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In compliance with the Court's directive, accused Jardin filed his *Memorandum*.⁵ On the other hand, the prosecution filed the instant *Motion to Withdraw Information* wherein it manifests that it will no longer file its memorandum, and prays that the Information in SB-23-CRM-0054 be withdrawn on the ground that the said Information does not allege any damage to the government or any bribery, and thus, the Sandiganbayan does not have jurisdiction over the case.

In the accused's *Memorandum*, which the Court will consider as his comment, the accused prays that the said Information be dismissed, also on the ground that the Sandiganbayan does not have jurisdiction over the offense charged.

THE COURT'S RULING

The Court resolves to deny the prosecution's *Motion to Withdraw Information*. The Court has jurisdiction over the present case.

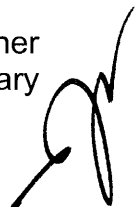

In *Crespo v. Mogul*,⁶ it was held that once the Information is filed in court, any disposition of the case rests upon its sound discretion. *Viz.:*

The preliminary investigation conducted by the fiscal for the purpose of determining whether a *prima facie* case exists warranting the prosecution of the accused is terminated upon the filing of the information in the proper court. In turn, as above stated, the filing of said information sets in motion the criminal action against the accused in Court. Should the fiscal find it proper to conduct a reinvestigation of the case, at such stage, the permission of the Court must be secured. After such reinvestigation the finding and recommendations of the fiscal should be submitted to the Court for appropriate action. While it is true that the fiscal has the *quasi-judicial* discretion to determine whether or not a criminal case should be filed in court or not, once the case had already been brought to Court whatever disposition the fiscal may feel should be proper in the case thereafter should be addressed for the consideration of the Court. 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 to due process of law.

Whether the accused had been arraigned or not and whether it is due to a reinvestigation by the fiscal or a review by the Secretary

⁵ Dated July 14, 2023; Record, pp. 437-448

⁶ G.R. No. L-53373, June 30, 1987



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of Justice whereby a motion to dismiss was submitted to the Court, the Court in the exercise of its discretion may grant the motion or deny it and require that the trial on the merits proceed for the proper determination of the case.

The accusatory portion of the Information in the present case, charging the accused with Violation of Sec. 3(c) of Republic Act No. 3019 (R.A. No. 3019), reads:

That on or about 27 March 2019, or sometime prior or subsequent thereto, in Quezon City, Philippines, and within this Honorable Court's jurisdiction, accused public officer **SAMUEL ALOYSIUS MAGDADARO JARDIN**, being then the Executive Director of the Land Transportation Franchising and Regulatory Board (LTFRB), a high-ranking public official with Salary Grade 28, while in the performance of his administrative and/or official functions, and committing the offense in relation to his office, did then and there willfully, unlawfully and feloniously request and receive, directly or indirectly, for himself and/or for another the amount of more or less **FOUR MILLION SIX HUNDRED THOUSAND PESOS (PHP4,600,000.00)** from Michelle Sapangila, in consideration for the assistance, facilitation or help to be given by the accused to said Michelle Sapangila who made arrangement for a third party applying for the issuance of a Certificate of Public Convenience (CPC) or Route Measured Capacity (RMC) for the operation of public utility or transport vehicles, said accused, in his official capacity, will secure or obtain the issuance by the LTFRB of said CPC.

CONTRARY TO LAW.

(underscoring supplied)

As seen in the Information, the offense was allegedly committed on or about March 27, 2019, after Republic Act No. 10660 (R.A. No. 10660) took effect on May 5, 2015.⁷ Thus, Sec. 2 of R.A. No. 10660, amending Sec. 4 of Presidential Decree No. 1606 (P.D. No. 1606), already applies.⁸ Sec. 4 of P.D. No. 1606, as amended by R.A. No. 10660, provides:

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

⁷ Please see *Ampongan v. Sandiganbayan*, G.R. Nos. 234670-71, August 14, 2019.

