

G.R. No. 128096

Manila

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G.R. No. 128096 January 20, 1999

PANFILO M. LACSON, petitioner,

vs.

THE EXECUTIVE SECRETARY, THE SANDIGANBAYAN, OFFICE OF THE SPECIAL PROSECUTOR, THE DEPARTMENT OF JUSTICE, MYRNA ABALORA, NENITA ALAP-AP, IMELDA PANCHO MONTERO, and THE PEOPLE OF THE PHILIPPINES, respondent.

ROMEO M. ACOP AND FRANCISCO G. ZUBIA, JR., petitioner-intervenors.

MARTINEZ, J.:

The constitutionality of Sections 4 and 7 of Republic Act No. 8249 — an act which further defines the jurisdiction of the Sandiganbayan — is being challenged in this petition for prohibition and *mandamus*. Petitioner Panfilo Lacson, joined by petitioners-intervenors Romeo Acop and Francisco Zubia, Jr., also seeks to prevent the Sandiganbayan from proceedings with the trial of Criminal Cases Nos. [23047-23057](#) (for multiple murder) against them on the ground of lack of jurisdiction.

The antecedents of this case, as gathered from the parties' pleadings and documentary proofs, are as follows:

In the early morning of May 18, 1995, eleven (11) persons believed to be members of the Kuratong Baleleng gang, reportedly an organized crime syndicate which had been involved in a spate of bank robberies in Metro Manila, where slain along Commonwealth Avenue in Quezon City by elements of the Anti-Bank Robbery and Intelligence Task Group (ABRITG) headed by Chief

Superintendent Jewel Canson of the Philippine National Police (PNP). The ABRITG was composed of police officers from the Traffic Management Command (TMC) led by petitioner-intervenor Senior Superintendent Francisco Zubia, Jr.; Presidential Anti-Crime Commission — Task Force Habagat (PACC-TFH) headed by petitioner Chief Superintendent Panfilo M. Lacson; Central Police District Command (CPDC) led by Chief Superintendent Ricardo de Leon; and the Criminal Investigation Command (CIC) headed by petitioner-intervenor Chief Superintendent Romeo Acop.

Acting on a media expose of SPO2 Eduardo delos Reyes, a member of the CIC, that what actually transpired at dawn of May 18, 1995 was a summary execution (or a rub out) and not a shoot-out between the Kuratong Baleleng gang members and the ABRITG, Ombudsman Aniano Desierto formed a panel of investigators headed by the Deputy Ombudsman for Military Affairs, Bienvenido Blancaflor, to investigate the incident. This panel later absolved from any criminal liability all the PNP officers and personal allegedly involved in May 18, 1995 incident, with a finding that the said incident was a legitimate police operation.¹

However, a review board led by Overall Deputy Ombudsman Francisco Villa modified the Blancaflor panel's finding and recommended the indictment for multiple murder against twenty-six (26) respondents, including herein petitioner and intervenors. The recommendation was approved by the Ombudsman except for the withdrawal of the charges against Chief Supt. Ricardo de Leon.

Thus, on November 2, 1995, petitioner Panfilo Lacson was among those charged as principal in eleven (11) information for murder² before the Sandiganbayan's Second Division, while intervenors Romeo Acop and Francisco Zubia, Jr. were among those charged in the same informations as accessories after-in-the-fact.

Upon motion by all the accused in the 11 information,³ the Sandiganbayan allowed them to file a motion for reconsideration of the Ombudsman's action.⁴

After conducting a reinvestigation, the Ombudsman filed on March 1, 1996 eleven (11) amended informations⁵ before the Sandiganbayan, wherein petitioner was charged only as an accessory, together with Romeo Acop and Francisco Zubia, Jr. and other. One of the accused⁶ was dropped from the case.

On March 5-6, 1996, all the accused filed separate motions questioning the jurisdiction of the Sandiganbayan, asserting that under the amended informations, the cases fall within the jurisdiction of the Regional Trial Court pursuant to Section 2 (paragraphs a and c) of Republic Act No. 7975.⁷ They contend that the said law limited the jurisdiction of the Sandiganbayan to cases where one or more

of the "principal accused" are government officials with Salary Grade (SG) 27 or higher, or PNP officials with the rank of Chief Superintendent (Brigadier General) or higher. The highest ranking principal accused in the amended informations has the rank of only a Chief Inspector, and none has the equivalent of at least SG 27.

Thereafter, in a Resolution 8 dated May 8, 1996 (promulgated on May 9, 1996), penned by Justice Demetriou, with Justices Lagman and de Leon concurring, and Justices Balajadia and Garchitorena dissenting,⁹ the Sandiganbayan admitted the amended information and ordered the cases transferred to the Quezon City Regional Trial Court which has original and exclusive jurisdiction under R.A. 7975, as none of the principal accused has the rank of Chief Superintendent or higher.

On May 17, 1996, the Office of the Special Prosecutor moved for a reconsideration, insisting that the cases should remain with the Sandiganbayan. This was opposed by petitioner and some of the accused.

While these motions for reconsideration were pending resolution, and even before the issue of jurisdiction cropped up with the filing of the amended informations on March 1, 1996, House Bill No. 229910 and No. 109411 (sponsored by Representatives Edcel C. Lagman and Lagman and Neptali M. Gonzales II, respectively), as well as Senate Bill No. 84412 (sponsored by Senator Neptali Gonzales), were introduced in Congress, defining expanding the jurisdiction of the Sandiganbayan. Specifically, the said bills sought, among others, to amend the jurisdiction of the Sandiganbayan by deleting the word "principal" from the phrase "principal accused" in Section 2 (paragraphs a and c) of R.A. No. 7975.

These bills were consolidated and later approved into law as R.A. No. 824913 by the President of the Philippines on February 5, 1997.

Subsequently, on March 5, 1997, the Sandiganbayan promulgated a Resolution¹⁴ denying the motion for reconsideration of the Special Prosecutor, ruling that it "stands pat in its resolution dated May 8, 1996."

