



REPUBLIC OF THE PHILIPPINES

*Sandiganbayan*

Quezon City

SIXTH DIVISION

**PEOPLE OF THE PHILIPPINES,** **SB-19-CRM-0144 and 0145**  
**Plaintiff,** For: Violation of Sec. 8 in relation to  
Sec. 11 of R.A. No. 6713

*Present*

- versus -

**ABUBACAR P. MAULANA,**  
Accused.

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

*Promulgated:*

**MAR 09 2022** *ful*

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**RESOLUTION**

**FERNANDEZ, SJ, J.**

This resolves the prosecution's *Motion to Withdraw Information (For Criminal Case No. SB-19-CRM-0145)*,<sup>1</sup> wherein it prays that the Information in SB-19-CRM-0145 be withdrawn on the ground that the Sandiganbayan does not have jurisdiction over the said case.

During the hearing on March 4, 2022, accused Abubacar P. Maulana countered:

1. Applying the law in force before the effectivity of Republic Act No. 10660 will be more favorable to him.
  - a. The case will be decided by three (3) Justices instead of a single Judge;
  - b. If the Information is dismissed and refiled, it might be filed with a court in a place where his adversaries are residing; and,

<sup>1</sup> Dated February 18, 2022

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- c. It will be riskier to bring the witnesses based in Metro Manila to the province.
- 2. The filing of the case against him was politically motivated.

In reply, the prosecution argued that jurisdiction is not subject to compromise, and the Court has no option but to dismiss the case for lack of jurisdiction.

THE COURT'S RULING

The Court resolves to grant the prosecution's Motion.

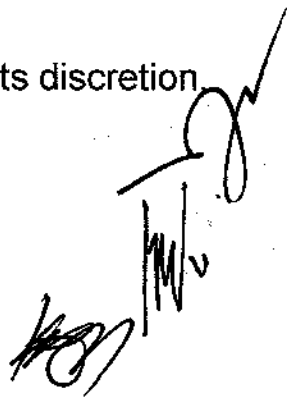
In *Santos v. Orda*,<sup>2</sup> citing *Crespo v. Mogul*,<sup>3</sup> it was held that once an Information is filed in court, the disposition of the case rests within the exclusive jurisdiction, competence, and discretion of the trial court. Viz.:

In *Crespo v. Mogul*, the Court held that once a criminal complaint or information is filed in court, any disposition of the case or dismissal or acquittal or conviction of the accused rests within the exclusive jurisdiction, competence, and discretion of the trial court. The trial court is the best and sole judge on what to do with the case before it. A motion to dismiss the case filed by the public prosecutor should be addressed to the court who has the option to grant or deny the same. Contrary to the contention of the petitioner, the rule applies to a motion to withdraw the Information or to dismiss the case even before or after arraignment of the accused. The only qualification is that the action of the court must not impair the substantial rights of the accused or the right of the People or the private complainant to due process of law. When the trial court grants a motion of the public prosecutor to dismiss the case, or to quash the Information, or to withdraw the Information in compliance with the directive of the Secretary of Justice, or to deny the said motion, it does so not out of subservience to or defiance of the directive of the Secretary of Justice but in sound exercise of its judicial prerogative.

Hence, this Court will exercise its discretion

<sup>2</sup> G.R. No. 158236, September 1, 2004

<sup>3</sup> G.R. No. L-53373, June 30, 1987



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In *Gomez v. People*,<sup>4</sup> the Supreme Court discussed the concept of jurisdiction, which, in a refined sense, is the power and authority of a court to hear, try, and decide a case. A judgment rendered without jurisdiction is void, and creates no rights and imposes no duties on the parties. The Supreme Court also explained that jurisdiction over the subject matter or a given crime is vested by law upon a particular court and may not be conferred by the parties involved in the offense, or by the accused through an express waiver or otherwise. *Viz.:*

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**B. Jurisdiction in General**

Semantically, “jurisdiction” is derived from the Latin words “*juris*” and “*dico*” which means “I speak by the law.” In a broad and loose sense, it is “[t]he authority of law to act officially in a particular matter in hand.” In a refined sense, it is “the power and authority of a court [or quasi-judicial tribunal] to hear, try, and decide a case. Indeed, a judgment rendered without such power and authority is void thereby creating no rights and imposing no duties on the parties. As a consequence, a void judgment may be attacked anytime.”