⁸ R.A. No. 10660. **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)



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a. Violations of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, Republic Act No. 1379,⁹ and Chapter II, Section 2,¹⁰ Title VII, Book II of the Revised Penal Code,¹¹ 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:

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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.

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).

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(underscoring supplied)

The Information in the present case does not allege any damage to the government. Further, to state the obvious, since the present case is for Violation of Section 3 (c) of R.A. No. 3019, necessarily, the Information does not charge the accused with any of the offenses of Bribery under the Section 2, Chapter II, Title VII, Book II of the Revised Penal Code. Notably, the Ombudsman, in the Resolution dated December 22, 2020,¹² categorically stated that “[t]here is no probable cause to indict respondent for Bribery.”

To be sure, Articles 210, 211 and 211-A of the Revised Penal Code define and penalize the crimes of Direct Bribery, Indirect Bribery, and Qualified Bribery, respectively, as follows:

⁹ 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.

¹⁰ Bribery (Articles 210 to 212)

¹¹ Act No. 3815, as amended

¹² Record, pp. 8-22



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Art. 210. Direct bribery. – Any public officer who shall agree to perform an act constituting a crime, in connection with the performance of his official duties, in consideration of any offer, promise, gift or present received by such officer, personally or through the mediation of another, shall suffer the penalty of *prision mayor* in its medium and maximum periods and a fine of not less than three times the value of the gift, in addition to the penalty corresponding to the crime agreed upon, if the same shall have been committed.

If the gift was accepted by the officer in consideration of the execution of an act which does not constitute a crime, and the officer executed said act, he shall suffer the same penalty provided in the preceding paragraph; and if said act shall not have been accomplished, the officer shall suffer the penalties of *prision correccional*, in its medium period and a fine of not less than twice the value of such gift.

If the object for which the gift was received or promised was to make the public officer refrain from doing something which it was his official duty to do, he shall suffer the penalties of *prision correccional* in its maximum period to *prision mayor* in its minimum period and a fine of not less than three times the value of such gift.

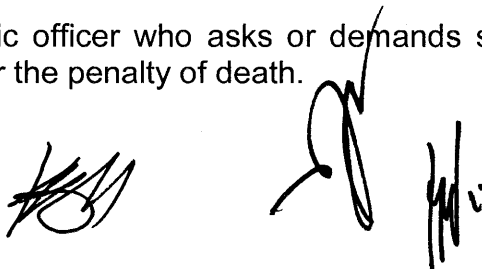
In addition to the penalties provided in the preceding paragraphs, the culprit shall suffer the penalty of special temporary disqualification.

The provisions contained in the preceding paragraphs shall be made applicable to assessors, arbitrators, appraisal and claim commissioners, experts or any other persons performing public duties.

Art. 211. Indirect bribery. – The penalties of *prision correccional* in its medium and maximum periods, suspension and public censure shall be imposed upon any public officer who shall accept gifts offered to him by reason of his office.

Art. 211-A. Qualified Bribery. – If any public officer is entrusted with law enforcement and he refrains from arresting or prosecuting an offender who has committed a crime punishable by *reclusion perpetua* and/or death in consideration of any offer, promise, gift or present, he shall suffer the penalty for the offense which was not prosecuted.

If it is the public officer who asks or demands such gift or present, he shall suffer the penalty of death.



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On the other hand, Section 3 of R.A. No. 3019 penalizes certain acts that may be understood to be bribery in its ordinary, generic or dictionary sense, as understood by non-lawyers. *Viz.:*

Sec. 3. Corrupt practices of public officers. – In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

X X X

(b) Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or for any other person, in connection with any contract or transaction between the Government and any other party, wherein the public officer in his official capacity has to intervene under the law.

(c) Directly or indirectly requesting or receiving any gift, present or other pecuniary or material benefit for himself or for another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any Government permit or license, in consideration for the help given or to be given, without prejudice to section thirteen of this Act.

