



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, SB-19-A/R-0009
Petitioner-Appellant,

Present

- versus -

FERNANDEZ, SJ, J.,
Chairperson
MIRANDA, J. and
VIVERO, J.

Hon. ANALIE B. OGA-BRUAL,
in her capacity as Presiding
Judge of the Metropolitan
Trial Court, Branch 41 of
Quezon City, ET AL.,
Respondents-Appellees.

Promulgated:

OCT 30 2019 *[Signature]*

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves the appeal of petitioner-appellant People of the Philippines, from the Decision dated October 6, 2017 penned by Hon. Edgardo B. Bellosillo, Presiding Judge of the Regional Trial Court in Quezon City, Branch 95 (RTC), dismissing petitioner-appellant's Petition for Certiorari, and the Order dated February 7, 2018, denying petitioner-appellant's Motion for Reconsideration of said Decision.

ANTECEDENT FACTS

On November 4, 2011, the Office of the Ombudsman, through Christine Tabasuares-Aba, Graft Investigation and Prosecution Officer I, filed with the Metropolitan Trial Court in Quezon City, Branch 41 (MeTC), the Information charging herein respondent-appellee

[Handwritten signatures]

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Emmanuel P. Cuntapay, and Gregoria R. Flores, with Falsification under Art. 172 (1) , in relation to Article 171 (4) of the Revised Penal Code. The Information alleged that accused Cuntapay and Flores made it appear in a certificate of live birth, affidavit of acknowledgment, and affidavit of delayed registration, that a child named Flora May Rigodon was born on December 22, 1996 in Quezon City, when the child was actually born on January 22, 1997 in Manila, and registered under Registry No. 97-1804 in the Civil Registry of Manila, as Flora Mae R. Flores. The Information reads:¹

That on or about the 19th day of June, 2001, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, in conspiracy with one another, did then and there, willfully, unlawfully and feloniously falsify or cause to be falsified a public document, to wit: the certificate of live birth of Flora Mae R. Flores, including the affidavit of acknowledgement/admission of paternity and the affidavit for delayed registration of birth, which said accused filed and caused to be entered in the Civil Registrar of Quezon City on or about June 19, 2001, as Registry Number 2001-37704, by then and there stating and making it appear in said document that the said child is named Flora May Rigodon born on December 22, 1996 at 231 Ilocos Sur Street, Bago Bantay, Quezon City, when in truth and in fact, the accused well knew that the child was born on January 22, 1997 at the Chinese General Hospital and Medical Center, Blumentritt, Manila, and was named Flora Mae R. Flores in the certificate of live birth under Registry Number 97-1804 in the Civil Registry of Manila, thus, committing the offense of Falsification of Public Document by making untruthful statements in the narration of facts in violation of the provisions of Article 172 (1), in relation to Article 171 (4) of the Revised Penal Code.

CONTRARY TO LAW. [sic]

On January 18, 2012, therein accused pleaded "Not Guilty" to the Information. Subsequently, on March 13, 2012, Flores withdrew her plea of "Not Guilty" and entered a plea of "Guilty," for which she was sentenced to a penalty of imprisonment for two (2) months and one (1) day and to pay a fine of Five Thousand Pesos (P5,000.00).² Trial ensued as to herein respondent-appellee Cuntapay. Thereafter, herein public respondent-appellee Hon. Analie B. Oga-Brual rendered the Decision dated September 14, 2015, acquitting herein private respondent-appellee Cuntapay for the prosecution's failure to prove his

¹ MeTC's Decision dated September 14, 2015, p. 1; Record, p. 47

² MeTC's Decision dated September 14, 2015, pp. 1-2; Record, pp. 47-48



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guilt beyond reasonable doubt. The dispositive portion of the Decision reads:³

WHEREFORE, above-premises considered, for failure of the prosecution to prove the guilt beyond reasonable doubt, accused **EMMANUEL CUNTAPAY y PAMITTAN** is hereby ACQUITTED for the crime of Falsification of Public Document.

The Warrant of Arrest issued against him is hereby ordered LIFTED and SET ASIDE, and the bond posted by him is ordered released, subject to the presentation of the official original receipt thereof.

SO ORDERED.

The Office of the Ombudsman's Motion for Reconsideration dated September 23, 2015⁴ was denied in the Order dated November 30, 2015.⁵

Not satisfied with the outcome, the Office of the Ombudsman, through its Prosecution and Monitoring Bureau (PAMB), filed with the RTC the Petition for Certiorari dated March 8, 2016,⁶ assailing said Decision and Order of the MeTC.