On the same day¹⁵ the Sandiganbayan issued an ADDENDUM to its March 5, 1997 Resolution, the pertinent portion of which reads:

After Justice Lagman wrote the Resolution and Justice Demetriou concurred in it, but before Justice de Leon, Jr. rendered his concurring and dissenting opinion, the legislature enacted Republic Act 8249 and the President of the Philippines approved it on February 5, 1997. Considering the pertinent provisions of the new law, Justices Lagman and Demetriou are now in favor of granting, as they are now granting, the Special Prosecutor's

motion for reconsideration. Justice de Leon has already done so in his concurring and dissenting opinion.

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Considering that three of the accused in each of these cases are PNP Chief Superintendents: namely, Jewel T. Canson, Romeo M. Acop and Panfilo M. Lacson, and that trial has not yet begun in all these cases — in fact, no order of arrest has been issued — this court has competence to take cognizance of these cases.

To recapitulate, the net result of all the foregoing is that by the vote of 3 of 2, the court admitted the Amended Informations in these cases by the unanimous vote of 4 with 1 neither concurring nor dissenting, retained jurisdiction to try and decide the cases¹⁶ (Emphasis supplied)

Petitioner now questions the constitutionality of Section 4 of R.A. No. 8249, including Section 7 thereof which provides that the said law "shall apply to all cases pending in any court over which trial has not begun as to the approval hereof." Petitioner argues that:

a) The questioned provisions of the statute were introduced by the authors thereof in bad faith as it was made to precisely suit the situation in which petitioner's cases were in at the Sandiganbayan by restoring jurisdiction thereof to it, thereby violating his right to procedural due process and the equal protection clause of the Constitution. Further, from the way the Sandiganbayan has foot-dragged for nine (9) months the resolution of a pending incident involving the transfer of the cases to the Regional Trial Court, the passage of the law may have been timed to overtake such resolution to render the issue therein moot, and frustrate the exercise of petitioner's vested rights under the old Sandiganbayan law (RA 7975)

b) Retroactive application of the law is plain from the fact that it was again made to suit the peculiar circumstances in which petitioner's cases were under, namely, that the trial had not yet commenced, as provided in Section 7, to make certain that those cases will no longer be remanded to the Quezon City Regional Trial Court, as the Sandiganbayan alone should try them, thus making it an *ex post facto* legislation and a denial of the right of petitioner as an accused in Criminal Case Nos. [23047-23057](#) to procedural due process.

c) The title of the law is misleading in that it contains the aforesaid "innocuous" provisions in Sections 4 and 7 which actually expands rather

than defines the old Sandiganbayan law (RA 7975), thereby violating the one-title one-subject requirement for the passage of statutes under Section 26 (1), Article VI of the Constitution.¹⁷

For their part, the intervenors, in their petition-in-intervention, add that "while Republic Act No. 8249 innocuously appears to have merely expanded the jurisdiction of the Sandiganbayan, the introduction of Section 4 and 7 in said statute impressed upon it the character of a class legislation and an *ex-post facto* statute intended to apply specifically to the accused in the Kuratong Baleleng case pending before the Sandiganbayan.¹⁸ They further argued that if their case is tried before the Sandiganbayan their right to procedural due process would be violated as they could no longer avail of the two-tiered appeal to the Sandiganbayan, which they acquired under R.A. 7975, before recourse to the Supreme Court.

Both the Office of the Ombudsman and the Solicitor-General filed separate pleadings in support of the constitutionality of the challenged provisions of the law in question and praying that both the petition and the petition-in-intervention be dismissed.

This Court then issued a Resolution¹⁹ requiring the parties to file simultaneously within a nonextendible period of ten (10) days from notice thereof additional memoranda on the question of whether the subject amended informations filed a Criminal Case Nos. [23047-23057](#) sufficiently allege the commission by the accused therein of the crime charged within the meaning Section 4 *b* of Republic Act No. 8249, so as to bring the said cases within the exclusive original jurisdiction of the Sandiganbayan.

The parties, except for the Solicitor General who is representing the People of the Philippines, filed the required supplemental memorandum within the nonextendible reglementary period.

The established rule is that every law has in its favor the presumption of constitutionality, and to justify its nullification there must be a clear and unequivocal breach of the Constitution, not a doubtful and argumentative one. ²⁰ The burden of proving the invalidity of the law lies with those who challenge it. That burden, we regret to say, was not convincingly discharged in the present case.

The creation of the Sandiganbayn was mandated in Section 5, Article XIII of the 1973 Constitution, which provides:

Sec. 5. The Batasang Pambansa shall create a special court, to be known as

Sandiganbayan, which shall have jurisdiction over criminal and civil cases involving graft and corrupt practices and such other offenses committed by public officers and employees including those in government-owned or controlled corporations, in relation to their office as may be determined by law.

The said special court is retained in the new (1987) Constitution under the following provisions in Article XI, Section 4:

Sec. 4. The present anti-graft court known as the Sandiganbayan shall continue to function and exercise its jurisdiction as now or hereafter may be provided by law.

Pursuant to the constitutional mandate, Presidential Decree No. 148621 created the Sandiganbayan. Thereafter, the following laws on the Sandiganbayan, in chronological order, were enacted: P.D. No. 1606,²² Section 20 of Batas Pambansa Blg. 123,²³ P.D. No. 1860,²⁴ P.D. No. 1861,²⁵ R.A. No. 7975, ²⁶ and R.A. No. 8249.²⁷ Under the latest amendments introduced by Section 4 of R.A. No. 8249, the Sandiganbayan has jurisdiction over the following cases:

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

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:

(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;

(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 Philippines National Police while occupying the position of *provincial director* and those holding the rank of *senior superintendent or higher*.

(f) City of 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 or 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) Chairman and members of the Constitutional Commissions, without prejudice to the provisions of the Constitution;

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

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 connection with Executive Orders Nos. 1,2, 14 and 14-A, issued in 1986.