(d) Accepting or having any member of his family accept employment in a private enterprise which has pending official business with him during the pendency thereof or within one year after its termination.

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This, thus, begs the question. Did the legislators intend to refer to “bribery” in its technical sense, *i.e.*, the crimes of Bribery as defined and penalized under Articles 210, 211 and 211-A of the Revised Penal Code, or to the plain and generic sense—the act of promising, giving, receiving, or agreeing to receive money or some other item of value with the corrupt aim of influencing a public official in the discharge of his or her official duties?¹³

Under the doctrine of *noscitur a sociis*, the construction of a particular word or phrase, which is in itself ambiguous, or is equally susceptible of various meanings, may be made clear and specific by considering the company of words in which it is found or with which it

¹³ Britannica, The Editors of Encyclopaedia. "bribery". Encyclopedia Britannica, October 18, 2023, <https://www.britannica.com/topic/bribery> (last visited November 16, 2023)



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is associated. In other words, the obscurity or doubt of the word or phrase may be reviewed by reference to associated words.¹⁴

This Court observes that the proviso¹⁵ in question is intended to qualify all criminal cases falling under paragraphs a., b., and c. of Section 4 of P.D. No. 1606, as amended by R.A. No. 10660. Paragraph c., which immediately precedes the said proviso, refers to civil and criminal cases filed by the Presidential Commission on Good Government (PCGG). Hence, it could not be logically concluded that the proviso refers to paragraph c. only.

In *Carandang v. Santiago*,¹⁶ the Supreme Court ruled that the term "physical injuries" in Art. 33¹⁷ of the new Civil Code could not have been used in its specific sense as a crime defined in the Revised Penal Code. In the said case, it was explained that term "physical injuries" should be understood to mean bodily injury, not the crime of physical injuries, because the terms used with the latter, "defamation" and "fraud," are general terms. It is difficult to believe that the Code Commission would have used, in the same article, some terms in their general, and another, in its technical, sense. *Viz.:*

The Article in question uses the words "defamation", "fraud" and "physical injuries." Defamation and fraud are used in their ordinary sense because there are no specific provisions in the Revised Penal Code using these terms as means of offenses defined therein, so that these two terms defamation and fraud must have been used not to impart to them any technical meaning in the laws of the Philippines, but in their generic sense. With this apparent circumstance in mind, it is evident that the term "physical injuries" could not have been used in its specific sense as a crime defined in the Revised Penal Code, for it is difficult to believe that the Code Commission would have used terms in the same article — some in their general and another in its technical sense. In other words, the term "physical injuries" should be understood to mean bodily injury, not the crime of physical injuries, because the terms used with the latter are general terms. In any case the Code Commission

¹⁴ *Bayron v. Commission on Audit*, G.R. No. 253127, November 29, 2022

¹⁵ *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).

¹⁶ G.R. No. L-8238, May 25, 1955

¹⁷ **Art. 33.** In cases of defamation, fraud, and physical injuries, a civil action for damages, entirely separate and distinct from the criminal action, may be brought by the injured party. Such civil action shall proceed independently of the criminal prosecution, and shall require only a preponderance of evidence.

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recommended that the civil action for physical injuries be similar to the civil action for assault and battery in American Law, and this recommendation must have been accepted by the Legislature when it approved the article intact as recommended. If the intent has been to establish a civil action for the bodily harm received by the complainant similar to the civil action for assault and battery, as the Code Commission states, the civil action should lie whether the offense committed is that of physical injuries, or frustrated homicide, or attempted homicide, or even death.