The RTC found no grave abuse of discretion on the part of respondent-appellee Judge, and accordingly dismissed the Petition for Certiorari in the Decision dated October 6, 2017.⁷

The Office of the Ombudsman's Motion for Reconsideration was denied in the Order dated February 7, 2018.⁸

Thereafter, the Office of the Ombudsman filed the Notice of Appeal dated March 7, 2018,⁹ stating that it is appealing the Decision dated October 6, 2017 and the Order dated February 7, 2018 to the Sandiganbayan. However, in the Order dated July 9, 2018, the RTC ordered that the entire record of the case be forwarded to the Court of Appeals (CA), instead of the Sandiganbayan. In the Resolution dated July 11, 2019, the CA directed that the records be remanded to the

³ MeTC's Decision dated September 14, 2015, p. 13; Record, p. 60

⁴ Record, pp. 61-78

⁵ Record, pp. 95-96

⁶ Record, pp. 11-45

⁷ Record, pp. 99-103

⁸ Record, p. 149

⁹ Record, pp. 150-151

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RTC, after petitioner-appellant, in its Manifestation with Motion, apprised the CA of its intention to appeal the assailed Decision to the Sandiganbayan, and not to the CA.¹⁰

Hence, the present appeal.

THE COURT'S RULING

This Court resolves to dismiss petitioner-appellant's appeal for lack of jurisdiction.

The penalty for Falsification under Art. 172 of the Revised Penal Code is *prisión correccional* in its medium and maximum periods¹¹ and a fine of not more than ₱5,000. Hence, the Information was correctly filed with the MeTC, not pursuant to Sec. 4 of Presidential Decree No. 1606, as amended by R.A. No. 8249,¹² but in accordance with Sec. 32 of Batas Pambansa Blg. 129, as amended (B.P. Blg. 129).¹³ The Petition for Certiorari was also correctly filed with the RTC,¹⁴ which transmitted the records of the case to the CA.¹⁵ The CA directed the remand of the records to the RTC for transmittal to the Sandiganbayan because in the Notice of Appeal, petitioner-appellant manifested its intention to appeal the assailed Decision and Order to this Court.

¹⁰ Record, pp. 7-8

¹¹ 2 years, 4 months and 1 day to 6 years

¹² 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

¹³ **Sec. 32. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Criminal Cases.** – Except in cases falling within the exclusive original jurisdiction of the Regional Trial Courts and of the Sandiganbayan, the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise: x x x (2) Exclusive original jurisdiction over all offenses punishable with imprisonment not exceeding six (6) years irrespective of the amount of fine, and regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof; Provided, however, That in offenses involving damage to property through criminal negligence, they shall have exclusive original jurisdiction thereof. (underscoring supplied)

¹⁴ B.P. Blg. 129, as amended. **Sec. 21. Original Jurisdiction in other cases.** – Regional Trial Courts shall exercise original jurisdiction: (1) In the issuance of writs of certiorari, prohibition, mandamus, quo warranto, habeas corpus and injunction which may be enforced in any part of their respective regions; and x x x (underscoring supplied)

¹⁵ In *Cariaga v. People* (G.R. No. 180010, July 30, 2010), the Supreme Court, citing *Ulep v. People* (G.R. No. 183373, January 30, 2009), held that the trial court was duty bound to forward the records of the case to the proper forum. This appears to apply notwithstanding the fact that the wrong court is indicated in the notice of appeal.

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In *Foronda-Crystal v. Son*,¹⁶ the Supreme Court discussed the definition and nature of jurisdiction as follows:

Jurisdiction is defined as the power and authority of a court to hear, try, and decide a case. In order for the court or an adjudicative body to have authority to dispose of the case on the merits, it must acquire, among others, jurisdiction over the subject matter. It is axiomatic that jurisdiction over the subject matter is the power to hear and determine the general class to which the proceedings in question belong; it is conferred by law and not by the consent or acquiescence of any or all of the parties or by erroneous belief of the court that it exists.

(underscoring supplied)

A judgment rendered without jurisdiction is a void judgment.¹⁷ Thus, to avoid wasting time and effort, on the part of both the Court, and of the parties, it is necessary to determine if this Court has the jurisdiction to act on the present appeal. This Court rules in the negative.

Sec. 4 of P.D. No. 1606, provides for the cases that fall within the Sandiganbayan's jurisdiction. To wit:

Section 4. Jurisdiction – The *Sandiganbayan* shall exercise 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:

x x x

- 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 1986.

¹⁶ G.R. No. 221815, November 29, 2017

¹⁷ Please see *Imperial v. Armes*, G.R. Nos. 178842 and 195509, January 30, 2017

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In cases where none of the accused are occupying positions corresponding to salary grade "27" or higher, as prescribed in the said Republic Act No. 6758, or military or PNP officers mentioned above, exclusive original jurisdiction thereof shall be vested in the proper regional trial court, metropolitan trial court, municipal trial court and municipal circuit trial court, as the case may be, pursuant to their respective jurisdictions as provided in Batas Pambansa Blg. 129, as amended.

