Republic of the Philippines
Sandiganbayan
Quezon City

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- *versus* -

ROMMEL C. MASLOG,
Accused.

SB-23-CRM-0068 to 0070
For: Perjury under Art. 183, RPC

Present:

LAGOS, *J., Chairperson,*
MENDOZA-ARCEGA, and
CORPUS-MAÑALAC, *JJ.*

Promulgated:

October 04, 2023

x - x

RESOLUTION

CORPUS-MAÑALAC, *J.*:

Before this Court is the *Motion to Dismiss/Quash*[1] dated August 15, 2023 filed by the accused, Rommel C. Maslog, on August 17, 2023 seeking the quashal of the Informations and the dismissal of the cases on two grounds, *viz.*: (1) lack of jurisdiction over the offense charged, and (2) violation of his constitutional right to a speedy disposition of cases by the Office of the Ombudsman.

On the first ground, the accused, through counsel, alleges that "Section 4, R.A. No. 10660[2] vests the *Sandiganbayan* with exclusive original jurisdiction"[3] over certain crimes and officials, and that "while Section 4(b) vests the *Sandiganbayan* with jurisdiction"[4] over other offenses or felonies committed by public officials and employees in relation to their office, "the same law qualifies jurisdiction to the public officials and employees mentioned in subsection 'a.' of said section."[5]

---

[1] Records, Vol. 1, pp. 126-136.
[2] AN ACT STRENGTHENING FURTHER THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE SANDIGANBAYAN, FURTHER AMENDING PRESIDENTIAL DECREE NO. 1606, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR.
[3] Records, Vol. 1, p. 127 (Motion to Dismiss/Quash, p. 2). The correct citation is Sec. 4 of P.D. No. 1606, as amended.
[4] *Id.* at 129 (*Id.* at 4).
[5] *Id.* (*Id.*).

At the time material to the charges, the accused was the vice mayor (SB-23-CRM-0068[6]) and the mayor (SB-23-CRM-0069[7] and SB-23-CRM-0070[8]) of the Municipality of Talisayan, Misamis Oriental.

According to him, "[w]hile [his] salary grade may fall within the jurisdictional threshold of the *Sandiganbayan* for offenses"[9] under Section 4(a), *i.e.*, violations of Republic Act (R.A.) No. 3019,[10] R.A. No. 1379[11] and Chapter II, Section 2, Title VII, Book II[12] of the Revised Penal Code (RPC), he is accused not of any of said crimes but of perjury under Article 183 of the RPC. He avers that, "[a]ssuming but without conceding jurisdiction, the three (3) Informations do not allege any damage to [the] government or bribery,"[13] thus "the application of the following R.A. No. 3019 and R.A. No. 10660 *proviso*,"[14] to wit:

> *Provided,* That the Regional Trial Court [RTC] 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).

As for the second ground, the accused contends that, "[w]hile seemingly, no delay may be attributable in resolving the case, the totality of time it took from the filing of the affidavit-complaint on November [19], 2018 with the [Office of the] Ombudsman to the filing of the Informations with the Honorable Court on June 19, 2023 effectively constitutes vexatious, inordinate, and inexcusable delay,"[15] as "the cases are not complex and the record not voluminous."[16] He claims to have suffered a prejudice caused by such delay, as he would be unable to present a witness in the person of Vivian C. Oraiz, his personal secretary who allegedly prepared and filled out the document in question in these cases—the *Application for Bond of Accountable Officials and Employees of the Republic of the Philippines*. Allegedly, Oraiz retired from the service[17] on April 22, 2021 and has been in Canada since February 2023.

---

[6] June 24, 2011.
[7] July 8, 2013
[8] July 28, 2014.
[9] Records, Vol. 1, p. 130 (Motion to Dismiss/Quash, p. 5).
[10] *Anti-Graft and Corrupt Practices Act.*
[11] AN ACT DECLARING FORFEITURE IN FAVOR OF THE STATE ANY PROPERTY FOUND TO HAVE BEEN UNLAWFULLY ACQUIRED BY ANY PUBLIC OFFICER OR EMPLOYEE AND PROVIDING FOR THE PROCEEDINGS THEREFOR.
[12] The felonies referred to in Chapter II, Section 2, Title VII, Book II of the RPC are *Direct bribery* (Art. 210), *Indirect bribery* (Art. 211), *Qualified bribery* (Art. 211-A) and *Corruption of public officials* (Art. 212).
[13] Records, Vol. 1, p. 130 (Motion to Dismiss/Quash, p. 5).
[14] *Id.* (*Id.*).
[15] *Id.* at 132-133 (*Id.* at 7-8).
[16] *Id.* at 133 (*Id.* at 8).
[17] *Id.* at 137-138 (Annexes 1 & 2 of the Motion to Dismiss/Quash).

On September 4, 2023, the prosecution filed its *Comment/ Opposition*[18] dated August 31, 2023 praying for the denial of the motion for lack of merit.

The prosecution argues that "Section 4 of R.A. No. 10660"[19] provides for the exclusive original jurisdiction of the *Sandiganbayan*, including that of the RTC in certain instances; that the transitory provision of R.A. No. 10660 states that the provision on jurisdiction in R.A. No. 10660 applies to cases arising from offenses committed *after* its effectivity on May 5, 2015; that the applicable law is R.A. No. 8249[20] because the three counts of perjury in these cases were all committed before the effectivity of R.A. No. 10660; that in SB-23-CRM-0068, the accused is charged in his capacity as the Municipal Vice Mayor of Talisayan, Misamis Oriental, with a Salary Grade (SG) of either 25 or 26; that in SB-23-CRM-0069 and SB-23-CRM-0070, the accused's position as Municipal Mayor, with SG 27, is within the jurisdiction of the *Sandiganbayan*; that the three counts of perjury were committed by the accused in relation to his office; and that the public officials and employees enumerated under Section 4(a) of Presidential Decree (P.D.) No. 1606,[21] as amended, may not only be charged with the crimes in Section 4(a) but also with other offenses or felonies committed in relation to their office in Section 4(b).