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**C. Jurisdiction Over the Subject Matter or Nature of the Offense**

Jurisdiction over the **subject matter** or **offense** in a judicial proceeding is conferred by the sovereign authority which organizes the court – it is **given only by law** and in the **manner prescribed by law**. It is the power to hear and determine the **general class** to which the proceedings in question belong.

As applied to criminal cases, jurisdiction over a given crime is vested by law upon a particular court and may not be conferred thereto by the parties involved in the offense. More importantly, jurisdiction over an offense cannot be conferred to a court by the accused through an express waiver or otherwise. Here, a trial court’s jurisdiction is determined by the allegations in the Complaint or Information and not by the result of proof. These allegations pertain to ultimate facts constituting elements of the crime charged. Such recital of ultimate facts apprises the accused of the nature and cause of the accusation against him or her.

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<sup>4</sup> G.R. No. 216824, November 10, 2020



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(underscoring supplied)

Sec. 4 of Presidential Decree No. 1606 (P.D. No. 1606), as amended by Republic Act No. 10660 (R.A. No. 10660), on the Sandiganbayan's jurisdiction, 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 bribery arising from the same or closely related transactions or acts in an amount not exceeding One million pesos (P1,000,000.00).

(underscoring supplied)

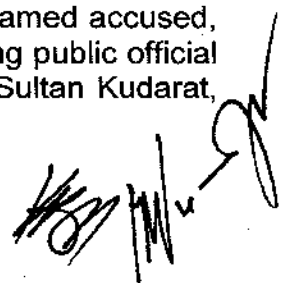
On the other hand, Sec. 5 of R.A. No. 10660 provides:

**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)

The accusatory portion of the Information in SB-19-CRM-0145 reads:

That on or about April 2016 or subsequent thereto, in the Municipality of Palimbang, Sultan Kudarat, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, **ABUBACAR PENDATUN MAULANA**, a high-ranking public official being the Mayor of the Municipality of Palimbang, Sultan Kudarat,



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committing the offense in relation to office, did then and there, willfully and unlawfully declare in his Statement of Assets, Liabilities and Net Worth (SALN) as of 31 December 2015 the acquisition cost of a 2002 model GMC Yukon Van with Plate Number X CZ 570 as only PhP750,000.00, when the vehicle was actually purchased for PhP2,000,000.00.

**CONTRARY TO LAW.**

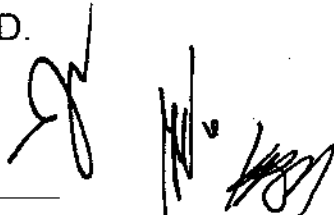
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An examination of the aforementioned Information would show that the offense charged was allegedly committed in or around April 2016, which is after the date of the effectivity of R.A. No. 10660 on May 5, 2015.<sup>5</sup> Thus, Sec. 2 of R.A. No. 10660, which amends Sec. 4 of P.D. No. 1606 (Jurisdiction), already applies. Sec. 4 of P.D. 1606, as amended by R.A. No. 10660, provides that the Regional Trial Court shall have exclusive original jurisdiction where the Information does not allege any damage to the government or any bribery. As seen above, the Information in SB-19-CRM-0145 does not allege any damage to the government or bribery. Clearly, this Court has no jurisdiction over the said case.

It is unnecessary to determine if continuing with the proceedings in SB-19-CRM-0145 will be more favorable to the accused, considering that this Court has no power and authority hear, try and decide the said case. Continuing with the proceedings in SB-19-CRM-0145 will be nothing but a needless waste of this Court and the parties' time, effort, and resources because any judgment rendered by a court without jurisdiction over the case will be null and void.<sup>6</sup>

**WHEREFORE**, the prosecution's *Motion to Withdraw* is hereby GRANTED. As prayed for, the Information in SB-19-CRM-0145 entitled *People of the Philippines v. Abubacar Pendatun Maulana* is hereby WITHDRAWN without prejudice to the refile of the same with the proper court.

SO ORDERED.



<sup>5</sup> Please see *Ampongan v. Sandiganbayan*, G.R. Nos. 234670-71, August 14, 2019

<sup>6</sup> Please see *Pangilinan v. Court of Appeals*, G.R. No. 117363, December 17, 1999

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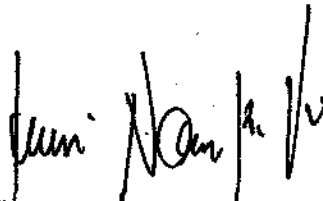
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**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

**We Concur:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**KEVIN NARCE B. VIVERO**  
Associate Justice