

THIRD DIVISION

[G.R. No. 144261-62, May 09, 2001]

**PRUDENTE D. SOLLER, M.D., PRECIOSA M. SOLLER, M.D.,
RODOLFO I. SALCEDO, JOSEFINA B. MORADA, MARIO M.
MATINING, AND ROMMEL M. LUARCA, PETITIONERS VS. THE
HONORABLE SANDIGANBAYAN AND PEOPLE OF THE
PHILIPPINES, RESPONDENTS.**

D E C I S I O N

GONZAGA-REYES, J.:

This special civil action for certiorari, prohibition and mandamus raises the issue of the propriety of the assumption of jurisdiction by the Sandiganbayan^[1] in Criminal Cases Nos. 25521 and 25522 both entitled "People of the Philippines vs. Prudente D. Soller, Preciosa M. Soller, Rodolfo Salcedo, Josefina Morada, Mario Matining and Rommel Luarca" wherein petitioners are charged with Obstruction of Apprehension and Prosecution of Criminal Offenders as defined and penalized under P.D. No. 1829. The grounds for petitioners' Motion to Quash the Informations against them are that only petitioner Prudente D. Soller occupied a position classified as Grade 27 and higher and because the offenses charged were not committed by him in violation of his office as Municipal Mayor of Bansud, Oriental Mindoro.

It appears that in the evening of March 14, 1997, Jerry Macabael a municipal guard, was shot and killed along the national highway at Bansud, Oriental Mindoro while driving a motorcycle together with petitioner Soller's son, Vincent M. Soller. His body was brought to a medical clinic located in the house of petitioner Dr. Prudente Soller, the Municipal Mayor, and his wife Dr. Preciosa Soller, who is the Municipal Health Officer. The incident was reported to and investigated by petitioner SPO4 Mario Matining. An autopsy was conducted on the same night on the cadaver of Jerry by petitioner Dr. Preciosa Soller with the assistance of petitioner Rodolfo Salcedo, Sanitary Inspector, and petitioner Josefina Morada, Rural Health Midwife.

On the basis of the foregoing incident, a complaint was later filed against the petitioners by the widow of Jerry Macabael with the Office of the Ombudsman charging them with conspiracy to mislead the investigation of the fatal shootout of Jerry Macabael by (a) altering his wound (b) concealing his brain; (c) falsely stating in police report that he had several gunshot wounds when in truth he had only one; and d) falsely stating in an autopsy report that there was no blackening around his wound when in truth there was.

Petitioners spouses Soller denied having tampered with the cadaver of Jerry Macabael, and claimed, among others that Jerry Macabael was brought to their private medical clinic because it was there where he was rushed by his companions after the shooting, that petitioner Prudente Soller, who is also a doctor, was merely requested by his wife Preciosa Soller, who was the Municipal Health Officer, to assist

in the autopsy considering that the procedure involved sawing which required male strength, and that Mrs. Macabael's consent was obtained before the autopsy. The two (2) police officers denied having planted three (3) shells at the place where the shooting took place.

The Office of the Ombudsman recommended the filing of an Information for Obstruction of Justice (Violation of P.D. 1829), and two (2) Informations^[2] were filed with the Sandiganbayan which were docketed as Criminal Cases Nos. 25521 and 25522. The two (2) informations respectively read as follows:

"Criminal Case No. 25521

The undersigned Graft Investigation Officer I, Office of the Deputy Ombudsman for Luzon, hereby accuses PRUDENTE SOLLER, PRECIOSA SOLLER, MARIO MATINING, ROMMEL LUARCA, RODOLFO SALCEDO, and JOSIE MORADA, of committing the offense of Obstruction of Apprehension and Prosecution of Criminal Offenders as defined and penalized under Section 1, Paragraph b of P.D. 1829, committed as follows:

That on or about March 14, 1997, prior or subsequent thereto, at the Municipality of Bansud, Oriental Mindoro and within the jurisdiction of this Honorable Court, the above name accused, all public officers, then being the Municipal Mayor, Municipal Health Officer, SPO II, PO 1, Sanitary Inspector and Midwife, respectively, all of said municipality, conspiring and confederating with one another, did then and there wilfully, unlawfully, and criminally alter and suppress the gunshot wound and conceal the brain of JERRY MACABAEEL with intent to impair its veracity, authenticity, and availability as evidence in the investigation of criminal case for murder against the accused Vincent Soller, the son of herein respondents.

CONTRARY TO LAW."

"Criminal Case No. 25522

The undersigned Graft Investigation Officer, I, Office of the Deputy Ombudsman for Luzon, hereby accuses PRUDENTE SOLLER, PRECIOSA SOLLER, MARIO MATINING, ROMMEL LUARCA, RODOLFO SALCEDO, and JOSIE MORADA, of committing the offense of Obstruction of Apprehension and Prosecution of Criminal Offenders as defined and penalized under Section 1, Paragraph b of P.D. 1829, committed as follows:

That on or about March 14, 1997, prior or subsequent thereto, at the Municipality of Bansud, Oriental Mindoro and within the jurisdiction of this Honorable Court, the above name accused, all public officers, then being the Municipal Mayor, Municipal health Officer, SPO II, PO 1, Sanitary

Inspector and Midwife, respectively, all of said municipality, conspiring and confederating with one another, did then and there wilfully, unlawfully, and criminal give false and fabricated information in the autopsy report and police report to mislead or prevent the law enforcement agency, from apprehending the offender by reporting that there are several gunshot wounds in the body of the victim, JERRY MACABAE and that there is no tattooing (blackening) around the wound of the said victim when in truth and in fact, there is only one gunshot wound and there is tattooing (blackening) around the wound which would indicate that the victim was shot by Vincent Soller, the son of the herein respondents spouses Prudente and Preciosa Soller.

CONTRARY TO LAW."

Petitioners filed a Motion to Quash on the principal ground that the Sandiganbayan had no jurisdiction over the offenses charged; this motion was opposed by respondent People. In its assailed Order dated April 14, 2000, the Sandiganbayan denied petitioners' Motion to Quash on the ground that the accusation involves the performance of the duties of at least one (1) of the accused public officials, and if the Mayor is indeed properly charged together with that official, then the Sandiganbayan has jurisdiction over the entire case and over all the co-accused. The Order stated that "the accused is the Mayor of the municipality where the alleged incident took place and, therefore, any attempt to deviate or to present false evidence in connection with a criminal offense committed in his municipality for which he is charged would be an offense also in which the accused Mayor would be probably held accountable before this Court."

Motion for Reconsideration of the above order was filed on the premise that it is not among the functions of the mayor to conduct autopsies so that any misdeed, if indeed there was any, could not be an offense which would put him under the jurisdiction of the court. Motion for Reconsideration was denied, the Sandiganbayan ruling that:

"The enumeration of the functions of the mayor indicate very clearly that he is the primary executive and, therefore, necessarily the primary peace officer of the municipality, for which reason, any action on his part which deviates from that function is an office-related offense. In this particular instance, the accused is charged for having cooperated or co-participated with another public official of lower rank in the same municipality in the supposed falsification of the results of an autopsy. Additionally, even if the functions of an autopsy were totally unrelated to any of the administrative or executive functions over which the mayor may have supervision and, more specially, control, the fact of the matter is that the jurisdiction of the Court covers not only the offenses committed by the officials of Grade Level 27 or higher as the principal accused but even where such officials are also accused together with some other public officials who may be at a level below Grade Level 27 in connection with the performance of their duties.

In this instance, accused Mayor Prudente D. Soller, Sr. who occupies a

position at Grade Level 27, is co-accused with his wife, the Municipal Health Officer who occupies a position at Grade Level 24, so that, necessarily, the offense attributed to the lower ranking officer elevates the entire case to this Court primarily because somebody over whom this Court has jurisdiction, the Mayor, is accused together with the lower ranking officer."^[3]

Hence, this petition alleging that-

"RESPONDENT SANDIGANBAYAN ACTED WITHOUT OR IN EXCESS OF JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OF JURISDICTION IN HOLDING THAT IT HAS JURISDICTION OVER THE OFFENSE CHARGED IN SUBJECT CRIMINAL CASES NOS. 25521 and 25522."^[4]

Citing Section 4 of P.D. 1606 as amended, which defines the jurisdiction of the Sandiganbayan, petitioners claim that for an offense to fall within the jurisdiction of the Sandiganbayan, the offense must have been committed by the officials enunciated in paragraph (a) "in relation to their office", i.e. it should be intimately connected with the office of the offender, and should have been perpetrated while the offender was in the performance of his official functions. Moreover, these requisites must all be alleged in the information. Petitioners assert that in the subject criminal cases, the Informations do not contain factual averments showing that they committed the acts charged in relation to their office, i.e., the acts charged are intimately connected with their respective offices and were perpetrated by them while they were in the performance of their duties and functions.

On the other hand, respondent People of the Philippines, represented by the Office of the Ombudsman, through the Office of the Special Prosecutor, posits that even if the offense charged was not committed by the accused while in the performance of his official functions, the same could still be considered done in relation to his office if the acts were committed in line of duty. Respondent's position is that an offense may be considered committed in relation to office if it arose from misuse or abuse of public office or from non-performance of an official duty or function; thus the offense of falsifying autopsy and police reports is office-related considering that among the duties and functions of the municipal mayor in the exercise of general supervision and control over all programs, projects, services and activities of the municipal government, is that he shall ensure that all executive officials and employees of the municipality faithfully discharge their duties and functions. The fact that the informations do not allege that the acts charged were committed by petitioner Prudente Soller while he was in the performance of his official functions or duties is not a fatal defect, as the conclusion of law that his acts are in violation of his duties as municipal mayor could necessarily be deduced from the informations.

Petitioners, in their Reply, reiterate that the factual averments in the Information were fatally defective in view of the absence of any specific allegation that would indicate that the crimes charged were committed by the defendants in line of duty or in the performance of their official functions.