On the second ground, the prosecution posits that "[a]bsent the showing of any vexation, capricious, and oppressive delays on the part of the Office of the Ombudsman, [the accused] cannot invoke his right to [a] speedy disposition of cases,"[22] and that "the draft Resolutions and Informations [x x x] went up the hierarchy of review and went through several revisions before finally reaching the desk of the Ombudsman for approval."[23] According to the prosecution, there was a "[l]apse of only six (6) months"[24] from November 19, 2018 (*filing of the complaint*) to May 21, 2019 (*resolution finding probable cause*) and "[o]nly 36 days lapsed"[25] from February 2, 2022 (*receipt of the accused's motion for reconsideration*) to March 10, 2022 (*order denying the said motion*), thus both the complaint and the motion were "resolved within the period prescribed under Section 8"[26] of Administrative Order (A.O.) No. 1, Series of 2020, issued by the Office of the Ombudsman.

---

[18] Unpaginated. In compliance with Minute Resolution dated August 17, 2023 (*Id.* at 142).
[19] Comment/Opposition, p. 2. The correct citation is Sec. 4 of P.D. No. 1606, as amended.
[20] 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.
[21] REVISING PRESIDENTIAL DECREE NO. 1486 CREATING A SPECIAL COURT TO BE KNOWN AS "SANDIGANBAYAN" AND FOR OTHER PURPOSES.
[22] Comment/Opposition, p. 10.
[23] *Id.*
[24] *Id.* at 11.
[25] *Id.*
[26] *Id.*

The prosecution further alleges that "[b]y filing his [m]otion for [r]econsideration, [the accused] cannot claim to have been denied due process"[27] as "he was provided opportunities to submit controverting evidence in support of his defense."[28] As for the supposed inability to present a witness, the accused enjoys the right to compulsory process to secure the attendance of witnesses and the production of evidence in his behalf.

On September 6, 2023, the accused filed a *Reply with Prayer to Admit*[29] dated September 5, 2023 arguing, through counsel, that "[t]he transitory provision of RA 10660 only applies to cases involving violations of RA 3019, as clarified in *Ampongan* [*v. Sandiganbayan*,[30]]"[31] or "is confined to cases involving [v]iolations of RA 3019, [x x x], RA 1379, [x x x] and Chapter II, Section 2, Title VII, Book II of the [RPC],"[32] and the said provision pertains to procedural matters and not to the substantive aspects of cases; that *Ampongan* which involved a violation of Section 3(e) of R.A. No. 3019 and falsification of public document under Article 171(2) of the RPC must be distinguished from the present cases; and that *Ampongan*, in the quoted portion below, settled the issue by stating that:

> Generally, the jurisdiction of a court to try a criminal case is to be determined at the time of the institution of the action, not at the time of the commission of the offense. In this case, the Informations were filed on July 14, 2017, for petitioner's violations of Section 3(e) of R.A. No. 3019 and Article 171(2) of the Revised Penal Code, allegedly committed on November 3, 2014 or sometime prior or subsequent thereto. While R.A. No. 10660 which took effect on May 5, 2015 is the law in force at the time of the institution of the action, such law is not applicable to petitioner's cases. **R.A. No. 10660 provides that the reckoning period to determine the jurisdiction of the Sandiganbayan in cases involving violations of R.A. No. 3019 is the time of the commission of the offense**[.] (Emphasis supplied by the accused)

He contends that "notwithstanding that *perchance* the offense was done in relation to offense, [the] fact that damage is not an element in perjury and the Informations do not [allege] damage to [the] government or bribery"[33] means that perjury is covered by the *proviso* in R.A. No. 10660 on the exclusive original jurisdiction of the RTC.

He claims that "[d]elay must be considered in the context of the entire proceedings, the complexity of issues, number of parties and volume of record."[34] As the complaint was simple, having only one respondent, and no

---

[27] *Id.*
[28] *Id.*
[29] Unpaginated.
[30] G.R. Nos. 234670-71, August 14, 2019.
[31] Reply, pp. 1-2.
[32] *Id.* at 2.
[33] *Id.* at 3.
[34] *Id.*

geographical factor, and did not involve public funds, the Ombudsman should have complied with the time limitations set by its own rules under Section 8 of A.O. No. 1, Series of 2020, *i.e.*, 12 months for simple cases and 24 months for complex cases. The prejudice against him "lies in the fact that his supposed primary witness had immigrated to Canada,"[35] thereby "severely crippling his defenses together with the attendant emotional and psychological implications of the uncertainty and anxiety of a criminal prosecution suspended over him for a long period of time."[36]

RULING

As a rule, the jurisdiction of a court to try a criminal case is to be determined at the time of the institution of the action, not at the time of the commission of the offense.[37] The *exception* contained in Section 4(a) of P.D. No. 1606, as amended by Section 4 of R.A. No. 8249 and Section 2 of R.A. No. 10660, that the jurisdiction of the *Sandiganbayan* is to be determined "at the time of the commission of the offense" is applicable only in cases involving violations of R.A. No. 3019, R.A. No. 1379 and Chapter II, Section 2, Title VII, Book II of the RPC,[38] and not in the present cases involving a different crime—perjury.

The last clause of the opening sentence of Section 4(a) of P.D. No. 1606 containing the exception reads the same, whether as amended by R.A. No. 8249 or by R.A. No. 10660, to wit:

> Sec. 4. *Jurisdiction.* – The Sandiganbayan shall exercise exclusive 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**[.] (Emphasis supplied)

The present cases may fall under Section 4(b) of P.D. No. 1606, as amended,[39] where *other offenses or felonies committed by public officials and employees in relation to their office* are involved in which *no exception* is contained:[40]

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

---

[35] *Id.* at 7.
[36] *Id.*
[37] *People v. Sandiganbayan and Plaza*, G.R. No. 169004, September 15, 2010 and *People v. Sandiganbayan and Amante*, G.R. No. 167304, August 25, 2009.
[38] *Id.*
[39] Sec. 4(b) of P.D. No. 1606 reads the same, whether as amended by R.A. No. 8249 or by R.A. No. 10660.
[40] *People v. Sandiganbayan and Plaza* and *People v. Sandiganbayan and Amante*, both *supra* note 37.