In cases where none of the accused are occupying positions corresponding to salary Grade "27" or higher, as prescribed in the said Republic Act 6758, or military and PNP officers mentioned above, exclusive original

jurisdiction thereof shall be vested in the proper regional trial court, metropolitan trial court, municipal trial court, and municipal circuit trial court, as the case may be, pursuant to their jurisdictions as provided in Batas Pambansa Blg. 129, as amended.

The Sandiganbayan shall exercise exclusive appellate jurisdiction over final judgments, resolutions or orders of regional trial courts whether in the exercise of their own original jurisdiction or of their appellate jurisdiction as herein provided.

The Sandiganbayan shall have exclusive original jurisdiction over petitions of the issuance of the writs of mandamus, prohibition, *certiorari*, habeas corpus, injunctions, and other ancillary writs and processes in aid of its appellate jurisdiction and over petitions of similar nature, including *quo warranto*, arising or that may arise in cases filed or which may be filed under Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986: *Provided*, That the jurisdiction over these petitions shall not be exclusive of the Supreme Court.

The procedure prescribed in Batas Pambansa Blg. 129, as well as the implementing rules that the Supreme Court has promulgated and may hereafter promulgate, relative to appeals/petitions for review to the Court of Appeals, shall apply to appeals and petitions for review filed with the Sandiganbayan. In all cases elevated to the Sandiganbayan and from the Sandiganbayan to the Supreme Court, the Office of the Ombudsman, through its special prosecutor, shall represent the People of the Philippines, except in cases filed pursuant to Executive Order Nos. 1, 2, 14, and 4-A, issued in 1986.

In case private individuals are charged as co-principals, accomplices or accessories with the public officers or employee, including those employed in government-owned or controlled corporations, they shall be tried jointly with said public officers and employees in the proper courts which shall exercise exclusive jurisdiction over them.

xxx xxx xxx (Emphasis supplied)

Sec. 7 of R.A. No. 8249 states:

Sec. 7. Transitory provision — This act shall apply to all cases pending in any court over which trial has not begun as of the approval hereof. (Emphasis supplied)

The Sandiganbayan law prior to R.A. 8249 was R.A. 7975. Section 2 of R.A. 7975 provides:

Sec. 2. Section 4 of the same decree [Presidential Decree No. 1606, as amended) is hereby further amended to read as follows:

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 principal 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, engineer, and other provincial department heads;

(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) PNP chief superintendent and PNP officers of higher rank;

(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 or 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) Chairman and members of the Constitutional Commissions, without prejudice to the provisions of the Constitution;

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

b. Other offenses or felonies committed by the public officials and employees mentioned in Subsection a of this section in relation to their office.

c. Civil and criminal cases files pursuant to and in connection with Executive Order Nos. 1, 2, 14, and 4-A.

In cases where none of the principal accused are occupying positions corresponding to salary Grade "27" or higher, as prescribed in the said Republic Act 6758, or PNP officers occupying the rank of superintendent or higher, or their equivalent, exclusive jurisdiction thereof shall be vested in the proper regional trial court, metropolitan trial court, municipal trial court, and municipal circuit trial court, as the case may be, pursuant to their respective jurisdictions as provided in Batas Pambansa Blg. 129.

The Sandiganbayan shall exercise exclusive appellate jurisdiction on appeals from the final judgment, resolutions or orders of regular court where all the accused are occupying positions lower than grade "27," or not otherwise covered by the preceding enumeration.

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In case private individuals are charged as co-principals, accomplices or accessories with the public officers or employees, including those employed in government-owned or controlled corporations, they shall be tried jointly with said public officers and employees in the proper courts

which shall have exclusive jurisdiction over them.

xxx xxx xxx (Emphasis supplied)

Sec. 7 of R.A. No. 7975 reads:

Sec. 7. Upon the effectivity of this Act, all criminal cases in which trial has not begun in the Sandiganbayan shall be referred to the proper courts.

Under paragraphs a and c, Section 4 of R.A. 8249, the word "principal" before the word "accused" appearing in the above-quoted Section 2 (paragraphs a and c) of R.A. 7975, was deleted. It is due to this deletion of the word "principal" that the parties herein are at loggerheads over the jurisdiction of the Sandiganbayan. Petitioner and intervenors, relying on R.A. 7975, argue that the Regional Trial Court, not the Sandiganbayan, has jurisdiction over the subject criminal cases since none of the principal accused under the amended information has the rank of Superintendent²⁸ or higher. On the other hand, the Office of the Ombudsman, through the Special Prosecutor who is tasked to represent the People before the Supreme Court except in certain cases,²⁹ contends that the Sandiganbayan has jurisdiction pursuant to R.A. 8249.

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, as amended (the Anti-Graft and Corrupt Practices Act), (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),³⁰ (d) Executive Order Nos. 1, 2, 14, and 14-A, issued in 1986 (sequestration cases),³¹ or (e) other offenses or felonies whether simple or complexed with other crimes; (2) the offender committing the offenses in items (a), (b), (c) and (e) is a public official or employee³² holding any of the positions enumerated in paragraph a of Section 4; and (3) the offense committed is in relation to the office.

Considering that herein petitioner and intervenors are being charged with murder which is a felony punishable under Title VIII of the Revised Penal Code, the governing on the jurisdictional offense is not paragraph a but paragraph b, Section 4 of R.A. 8249. This paragraph b pertains to "other offenses or felonies whether simple or complexed with other crimes committed by the public officials and employees mentioned in subsection a of (Section 4, R.A. 8249) in relation to their office. "The phrase" other offenses or felonies" is too broad as to include the crime of murder, provided it was committed in relation to the accused's official functions. Thus, under said paragraph b, what determines the Sandiganbayan's jurisdiction is the official position or rank of the offender — that is, whether he is

one of those public officers or employees enumerated in paragraph a of Section 4. The offenses mentioned in paragraphs a, b and c of the same Section 4 do not make any reference to the criminal participation of the accused public officer as to whether he is charged as a principal, accomplice or accessory. In enacting R.A. 8249, the Congress simply restored the original provisions of P.D. 1606 which does not mention the criminal participation of the public officer as a requisite to determine the jurisdiction of the Sandiganbayan.