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.

x x x

(emphasis and underscoring supplied)

Here, the Information filed with the MeTC charged the accused with Falsification under Art. 172 (1)¹⁸ of the Revised Penal Code. There is no question that the crime does not fall under subsections a and c of Sec. 4 of P.D. No. 1606. A reading of said Information would also show that it does not fall under subsection b.

In *Adaza v. Sandiganbayan*,¹⁹ the Supreme Court explained that to fall within subsection b, the phrase "committed in relation to public office" does not necessarily have to be alleged in the Information. However, the Information must allege facts showing the intimate relation between the crime and the office of the accused. viz.:

In *Montilla v. Hilario*, this Court held that for an offense to be **committed in relation to the office**, the relation between the crime and the office must be direct and not accidental, such that the offense cannot exist without the office.

People v. Montejo, by way of exception, enunciated the principle that although public office is not an element of the offense charged, as long as the offense charged in the information is intimately connected with the office of the offender and perpetrated while he was in the performance, though improper or irregular, of his official functions, the accused is held to have been indicted for an offense committed in relation to his office.

¹⁸ Book II (Crimes and Penalties), Title IV (Crimes Against Public Interest), Chapter 1 (Forgeries), Section 4 (Falsification of legislative, public, commercial, and private documents and wireless, telegraph and telephone messages)

¹⁹ G.R. No. 154866, July 28, 2005

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It does not thus suffice to merely allege in the information that the crime charged was committed by the offender in relation to his office or that he took advantage of his position as these are conclusions of law. The specific factual allegations in the information that would indicate the close intimacy between the discharge of the offender's official duties and the commission of the offense charged, in order to qualify the crime as having been committed in relation to public office, are controlling.

Here, the Information does not allege the positions held by the accused, much less, facts showing the intimate relation between the crime charged and respective offices of the accused. In fact, on the basis of the allegations in the Information only, it cannot be inferred that the accused were public officers. It is clear, on the basis of the Information, that the Sandiganbayan has no jurisdiction.

More importantly, even disregarding the deficiencies in the Information, the facts established in the Decision of the MeTC clearly show that the case is not within the jurisdiction of the Sandiganbayan. The MeTC's Decision shows that accused Cuntapay was an Architect V of the Architectural Division at the Department of Public Works and Highways (DPWH), and accused Flores was a Clerk III thereat. The subject of the subject birth certificate, *i.e.*, Flora Mae R. Flores a.k.a. Flora May Rigodon, is the illegitimate child of both accused. The child was acknowledged by accused Cuntapay in the Certificate of Live Birth with Registry No. 2001-37704. By no stretch of the imagination could the alleged falsification of said Certificate of Live Birth be considered to be directly or indirectly related to the office of either accused.

Finally, it does not appear that the Office of the Ombudsman had the authority to file the Information in the first place. The investigation may have been initially conducted by the Office of the Ombudsman because the accused charged in the Information were public officers. However, with respect to the criminal aspect, the Office of the Ombudsman should have indorsed²⁰ the matter to the proper government office or agency once it became apparent that the alleged offense does not appear to have been committed in relation to office,

²⁰ Administrative Order No. 07 (Rules of Procedure of the Office of the Ombudsman). Rule II, Sec. 2. Evaluation – Upon evaluating the complaint, the investigating officer shall recommend whether it may be: x x x c) indorsed to the proper government office or agency which has jurisdiction over the case; x x x

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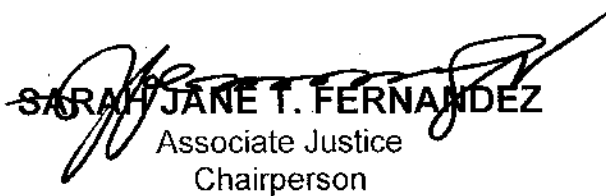
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and therefore, not within Sandiganbayan's and the Office of the Ombudsman's jurisdiction.²¹

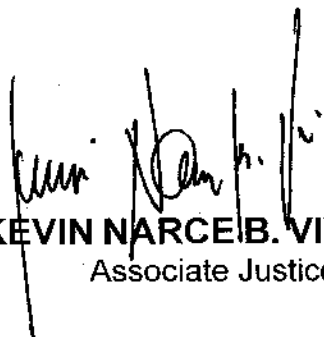
WHEREFORE, petitioner-appellant's appeal is hereby **DISMISSED** for lack of jurisdiction.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


KEVIN NARCEB. VIVERO
Associate Justice

²¹ R.A. No. 6770. Sec. 15. Powers, Functions and Duties. – The Office of the Ombudsman shall have the following powers, functions and duties: (1) Investigate and prosecute on its own or on complaint by any person, any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient. It has primary jurisdiction over cases cognizable by the Sandiganbayan and, in the exercise of his primary jurisdiction, it may take over, at any stage, from any investigatory agency of Government, the investigation of such cases; (underscoring supplied)