[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.

Therefore, the general rule (*i.e.*, the jurisdiction of a court to try a criminal case is to be determined at the time of the institution of the action), not the exception (*i.e.*, such jurisdiction is to be determined at the time of the commission of the offense), applies[41] in the present cases. Thus, in offenses or felonies that fall outside Section 4(a), *the applicable law governing jurisdiction* is that which is *effective* at the time of the institution of the action. The present cases were instituted on June 19, 2023 upon the filing of the Informations. As such, the latest amendatory law of P.D. No. 1606 that was effective at the time, R.A. No. 10660, which took effect on May 5, 2015,[42] shall govern.

However, Section 5 of R.A. No. 10660 itself provides the reason why its provisions on jurisdiction are *not* applicable after all, notwithstanding such general rule:

> 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**. (Emphasis and underscoring supplied)

Compared with R.A. No. 8249, which was the amendatory law of P.D. No. 1606 immediately *prior* to R.A. No. 10660 and which took effect on February 23, 1997,[43] Section 2 of R.A. No. 10660 added a new *proviso* to Section 4 of P.D. No. 1606 on jurisdiction:

> *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. (Emphasis supplied)

---

[41] *Id.*
[42] *Ampongan v. Sandiganbayan, supra* note 30.
[43] *Id.*

Ampongan is crystal clear on the consequence of the transitory provision in Section 5 of R.A. No. 10660 on jurisdiction, especially concerning the new *proviso*:

> It is clear from the transitory provision of R.A. No. 10660 that **the amendment introduced regarding the jurisdiction of the Sandiganbayan shall apply to cases arising from offenses committed after the effectivity of the law**. Consequently, **the new paragraph** [or *proviso*] added by [Section 2 of] R.A. No. 10660 to Section 4 of Presidential Decree (P.D.) No. 1606, as amended, **transferring the exclusive original jurisdiction to the RTC of cases** 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, **applies to cases which arose from offenses committed after the effectivity of R.A. No. 10660.** (Emphasis, underscoring and bracketed insertions supplied)

In the present cases, while the Informations were filed on June 19, 2023, the three counts of perjury are alleged to have been committed by the accused on June 24, 2011, July 8, 2013 and July 28, 2014, all *before* the effectivity of R.A. No. 10660 on May 5, 2015. Consequently, while R.A. No. 10660, pursuant to the general rule, was the statute in force at the time of the institution of the action, its provisions on jurisdiction, however, are *not* applicable here because these cases arose from offenses that are alleged to have been committed *not after* the effectivity of the said law, contrary to what is required under the foregoing transitory provision.

Therefore, the applicable law governing jurisdiction in these cases is Section 4 of P.D. No. 1606, *as amended by Section 4 of R.A. No. 8249*, which is identical to Section 2 of R.A. No. 10660 in all respects except for the above-quoted new *proviso*.

It was in this overall context that the following portion in *Ampongan*, as quoted above by the accused,[44] was pronounced therein:

> Generally, the jurisdiction of a court to try a criminal case is to be determined at the time of the institution of the action, not at the time of the commission of the offense. In this case, the Informations were filed on July 14, 2017, for petitioner's violations of Section 3(e) of R.A. No. 3019 and Article 171(2) of the Revised Penal Code, allegedly committed on November 3, 2014 or sometime prior or subsequent thereto. While R.A. No. 10660 which took effect on May 5, 2015 is the law in force at the time of the institution of the action, such law is not applicable to petitioner's cases. **R.A. No. 10660 provides that the reckoning period to determine the jurisdiction of the Sandiganbayan in cases involving violations of R.A. No. 3019 is the time of the commission of the offense**[.] (Emphasis supplied by the accused)

[44] *See* page 4 hereof.

Ampongan involved a violation of Section 3(e) of R.A. No. 3019 and falsification of public document under Article 171(2) of the RPC. Thus, in the former, what is applicable is the exception (*i.e.*, the jurisdiction of a court to try a criminal case is to be determined at the time of the commission of the offense) whereas in the latter, the general rule applies (*i.e.*, the jurisdiction of a court to try a criminal case is to be determined at the time of the institution of the action). Therein, the Informations were filed on July 14, 2017 while both crimes were alleged to have been committed on November 3, 2014 or *before* the effectivity of R.A. No. 10660 on May 5, 2015. **Therefore, for the violation of Section 3(e) of R.A. No. 3019, the applicable law was R.A. No. 8249**, the law on jurisdiction at the time of the commission of the offense. **For the falsification of public document under Article 171(2) of the RPC**, the applicable law was supposedly R.A. No. 10660, the law on jurisdiction at the time of the institution of the action, but, considering the above-quoted transitory provision in Section 5 on jurisdiction and that the crime was alleged to have been committed *not after* the effectivity of R.A. No. 10660, **the applicable law was actually also R.A. No. 8249**. Thus, *Ampongan* concluded:

> **Generally, the jurisdiction of a court to try a criminal case is to be determined at the time of the institution of the action, not at the time of the commission of the offense.** [x x x]. While R.A. No. 10660 which took effect on May 5, 2015 is the law in force at the time of the institution of the action, such law is not applicable to petitioner's cases. **R.A. No. 10660 provides that the reckoning period to determine the jurisdiction of the Sandiganbayan in cases involving violations of R.A. No. 3019 is the time of the commission of the offense**[.]
>
> [x x x x]
>
> And more importantly, **the transitory provision of R.A. No. 10660 provides**:
>
> Section 5. *Transitory Provision.* – [x x x].
>
> It is clear from the transitory provision of R.A. No. 10660 that **the amendment introduced regarding the jurisdiction of the Sandiganbayan shall apply to cases arising from offenses committed after the effectivity of the law**. Consequently, **the new paragraph** [or *proviso*] added by [Section 2 of] R.A. No. 10660 to Section 4 of Presidential Decree (P.D.) No. 1606, as amended, **transferring the exclusive original jurisdiction to the RTC of cases** 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, **applies to cases which arose from offenses committed after the effectivity of R.A. No. 10660**.
>
> In this case, while the Informations were filed on July 14, 2017, the alleged offenses were committed by petitioner on November 3, 2014, which was six months before the effectivity of R.A. No. 10660 on May 5, 2015. Hence, the *Sandiganbayan* did not abuse its discretion when it denied the motion to quash the Informations since **R.A. No. 10660 finds no application to petitioner's case**.

