



REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
Quezon City

Fifth Division

PEOPLE OF THE  
PHILIPPINES,  
*Plaintiff,*

CRIMINAL CASES NO. SB-17-  
CRM-0261 to 0262

FOR: Violations of Section 3(e) of  
Rep. Act 3019 and Section 7(a) of  
Rep. Act 6713

- versus -

*Present:*  
LAGOS, J., Chairperson,  
CRUZ\*, and  
MENDOZA-ARCEGA, JJ.

*Promulgated:*

July 17, 2017 *led*

VICTORIA ANDREA  
PERALTA AGUINALDO,  
ET AL.,  
*Accused.*

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**RESOLUTION**

**LAGOS, J.:**

For the Court's resolution is accused Victoria Andrea P. Aguineldo and Oscar D. Aguineldo's *Motion to Quash*<sup>1</sup> dated June 19, 2017, based on the ground that the Court lacks jurisdiction over the offense charged in the present cases, and the prosecution's *Opposition* thereto, dated July 4, 2017.

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<sup>1</sup> Record, p. 112.

*N*  
*mf*

**RESOLUTION**

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As claimed by the accused, “jurisdiction to try a criminal action is determined by the law in force at the time of the institution of the action.” Since the present cases were filed with the Sandiganbayan on February 13, 2017, they contend that the jurisdiction hereon is vested with the Regional Trial Court, as provided under Rep. Act No. 10660, amending the Sandiganbayan law (Pres. Decree. 1606, as amended), in that “[t]he Information alleges damage to the government in the amount of One Hundred Twenty Three Thousand and Five Hundred Pesos (P123,500.00).”

Section 2 of Rep. Act No. 10660, entitled “AN ACT STRENGTHENING FURTHER THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE SANDIGANBAYAN, FURTHER AMENDING PRESIDENTIAL DECREE NO. 1606, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR,” provides:

**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 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

**“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.”** (Emphasis in the original; underscoring supplied.)

In its opposition, the prosecution contends that “[t]he transitory provisions of Republic Act 10660 is clear”, to wit:

**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”; ... **shall apply to cases arising from offenses committed after the effectivity of this Act.** (Emphasis supplied.)

Without need to belabor the issue, the contention of the prosecution is well-taken. The language of the transitory provision is clear, unambiguous, and requires no interpretation in that the amendment on the Sandiganbayan

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jurisdiction shall apply only to “cases arising from offenses committed after the effectivity of this act.”

Rep. Act No. 10660 was approved by President Benigno S. Aquino III on April 16, 2015, to take effect fifteen (15) days after its publication in the *Official Gazette* or in two (2) newspapers of general publication. It became effective on May 5, 2015.<sup>2</sup> Both accused are charged for alleged offenses committed “in September 2012, or sometime or subsequent thereto,”<sup>3</sup> way before the passage of Rep. Act 10660. It is a clear, lucid exception to the principle invoked by the accused that jurisdiction over cases is determined by the law in force at the time of the institution of the criminal action. As posited by the prosecution, “[t]he clear intent of the law is to change or vest jurisdiction to the Regional Trial Courts over acts, formerly within the jurisdiction of the Sandiganbayan, which are committed **after** the effectivity of R.A. 10660 or those committed after May 5, 2015”; that “[ultimately, the reckoning period therefore, as to effect a change in the jurisdiction of the Sandiganbayan, is the date of the commission and not the date of the filing of the Information.” (Emphasis supplied.) As to the accused’s claim, albeit unexplained and without any discussion, that “our jurisprudence is replete with decisions that the statute in force at the time of the commencement of the action determines the jurisdiction of the court the subject matter and not the time of its commission even if the penalty that may be imposed at the time of the commission is less and does not fall under the court’s jurisdiction,” the prosecution has aptly countered that “R.A. 10660 did not concern itself with the penalty imposable but on the position of the accused public official and nature of the charges.” (Underscoring supplied.) Contrary to the claim of the accused, *People vs. Cawaling*<sup>4</sup> held that, “The jurisdiction of a court to try a criminal case is determined by the law in force at the time of the institution of the action. Once the court acquires jurisdiction, it may not be ousted from the case by any subsequent events, such as a new legislation placing such proceedings under the jurisdiction of another tribunal. **The only recognized exceptions to the rule**, which find no application in the case at bar, **arise when: (1) there is an express provision in the statute**, or (2) the statute is clearly intended to apply to actions pending before its enactment.” Thus, jurisprudence itself recognizes an exception as discussed here. Here, the exception is, without a shadow of doubt, applicable -- that the amendment “**shall apply to cases arising from offenses committed after the effectivity of this Act.**”

**WHEREFORE**, the accused’s *Motion to Quash* is **DENIED** for lack of merit.

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<sup>2</sup> *Opposition*, p. 2, par. 5.

