

FIRST DIVISION

[G.R. No. 133535, September 09, 1999]

**LILIA B. ORGANO, PETITIONER, VS. THE SANDIGANBAYAN AND
THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

DECISION

PARDO, J.:

The case before the Court is a special civil action for certiorari with preliminary injunction or temporary restraining order assailing the resolutions of the Sandiganbayan, Fourth Division,^[1] that denied petitioner's motion to quash the information in the case below, for lack of merit.

We grant the petition.

The facts are as follows:

On August 15, 1997, Special Prosecution Officer Jose T. de Jesus, Jr., filed with the Sandiganbayan an Information against petitioner, together with others, for the crime of "plunder" or violation of R. A. No. 7080, as amended by R. A. No. 7659.^[2]

The Information reads as follows:

"That on or about 05 November 1996, or sometime prior or subsequent thereto, in Quezon City, Philippines and within the jurisdiction of this Honorable Court, accused Dominga S. Manalili, Teopisto A. Sapitula, Jose dP. Marcelo, Lilia B. Organo, being then public officers and taking advantage of their official positions as employees of the Bureau of Internal Revenue, Region 7, Quezon City, and Gil R. Erencio, Reynaldo S. Enriquez and Luis S. Se, Jr., conspiring, confabulating and confederating with one another, did then and there wilfully, unlawfully and criminally amass and acquire funds belonging to the National Government by opening an unauthorized bank account with the Landbank of the Philippines, West Triangle Branch, Diliman, Quezon City, for and in behalf of the Bureau of Internal Revenue and deposit therein money belonging to the government of the Philippines, consisting of revenue tax payments, then withdraw therefrom the total sum of Pesos: One Hundred Ninety Three Million Five Hundred Sixty Five Thousand Seventy Nine & 64/100 (P193,565,079.64) Philippine Currency, between November, 1996 to February, 1997, without proper authority, through checks made payable to themselves and/or the sole proprietorship firms of the above named private persons, thereby succeeding in misappropriating, converting, misusing and/or malversing said public funds tantamount to a raid on the public treasury, to their own personal gains, advantages

and benefits, to the damage and prejudice of the government in the aforestated amount”^[3]

On August 20, 1997, petitioner filed with the Sandiganbayan a motion to quash information for lack of jurisdiction, contending that the Sandiganbayan no longer had jurisdiction over the case under R. A. 8249, approved on February 5, 1997.

On September 29, 1997, without first resolving petitioner's motion to quash information, the Sandiganbayan issued a warrant of arrest against all the accused in the case.

On November 28, 1997, the Sandiganbayan issued a resolution denying petitioner's motion to quash the information for lack of merit.

On December 9, 1997, petitioner filed with the Sandiganbayan a motion for reconsideration, reiterating the ground of lack of jurisdiction over the case pursuant to Republic Act No. 8249, approved on February 5, 1997.

On April 28, 1998, after one hundred forty (140) days from its filing, the Sandiganbayan issued a resolution denying petitioner's motion for reconsideration ruling that she should first surrender to the court before she may file any further pleading with the court.

Hence, this petition.

On June 23, 1998, the Court resolved to require the respondents to comment on the petition, not to file a motion to dismiss, within ten (10) days from notice.^[4]

On September 14, 1998, the Office of the Special Prosecutor, representing the People of the Philippines, filed its comment.^[5]

On January 4, 1999, the Solicitor General filed his comment.^[6]

We give due course to the petition.

At issue is whether the Sandiganbayan at the time of the filing of the information on August 15, 1997 had jurisdiction over the case, in view of the enactment on February 5, 1997 of Republic Act No. 8249, vesting in the Sandiganbayan jurisdiction over offenses and felonies whether simple or complexed with other crimes committed by public officers and employees mentioned in subsection (a) of Section 4 in relation to their office where the accused holds a position with salary grade "27" and higher under the Compensation and Position Classification Act of 1989.

Petitioner contends that since none of the accused holds a position with Salary Grade "27" and higher, jurisdiction over the case falls with the Regional Trial Court.

^[7] On the other hand, respondent Sandiganbayan's position is that Republic Act No. 7080 which defines and penalizes the crime of "plunder" vests in the Sandiganbayan jurisdiction thereof, and since it is a special law, it constitutes an exception to the general law, Republic Act No. 8249.^[8]