> **Therefore, the applicable law to petitioner's cases is R.A. No. 8249, which took effect on February 23, 1997.** [x x x]. (Emphasis and bracketed insertions supplied)

Now, the application of Section 4 of P.D. No. 1606, as amended by Section 4 of R.A. No. 8249, to the present cases determines whether the Court has jurisdiction over the offense charged. Under this law, **for an offense to fall under the exclusive original jurisdiction of the *Sandiganbayan*, both the position of the accused, if a public official, and the nature of the crime have to be considered**, thus:

> A perusal of the aforequoted Section 4 of R.A. 8249 reveals that to fall under the exclusive original jurisdiction of the *Sandiganbayan*, the following requisites must concur: (1) **the offense committed is a violation of** *(a)* R.A. 3019, [x x x], *(b)* R.A. 1379 (the law on ill-gotten wealth), *(c)* Chapter II, Section 2, Title VII, Book II of the Revised Penal Code (the law on bribery), *(d)* Executive Order Nos. 1, 2, 14, and 14-A, issued in 1986 (sequestration cases), or *(e)* **other offenses or felonies** whether simple or complexed with other crimes **[in Section 4(b)]**; (2) **the offender committing the offenses in** items *(a), (b), (c)* and *(e)* **is a public official or employee holding any of the positions enumerated in paragraph a of Section 4**; and (3) **the offense committed is in relation to the office.**[45] (Emphasis and bracketed insertions supplied)

Under Section 4(b), the *Sandiganbayan* has exclusive original jurisdiction over "**[o]ther 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.**" The said public officials and employees mentioned in "*subsection a.*" refer to those mentioned in Section 4(a) or, in particular, those enumerated in Section 4(a)(1) and paragraphs (a) to (g) thereof, and Sections 4(a)(2), 4(a)(3), 4(a)(4) and 4(a)(5).[46]

---

[45] *Lacson v. Executive Secretary*, G.R. No. 128096, January 20, 1999, reiterated in *Adaza v. Sandiganbayan*, G.R. No. 154886, July 28, 2005.

Footnotes 32 and 42 in *Lacson* and *Adaza* stated that "[t] he *Sandiganbayan* has jurisdiction over a private individual when the complaint charges him either as a co-principal, accomplice or accessory of a public officer or employee who has been charged with a crime within its jurisdiction."

In the subsequent case of *Disini v. Sandiganbayan*, G.R. Nos. 169823-24, September 11, 2013, the Supreme Court held that in "civil and criminal cases filed pursuant to and in connection with Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986," the *Sandiganbayan* shall exercise exclusive original jurisdiction over persons without distinction as to their private or public status and without regard to salary grades, and, for private individuals, despite the lack of any allegation of being a co-principal, accomplice or accessory of a public official in the commission of the offenses charged.

[46] Sec. 4. Section 4 of [P.D. No. 1606] is hereby further amended to read as follows:

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:

(1) Officials of the executive branch occupying the positions of regional director and higher, otherwise classified as Grade '27' and higher, of the Compensation and Position Classification Act of 1989 (Republic Act No. 6758), specifically including:

(a) Provincial governors, vice-governors, members of the *sangguniang panlalawigan* and provincial treasurers, assessors, engineers and other provincial department heads;

People v. Sandiganbayan and Amante[47] clarified the relationship between those public officials and employees and such offenses or felonies, which are broad in scope, that are committed in relation to office, to wit:

> [T]hose public officials enumerated in Section 4(a) of P.D. No. 1606, as amended, may not only be charged in the *Sandiganbayan* with violations of R.A. No. 3019, R.A. No. 1379 or Chapter II, Section 2, Title VII of the Revised Penal Code, but also with other offenses or felonies in relation to their office. The said other offenses and felonies are broad in scope but are limited only to those that are committed in relation to the public official or employee's office. [A]s long as the offense charged in the information is intimately connected with the office and is alleged to have been perpetrated while the accused was in the performance, though improper or irregular, of his official functions, there being no personal motive to commit the crime and had the accused not have committed it had he not held the aforesaid office, the accused is held to have been indicted for "an offense committed in relation" to his office. [x x x].

To repeat, the accused was the vice mayor (SB-23-CRM-0068) and the mayor (SB-23-CRM-0069 and SB-23-CRM-0070) of the Municipality of Talisayan, Misamis Oriental at the time material to the charges.

In SB-23-CRM-0068, a *municipal vice mayor* is not among the public officials and employees included in Section 4(a)(1), paragraphs (a) to (g). It is also classified as either SG 25 or 26, thus excluding it from "[a]ll other national and local officials classified as Grade '27' and higher under the Compensation and Position Classification Act of 1989" in Section 4(a)(5). To be specific, a vice mayor of the Municipality of Talisayan, Misamis Oriental, which is outside the Metropolitan Manila, is classified only as SG 25.[48] While perjury may have been committed in relation to office, the same is alleged to have been committed by the accused as municipal vice mayor. On this score alone, the Court lacks jurisdiction over the offense charged in the said case.

