

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,
Plaintiff,

Crim. Case No. SB-17-CRM-0633

For: Violation of The Anti-Sexual
Harassment Act of 1995

-versus-

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

Mateo A. Lee, Jr.
Accused.

Promulgated:
September 6, 2017
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RESOLUTION

HERRERA, JR., J:

Before the Court is an ***Entry Of Appearance And Motion For Reconsideration Of The June 16, 2017 Resolution***¹ dated June 29, 2017, filed by accused Mateo A. Lee, Jr. (Lee for short), through counsel, praying for reconsideration of the ***Resolution***² dated June 2, 2017 (not June 16, 2017) which denied his ***Motion For Judicial Determination Of Probable Cause And Prescription Extinguishing Liability With Prayer For Outright Dismissal Of The Case*** dated March 30, 2017. The prosecution, through the Office of the Special Prosecutor, Office of the Ombudsman, filed a ***Comment/Opposition To Accused Lee's Motion For Reconsideration Dated 29 June 2017***.³

Accused Lee, in seeking reconsideration of the June 2, 2017 ***Resolution***, insists that the offense charged against him had already prescribed.

After a careful study, the Court finds that accused Lee's plea for reconsideration is meritorious and should be granted.

¹ Record, pp. 103-110

² Id, pp. 80-83

³ Id, pp. 1-3

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[Signature]

Accused Lee is charged with **Violation of Republic Act (R.A.) No. 7877**, also known as the **Anti-Sexual Harassment Act of 1995**, under an **Information**⁴ dated April 27, 2016.

Section 7 of R.A. 7877, a special law, explicitly provides that:

“Section 7. *Penalties.* – xxx.

Any action arising from the violation of the provisions of this Act shall prescribe in three (3) years.”

Upon the other hand, **Sections 2 and 3 of Act No. 3326**, entitled **An Act To Establish Periods of Prescription For Violations Penalized By Special Acts And Municipal Ordinances And To Provide When Prescription Shall Begin To Run**, provide:

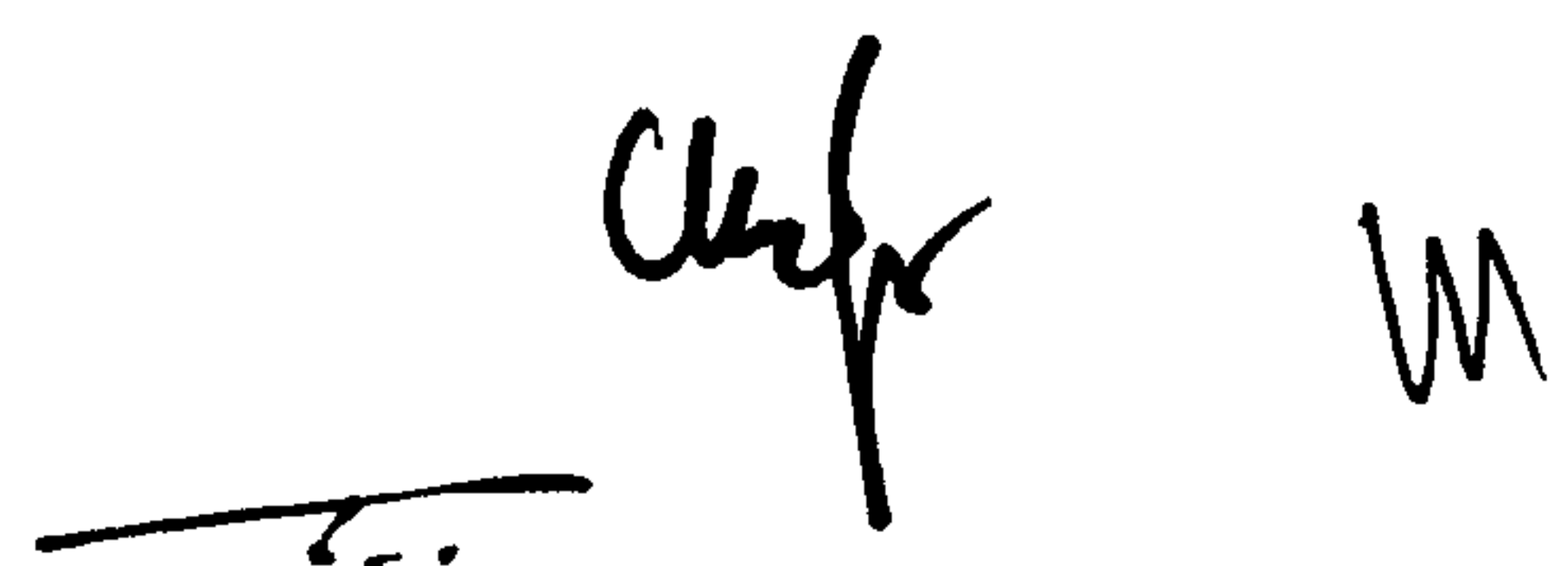
“**Sec. 2.** Prescription shall begin to run from the day of the commission of the violation of the law, and if the same be not known at the time, from the discovery thereof and the institution of judicial proceeding for its investigation and punishment.