Petitioner and intervenors' posture that Section 4 and 7 of R.A. 8249 violate their right to equal protection of the law³³ because its enactment was particularly directed only to the Kuratong Baleleng cases in the Sandiganbayan, is a contention too shallow to deserve merit. No concrete evidence and convincing argument were presented to warrant a declaration of an act of the entire Congress and signed into law by the highest officer of the co-equal executive department as unconstitutional. Every classification made by law is presumed reasonable. Thus, the party who challenges the law must present proof of arbitrariness.³⁴

It is an established precept in constitutional law that the guaranty of the equal protection of the laws is not violated by a legislation based on reasonable classification. The classification is reasonable and not arbitrary when there is concurrence of four elements, namely:

- (1) it must rest on substantial distinction;
- (2) it must be germane to the purpose of the law;
- (3) must not be limited to existing conditions only, and
- (4) must apply equally to all members of the same class,³⁵

all of which are present in this case.

The challengers of Sections 4 and 7 of R.A. 8249 failed to rebut the presumption of constitutionality and reasonableness of the questioned provisions. The classification between those pending cases involving the concerned public officials whose trial has not yet commenced and whose cases could have been affected by the amendments of the Sandiganbayan jurisdiction under R.A. 8249, as against those cases where trial had already started as of the approval of the law, rests on substantial distinction that makes real differences.³⁶ In the first instance, evidence against them were not yet presented, whereas in the latter the parties had already submitted their respective proofs, examined witnesses and presented documents. Since it is within the power of Congress to define the jurisdiction of courts subject to the constitutional limitations,³⁷ it can be reasonably anticipated

that an alteration of that jurisdiction would necessarily affect pending cases, which is why it has to provide for a remedy in the form of a transitory provision. Thus, petitioner and intervenors cannot now claim that Sections 4 and 7 placed them under a different category from those similarly situated as them. Precisely, paragraph a of Section 4 provides that it shall apply to "all case involving" certain public officials and, under the transitory provision in Section 7, to "all cases pending in any court." Contrary to petitioner and intervenors' argument, the law is not particularly directed only to the Kuratong Baleleng cases. The transitory provision does not only cover cases which are in the Sandiganbayan but also in "any court." It just happened that Kuratong Baleleng cases are one of those affected by the law. Moreover, those cases where trial had already begun are not affected by the transitory provision under Section 7 of the new law (R.A. 8249).

In their futile attempt to have said sections nullified, heavy reliance is premised on what is perceived as bad faith on the part of a Senator and two Justices of the Sandiganbaya³⁸ for their participation in the passage of the said provisions. In particular, it is stressed that the Senator had expressed strong sentiments against those officials involved in the Kuratong Baleleng cases during the hearings conducted on the matter by the committee headed by the Senator. Petitioner further contends that the legislature is biased against him as he claims to have been selected from among the 67 million other Filipinos as the object of the deletion of the word "principal" in paragraph a, Section 4 of P.D. 1606, as amended, and of the transitory provision of R.A. 8249.³⁹ R.A. 8249, while still a bill, was acted, deliberated, considered by 23 other Senators and by about 250 Representatives, and was separately approved by the Senate and House of Representatives and, finally, by the President of the Philippines.

On the perceived bias that the Sandiganbayan Justices allegedly had against petitioner during the committee hearings, the same would not constitute sufficient justification to nullify an otherwise valid law. Their presence and participation in the legislative hearings was deemed necessary by Congress since the matter before the committee involves the graft court of which one is the head of the Sandiganbayan and the other a member thereof. The Congress, in its plenary legislative powers, is particularly empowered by the Constitution to invite persons to appear before it whenever it decides to conduct inquiries in aid of legislation.⁴⁰

Petitioner and intervenors further further argued that the retroactive application of R.A. 8249 to the Kuratong Baleleng cases constitutes an *ex post facto* law⁴¹ for they are deprived of their right to procedural due process as they can no longer avail of the two-tiered appeal which they had allegedly acquired under R.A. 7975.

Again, this contention is erroneous. There is nothing *ex post facto* in R.A. 8249.

In *Calder v. Bull*,⁴² an *ex post facto* law is one —

- (a) which makes an act done criminal before the passing of the law and which was innocent when committed, and punishes such action; or
- (b) which aggravates a crime or makes it greater than when it was committed; or
- (c) which changes the punishment and inflicts a greater punishment than the law annexed to the crime when it was committed.
- (d) which alters the legal rules of evidence and receives less or different testimony than the law required at the time of the commission of the offense in order to convict the defendant.⁴³
- (e) Every law which, in relation to the offense or its consequences, alters the situation of a person to his disadvantage.⁴⁴

This Court added two more to the list, namely:

- (f) that which assumes to regulate civil rights and remedies only but in effect imposes a penalty or deprivation of a right which when done was lawful;
- (g) deprives a person accused of crime of some lawful protection to which he has become entitled, such as the protection of a former conviction or acquittal, or a proclamation of a amnesty.⁴⁵

Ex post facto law, generally, prohibits retrospectivity of penal laws.⁴⁶ R.A. 8249 is not penal law. It is a substantive law on jurisdiction which is not penal in character. Penal laws are those acts of the Legislature which prohibit certain acts and establish penalties for their violations;⁴⁷ or those that define crimes, treat of their nature, and provide for their punishment.⁴⁸ R.A. 7975, which amended P.D. 1606 as regards the Sandiganbayan's jurisdiction, its mode of appeal and other procedural matters, has been declared by the Court as not a penal law, but clearly a procedural statute, *i.e.* one which prescribes rules of procedure by which courts applying laws of all kinds can properly administer justice.⁴⁹ Not being a penal law, the retroactive application of R.A. 8249 cannot be challenged as unconstitutional.

