



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

JOSELITO A. OJEDA, ET AL.,
Accused.

CRIM. CASE NO. SB-19-
CRM-0047

For: Violation of Section 3(e)
of R. A. No. 3019

Present:

QUIROZ, J., *Chairperson*
CRUZ, J.
JACINTO, J.

Promulgated on:

JUN 19 2019

X-----X

RESOLUTION

CRUZ, J.

This resolves the *Ad Cautelam* Motion (to Quash Information, Hold in Abeyance the Issuance of Warrants of Arrest and Defer Proceedings)¹ dated 12 April 2019 filed by accused-movants Joselito A. Ojeda, Delio H. De Leon, Marissa P. Cortez, Noel M. Eroa and Marina L. Palillo ("Ojeda, et al.") and the Comment/Opposition (On the *Ad Cautelam* Motion to Quash Information, Hold in Abeyance the Issuance of Warrants of Arrest and Defer Proceedings)² dated 3 May 2019 filed by the prosecution.

¹ Records, pp. 145-149.

² *Id.*, pp. 207-213.

m y

X- -----X

Ojeda, et al. argue that the Court has no jurisdiction over the offense charged and that Graft Investigation and Prosecution Officer (GIPO) IV Julie P. Mercurio has no authority to file the Information³ with the Court.

On the first ground, they contend that the present criminal case falls within the jurisdiction of the Regional Trial Court, based on Republic Act (R.A.) No. 10660⁴ that provides 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 (₱1,000,000.00). They maintain that the Information filed against them does not allege "any bribery" and that the amount involved, *i.e.*, ₱500,000.00 as the cost of the generator set, falls way below the threshold of ₱1,000,000.00. They point out that even the Office of the Ombudsman directed, in its Resolution⁵ dated 6 February 2018, that the corresponding Information be filed with the Regional Trial Court

As to the second ground, Ojeda, et al. argue that GIPO IV Julie P. Mercurio has no authority to file the Information with the Court because the 6 February 2018 Resolution of the Office of the Ombudsman directed the filing of the Information with the Regional Trial Court.

The prosecution counters that the Court has jurisdiction over the present case since the Transitory Provision of R.A. No. 10660 states that the jurisdiction of the Regional Trial Court would apply only to those cases arising from offenses committed after the effectivity of R.A. No. 10660 or on 5 May 2015. It emphasizes that the offense charged in the Information was committed sometime in March 2013, or about two (2) years prior to the effectivity of the said law; thus, the Court and not the Regional Trial Court has jurisdiction over the present case.

The prosecution also points out that the provision on the jurisdiction of the Regional Trial Court in R.A. No. 10660 is not self-executing but requires promulgation by the Supreme Court of implementing rules before it can be applied.

³ *Id.*, pp. 1-3.

⁴ 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."

⁵ Records, pp. 6-15.



x-----x

As regards the second ground of the motion to quash, the prosecution argues that even if the Resolution dated 6 February 2018 directs that the Information would be filed before the Regional Trial Court, it does not mean that the jurisdiction over the present case is conferred upon the Regional Trial Court. The prosecution maintains that the jurisdiction remains with the Sandiganbayan as it is conferred by law and determined by the allegations in the Information. It emphasizes that the Information shows on its face that it is for filing with the Court and the approval of Ombudsman Samuel R. Martires thereon indicates that the officer filing the same has the authority to do so.

Lastly, the prosecution submits that Ojeda, et al. can no longer ask the Court to hold in abeyance the issuance of warrants of arrest, considering that the Court had already ordered the issuance of warrants of arrest against them on 8 April 2019. All of them posted bail and their arraignment was already scheduled.

The motion lacks merit.

Ojeda, et al. relied on the amendatory provisions of R.A. No. 10660 in Section 4 of Presidential Decree No. 1606,⁶ last amended by R.A. No. 8249,⁷ that read as follows:

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).

Subject to the rules promulgated by the Supreme Court, the cases falling under the jurisdiction of the Regional Trial Court under this section shall be tried in a judicial region other than where the official holds office.