(b) City mayors, vice-mayors, members of the *sangguniang panlungsod*, city treasurers, assessors, engineers and other city department heads;

(c) Officials of the diplomatic service occupying the position of consul and higher;

(d) Philippine army and air force colonels, naval captains, and all officers of higher rank;

(e) Officers of the Philippine National Police while occupying the position of provincial director and those holding the rank of senior superintendent or higher;

(f) City and provincial prosecutors and their assistants, and officials and prosecutors in the Office of the Ombudsman and special prosecutor;

(g) Presidents, directors or trustees, or managers of government-owned or -controlled corporations, state universities or educational institutions or foundations;

(2) Members of Congress and officials thereof classified as Grade '27' and up under the Compensation and Position Classification Act of 1989;

(3) Members of the judiciary without prejudice to the provisions of the Constitution;

(4) Chairmen and members of Constitutional Commissions, without prejudice to the provisions of the Constitution; and

(5) All other national and local officials classified as Grade '27' and higher under the Compensation and Position Classification Act of 1989.

[47] *Supra* note 37, reiterated in *People v. Sandiganbayan and Plaza*, *supra* note 37.

[48] *Position Classification and Compensation Scheme in Local Government Units*, Commission and Department of Budget and Management Joint Circular No. 1, s. 2004 <https://www.dbm.gov.ph/wp-content/uploads/2012/03/Manual-on-PCC-Chapter-9.pdf> (accessed last September 7, 2023).

In SB-23-CRM-0069 and SB-23-CRM-0070, the two counts of perjury are alleged to have been committed by the accused as *municipal mayor*, which is classified as SG 27,[49] being outside the Metropolitan Manila, and thus included in the foregoing Section 4(a)(5). The question that remains is whether perjury is alleged to have been committed by the accused in relation to his office.

An offense is deemed to be committed in relation to the office of the accused when *such office is an element of the crime charged* or *when the offense charged is intimately connected with the discharge of the official functions of the accused.*[50] On this point, *Cunanan v. Arceo*[51] is instructive:

> In *Sanchez v. Demetriou*, the Court elaborated on the scope and reach of the term "offense committed in relation to [an accused's] office" by referring to the principle laid down in *Montilla v. Hilario*, and to an exception to that principle which was recognized in *People v. Montejo*. The principle set out in *Montilla v. Hilario* is that an offense may be considered as committed in relation to the accused's office if "the offense cannot exist without the office" such that "the office [is] a constituent element of the crime [x x x]." In *People v. Montejo*, the Court, through Chief Justice Concepcion, said that "although public office is not an element of the crime of murder in [the] abstract," the facts in a particular case may show that
>
> > "[x x x] the offense therein charged is intimately connected with [the accused's] respective offices and was perpetrated while they were in the performance, though improper or irregular, of their official functions. Indeed, [the accused] had no personal motive to commit the crime and they would not have committed it had they not held their aforesaid offices. [x x x]."

In SB-23-CRM-0069 and SB-23-CRM-0070, public office is not a constituent element of the crime of perjury since it may be committed by any person whether a public officer or a private person, rendering it outside the principle set out in *Montilla v. Hilario*.[52] As for whether the exception enunciated in *People v. Montejo*[53] is present, what determines the jurisdiction of a court is the nature of the action pleaded as appearing from the allegations in the information,[54] and not by the evidence presented by the parties at the trial.[55] The phrase "committed in relation to public office" need not appear in the information, which underscores the fact that the said phrase is not what determines the jurisdiction of the *Sandiganbayan*.[56] The factor that characterizes the charge is the actual recital of the facts.[57]

---

[49] *Id.*
[50] *Alarilla v. Sandiganbayan*, G.R. No. 136806, August 22, 2000.
[51] G.R. No. 116615, March 1, 1995.
[52] G.R. No. L-4922, September 24, 1951.
[53] G.R. No. L-14595, May 31, 1960.
[54] *Rodriguez v. Sandiganbayan*, G.R. No. 141710, March 3, 2004.
[55] *Adaza v. Sandiganbayan*, *supra* note 45.
[56] *Id.*
[57] *Id.*

The averments in the Informations in the said cases that the accused, as municipal mayor, "while in the performance of his official functions," made "a willful and deliberate assertion of a falsehood upon a material matter on a document he was required by law to execute, namely, the *Application for Bond of Accountable Officials and Employees of the Republic of the Philippines*, subscribed and sworn to by the accused," effectively vested the *Sandiganbayan* with jurisdiction over the crime of perjury. The Informations, which are identical except as to the material dates,[58] read, quoted *verbatim*:

> That on [x x x], or sometime prior or subsequent to this date, in the Municipality of Talisayan, Misamis Oriental, and within the jurisdiction of this Honorable Court, accused ROMMEL CATAMCO MASLOG, Mayor of said municipality, while in the performance of his official functions, did then and there make a willful and deliberate assertion of a falsehood upon a material matter on a document he was required by law to execute, namely, the *Application for Bond of Accountable Officials and Employees of the Republic of the Philippines*, subscribed and sworn to by the accused before the Honorable Emmanuel W. Paderanga, who is authorized to administer oaths, by indicating in said application "None" to the question *"Do you have any criminal or administrative records?,"* when in fact, at the time accused executed said application, he had already been charged with violation of R.A. No. 8042 before the Regional Trial Court of Misamis Oriental and he had also been charged before the Sandiganbayan with Malversation of Public Funds and Failure of Accountable Office to Render Accounts but pleaded guilty to two counts of Violation of Presidential Decree No. 1445 instead.

Based on such allegations, the crime charged is intimately connected with the discharge of the official functions of the accused as municipal mayor. Indeed, he had no personal motive to commit the said crime and he would not have committed it had he not held such position. Stated differently, if he was not the municipal mayor, he would not have executed the *Application for Bond of Accountable Officials and Employees of the Republic of the Philippines*, in which he allegedly made "a willful and deliberate assertion of a falsehood upon a material matter." Given that the two counts of perjury are alleged to have been committed by the accused, a municipal mayor, in relation to his office, the Court has jurisdiction over the offense charged in the said cases.

In fine, the Court finds that it lacks jurisdiction over the offense charged in SB-23-CRM-0068, but it has jurisdiction over the offense charged in SB-23-CRM-0069 and SB-23-CRM-0070.

On the second ground, the accused asserts that the Office of the Ombudsman violated his constitutional right to a speedy disposition of cases. Section 16, Article III of the Constitution provides:

[58] July 8, 2013 and July 28, 2014.