Petitioner's and intervenors' contention that their right to a two-tiered appeal which they acquired under R.A. 7975 has been diluted by the enactment of R.A. 8249, is incorrect. The same contention has already been rejected by the court several times⁵⁰ considering that the right to appeal is not a natural right but

statutory in nature that can be regulated by law. The mode of procedure provided for in the statutory right of appeal is not included in the prohibition against *ex post facto* laws.⁵¹ R.A. 8249 pertains only to matters of procedure, and being merely an amendatory statute it does not partake the nature of an *ex post facto* law. It does not mete out a penalty and, therefore, does not come within the prohibition.⁵² Moreover, the law did not alter the rules of evidence or the mode of trial.⁵³ It has been ruled that adjective statutes may be made applicable to actions pending and unresolved at the time of their passage.⁵⁴

In any case; R.A. 8249 has preserved the accused's right to appeal to the Supreme Court to review questions of law.⁵⁵ On the removal of the intermediate review of facts, the Supreme Court still has the power of review to determine if the presumption of innocence has been convincingly overcome.⁵⁶

Another point. The challenged law does not violate the one-title-one-subject provision of the Constitution. Much emphasis is placed on the wording in the title of the law that it "defines" the Sandiganbayan jurisdiction when what it allegedly does is to "expand" its jurisdiction. The expansion in the jurisdiction of the Sandiganbayan, if it can be considered as such, does not have to be expressly stated in the title of the law because such is the necessary consequence of the amendments. The requirement that every bill must only have one subject expressed in the title⁵⁷ is satisfied if the title is comprehensive enough, as in this case, to include subjects related to the general purpose which the statute seeks to achieve.⁵⁸ Such rule is liberally interpreted and should be given a practical rather than a technical construction. There is here sufficient compliance with such requirement, since the title of R.A. 8249 expresses the general subject (involving the jurisdiction of the Sandiganbayan and the amendment of P.D. 1606, as amended) and all the provisions of the law are germane to that general subject.⁵⁹ The Congress, in employing the word "define" in the title of the law, acted within its power since Section 2, Article VIII of the Constitution itself empowers the legislative body to "define, prescribe, and apportion the jurisdiction of various courts."⁶⁰

There being no unconstitutional infirmity in both the subject amendatory provision of Section 4 and the retroactive procedural application of the law as provided in Section 7 of R.A. No. 8249, we shall now determine whether under the allegations in the Informations, it is the Sandiganbayan or Regional Trial Court which has jurisdiction over the multiple murder case against herein petitioner and intervenors.

The jurisdiction of a court is defined by the Constitution or statute. The elements of that definition must appear in the complaint or information so as to ascertain which court has jurisdiction over a case. Hence the elementary rule that the

jurisdiction of a court is determined by the allegations in the complaint or informations,⁶¹ and not by the evidence presented by the parties at the trial.⁶²

As stated earlier, the multiple murder charge against petitioner and intervenors falls under Section 4 [paragraph b] of R.A. 8249. Section 4 requires that the offense charged must be committed by the offender in relation to his office in order for the Sandiganbayan to have jurisdiction over it.⁶³ This jurisdictional requirement is in accordance with Section 5, Article XIII of the 1973 Constitution which mandated that the Sandiganbayan shall have jurisdiction over criminal cases committed by the public officers and employees, including those in government-owned or controlled corporations, "in relation to their office as may be determined by law." This constitutional mandate was reiterated in the new (1987) Constitution when it declared in Section 4 thereof that the Sandiganbayan shall continue to function and exercise its jurisdiction as now or hereafter may be provided by law.

The remaining question to be resolved then is whether the offense of multiple murder was committed in relation to the office of the accused PNP officers.

In *People vs. Montejo*,⁶⁴ we held that an offense is said to have been committed in relation to the office if it (the offense) is "intimately connected" with the office of the offender and perpetrated while he was in the performance of his official functions.⁶⁵ This intimate relation between the offense charged and the discharge of official duties "must be alleged in the informations."⁶⁶

As to how the offense charged be stated in the informations, Section 9, Rule 110 of the Revised Rules of Court mandates:

Sec. 9 Cause of accusation — The acts or omissions comprised of as constituting the offense *must be stated in ordinary and concise language without repetition not necessarily in the terms of the statute defining the offense, but in such form as is sufficient to enable a person of common understanding to know what offense is intended to be charged, and enable the court to pronounce proper judgment.* (Emphasis supplied)

As early as 1954 we pronounced that "the factor that characterizes the charge is the actual recital of the facts."⁶⁷ The real nature of the criminal charge is determined not from the caption or preamble of the informations nor from the specification of the provision of law alleged to have been violated, they being conclusions of law, but by the actual recital of facts in the complaint or information.⁶⁸

The noble object or written accusations cannot be overemphasized. This was

explained in *U.S. v. Karelsen*: 69

The object of this written accusations was — First; To furnish the accused with such a descretion of the charge against him as will enable him to make his defense and second to avail himself of his conviction or acquittal for protection against a further prosecution for the same cause and third, to inform the court of the facts alleged so that it may decide whether they are sufficient in law to support a conviction if one should be had. In order that the requirement may be satisfied, *facts must be stated, not conclusions of law*. Every crime is made up of certain acts and intent *these must be set forth in the complaint with reasonable particularity of time, place, names (plaintiff and defendant) and circumstances*. In short, the complaint *must contain a specific allegation of every fact and circumstance necessary to constitute the crime charged*. (Emphasis supplied)

It is essential, therefore, that the accused be informed of the facts that are imputed to him as "he is presumed to have no independent knowledge of the facts that constitute the offense."⁷⁰

Applying these legal principles and doctrines to the present case, we find the amended informations for murder against herein petitioner and intervenors wanting of specific factual averments to show the intimate relation/connection between the offense charged and the discharge of official function of the offenders.

