REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

Fifth Division

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| **PEOPLE OF THE PHILIPPINES,** *Plaintiff*, | **CRIMINAL CASES NO. SB-17-CRM-0261 to 0262** |
| **- versus -** | **FOR: Violations of Section 3(e) of Rep. Act 3019 and Section 7(a) of Rep. Act 6713** |
| | ***Present:*** **LAGOS, J., *Chairperson*, CRUZ*, and MENDOZA-ARCEGA, JJ.** |
| | ***Promulgated:*** August 15, 2017 |
| **VICTORIA PERALTA ANDREA AGUINALDO, ET AL.,** *Accused.* | |

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**RESOLUTION**

***LAGOS, J.:***

For the Court's resolution is accused Andrea P. Aguinaldo and Oscar D. Aguinaldo's joint *Motion for Reconsideration (Re: Resolution dated July 17, 2017)*,[1] dated August 1, 2017, involving the Court's resolution denying

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[1] Records, p. 131.

their Motion to Quash for lack of merit. The prosecution filed its *Opposition*[2], dated August 7, 2017, to the subject motion.

In the subject resolution, the Court held that "[w]ithout 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 jurisdiction shall apply to **'cases arising from offenses committed after the effectivity of this act'**," referring to Rep. Act No.10660.

In their *Motion for Reconsideration*, the accused surmised that, "With the passage of RA 10660, it introduces three innovations and one of which is the transfer of the so-called 'minor cases' to the Regional Trial Courts, which have sufficient capability and competence to handle these cases. 'Minor cases' pertain to those where the Information does not allege any damage to the government or any bribery; or 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). With this amendment, the Sandiganbayan can now concentrate its resources in resolving the most significant cases filed against public officials and be able to render judgment in a faster pace. xxx In this case, the Information filed against both accused alleges damage to the government in the amount of One Hundred Twenty Three Thousand and Five Hundred Pesos (P123,500.00). Following the classification above, it can be classified as a 'minor case', and thus, the Regional Trial Court shall exercise its exclusive original jurisdiction." They did not cite any congressional record as basis for such a claim. The statute itself has no preamble or '*whereases*', simply cut and dry.[3] Be that as it may, the Court has no problem with that.

It is given that R.A. No. 10660 was approved by President Aquino III on April 16, 2015 and took effect on May 5, 2015, as has been previously asserted by the prosecution in its opposition to the accused's earlier motion to quash. Based on the informations in these cases, the alleged violation of Section 3(e) of Rep. Act No. 3019 (otherwise known as the Anti-Graft and Corrupt Practices Act) in docket number SB-17-CRM-0261 and violation of Section 7(a) of Rep. Act No. 6713[4] in SB-17-CRM-0262 were committed "in September 2012, or sometime prior or subsequent thereto." (Underscoring

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[2] Records, p. 138.
[3] The law is simply called "AN ACT STRENGTHENING FURTHER THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE SANDIGANBAYAN, FURTHER AMENDING PRESIDENTIAL DECREE NO. 1606, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR".

[4] "AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST, GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES

supplied.) The bottom line here is that the alleged offenses were committed before the effectivity of Rep. Act No. 10660, hence, clearly outside the scope of the law, pursuant to Section 5 thereof, *viz.*:

> **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. (Underscoring supplied.)

The two accused contend that "under the rules of statutory construction, it is not the letter but the spirit of the law and intention of the Legislature that is important and which matters. When the interpretation of a statute according to the exact and literal import of its words would lead to **absurd** or **mischievous results** or would **contravene the clear purposes** of the Legislature, it should be construed according to its **spirit and reason**, disregarding as far as necessary, the letter of the law. Statutes may be extended to cover cases not within the literal meaning of the terms, for that which is clearly within the intention of the Legislature in enacting the law is as much within the statute as if it were within the latter." (Emphasis supplied.)

Based on the above contention, both accused view that the subject provision of the law must be conceived and interpreted to cover their cases within the broadened and newly apprised jurisdiction of the Regional Trial Courts. In effect, they are asking the Court give added meaning to the clear, simple and unambiguous language of the statute; that the RTC should be considered to have jurisdiction over the herein cases; that the Court depart and stray from the clear letter of the law.

The Court finds the accused's *Motion for Reconsideration* without merit and the prosecution's *Opposition* well-taken.