The prescription shall be interrupted when proceedings are instituted against the guilty person, and shall begin to run again if the proceedings are dismissed for reasons not constituting jeopardy.”

“**Sec. 3.** For purposes of this Act, special acts shall be acts defining and penalizing violations of the law not included in the Penal Code.”

Here, the date of commission of the offense, alleged in the **Information** dated April 27, 2016, is “from February 14, 2013 to March 20, 2014, or sometime prior or subsequent thereto”. Hence, the period of prescription started to run not later than March 20, 2014. However, the **Information** in this case was filed with the Court only on March 21, 2017, or beyond the three (3) year period of prescription provided for in **Section 7 of R.A. 7877**. Since the interruption of the period of prescription is

⁴ Id, pp. 1-3

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governed by **Act No. 3326, R.A. 7877** being a special law, the offense charged against accused Lee had indeed prescribed.

As explained by the Supreme Court in **Jadewell Parking Systems Corporation, etc. v. Judge Lidua, Sr., et al.**⁵:

“SEC. 20. How Period of Prescription Computed and Interrupted. - For an offense penalized under the Revised Penal Code, the period of prescription commences to run from the day on which the crime is discovered by the offended party, the authorities, or their agents, and shall be interrupted:

a) by the filing of the complaint with the Office of the City/Provincial Prosecutor; or with the Office of the Ombudsman; or

b) by the filing of the complaint or information with the court even if it is merely for purposes of preliminary examination or investigation, or even if the court where the complaint or information is filed cannot try the case on its merits.

However, for an offense covered by the Rules on Summary Procedure, the period of prescription is interrupted only by the filing of the complaint or information in court.

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For violation of a special law or ordinance, the period of prescription shall commence to run from the day of the commission of the violation, and if the same is not known at the time, from the discovery and the institution of judicial proceedings for its investigation and punishment. The prescription shall be interrupted only by the filing of the complaint or information in court and shall begin to run again if the proceedings are dismissed for reasons not constituting double jeopardy.”

WHEREFORE, premises considered, the **Resolution** dated June 2, 2017 is hereby reconsidered and set aside.

The instant case is hereby dismissed on the ground that the offense charged has already prescribed.

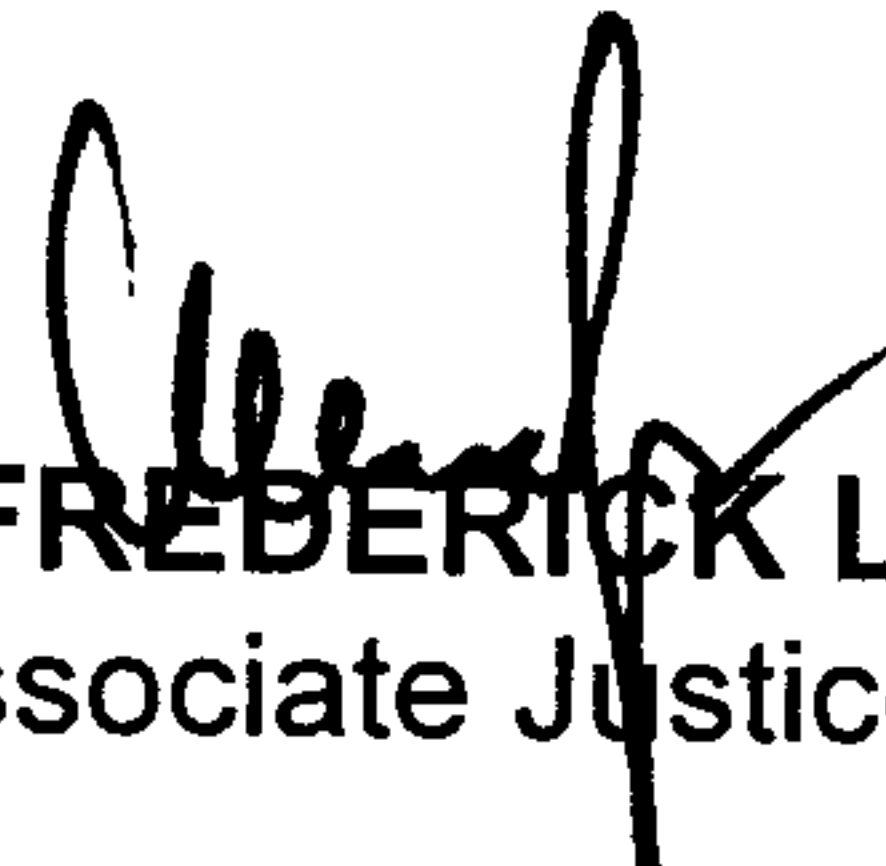
⁵ G.R. No. 169588, October 7, 2013; 706 SCRA 724