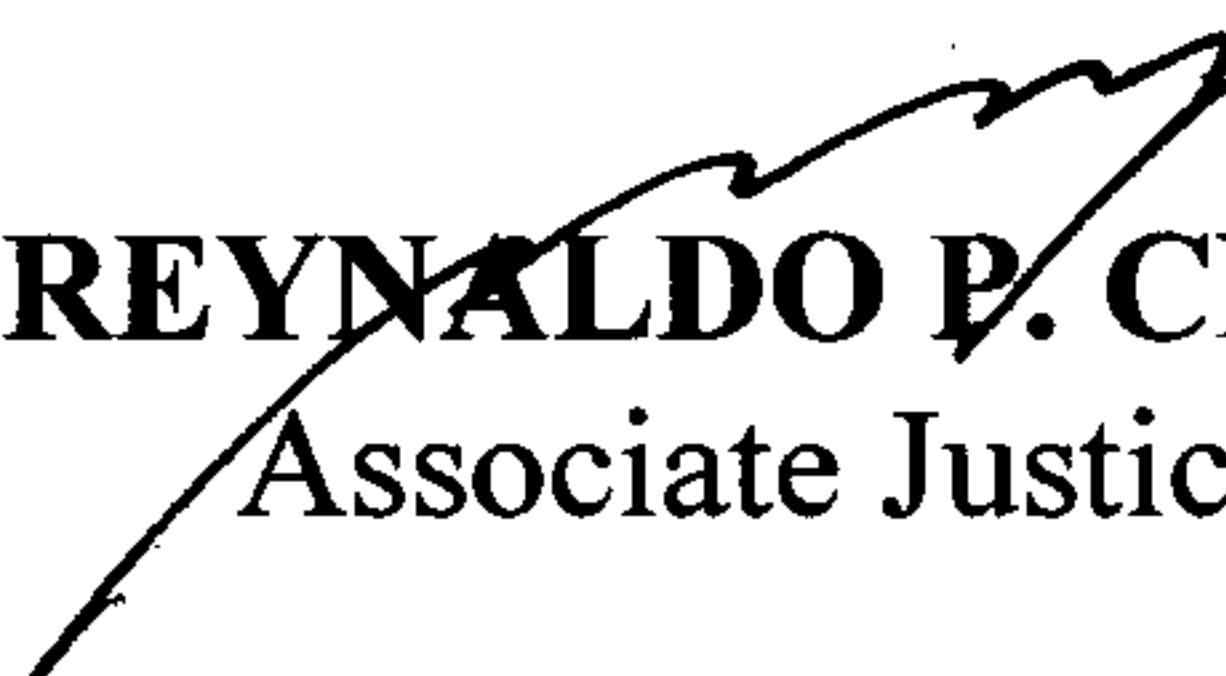
<sup>3</sup> Informations in SB-17-CRM-0261 and 0262.

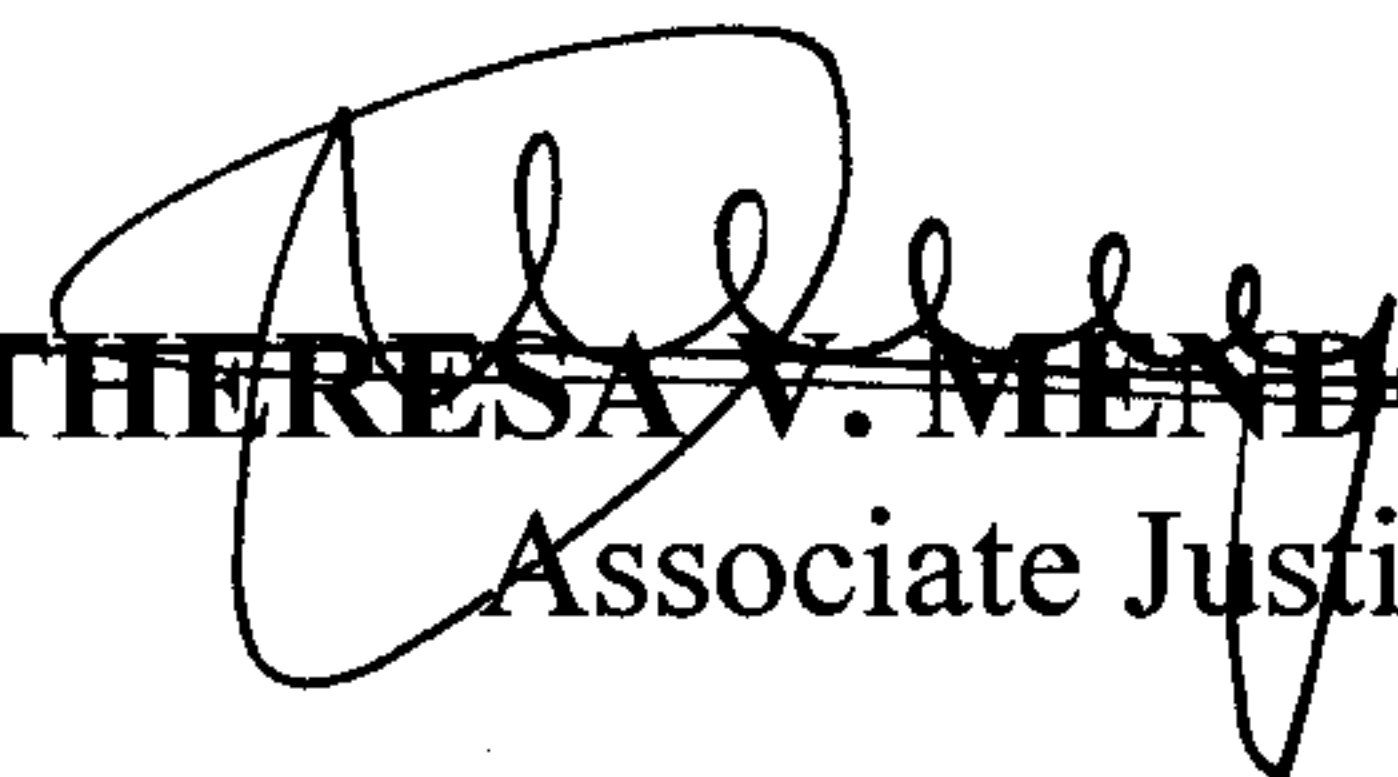
<sup>4</sup> G.R. No. 117970, July 28, 1998; 293 SCRA 267, 288.

**SO ORDERED.**

  
**RAFAEL R. LAGOS**  
Associate Justice  
Chairperson

**WE CONCUR:**

  
**REYNALDO P. CRUZ**  
Associate Justice

  
**MARIA THERESA V. MENDOZA-ARCEGA**  
Associate Justice