In the present case, one of the eleven (11) amended informations⁷¹ for murder reads:

AMENDED INFORMATIONS

The undersigned Special Prosecution Officer III. Office of the Ombudsman hereby accuses CHIEF INSP. MICHAEL RAY AQUINO, CHIEF INSP. ERWIN T. VILLACORTE, SENIOR INSP. JOSELITO T. ESQUIVEL, INSP. RICARDO G. DANDAN, SPO4 VICENTE P. ARNADO, SPO4 ROBERTO F. LANGCAUON, SPO2 VIRGILIO V. PARAGAS, SPO2 ROLANDO R. JIMENEZ, SPO1 WILFREDO C. CUARTERO, SPO1 ROBERTO O. AGBALOG, SPO1 OSMUNDO B. CARINO, CHIEF SUPT. JEWEL F. CANSON, CHIEF SUPT. ROMEO M. ACOP, CHIEF SUPT. PANFILO M. LACSON, SENIOR SUPT. FRANCISCO G. ZUBIA JR., SUPT. ALMARIO A. HILARIO, CHIEF INSP. CESAR O. MANCAO III, CHIEF INSP. GIL L. MENESES, SENIOR INSP. GLENN DURLAO, SENIOR INSP. ROLANDO ANDUYAN, INSP. CEASAR TANNAGAN, SPO3 WILLY NUAS, SPO3 CICERO S. BACOLOD, SPO2 NORBERTO LASAGA, PO2 LEONARDO

GLORIA, and PO2 ALEJANDRO G. LIWANAG of the crime of Murder as defined and penalize under Article 248 of the Revised Penal Code committed as follows

That on or about May 18, 1995 in Mariano Marcos Avenue, Quezon City Philippines and within the jurisdiction of his Honorable Court, the accused CHIEF INSP. MICHAEL RAY AQUINO, CHIEF INSP. ERWIN T. VILLACORTE, SENIOR INSP. JOSELITO T. ESQUIVEL, INSP. RICARDO G. DANDAN, SPO4 VICENTE ARNADO, SPO4 ROBERTO F. LANGCAUON, SPO2 VIRGILIO V. PARAGAS, SPO2 ROLANDO R. JIMENEZ, SPO1 WILFREDO C. CUARTERO, SPO1 ROBERTO O. AGBALOG, and SPO1 OSMUNDO B. CARINO, all taking advantage of their public and official positions as officers and members of the Philippine National Police and committing the acts herein alleged in relation to their public office, conspiring with intent to kill and using firearms with treachery evident premeditation and taking advantage of their superior strenghts did then and there willfully unlawfully and feloniously shoot JOEL AMORA, thereby inflicting upon the latter mortal wounds which caused his instantaneous death to the damage and prejudice of the heirs of the said victim.

That accused CHIEF SUPT. JEWEL F. CANSON, CHIEF SUPT. ROMOE M. ACOP, CHIEF SUPT. PANFILO M. LACSON, SENIOR SUPT. FRANCISCO G. ZUBIAM JR., SUPT. ALMARIO A. HILARIO, CHIEF INSP. CESAR O. MANCAO II, CHIEF INSP. GIL L. MENESES, SENIOR INSP. GLENN DUMLAO, SENIOR INSP. ROLANDO ANDUYAN, INSP. CEASAR TANNAGAN, SPO3 WILLY NUAS, SPO3 CICERO S. BACOLOD, PO2 ALEJANDRO G. LIWANAG committing the acts in relation to office as officers and members of the Philippine National Police are charged herein as accessories after-the-fact for concealing the crime herein above alleged by among others falsely representing that there where *no arrest* made during the *read* conducted by the accused herein at Superville Subdivision, Paranaque, Metro Manila on or about the early dawn of May 18, 1995.

CONTRARY LAW.

While the above-quoted information states that the above-named principal accused committed the crime of murder "in relation to thier public office, there is, however, no specific allegation of facts that the shooting of the victim by the said principal accused was intimately related to the discharge of their official duties as police officers. Likewise, the amended information does not indicate that the said accused arrested and investigated the victim and then killed the latter while in their custody.

Even the allegations concerning the criminal participation of herein petitioner and intervenors as among the accessories after-the-facts, the amended information is vague on this. It is alleged therein that the said accessories concealed "the crime herein-above alleged by, among others, falsely representing that there were no arrests made during the raid conducted by the accused herein at Superville Subdivision, Paranaque Metro Manila, on or about the early dawn of May 18, 1995." The sudden mention of the "arrests made during the raid conducted by the accused" surprises the reader. There is no indication in the amended information that the victim was one of those arrested by the accused during the "raid." Worse, the raid and arrests were allegedly conducted "at Superville Subdivision, Paranaque, Metro Manila" but, as alleged in the immediately preceding paragraph of the amended information, the shooting of the victim by the principal accused occurred in Mariano Marcos Avenue, Quezon City." How the raid, arrests and shooting happened in the two places far away from each other is puzzling. Again, while there is the allegation in the amended information that the said accessories committed the offense "in relation to office as officers and members of the (PNP)," we, however, do not see the intimate connection between the offense charged and the accused's official functions, which, as earlier discussed, is an essential element in determining the jurisdiction of the Sandiganbayan.

The stringent requirement that the charge be set forth with such particularity as will reasonably indicate the exact offense which the accused is alleged to have committed in relation to his office was, sad to say, not satisfied. We believe that the mere allegation in the amended information that the offense was committed by the accused public officer in relation to his office is not sufficient. That phrase is merely a conclusion between of law, not a factual averment that would show the close intimacy between the offense charged and the discharge of the accused's official duties.

In *People vs. Magallanes*, 72 where the jurisdiction between the Regional Trial Court and the Sandiganbayan was at issue, we ruled:

It is an elementary rule that jurisdiction is determined by the allegations in the complaint or information and not by the result of evidence after trial. *Lawphil*

In *(People vs) Montejo* (108 Phil 613 (1960), where the amended information alleged

Leroy S. Brown City Mayor of Basilan City, as such, has organized groups of police patrol and civilian commandoes consisting of regular policeman and . . . special policemen appointed and provided by him with pistols and higher power guns and then established a

camp . . . at Tipo-tipo which is under his command . . . supervision and control where his co-defendants were stationed entertained criminal complaints and conducted the corresponding investigations as well as assumed the authority to arrest and detain person without due process of law and without bringing them to the proper court, and that in line with this set-up established by said Mayor of Basilan City as such, and acting upon his orders his co-defendants arrested and maltreated Awalin Tebag who denied in consequence thereof.

we held that the offense charged was committed in relation to the office of the accused because it was perpetrated while they were in the performance, though improper or irregular of their official functions and would not have been committed had they not held their office, besides, the accused had no personal motive in committing the crime thus, there was an intimate connection between the offense and the office of the accused.

Unlike in *Montejo* the informations in Criminal Cases Nos. 15562 and 15563 in the court below do not indicate that the accused arrested and investigated the victims and then killed the latter in the course of the investigation. The informations merely allege that the accused for the purpose of extracting or extortin the sum of P353,000.00 abducted, kidnapped and detained the two victims, and failing in their common purpose they shot; and killed the said victims. *For the purpose of determining jurisdiction, it is these allegations that shall control*, and not the evidence presented by the prosecution at the trial.

In the aforecited case of *People vs. Montejo*, it is noteworthy that the phrase committed in relation to public office "does not appear in the information, which only signifies that the said phrase is not what determines the jurisdiction of the Sandiganbayan. What is controlling is the specific factual allegations in the information that would indicate the close intimacy between the discharge of the accused's official duties and the commission of the offense charged, in order to qualify the crime as having been committed in relation to public office.

Consequently, for failure to show in the amended informations that the charge of murder was intimately connected with the discharge of official functions of the accused PNP officers, the offense charged in the subject criminal cases is plain murder and, therefore, within the exclusive original jurisdiction of the Regional Trial Court,⁷³ not the Sandiganbayan.

WHEREFORE, the constitutionality of Sections 4 and 7 of R.A. 8249 is hereby sustained. The Addendum to the March 5, 1997 Resolution of the Sandiganbayan is **REVERSED**. The Sandiganbayan is hereby directed to transfer Criminal Cases

Nos. 23047 to 23057 (for multiple murder) to the Regional Trial Court of Quezon City which has exclusive original jurisdiction over the said cases. *lâwphil.nêt*

SO ORDERED.

Davide, Jr., CJ., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena and Gonzaga-Reyes, JJ., concur.

Footnotes

1 *Rollo*, p. 43.

2 Docketed as Criminal Cases Nos. 23047 to 23057, Annex "B", Petition; *Rollo*, pp. 32-34, 44.

3 Then motion states that they have been deprived of their right to file respective motion for reconsideration of the Ombudsman's final resolution.

4 Annex "C," Petition — Sandiganbayan Order dated November 27, 1995, *Rollo*, pp. 37-38.

5 Annex "D," Petition, *Rollo*, pp. 39-41.

6 Inspector Alvarez.

7 Entitled "An Act To Strengthen The Functional And Structural Organization Of The Sandiganbayan. Amending For That Purpose Presidential Decree 1606, As Amended.

8 Annex "E," Petition, *Rollo*, p. 42.

9 Presiding Justice Garchitorena and Justice De Leon were designated as special members of the Division pursuant to SB Administrative Order No. 121-96 dated March 26, 1996.

10 Annex "F," Petition, *Rollo*, pp. 113-123.

11 Annex "F-1," Petition, *Rollo*, pp. 124-134.

12 Annex "G," Petition, *Rollo*, pp. 135-145.

13 Annex "A," Petition, *Rollo*, pp. 28-31. The law is entitled, "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." It took effect on February 25, 1997.

14 *Rollo*, pp. 162-171.

15 March 5, 1997.

16 *Rollo*, pp. 214, 216-219.

17 Petition, pp. 8-9, *Rollo*, pp. 10-11.

18 Petition-In-intervention, p. 9; *Rollo*, p. 236.

19 Dated December 15, 1998.

20 Justice Ricardo J. Francisco in *Padilla v. Court of Appeals and People*, 269 SCRA 402, *citing* *Peralta v. COMELEC*, 82 SCRA 30.

21 Took effect on June 11, 1978; *See* *Republic v. Asuncion*, 231 SCRA 229 [1994].

22 Took effect on December 10, 1978; *Republic v. Asuncion*, *ibid.*

23 Sec. 20 Jurisdiction in criminal cases. — Regional Trial Courts shall exercise original jurisdiction in all criminal cases not within the exclusive jurisdiction of any court, tribunal or body, except those now falling under the exclusive and concurrent jurisdiction of the Sandiganbayan which shall hereafter be exclusively taken cognizance of by the latter. (*See also* *Natividad vs. Felix*, 229 SCRA 685-68 [1994].)

24 Took effect on January 14, 1983; *Republic v. Asuncion*, *ibid.*

25 Took effect on March 23, 1983; *Republic v. Asuncion*, *ibid.*

26 Approved on March 30, 1995 and took effect on May 16, 1995; *People v. Magallanes*, 249 SCRA 224 (1995); *Azarcon vs. Sandiganbayan*, 268 SCRA 757 [1997].

27 Approved on February 5, 1995.

28 This is the rank stated in paragraph c (second par.). Section 2 of R.A. 7975, while in paragraph a (1) (e) of said Section 2, the rank is "chief

superintendent" or higher.

29 Sec. 4 P.D. 1606, as amended by R.A. 7975 and 8249.

30 Items (a), (b), and (c) are taken from paragraph a, Section 4 of R.A. 8249.

31 Paragraphs c, Section 4, R.A. 8249.

32 The 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.

33 No person shall be deprived of life, liberty and property without due process of law nor shall any person be denied the equal protection of the laws (Section 1, Article III, 1987 Constitution).