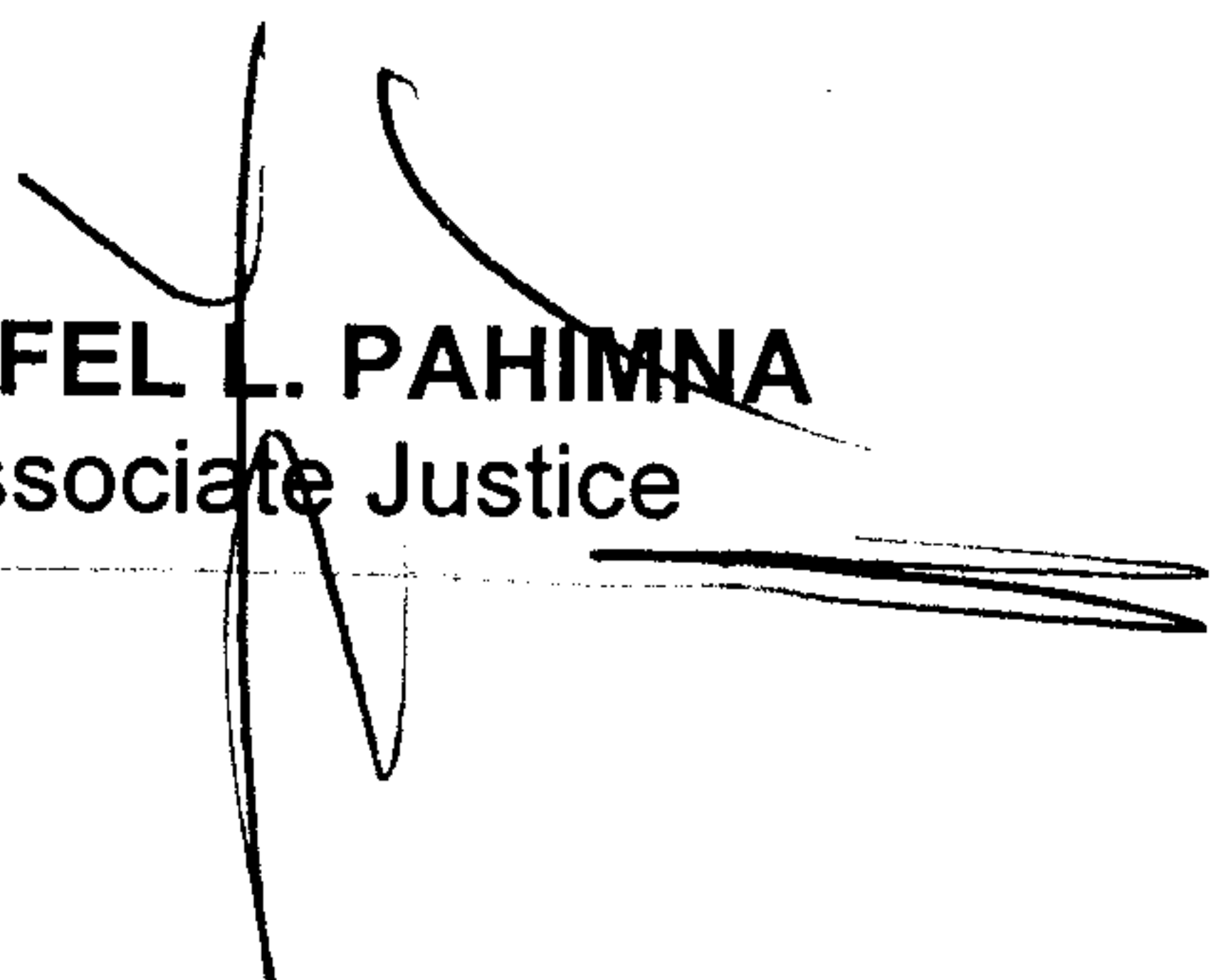


SO ORDERED.


OSCAR C. HERRERA, JR.
Chairperson

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


LORIFEL L. PAHIMNA
Associate Justice