> All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

At the outset, it bears emphasis that the present discussion is limited only to SB-23-CRM-0069 and SB-23-CRM-0070, which are the cases that are within the jurisdiction of this Court.

Despite not being a ground for the dismissal of a case (or for the quashal of the information), *Chingkoe v. Sandiganbayan*[59] clarified that courts may order the dismissal of cases against the accused if there is a proven violation of the right to a speedy disposition of cases:

> It is true that the Rules did not specifically provide the violation of the right to speedy disposition of cases as a ground for dismissal of a case, unlike the right to speedy trial under Rule 119, Section 9. Nonetheless, this does not prevent the courts from dismissing cases upon a finding of violation of the right to speedy disposition of cases [x x x].
>
> [x x x x]
>
> As a "radical relief," courts may order the dismissal of cases against the accused if there is a proven violation of the right to speedy disposition of cases.

Chingkoe explained that "[s]peedy disposition of cases is a relative concept and depends upon the facts and circumstances of the case." In *Cagang v. Sandiganbayan*,[60] the Supreme Court set forth the mode of analysis in cases where the right to speedy disposition of cases (or the right to speedy trial) is invoked.[61]

---

[59] G.R. Nos. 232029-40, October 12, 2022.
[60] G.R. Nos. 206438 and 206458, July 31, 2018.
[61] *Cagang v. Sandiganbayan*, *supra*, reads:

> This Court now clarifies the mode of analysis in situations where the right to speedy disposition of cases or the right to speedy trial is invoked.
>
> *First*, the right to speedy disposition of cases is different from the right to speedy trial. While the rationale for both rights is the same, the right to speedy trial may only be invoked in criminal prosecutions against courts of law. The right to speedy disposition of cases, however, may be invoked before any tribunal, whether judicial or quasi-judicial. What is important is that the accused may already be prejudiced by the proceeding for the right to speedy disposition of cases to be invoked.
>
> *Second*, **a case is deemed initiated upon the filing of a formal complaint prior to a conduct of a preliminary investigation**. This Court acknowledges, however, that the Ombudsman should set reasonable periods for preliminary investigation, with due regard to the complexities and nuances of each case. Delays beyond this period will be taken against the prosecution. **The period taken for fact-finding investigations prior to the filing of the formal complaint shall not be included in the determination of whether there has been inordinate delay.**
>
> *Third*, courts must first determine which party carries the burden of proof. If the right is invoked within the given time periods contained in current Supreme Court resolutions and circulars, and the time periods that will be promulgated by the Office of the Ombudsman, the defense has the burden of proving that the right was justifiably invoked. **If the delay occurs beyond the given time period and the right is invoked, the prosecution has the burden of justifying the delay.**
>
> If the defense has the burden of proof, it must prove first, whether the case is motivated by malice or clearly only politically motivated and is attended by utter lack of evidence, and second, that the defense did not contribute to the delay.
>
> **Once the burden of proof shifts to the prosecution, the prosecution must prove *first*, that it followed the prescribed procedure in the conduct of preliminary investigation and in the prosecution**

On August 15, 2020, pursuant to *Cagang*, the Ombudsman promulgated A.O. No. 1, Series of 2020, entitled *Prescribing the Periods in the Conduct of Investigations by the Office of the Ombudsman*, which took effect 15 days after its publication on September 10, 2020.[62] Its relevant provisions read:

> Sec. 8. ***Period for the conduct of Preliminary Investigation.*** – Unless otherwise provided for in a separate issuance, such as an Office Order creating a special panel of investigators/prosecutors and prescribing the period for completion of the preliminary investigation, **the proceedings therein shall not exceed twelve [12] months for simple cases or twenty-four months (24) months for complex cases**, subject to the following considerations:
>
> (a) The complexity of the case shall be determined on the basis of factors such as, but not limited to, the number of respondents, the number of offenses charged, the volume of documents, the geographical coverage, and the amount of public funds involved.
>
> (b) Any delay incurred in the proceedings, whenever attributable to the respondent, shall suspend the running of the period for purposes of completing the preliminary investigation.
>
> (c) The period herein prescribed may be extended by written authority of the Ombudsman, or the Overall Deputy Ombudsman/Special Prosecutor/Deputy Ombudsman concerned for justifiable reasons, which extension shall not exceed one (1) year.
>
> Sec. 9. ***Termination of Preliminary Investigation.*** – **A preliminary investigation shall be deemed terminated when the resolution of the complaint, including any motion for reconsideration** filed in relation to the result thereof, **as recommended** by the Ombudsman investigator/prosecutor and their immediate supervisors, **is approved by the Ombudsman** or the Overall Deputy Ombudsman/Special Prosecutor/Deputy Ombudsman concerned. (Emphasis supplied)

---

of the case; *second*, that the complexity of the issues and the volume of evidence made the delay inevitable; and *third*, that no prejudice was suffered by the accused as a result of the delay.

Fourth, determination of the length of delay is never mechanical. Courts must consider the entire context of the case, from the amount of evidence to be weighed to the simplicity or complexity of the issues raised.

An exception to this rule is if there is an allegation that the prosecution of the case was solely motivated by malice, such as when the case is politically motivated or when there is continued prosecution despite utter lack of evidence. Malicious intent may be gauged from the behavior of the prosecution throughout the proceedings. If malicious prosecution is properly alleged and substantially proven, the case would automatically be dismissed without need of further analysis of the delay.

Another exception would be the waiver of the accused to the right to speedy disposition of cases or the right to speedy trial. If it can be proven that the accused acquiesced to the delay, the constitutional right can no longer be invoked.

In all cases of dismissals due to inordinate delay, the causes of the delays must be properly laid out and discussed by the relevant court.

Fifth, the right to speedy disposition of cases or the right to speedy trial must be timely raised. The respondent or the accused must file the appropriate motion upon the lapse of the statutory or procedural periods. Otherwise, they are deemed to have waived their right to speedy disposition of cases. (Emphasis supplied)

[62] *People v. Sandiganbayan and Leonardia*, G.R. No. 238877, March 22, 2023.

