

FIRST DIVISION

[G.R No. 125498, July 02, 1999]

**CONRADO B. RODRIGO, JR., ALEJANDRO A. FACUNDO AND
REYNALDO G. MEJICA, PETITIONERS, VS. THE HONORABLE
SANDIGANBAYAN (FIRST DIVISION), OMBUDSMAN AND PEOPLE
OF THE PHILIPPINES, RESPONDENTS.**

R E S O L U T I O N

KAPUNAN, J.:

In our Decision dated 18 February 1999, we upheld the jurisdiction of the Sandiganbayan over petitioners thus:

Petitioner mayor's position having been classified as Grade 27 in accordance with R.A. No. 6758, and having been charged with violation of Section 3 (e) of R.A. No. 3019, petitioner is subject to the jurisdiction of the Sandiganbayan, as defined by Section 4 a. of P.D. No. 1606, as amended by Section 2 of R.A. No. 7975. By virtue of the same Section 4 a., as amended, his co-accused are also subject to the Anti-Graft Court's jurisdiction.

We noted that while Section 4 a. of P.D. No. 1606, as amended, did not expressly include the position of Municipal Mayor as among those within the Sandiganbayan's exclusive and original jurisdiction, such position is embraced in the catch-all provision, Section 4 a. (5).

The Compensation and Position Classification Act of 1989,^[1] however, does not specify the Grade accorded the position of Municipal Mayor. Instead, Section 9 of said law provides:

SEC. 9. Salary Grade Assignments for Other Positions. - For positions below the Officials mentioned under Section 8 hereof and their equivalent, whether in the National Government, local government units, government-owned or controlled corporations or financial institutions, the Department of Budget and Management is hereby directed to prepare the Index of Occupational Services to be guided by the Benchmark Position Schedule prescribed hereunder and the following factors: (1) the education and experience required to perform the duties and responsibilities of the position; (2) the nature and complexity of the work to be performed; (3) the kind of supervision received; (4) mental and/or physical strain required in the completion of the work; (5) nature and extent of internal and external relationships; (6) kind of supervision exercised; (7) decision-making responsibility; (8) responsibility for accuracy of records and reports; (9) accountability for funds, properties and equipment; and (10) hardship, hazard and personal risk involved in

the job.

Benchmark Position Schedule

Position Title	Salary Grade
Laborer I	1
Messenger	2
Clerk I	3
Driver I	3
Stenographer I	4
Mechanic I	4
Carpenter II	5
Electrician II	6
Secretary I	7
Bookkeeper	8
Administrative Assistant	8
Education Research Assistant I	9
Cashier I	10
Nurse I	10
Teacher I	10
Agrarian Reform Program	10
Technologist	10
Budget Officer I	11
Chemist I	11
Agriculturist I	11
Social Welfare Officer I	11
Engineer I	12
Veterinarian I	13
Legal Officer I	14
Administrative Officer II	15
Dentist II	16
Postmaster IV	17
Forester III	18
Associate Professor I	19
Rural Health Physician	20

In no case shall the salary of the chairman, president, general manager or administrator, and the board of directors of government-owned or controlled corporations, and financial institutions exceed Salary Grade 30: *Provided*, That the President may, in truly exceptional cases, approve higher compensation for the aforesaid officials.

In accordance with the above Section and that of Section 6^[2] of the same law, the Department of Budget and Management (DBM) prepared the Index of Occupational Services, Position Titles and Salary Grades where the position of Municipal Mayor was assigned Salary Grade 27.

Petitioners now move for a reconsideration of our decision, contending that the authority of the DBM was limited to the "preparation" of the Index of Occupational Services, Position Titles and Salary Grades. A new law adopting said Index, petitioners argue, is required for such Index to have the force of law. It is also alleged that the authority conferred upon the DBM constitutes an undue delegation of the legislative powers resulting in the executive branch, through the DBM, determining the jurisdiction of the Sandiganbayan.