCRA 331 [1965]; *Rosario vs. Carandang*, 96 Phil 845 [1955].

¹⁰ 11 SCRA 147, 153 [1964].

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the Sandiganbayan, if the offense charged is really committed in relation to public office, or to the lower regular courts, if it is not.

The arraignment of accused Quintino Soriano Caspillo, Jr. earlier scheduled on May 19, 2016 is necessarily cancelled.

Let the Hold Departure Order issued in this case against accused Quintino Soriano Caspillo, Jr. be RECALLED AND SET ASIDE, as the same was issued by a court bereft of jurisdiction. The cash bond posted by said accused for his provisional liberty is CANCELLED and ordered RETURNED/RELEASED to him upon his proper compliance with all the pertinent rules and regulations.

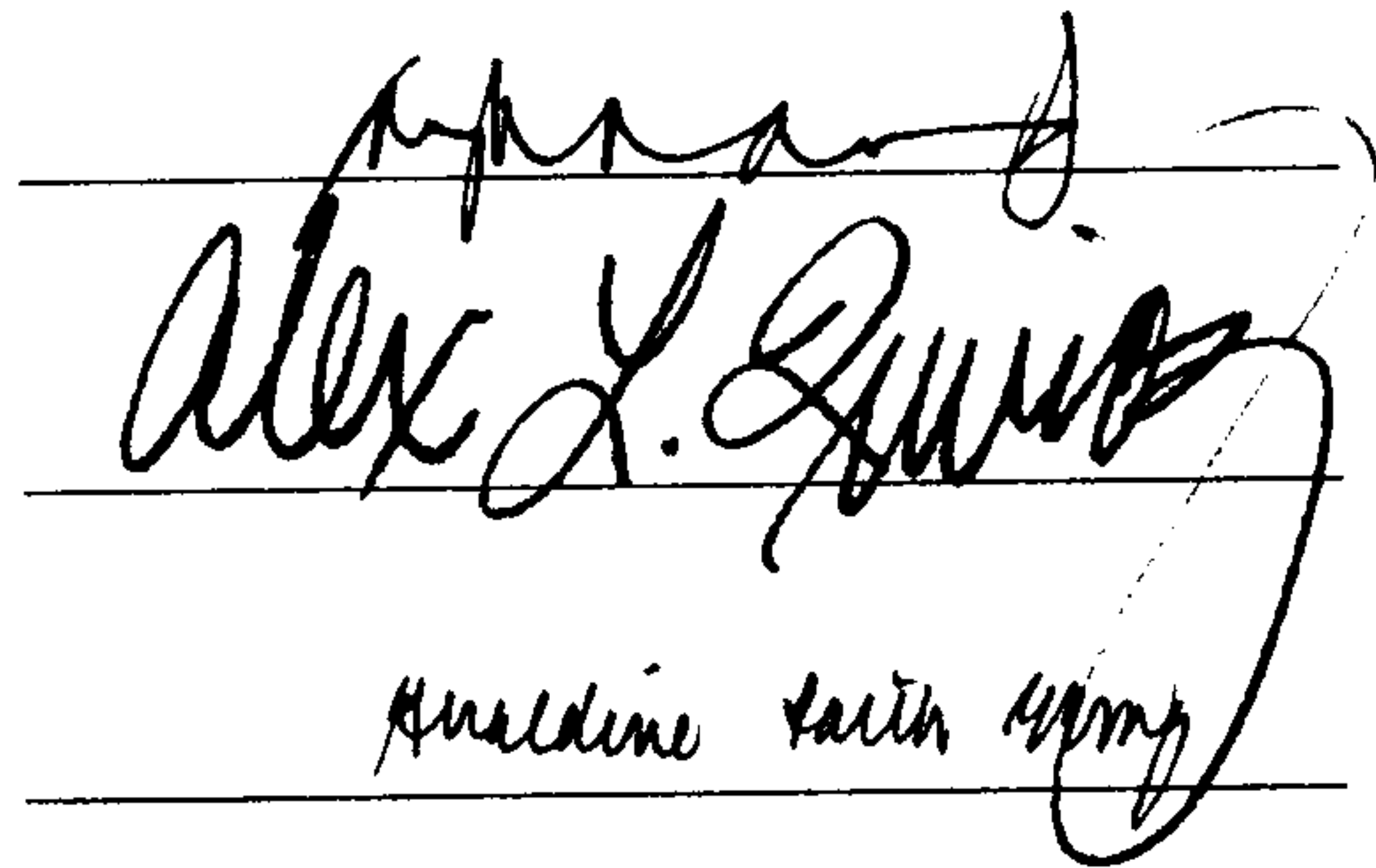
Furnish copies of this resolution to the Office of the Ombudsman, the accused, and Eugenia Umipig-Despuig and Pacifico B. Monta, who filed separate complaints against the accused.

Approved:

HERNANDEZ, J., Chairperson

QUIROZ, J.

ECONG, J.


Alex J. Quiroz
Heraldo Laitin