(underscoring supplied)

Here, the proviso in question used the term “bribery” together with the term “damage.” Damage is used in its generic sense that may be made applicable to all criminal cases enumerated in Section 4 of P.D. No. 1606, as amended by R.A. No. 10660, as it may be pertinent. Hence, it applies to “damages” referred to in R.A. No. 3019, as well as to the amount taken from the coffers of the government in Malversation cases under Article 217 of the Revised Penal Code. Such being the case, “bribery” could not have been used in its specific sense as a crime defined in the Revised Penal Code. It must be taken to mean the act of promising, giving, receiving, or agreeing to receive money or some other item of value with the corrupt aim of influencing a public official in the discharge of his or her official duties, as used in its plain and generic sense.

As in the *Carandang* case, it is difficult to believe that Congress would have used terms in the same article — some in their general and another in its technical sense.

Verily, in enacting R.A. No. 10660, the legislature intended to streamline the jurisdiction of the Sandiganbayan by limiting its exclusive original jurisdiction to the most significant cases filed against public officials, *i.e.*, cases where the Information alleges damage to the government or bribery arising from the same or closely related transactions or acts in an amount that exceeds one million pesos (₱1,000,000.00), as seen in then Senate President Franklin M. Drilon’s co-sponsorship speech for Senate Bill No. 2138.¹⁸ To wit:¹⁹

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¹⁸ Senate Bill No. 2138 was consolidated with House Bill No. 5283, and eventually became Republic Act No. 10660.

¹⁹ Senate Journal, Session No. 59, 16th Congress, 1st Regular Session, February 26, 2014, p. 33

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The second modification under the bill involves the streamlining of the anti-graft court's jurisdiction, which will enable the Sandiganbayan to concentrate its resources on resolving the most significant cases filed against public officials. The bill seeks to amend Section 4 of the law by transferring jurisdiction over cases that are classified as "minor" to the regional trial courts, which have the sufficient capability and competence to handle these cases. Under this measure, the so-called "minor cases," although not really minor, shall pertain to those where the information does not allege any damage or bribe; those that allege damage or bribe that are unquantifiable; or those that allege damage or bribe arising from the same or closely related transactions or acts not exceeding One Million Pesos.

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But there is no showing that Congress intended to limit the Sandiganbayan's exclusive original jurisdiction to Bribery cases under the Revised Penal Code, and to cases where damage is an essential element of the crime. A contrary interpretation would divest the Sandiganbayan of its exclusive original jurisdiction over almost all cases under R.A. No. 3019 and under Title VII,²⁰ Book II of the Revised Penal Code.

Here, the Information charges the accused with Violation of Sec. 3(c) of R.A. No. 3019, however, a close examination of the allegations in the Information would show that it alleges facts constituting bribery in its generic sense.

Specifically, the Information alleges that the accused, a public officer, in his official capacity, agreed to assist, facilitate or help Michelle Sapangila in securing or obtaining the issuance by the LTFRB of the Certificate of Public Convenience in consideration of the amount of four million six hundred thousand pesos (P4,600,000.00) he received from Sapangila. Without doubt, the Information alleges the request and receipt of a bribe in an amount exceeding P1 million. Thus, the Sandiganbayan has jurisdiction over the present case.

It being clear that the Sandiganbayan has jurisdiction, the prosecution's *Motion to Withdraw Information* has no basis.

²⁰ Crimes Committed By Public Officers

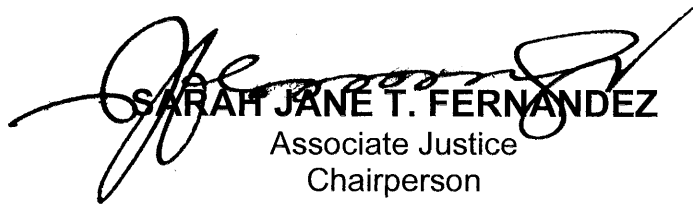
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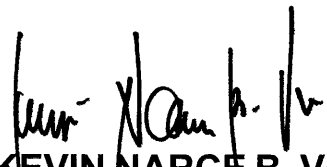
WHEREFORE, the prosecution's *Motion to Withdraw Information* is hereby DENIED for lack of merit.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice