

SECOND DIVISION

[G.R. No. 188630, February 23, 2011]

FILOMENA L. VILLANUEVA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

DECISION

MENDOZA, J.:

This is a petition for review on certiorari under Rule 45 filed by petitioner Filomena L. Villanueva (*petitioner*) seeking to reverse and set aside the **(1)** November 13, 2008 Resolution^[1] of the Court of Appeals (CA) which dismissed her petition for review for lack of jurisdiction; and **(2)** its June 25, 2009 Resolution^[2] denying her motion for reconsideration.

The Facts:

Petitioner was the Assistant Regional Director of the Cooperative Development Authority (CDA) of Region II, a position lower than Salary Grade 27.

Records show that on various dates in 1998, the petitioner and her husband Armando Villanueva (*Armando*) obtained several loans from the Cagayan Agri-Based Multi-Purpose Cooperative, Inc. (CABMPCI). Armando defaulted in the payment of his own loan. Because of this, CABMPCI, represented by its General Manager, Petra Martinez (*Martinez*), filed a *civil case* for collection of sum of money against Armando before the Regional Trial Court of Sanchez Mira, Cagayan (RTC), docketed as Civil Case No. 2607-S. To support its claim, CABMPCI presented a certification, received and signed by petitioner, attesting that she and Armando promised to settle their obligation on or before February 28, 2001.^[3]

During the pendency of the civil case before the RTC, Martinez filed an *administrative complaint* for Willful Failure to Pay Just Debt against petitioner before the CDA. It was docketed as CDA-Administrative Case No. 2002-002.^[4]

On October 16, 2001, in Civil Case No. 2607-S, the trial court declared Armando in default and rendered a decision ordering him to pay the total amount of P1,107,210.90, plus fine and interest at the rate of 3% per month and the cost of collection. Armando filed a petition for prohibition before the CA alleging that he should not be made to pay said loan as the same had long been fully paid as shown by 1] Official Receipt No. 141084 in the name of petitioner evidencing payment of the amount of P764,865.25, and 2] the Certification issued by Martinez. When directed to file its comment, CABMPCI failed to comply. Its non-compliance was deemed to have been a waiver to refute the claim of payment contained in the petition.^[5] Thus, on October 30, 2002, the CA promulgated a decision nullifying the RTC decision on the ground that the obligation had already been settled.^[6]

On December 9, 2002, Martinez filed an *administrative case* with the Office of the Ombudsman (*Ombudsman*) charging petitioner with Violation of Section 7(d) in relation to Section 11 of Republic Act (*R.A.*) No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees.^[7]

In the end, the Ombudsman rendered a decision finding petitioner guilty of Grave Misconduct and imposed the penalty of dismissal with forfeiture of benefits and disqualification for re-employment in the government service.

Petitioner filed a motion for reconsideration but the Ombudsman denied it.

Aggrieved, the petitioner filed a petition for review before the CA. The CA found merit in the petition and reversed and set aside the assailed decision of the Ombudsman. The CA ruled that the Ombudsman erred in applying R.A. No. 6713, without recognizing the fact of membership and its privileges. It further stated that Martinez failed to prove that petitioner had used undue influence in soliciting the loan. It noted that Martinez, in her capacity as the general manager of CABMPCI, allowed the petitioner to obtain a loan, much less obtain a passbook, although she was allegedly not qualified to become a member.^[8]

Martinez filed a motion for reconsideration while the Ombudsman filed an Omnibus Motion to Intervene and For Reconsideration. The CA denied both motions in its August 8, 2005 Resolution.^[9]

Aside from those cases, a *criminal case* was also filed against the petitioner for violation of Section 2(d) of R.A. No. 6713 before the Municipal Circuit Trial Court of Claveria, Cagayan (*MCTC*), docketed as Criminal Case No. 3111-CL.

On March 24, 2006, the MCTC promulgated its decision in Criminal Case No. 3111-CL convicting the petitioner and imposing the penalty of five (5) years of imprisonment and disqualification to hold office (Section 11, R.A. No. 6713).

Petitioner appealed the MCTC Decision to the Regional Trial Court of Sanchez Mira, Cagayan (*RTC*). The case was docketed as Criminal Case No. 3082. On November 22, 2007, the RTC affirmed the MCTC Decision.

Aggrieved, petitioner filed a petition for review before the CA.

The Office of the Solicitor General (*OSG*) then filed a Manifestation and Motion contending that the Sandiganbayan had exclusive appellate jurisdiction over the petition.

Petitioner, in her Comment, argued that the issue of jurisdiction could not be raised for the first time before the CA in view of the failure of the Provincial Prosecutor to bring out the same when she appealed the MCTC Decision to the RTC. She claimed to have availed of the remedy provided under Rule 122 of the Rules of Court in good faith. Finally, she contended that the essence of true justice would be served if the case would be decided on the merits.

The CA, however, agreed with the OSG. In its November 13, 2008 Resolution,^[10]

the CA dismissed the petition. The CA made the following justification:

(1) At the time petitioner committed the crime charged, she was holding a position lower than salary grade "27." 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. (*CA cited Moll v. Buban, G.R. No. 136974, August 27, 2002*);

(2) The OSG had timely raised the issue of lack of jurisdiction considering that the law does not contemplate the remedy of appeal from the decision of the MTCC [*sic*] directly to the Sandiganbayan; and

(3) Petitioner's good faith and the merits of her case cannot in any way vest CA with jurisdiction.

After the CA denied petitioner's motion for reconsideration on June 25, 2009, she filed the subject petition for review on certiorari under Rule 45.

On October 14, 2009, the Court resolved to deny the petition^[11]. Thus:

The Court resolves to **NOTE** petitioner's Compliance and Explanation dated 22 September 2009 with Resolution dated 12 August 2009, apologizing to this Court for the clerical error on the date mentioned in paragraph 2 of the affidavit of service of the motion for extension of time to file petition for review on certiorari which was typed as 21 July 2009 instead of 23 July 2009, and submitting documents relative thereto.

Acting on the petition for review on certiorari assailing the Resolutions dated 13 November 2008 and 25 June 2009 of the Court of Appeals in CA-G.R. CR No. 31240, the Court further resolves to **DENY** the petition for failure to sufficiently show that the appellate court committed any reversible error in the challenged resolutions as to warrant the exercise by this Court of its discretionary appellate jurisdiction.

Moreover, pursuant to Rule 45 and other related provision of the 1997 Rules of Civil Procedure, as amended, governing appeals by certiorari to the Supreme Court, only petitions which comply strictly with the requirements specified therein shall be entertained. Herein petitioner failed to state the material date of filing of the motion for reconsideration of the assailed resolution in violation of Section 4[b] and 5, Rule 45 in relation to Section 5[d], Rule 56.

The petitioner filed a motion for reconsideration but it was denied by the Court on February 1, 2010.^[12]

On March 29, 2010, petitioner filed her Motion for Leave and to Admit attached Second Motion for Reconsideration.^[13]

On April 28, 2010,^[14] the Court granted said motion and further resolved to: (1) grant the motion and set aside the Resolution dated October 14, 2009; and (2) reinstate the petition and require the OSG to comment thereon within 10 days from notice.

The OSG then filed a Manifestation and Motion^[15] stating, among others, that it is the Sandiganbayan which has exclusive appellate jurisdiction over petitioner's case, thus, it is the Office of the Special Prosecutor (*OSP*) that has the duty and responsibility to represent the People in cases within the jurisdiction of the Sandiganbayan and in all cases elevated from the Sandiganbayan to the Supreme Court. The OSG prayed that: **(1)** the Manifestation be noted; **(2)** it be excused from further participating in this case; **(3)** petitioner be ordered to furnish the OSP with a copy of the petition together with its annexes; and **(4)** the OSP be given a fresh period within which to file its comment.

On August 25, 2010, the Court resolved to: **(1)** note the OSG's Manifestation and Motion and grant its prayer to be excused from further participating in the present case; **(2)** direct the Division Clerk of Court to furnish the OSP with a copy of the petition and its annexes; and **(3)** require the OSP to file a comment on the petition within ten (10) days from receipt of copy of the petition and its annexes.^[16]

Eventually, the OSP filed its Comment.^[17] Primarily, it pointed out that the dismissal of petitioner's appeal by the CA was proper as it was indeed the Sandiganbayan which has jurisdiction over the case; that the negligence of counsel binds the client; and that the right to appeal is a mere statutory privilege and may be exercised only in the manner prescribed by law. As the petitioner failed to perfect her appeal in accordance with law, the RTC resolution affirming the MCTC Decision was rendered final and executory.

The Court's Ruling

There is no quibble that petitioner, through her former counsel, had taken a wrong procedure. After the RTC rendered an adverse decision, she should have sought relief from the Sandiganbayan in conformity with R.A. No. 8249.^[18] Under R.A. No. 8249, 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. Thus:

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: