



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

Seventh Division

JOSEFINO N. RIGOR,
Plaintiff,

SB-17-SCA-0015 to 0018

- versus -

PRESENT:

OMAR L. SAGADAL, Deputy Special Prosecutor and Concurrent Acting Special Prosecutor, MARY SUSAN S. GUILLERMO, Deputy Special Prosecutor, LENI BAJO-PADACA, Acting Director, Prosecution Bureau XII, LORETO C. CUNANAN Assistant Special Prosecutor I, all Prosecutors of the Ombudsman (Office of the Special Prosecutor),

GESMUNDO, Chairperson
GOMEZ-ESTOESTA,
TRESPESES, JJ.

Promulgated:

July 10, 2017 *ijz*

Respondents.

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R E S O L U T I O N

GESMUNDO, J.:

Before the Court is an original Petition for *Certiorari* filed under Rule 65 of the Rules of Court by Josefino N. Rigor questioning the Joint Order in OMB-C-C-05-0116-C and OMB-C-C-05-0117-C dated March 31, 2017 signed by the above-named respondents denying petitioner's Motion for Reconsideration (with Motion to Dismiss) thereby affirming the finding of probable cause against petitioner and which eventually led to the filing of four counts of Perjury under Article 183 of the Revised Penal Code docketed as SB-17-CRM-0287 to 0290 which were raffled to herein Court.

In accordance with Rule 65 and other related provisions of the Rules of Court governing petitioners for certiorari, only petitions which are accompanied by or which comply strictly with the requirements specified therein shall be entertained. Indeed, in petitions for certiorari, procedural

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rules must be strictly observed.¹ On the basis thereof, the Court notes that the instant petition is fatally defective for the following reasons:

1. Lack of appropriate service of the petition on the public respondents pursuant to Sec. 3, par. 3 in relation to par. 6 of Rule 46 which is herein applied by analogy; and
2. Non-submission of proof of service of the petition on the public respondents, again pursuant to Sec. 3, par. 3 in relation to par. 6 of Rule 46 and Sec. 13, Rule 13 of the Rules of Court.

Over and above the foregoing procedural defects, the present petition cannot prosper on jurisdiction grounds.

The jurisdiction of the Sandiganbayan over petitions for *certiorari* has been laid down in Presidential Decree No. 1606 as amended by Republic Act No. 10660, specifically, Section 4 thereof, the relevant portion of which states:

The Sandiganbayan shall have exclusive original jurisdiction over petitions for the issuance of the writs of *mandamus*, prohibition, *certiorari*, *habeas corpus*, injunctions, and other ancillary writs and processes in aid of its appellate jurisdiction and over petitions of similar nature, including *quo warranto*, arising or that may arise in cases filed or which may be filed under Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986; *Provided*, That the jurisdiction over these petitions shall not be exclusive of the Supreme Court. (Underscoring supplied)

It is clear from the above-quoted provision of law that the Sandiganbayan's jurisdiction over petitions for *certiorari* is in aid of its appellate jurisdiction and, per the same Section 4, the Sandiganbayan's appellate jurisdiction is over the regional trial courts only, thus:

The Sandiganbayan shall exercise exclusive appellate jurisdiction over final judgments, resolutions or orders of regional trial courts whether in the exercise of their own original jurisdiction or of their appellate jurisdiction as herein provided. (Underscoring supplied)

Verily, jurisdiction is conferred by law, and any judgment, order or resolution issued without it is void and cannot be given any effect.² Whenever it appears that the court has no jurisdiction over the subject matter, the action shall be dismissed.³

¹ *Domingo v. Court of Appeals*, G.R. No. 169122, Feb. 2, 2010, 611 SCRA 353, 365.

² *Magno v. People, et al.*, G.R. No. 171542, April 6, 2011, 647 SCRA 363, 371.

³ *Id.* at 372 (citation omitted)

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Considering that P.D. 1606 as amended does not give the Sandiganbayan any appellate jurisdiction over the Ombudsman in the exercise of the latter's executive function of determining whether to file a criminal action against a respondent, it cannot thus entertain the present petition.

The foregoing disquisition begs the question of which court has jurisdiction over the present petition. Otherwise stated, if the Sandiganbayan does not have jurisdiction over original petitions filed against Decisions and Resolutions of the Office of the Ombudsman in criminal cases, then who does?

Jurisprudence instructs that the remedy of a party aggrieved by orders and decisions of the Office of the Ombudsman in criminal cases is to file an original action with the Supreme Court.⁴

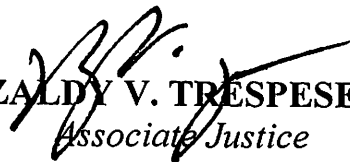
WHEREFORE, premises considered, the instant Petition is hereby **DISMISSED** on procedural and substantive grounds.

SO ORDERED.


ALEXANDER G. GESMUNDO
Chairperson
Associate Justice

WE CONCUR:


MA. THERESA DOLORES C. GOMEZ-ESTOESTA
Associate Justice


ZALDY V. TRESPESSES
Associate Justice

⁴ See *Estrada v. Desierto*, G.R. No. 156160, 9 December 2004, 445 SCRA 655; *Kuizon v. Ombudsman*, G.R. Nos. 140619-24, March 9, 2001, 354 SCRA 158.