34 Sison, Jr. v. Ancheta, 130 SCRA 164.

35 Association of Small Landowners in the Philippines v. Secretary of Agrarian Reform, 175 SCRA 343; People v. Cayat, 68 Phil. 12 (1939); People v. Vera, 65 Phil. 56; Philippines Judges Association v. Prado, 227 SCRA 703; Philippine Association of Service Exporters v. Drilon, 163 SCRA 386 (1988).

36 Sison Jr. v. Ancheta, 130 SCRA 164.

37 See Fabian v. Aniano A. Desierto, as Ombudsman, G.R. No. 129742, Sept. 16, 1998.

38 Senator Raul and Sandiganbayan Presiding Justice Francis Garchitorena and Justice Jose Balajadia.

39 Petition, p. 17.

40 Sec. 21, Article VI, 1987 Constitution provides: "The Senate or the House of Representative or any of its respective committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected."

41 "No *ex post facto* law or bill of attainder shall be enacted" (Section 22, Article VI, 1987 Constitution).

42 Penned by Chief Justice Chase (3 Dall, 386, 390.); Black, Constitutional law, 595, cited in Cruz Constitution Law, 1995 ed. p. 247.

43 Mekin v. Wolfe, 2 Phil. 74 (1903) and U.S. v. Diaz Conde, 42 Phil. 766, 770, cited in Bernas, Constitutional Rights and Social Demands, Part II, 1991 ed., p. 513.

44 This kind of *ex post facto* law appeared in Wilensky v. Fields, Fla., 267 So. 2d 1, 5 (Black's Law Dictionary, 5th ed., p. 520) cited in People v. Sandiganbayan, 211 SCRA 241.

45 *En banc* cases of In Re Kay Villegas Kami, 35 SCRA 429 (1970); Mejia v. Pamaran, 160 SCRA 457; Tan v. Barrios, 190 SCRA 686; People v. Sandiganbayan, 211 SCRA 241.

46 Wright v. CA, 235 SCRA 341; Jucrez v. CA, 214 SCRA 475; Pascual v. Board of Medical Examiners, 28 SCRA 344; *See also* Katigbak v. Solicitor General, 180 SCRA 540 *citing* Cabal v. Kapunan, Jr. 6 SCRA 1059; Republic v. Agoncillo, 40 SCRA 579, and dela Cruz v. Better Living, Inc., 78 SCRA 274.

47 Lorenzo v. Posadas, 64 Phil. 353, 367 (1937).

48 Hernandez v. Albano, 19 SCRA 95, 102.

49 Subido, Jr. v. Sandiganbayan, 334 Phil. 346.

50 Rodriguez v. Sandiganbayan, 205 Phil. 567; Alviar v. Sandiganbayan, 137 SCRA 63; Nuñez v. Sandiganbayan, 111 SCRA 433; De Guzman v. People, December 15, 1982.

51 Nuñez v. Sandiganbayan, *supra*.

52 People v. Nazario, 165 SCRA 186.

53 Virata v. Sandiganbayan, 202 SCRA 680.

54 Oñas v. Sandiganbayan, 178 SCRA 261.

55 Thompson v. Utah, 170 U.S. 343 cited in Nuñez v. Sandiganbayan, *supra*.

56 Rodriguez v. Sandiganbayan, 205 Phil. 567; Alviar v. Sandiganbayan, 137 SCRA 63.

57 Sec. 26 (1), Article VI, 1987 Constitution reads "Every bill passed by the Congress shall embrace only one subject which shall be expressed in the title thereof.

58 Tio v. Videogram Regulatory Board, 151 SCRA 208.

59 Sumulong v. COMELEC, 73 Phil. 228-291.

60 Sec. 2 Art. VI, 1987 Constitution provides: "The Congress shall have the power to define, prescribe, and apportion the jurisdiction of the various courts but may not deprive the Supreme Court of its jurisdiction over cases enumerated in Section 5 hereof.

61 People v. Magallanes, 249 SCRA 212, 222 [1995], *citing* Republic vs. Asuncion, 231 SCRA 211 (1994).

62 People vs. Magallanes, *ibid.*, *citing* U.S. vs. Mallari, 24 Phil. 366 [1913]; People vs. Co Hiok, 62 Phil. 501 [1995]; People vs. Ocaya, 83 SCRA 218 [1978].

63 Republic vs. Asuncion; *supra*. pp. 232-233; People vs. Magallanes, *supra*, p. 220.

64 108 Phil. 613 (1960).

65 *See also* Republic vs. Asuncion, 231 SCRA 233 [1994] and People vs. Magallanes, 249 SCRA 221, [1995].

66 *See* Republic vs. Asuncion *supra*, and People vs. Magallanes, *supra*.

67 People vs. Cosare, 95 Phil. 657, 660 (1994).

68 People vs. Mendoza, 175 SCRA 743.

69 3 Phil. 223, 226 [1904]. *See also* Matilde v. Jobson, 68 SCRA 456, [December 29, 1975]; People v. Labado, 98 SCRA 730, 747 [July 24, 1980], cited in Bernas. The Constitution of the Philippines — A Commentary, Vol. I, 1987 Edition, p. 386.

70 Francisco, The Revised Rules of Court, Criminal Procedure, p. 77 cited in Balitaan vs. Court of First Instance of Batangas, 115 SCRA 739 [1982].

71 The eleven (11) amended informations were couched uniformly except for the names of the victims.

72 249 SCRA 212, 222, 223 [1995].

73 Sec. 20 of B.P. Blg. 129 provides "Regional Trial Courts shall exercise exclusive original jurisdiction in all criminal cases not within the exclusive jurisdiction of any court, tribunal, or body, except those now falling under the exclusive and concurrent jurisdiction of the Sandiganbayan which shall hereafter be exclusively taken cognizance of by the latter" *See also* People v. Magallanes, 249 SCRA 223 [1995].

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