

Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

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Second Division

People of the Philippines,  
Plaintiff,

Crim. Case No. SB-17-CRM-0223

For: Violation of Section 52(g)  
of R.A. 8291 (GSIS Act)

-versus-

Present:  
Herrera, Jr., J. *Chairperson*  
Musngi, J. &  
Pahimna, J.

Rosario Mediatrix P. Fernandez, et al.,  
Accused.

Promulgated:  
*September 10, 2017*

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**RESOLUTION**

**HERRERA, JR., J:**

For resolution of the Court is a ***Motion To Quash And/Or Dismiss For Lack Of Jurisdiction***<sup>1</sup> dated August 1, 2017, filed by accused Rosario Mediatrix P. Fernandez (Movant for short), through counsel, praying that the sixteen (16) ***Informations for Violation of Republic Act (R.A.) No. 8291*** and eleven (11) ***Informations for Violation of R.A. 9679*** be quashed and/or dismissed for lack or want of jurisdiction. The prosecution, through the Office of the Special Prosecutor, Office of the Ombudsman, filed an ***Opposition (To The Motion To Quash And/Or Dismiss For Lack Of Jurisdiction)***<sup>2</sup> dated August 8, 2017.

In praying for the dismissal of the cases on the ground of lack of jurisdiction, movant contends that jurisdiction is vested in the Regional Trial Court, essentially because there is no allegation of damage to the government in an amount exceeding One Million Pesos (₱1,000,000.00). Movant invokes ***Section 2 of Republic Act (R.A.) No. 10660***, which

<sup>1</sup> Record, pp. 308-317

<sup>2</sup> Id, pp. 377-382

*[Handwritten signatures]*

amends **Section 4 of Presidential Decree (P.D.) No. 1606, as amended**, which reads:

**“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.

b. Other offenses or felonies whether simple or complexed with other crimes committed by the public officials and employees mentioned in subsection a. of this section in relation to their office.

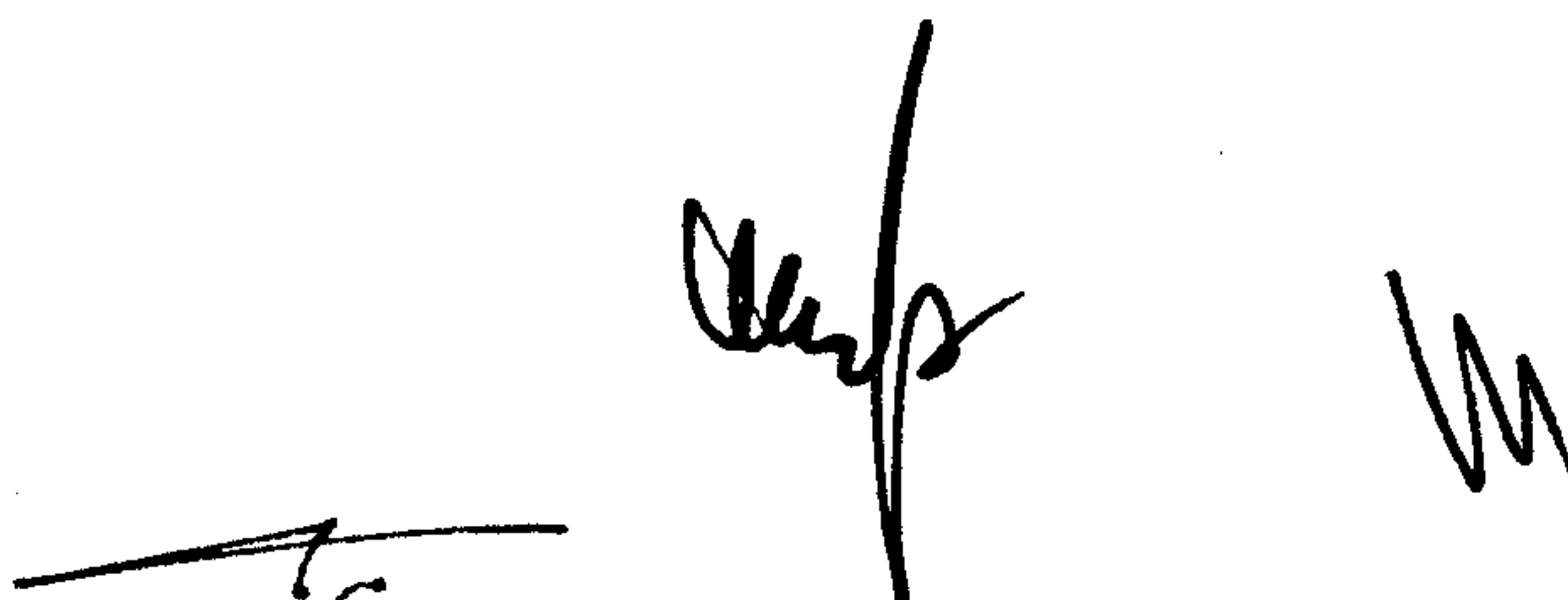
c. Civil and criminal cases filed pursuant to and in connection with Executive Order Nos. 1, 2, 14 and 14-A, issued in 1996.

***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 of bribery arising from the same or closely related transactions or acts in an amount not exceeding One million pesos (P1,000,000.00).”***

Movant claims that the amount alleged in each of the **Informations** filed do not exceed One Million Pesos (₱1,000,000.00).

The contention of movant is untenable.

As correctly pointed out by the prosecution in its **Opposition, etc.**, the amendatory provision of **Section 2 of R.A. 10660** on Jurisdiction,



particularly the portion vesting in the Regional Trial Court exclusive original jurisdiction over cases where the **Information** filed alleges damage to the government or any bribery in an amount not exceeding One Mill on Pesos, applies only to cases arising from offenses committed after the effectivity of **R.A. 10660**, which is May 5, 2015. This is clear from the **Transitory Provision of R.A. 10660** itself which reads:

“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, the dates of commission of the offenses charged in the **Informations** filed in SB-17-CRM-0223 to 0249, as alleged, are **2011 and 2012**, long before **R.A. 10660** took effect on May 5, 2015. Hence, regardless of the amounts involved, jurisdiction over the offenses charged is vested in this Court.

WHEREFORE, premises considered, the **Motion To Quash And/Or Dismiss For Lack Of Jurisdiction** dated August 1, 2017, filed by accused Rosario Mediatrix P. Fernandez, through counsel, is hereby denied.

  
OSCAR C. HERRERA, JR.  
Chairperson

We concur:

  
MICHAEL FREDERICK L. MUSNGI  
Associate Justice

  
LORIFEL L. PAHIMNA  
Associate Justice