



REPUBLIC OF THE PHILIPPINES  
*Sandiganbayan*  
Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on December 2, 2020

PRESENT:

**HON. SARAH JANE T. FERNANDEZ**.....Associate Justice  
**HON. KARL B. MIRANDA**.....Associate Justice  
**HON. KEVIN NARCE B. VIVERO**.....Associate Justice

The following resolution was adopted:

**SB-20-CRM-0002 to 0005** –

**PEOPLE vs. PSSUPT. ABELARDO C. MATILLANO**

Acting on the prosecution's *Motion to Withdraw Informations*,<sup>1</sup> the Court resolves to **GRANT** the same.

Although the prosecution did not cite any ground for the withdrawal of the Informations in these cases, aside from the Ombudsman's approval of the recommendation of the handling prosecutors, it appears from the Memorandum dated February 19, 2020<sup>2</sup> that the ground for the withdrawal of the Informations is the Sandiganbayan's lack of jurisdiction over these cases.

Sec. 4 of Presidential Decree No. 1606 (P.D. No. 1606), as amended by Republic Act No. 10660 (R.A. No. 10660) provides:

**Sec. 4. Jurisdiction.** – The Sandiganbayan shall exercise exclusive original jurisdiction in all cases involving:

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.

x x x

*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

<sup>1</sup> Dated October 23, 2020 and filed by electronic mail on October 26, 2020

<sup>2</sup> Annex A of the prosecution's Motion

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

On the other hand, Sec. 5 of R.A. No. 10660 provides:

**Sec. 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)

An examination of the Information in these cases would show that (1) they do not allege any damage to the government or any bribery, and (2) the offenses charged were allegedly committed in or around January 2016 (SB-20-CRM-0002 and 0003), February 2016 (SB-20-CRM-0004), and March 2016 (SB-20-CRM-0005), or after the date of the effectivity of R.A. No. 10660 on May 5, 2015.<sup>3</sup> Hence, these cases do not fall within the Sandiganbayan’s jurisdiction.

As prayed for, **SB-20-CRM-0002 to 0005** entitled *People of the Philippines v. PSSupt. Abelardo Cariño Matillano* are hereby **WITHDRAWN** without prejudice to the refiling of the same with the proper court.

The *Manifestation*<sup>4</sup> of accused Abelardo C. Matillano is **NOTED.**

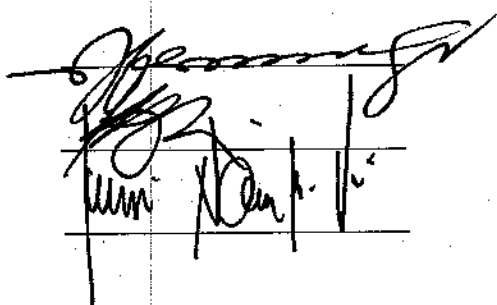
**SO ORDERED.**

**APPROVED:**

**FERNANDEZ, SJ, J.,** *Chairperson*

**MIRANDA, J.**

**VIVERO, J.**



<sup>3</sup> Please see *Ampongan v. Sandiganbayan*, G.R. Nos. 234670-71, August 14, 2019

<sup>4</sup> Dated and filed on November 9, 2020