The prosecution in its *Opposition* submits that where the law is clear and unambiguous, there is no room for interpretation; that the "spirit of the law" is material only when the interpretation of the statute according to the exact and literal import of its words would lead to absurd or mischievous results; that in these cases, the prosecution sees "no absurd or mischievous consequences if we apply the law to its letter" (underscoring supplied); that "the purpose or intent of the Legislature to declog the dockets of the Anti-Graft Court can still be achieved with such plain interpretation"; and finally, "[t]he hypothetical scenario advanced by accused deals with an additional issue on prescription of the crime" which is "governed by other laws and there is no such issue in the instant case."

The accused's arguments are misplaced. They insinuate that the legislature in this instance miserably failed to put into words the "clear

purposes" the legislators intended for the law to achieve and that the Court, therefore, has to necessarily "disregard the letter of the law." It undermines in such a sweeping statement, the competence of the sponsor(s) of the subject legislation, if not the collective wisdom of the members of our Congress when it passed the law. Wittingly or unwittingly, the accused would like the Court to inject, and virtually write into the subject provision of the law, through the abominable process branded as "judicial legislation," a broader, expansive interpretation. Such is uncalled for and cannot be countenanced. As contended by the prosecution, where the statute is clear, plain and free from ambiguity, it must be given its literal meaning and applied without interpretation. The Court is firmly convinced, in support of the maxim *index animi sermo est* (speech is the index of intention), that "there is a valid presumption that the words employed by the legislature in a statute correctly expresses its intention or will and preclude the court from construing it differently."[5]

The intent or spirit of the law is the law itself.[6] It is that which is expressed in the words thereof, which should be discovered within its four corners, and if legislative intent or spirit is not expressed in some appropriate manner, the courts cannot by interpretation speculate as to an intent and supply a meaning not found in the phraseology of the law. The courts cannot assume an intent in no way expressed and then construe the statute to accomplish the supposed intention, for otherwise they would pass beyond the bounds of judicial power to usurp legislative power.[7] Verily, as in the case of Section 5 of R.A. No. 10660, "where the law is clear and free from ambiguity, the letter of the law is not to be disregarded on the pretext of pursuing its spirit."[8]

Both accused do not claim that giving the "*proviso*" in Section 5 of R.A. No. 10660 its literal interpretation, *per se*, would in these cases lead to "absurd or mischievous results or contravene the clear purpose" of the law. However, they posited: "On a hypothetical note, assuming that the offense was committed last April 2015 (before the effectivity of RA 10660), but was not apparently discovered and investigated for almost fifteen (15) years and prior to its prescription, a case is not being filed in year 2029, does it mean to say that still, the Honorable Court retained its jurisdiction on the basis that the offense was committed at the time that it has jurisdiction? If that is the case, then we will have a scenario that the transitory provision of the law will be for a period of 15 to 20 years. In effect, we will have to wait such a long period

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[5] Agpalo, Statutory Construction (2009 ed.) p. 130. As explained in the text, this is based on the 'plain meaning' rule or *verba legis* derived from the maxim *index animi sermo est* (speech is the index of intention).
[6] *Id.*, p. 168, citing U.S. v. Tamparong, 31 Phil. 321 (1915); Torres v. Limjap, 56 Phil. 141 (1931); Tamayo v. Gsell, 35 Phil. 953 (1916); Senerillas v. Hermosisima, 100 Phil. 501 (1966).
[7] *Id.*, pp. 168-169, citations omitted.
[8] *Id.*, p. 219, citing Tanada v. Cuenco, 103 Phil. 1051 (1957); emphasis supplied.

before the intention of declogging and delegating cases to other courts will be made effective." (Underscoring supplied.)

It is a truism in law with respect to adjudication of cases, that courts are not permitted to decide merely hypothetical questions or possibilities. Thus, "courts have no authority to pass upon issues through advisory opinions or to resolve hypothetical or feigned problems."[9] In the given scenario, We, albeit this Court, will have to cross that bridge when We get there.

**WHEREFORE**, the accused's Motion for Reconsideration is **DENIED** for lack of merit.

**SO ORDERED.**

**RAFAEL R. LAGOS**
Associate Justice
Chairperson

**WE CONCUR:**

**REYNALDO P. CRUZ**
Associate Justice

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

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[9] Guingona vs. CA, G.R. No. 125532, July 10, 1998, citing Bernas, the Constitution, citing Muskrat vs. United States, 219 U.S. 346, 362 (1911).