Prior thereto, according to *Chingkoe*, courts resorted to the Rules of Court, as referred to in the Rules of Procedure of the Office of the Ombudsman, in gauging a reasonable period within which the preliminary investigation may be conducted, which is the "15-day period to conclude the hearing and 10-day period to determine probable cause under the Rules of Court."[63]

Here are the material dates during the preliminary investigation of the present cases, *viz.*: **the *Verified Affidavit Complaint*[64] was filed on November 19, 2018**; the accused as then respondent was directed to answer the complaint by Joint Order of January 4, 2019;[65] the Office of the Ombudsman–Mindanao (OMB-MIN) received the accused's *Counter-Affidavit*[66] on February 12, 2019; the investigating officer prepared the Resolution[67] dated May 21, 2019 finding probable cause against the accused; the Director reviewed the said Resolution on the same day, May 21, 2019; the Deputy Ombudsman for Mindanao conformed thereto on May 28, 2019, recommending its approval; and **the Ombudsman approved the said Resolution on August 25, 2021 or practically two years and three months thereafter**.

The OMB-MIN received the accused's ***Motion for Reconsideration*** dated December 18, 2021 on **February 2, 2022** due to the filing by registered mail;[68] the investigating officer prepared the Order[69] dated March 10, 2022 denying the said motion; the Director and the Assistant Ombudsman reviewed the said Order on March 14, 2022 and March 23, 2022, respectively; the Deputy Ombudsman for Mindanao conformed thereto on April 1, 2022, recommending its approval; and **the Ombudsman approved the said Order on March 16, 2023 or a few days less than one year thereafter**. The Informations were prepared on May 28, 2021 by a prosecutor, subscribed and sworn to before another prosecutor on August 5, 2021, approved by the Ombudsman on August 25, 2021, and filed on June 19, 2023 or more than three months after March 16, 2023.

Based on the foregoing material dates, the prosecution is not correct in its claims of the lapse of only "six (6) months"[70] and "36 days"[71] concerning the periods within which the complaint and the motion for reconsideration, respectively, were resolved by the Office of the Ombudsman or allegedly "within the period prescribed under Section 8"[72] of A.O. No. 1, Series of 2020.

---

[63] *Chingkoe v. Sandiganbayan*, *supra* note 59.
[64] Records, Vol. 1, pp. 28-34.
[65] *Id.* at 4 (Cited in Ombudsman Resolution dated May 21, 2019, p. 2).
[66] *Id.* at 17-24.
[67] Records, Vol. 1, pp. 3-8.
[68] Comment/Opposition, p. 11.
[69] Records, Vol. 1, pp. 10-15.
[70] Comment/Opposition, p. 11.
[71] *Id.*
[72] *Id.*

In actuality, the Office of the Ombudsman issued the Resolution finding probable cause only *after* the Ombudsman approved the same on August 25, 2021, or **more than two years and nine months from the filing of the complaint** on November 19, 2018, or more than two years and six months from the submission of the counter-affidavit on February 12, 2019, or two years and less than three months from the last preceding signature on the said Resolution on May 28, 2019. In fact, the corresponding copies of the said Resolution for the parties were only deposited in the post office for registered mail on September 29, 2021,[73] or more than a month after such approval by the Ombudsman on August 25, 2021. There was **an additional period of more than one year and one month** when the Office of the Ombudsman issued the Order denying the motion for reconsideration only *after* the Ombudsman approved the same on March 16, 2023, **reckoned from the receipt of the said motion** by the OMB-MIN on February 2, 2022, or a period of almost one year from the last preceding signature on the said Order on April 1, 2022.

Under the above-quoted Section 9 of A.O. No. 1, Series of 2020, "*a preliminary investigation shall be deemed terminated when the resolution of the complaint, including any motion for reconsideration* filed in relation to the result thereof, as recommended by the Ombudsman investigator/prosecutor and their immediate supervisors, *is approved by the Ombudsman* [x x x]." Section 7 thereof provides that "[t]hese rules [A.O. No. 1, Series of 2020] shall apply to all cases, complaints [x x x] *filed* or *brought after* they take effect and to *further proceedings in cases then pending*, except to the extent that their application would not be feasible or would cause injustice to any party."

In any event, whether under the longer periods of 12 to 24 months in Section 8 of A.O. No. 1, Series of 2020, or under the shorter 15-day period to conclude the hearing and 10-day period to determine probable cause under the Rules of Court, the Office of the Ombudsman clearly exceeded the specified period to conduct preliminary investigation.

Moreover, the *Verified Affidavit Complaint* filed against the accused was a very simple complaint for perjury that had no need to take into account the considerations laid down in the foregoing Section 8(a), (b) and (c) of A.O. No. 1, Series of 2020.

People v. Sandiganbayan and Leonardia[74] (*Leonardia*) summarized the mode of analysis set forth in *Cagang* in a manner that is relevant to the analysis of the facts and circumstances of the two cases (*i.e.*, SB-23-CRM-0069 and SB-23-CRM-0070) that are within the jurisdiction of this Court, to wit:

---

[73] Records, Vol. 1, p. 9.
[74] *Supra* note 62.

> Based on the foregoing guidelines, **a case is deemed initiated upon the filing of a formal complaint prior to the conduct of a preliminary investigation.** [x x x]. **If the right is invoked and the delay occurs beyond the given time period in the rules of the Ombudsman or the current Supreme Court resolutions and circulars, as the case may be, the prosecution has the burden of justifying the delay.** To justify the delay, the prosecution must prove that (1) it followed the prescribed procedure in the conduct of preliminary investigation and in the prosecution of the case; (2) the complexity of the issues and the volume of evidence made the delay inevitable; and (3) no prejudice was suffered by the accused as a result of the delay. (Emphasis in the original)

Considering that the delay occurred beyond the given period and the violation of the right has been invoked, the burden of proof to justify the delay shifts to the prosecution.[75] In its *Comment/Opposition*, the prosecution simply alleged that "the draft Resolutions and Informations [x x x] went up the hierarchy of review and went through several revisions *before* finally reaching the desk of the Ombudsman for approval,"[76] *without* providing substantive reasons to justify the delay. In fact, the foregoing material dates during preliminary investigation contradict such claim because the significant delay actually occurred *not before* the Resolution and the Order reached the desk of the Ombudsman for approval, but rather *during* such approval itself by the Ombudsman.