However, the jurisdiction of the Regional Trial Court as specified in the above-quoted paragraphs can only apply to cases arising from offenses committed after the effectivity of R.A. No. 10660

⁶Entitled "Revising Presidential Decree No. 1486 Creating a Special Court to be Known as 'Sandiganbayan' and for Other Purposes."

⁷ Entitled "An Act Further Defining the Jurisdiction of the Sandiganbayan, Amending for the Purpose Presidential Decree No. 1606, as Amended, Providing Funds Therefor, and for Other Purposes."



x-----x
on 5 May 2015.⁸ The Transitory Provision of R.A. No. 10660 is clear on this matter, thus:

Sec. 5. Transitory Provision. – This Act shall apply to all cases pending in the Sandiganbayan over which trial has not yet 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.** (Emphasis supplied)

The Court still maintains jurisdiction over cases involving offenses enumerated in Section 4 of P.D. No. 1606, as amended, that were committed prior to the effectivity of R.A. No. 10660 on 5 May 2015. Based on the subject Information, the offense of Violation of Section 3(e) of R.A. No. 3019 was allegedly committed in March 2013, or prior to the effectivity of R.A. No. 10660. Therefore, the Court and not the Regional Trial Court has jurisdiction over the present case.

That being the case, it cannot be correctly argued that the officer who filed the subject Information with the Court has no authority to do so. Aside from the Court having jurisdiction over the present case, the Information bears the approval of the Ombudsman. Section 4, Rule 112, Rules of Court provides, in part:

No complaint or **information** may be **filed** or dismissed by an investigating prosecutor without the **prior written** authority or **approval** of the provincial or city prosecutor or chief state prosecutor or the **Ombudsman** or his deputy. (Emphasis supplied)

Notwithstanding the directive of the Office of the Ombudsman in its 6 February 2018 Resolution that the corresponding Information be filed with the Regional Trial Court, the jurisdiction of the Court is still determined by the allegations of the subject Information.⁹ To its credit, the Office of the Ombudsman correctly chose to overlook its own order to file the Information with the Regional Trial Court and instead filed the same with the Court.

Finally, the Court considers moot the prayer to hold in abeyance the issuance of warrants of arrest against Ojeda, et al. with its issuance of the Warrant of Arrest¹⁰ on 8 April 2019, or four (4) days

⁸ The date of effectivity of R.A. No. 10660 was mentioned in *Republic v. Sereno*, G.R. No. 237428, 11 May 2018.

⁹ See *Navaja v. De Castro*, G.R. No. 182926, 22 June 2015.

¹⁰ Records, p. 139.

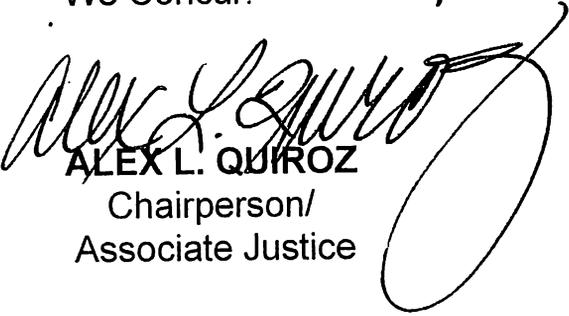
x-----x
before the filing of their motion. Further, they already posted bail for their provisional liberty that the Court approved on 15 April 2019.¹¹

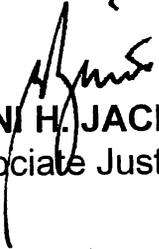
WHEREFORE, premises considered, the Court **DENIES** accused-movants Joselito A. Ojeda, Delio H. De Leon, Marissa P. Cortez, Noel M. Eroa and Marina L. Palillo's *Ad Cautelam* Motion (to Quash Information, Hold in Abeyance the Issuance of Warrants of Arrest and Defer Proceedings).

SO ORDERED.


REYNALDO P. CRUZ
Associate Justice

We Concur:


ALEX L. QUIROZ
Chairperson/
Associate Justice


BAYANI H. JACINTO
Associate Justice

¹¹ Order dated 15 April 2019. *Id.*, pp. 182-183.