At all events, *Leonardia* reiterated:

> However, the Court has already rejected the oft-repeated excuse of "steady stream of cases" reaching the Ombudsman and ruled that "steady stream of cases" and "clogged dockets" are not talismanic phrases that may be invoked at whim to magically justify each and every case of long delays in the disposition of cases. The Court has also held that the excuse of "many layers of review" and "meticulous scrutiny [x x x] has lost its novelty and is no longer appealing," especially when the case does not involve complicated factual and legal issues.

According to the accused, the prejudice against him "lies in the fact that his supposed primary witness had immigrated to Canada,"[77] thereby "severely crippling his defenses together with the attendant emotional and psychological implications of the uncertainty and anxiety of a criminal prosecution suspended over him for a long period of time."[78] Again, *Leonardia* is instructive:

> In *Coscolluela v. Sandiganbayan*, the Court further ruled that the "**looming unrest as well as the tactical disadvantages carried by the passage of time should be weighed against the State and in favor of the individual.**"

---

[75] *Chingkoe v. Sandiganbayan, supra* note 59.
[76] Comment/Opposition, p. 10.
[77] Reply, p. 7.
[78] *Id.*

> Thus, even before *Cagang*, the prosecution, in cases of delay, has the burden to prove that the accused suffered no prejudice in order to sustain its right to try the accused despite the delay.
>
> In *Pacuribot*, the Court ruled that unjustified delays cause prejudice to an accused even if there was no showing that he or she was deprived of any defense as a result of the delay because the accused "had to face the difficulties and anxieties embedded in the experience of an unduly prolonged state inquiry into his supposed guilt." [x x x].
>
> In this case, the prosecution asserts that "there was no determination nor even an allegation on how [respondents] were prejudiced by the time that lapsed before their case was filed in court." However, as discussed, **respondents have no burden to prove that they suffered prejudice considering that it is the prosecution that should justify the delay in this case. Thus, the prosecution failed to prove that respondents were not prejudiced by the delay.**
>
> In any case, **even if there was no showing that they suffered prejudice due to the delay, and even if they were not obliged to prove the same, the unjustified delay in this case undeniably caused prejudice to respondents.** (Emphasis supplied)

In the present cases, the prosecution clearly failed to establish that (*1*) the Office of the Ombudsman followed the prescribed procedure in the conduct of preliminary investigation, (*2*) the complexity of the issues involved and the volume of evidence made the delay inevitable, and (*3*) the accused did not suffer prejudice as a result of the delay, *except* for saying that the accused enjoys the right to compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. In short, the prosecution failed to discharge its burden of justifying the delay because its *Comment/Opposition* is essentially devoid of any substantive allegation on the foregoing matters which it is obliged to prove pursuant to *Cagang*.

The guidelines set forth in *Cagang* similarly require that the right to a speedy disposition of cases must be timely raised. *Leonardia* cited *Javier v. Sandiganbayan*[79] on this matter, to wit:

> In *Javier v. Sandiganbayan*, the Court noted that the Ombudsman Rules prohibit the filing of a motion to dismiss, except on the ground of lack of jurisdiction. Hence, respondents in pending cases before the Ombudsman have no legitimate avenue to assert their constitutional right to speedy disposition of cases during the preliminary investigation.
>
> Accordingly, in *Javier*, the Court held that the accused therein timely asserted their rights when they filed a motion to quash at the earliest opportunity before they were arraigned before the Sandiganbayan. [x x x].

[79] G.R. No. 237997, June 10, 2020.

> Moreover, the Court has ruled that respondents in preliminary investigation proceedings have no duty to follow up on the prosecution of their case. Instead, the Ombudsman has the responsibility to expedite the case and resolve the same within reasonable periods and the given time periods, consistent with its mandate to promptly act on all complaints before it.

Here, the accused filed the *Motion to Dismiss/Quash* on August 17, 2023 or at the earliest opportunity. After the filing of the Informations on June 19, 2023, the Court issued the warrant of arrest[80] on July 18, 2023, and the accused posted a cash bail bond[81] on July 21, 2023. To date, he has yet to be arraigned in view of the pendency of the present motion. Thus, the Court holds that he has timely asserted his right.

Accordingly, in SB-23-CRM-0069 and SB-23-CRM-0070, the Court finds that the accused's constitutional right to a speedy disposition of cases during the preliminary investigation of the said cases was violated.

As a final note, whenever parties before this Court decide to plead certain claims, they are enjoined to do so in the proper manner, that is, according to the relevant facts and law, for an effective dispensation of justice.

In sum, the *Motion to Dismiss/Quash* is granted.

WHEREFORE, in light of the foregoing premises, the *Motion to Dismiss/Quash* dated August 15, 2023 of accused Rommel C. Maslog is **GRANTED**. In **SB-23-CRM-0068**, the Information is **QUASHED** for lack of jurisdiction over the offense charged, pursuant to Section 3(b), Rule 117 of the Rules of Criminal Procedure. In **SB-23-CRM-0069** and **SB-23-CRM-0070**, the criminal cases are **DISMISSED** for violation of the accused's constitutional right to a speedy disposition of cases during preliminary investigation.

The Hold Departure Order issued against the accused is hereby **LIFTED** and **SET ASIDE**, and his cash bail bond is ordered **RETURNED**.

SO ORDERED.

MARYANN E. CORPUS-MAÑALAC
Associate Justice

[80] Records, Vol. 1, p. 101.
[81] *Id.* at 87.

WE CONCUR:

RAFAEL R. LAGOS
Associate Justice
Chairperson

MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice