



Republic of the Philippines
Supreme Court
Manila

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SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

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ALFREDO J. NON, GLORIA
VICTORIA C. YAP-TARUC,
JOSEFINA PATRICIA A. MAGPALE-
ASIRIT and GERONIMO D. STA.
ANA,

Petitioners,

- versus -

OFFICE OF THE OMBUDSMAN,
ALYANSA PARA SA BAGONG
PILIPINAS, INC., and HON. MARIA
GRACIA A. CADIZ-CASACLANG,
Presiding Judge, Branch 155, Regional
Trial Court, Pasig City,

Respondents.

G.R. No. 251177

Present:

PERALTA, C.J.,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
GISMUNDO,
REYES, J. JR.,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,*
ZALAMEDA,
LOPEZ,
DELOS SANTOS,
GAERLAN, and
BALTAZAR-PADILLA,** JJ.

Promulgated:

September 8, 2020

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DECISION

REYES, J. JR., J.:

Petitioners Alfredo J. Non (Non), Gloria Victoria C. Yap-Taruc (Yap-Taruc), Josefina Patricia A. Magpale-Asirit (Magpale-Asirit), and Geronimo D. Sta. Ana (Sta. Ana; collectively, petitioners), who are former¹ Commissioners of the Energy Regulatory Commission (ERC), are before the

* No part.

** On sick leave.

¹ Except for Josefina Patricia A. Magpale-Asirit who is an incumbent Commissioner.

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Court *via* a Petition for *Certiorari* under Rule 65 of the Rules of Court, with prayer for temporary restraining order (TRO) and/or writ of preliminary injunction, assailing the Orders dated September 10, 2018 and October 22, 2018 of the Regional Trial Court, Branch 155 of Pasig City (RTC), in Criminal Case No. R-PSG-18-01280-CR which denied their Motion to Quash, and their Motion for Reconsideration, respectively.

The Antecedents

The case originated from ERC's issuance of Resolution No. 1, Series of 2016 (Resolution No. 1-2016) which moved the effectivity date of Resolution No. 13, Series of 2015 (Resolution No. 13-2015) from November 2015 to April 2016. The Resolution No. 13-2015 directed all distribution utilities (DUs) to conduct a competitive selection process (CSP) in securing their power supply agreements (PSAs).

Believing that Resolution No. 1-2016 was a ploy to accommodate or favor the Manila Electric Company (MERALCO) and its sister companies, and enable them to bag lucrative PSAs without complying with the CSP requirement, the Alyansa Para sa Bagong Pilipinas (ABP) filed before the Court on November 3, 2016 a Petition for *Certiorari* and Prohibition (With Urgent Prayer for the Issuance of a TRO and/or Writ of Preliminary Injunction) assailing the validity of Resolution No. 1-2016, as well as the CSP Guidelines, docketed as **G.R. No. 227670**.²

On November 23, 2016, the ABP also filed before the Office of the Ombudsman (Ombudsman) a verified complaint against herein petitioners, together with José Vicente B. Salazar (Salazar) for: (a) violation of Section 3(e) of Republic Act (R.A.) No. 3019 or the Anti-Graft and Corrupt Practices Act; (b) violation of R.A. No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees; (c) violation of R.A. No. 9136, otherwise known as the Electric Power Industry Reform Act of 2001; (d) grave abuse of authority; (e) grave misconduct; (f) oppression; and (g) gross neglect of duty.

The administrative complaint was docketed as OMB-C-A-16-0438, which gave rise to **G.R. No. 237586**³ while the criminal complaint was

² Entitled "*Alyansa Para sa Bagong Pilipinas, represented by Evelyn V. Jallorina and Noel Villones v. Energy Regulatory Commission, represented by its Chairman, Jose Vicente B. Salazar, Department of Energy, represented by Secretary Alfonso G. Cusi, MERALCO, Central Luzon Premiere Power Corporation, St. Raphael Power General Corporation, Panay Energy Development Corporation, Mariveles Power Generation Corporation, Global Luzon Energy Development Corporation, Atimonan One Energy, Inc., Redondo Peninsula Energy, Inc., and Philippine Competition Commission.*"

³ Entitled "*Alyansa Para sa Bagong Pilipinas, Inc., represented by Noel G. Villones and Evelyn V. Jallorina v. Court of Appeals, Jose Vicente B. Salazar, Gloria Victoria C. Yap-Taruc, Alfredo J. Non, et al.*"

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docketed as OMB-C-C-16-0497 which led to the filing of G.R. Nos. 239168,⁴ 240288⁵ and herein petition, 251177.

G.R. Nos. 239168 and 240288 were consolidated on July 30, 2018. Then these two, together with G.R. No. 237586 were consolidated with G.R. No. 227670 on October 17, 2018. On January 15, 2019, however, the Court deconsolidated the cases and returned to same original members-in-charge.

Meanwhile on September 29, 2017, the Ombudsman issued a Resolution in OMB-C-C-16-0497, finding probable cause to charge petitioners and Salazar for violation of Section 3(e) of R.A. No. 3019. From this, petitioners filed a petition for *certiorari* with the Court, docketed as G.R. No. 239168, while Salazar filed a separate petition, docketed as G.R. No. 240288. During the pendency of both G.R. Nos. 239168 and 240288, the Ombudsman filed a criminal Information before the RTC of Pasig City against petitioners and Salazar for violation of Section 3(e) of R.A. No. 3019.

The pertinent portion of the Information reads:

That on 6 November 2015 to 30 April 2016, or sometime prior or subsequent thereto, in Pasig City, Philippines, and within the jurisdiction of this Honorable Court, accused public officers Jose Vicente B. Salazar, being then Chairman and Chief Executive Officer, and Gloria Victoria C. Yap-Taruc, Alfredo J. Non, Josefina Patricia A. Magpale-Asirit, and Geronimo D. Sta. Ana, being then Commissioners, all of the Energy Regulatory Commission (ERC), committing the offense in relation to their official positions as such, conspiring and confederating and mutually helping one another, acting with evident bad faith, manifest partiality or gross inexcusable negligence, did then and there willfully, unlawfully and criminally give unwarranted benefits, advantage or preference to MERALCO by modifying the date of implementation of Resolution No. 13, Series of 2015, which required MERALCO, other Distribution Utilities, Generation Companies and Electric Cooperatives to go through a Competitive Selection Process (CSP) before entering into Power Supply Agreements (PSA[s]) from 6 November 2015 to 30 April 2016, thereby favoring MERALCO by allowing it to file with ERC on 29 April 2016 the PSAs it entered with its sister companies/affiliates, namely: (1) Atimonan One Energy, Inc. (AIE); 2) St. Raphael Power Generation Corporation (SR GenCor); (3) Central Luzon Premier Power Corporation (CLPPC); 4) Mariveles Power Generation Corporation (MP GenCor); 5) Redondo Peninsula Energy, Inc. (RPE); 6) Panay Energy Development Corporation (PEDC); and 7) Global Luzon Energy Development Corporation

⁴ Entitled "*Alfredo J. Non, Gloria Victoria C. Yap-Taruc, Josefina Patricia A. Magpale-Asirit and Geronimo D. Sta. Ana v. Office of the Ombudsman and Alyansa Para sa Bagong Pilipinas, Inc.*"

⁵ Entitled "*Jose Vicente B. Salazar v. Alyansa Para sa Bagong Pilipinas, Inc., Office of the Ombudsman and Hon. Regional Trial Court, Branch 155, Pasig City.*"

(GLEDC), without complying with the CSP requirement, to the damage and prejudice of the government and public interest.

CONTRARY TO LAW.⁶

The Information was docketed as Criminal Case No. R-PSG-18-01280-CR and raffled to Branch 155 of RTC Pasig City.

On July 12, 2018, petitioners filed a Motion to Quash dated July 11, 2018 on the ground that the RTC Pasig City has no jurisdiction over the case pursuant to Section 2, paragraph 3 of R.A. No. 10660 which took effect in 2015.⁷

On September 10, 2018, the RTC Pasig City issued the herein assailed Order denying petitioners' Motion to Quash. It states:

x x x [T]his Court differs with the movant-commissioners in their assertion that the RTC of Pasig City cannot try their case because under [R.A. No.] 10660, "*cases falling under the jurisdiction of the Regional Trial Court under this section, shall be tried in a judicial region other than were the official holds office.*" This is because as things stand, the Honorable Supreme Court has yet to promulgate the pertinent rules on the aforesaid innovation of the law. As there are no implementing rules yet on this particular matter, the default regime is the one found in Section [15(a)], Rule 110 of the Revised Rules on Criminal Procedure, [*viz.*], the criminal action shall be instituted and tried in the proper court of the municipality, city, or province where the offense was committed or where any of its essential ingredients took place. Since the instant Information alleges that the subject offense was committed by the accused in relation to the exercise of their official positions in the ERC, the office of which is seated in Ortigas Center, Pasig City, it cannot be gainsaid that this Court has territorial jurisdiction over the offense charged.

x x x x

WHEREFORE, premises considered, the Motion to Quash Information filed by accused Jose Vicente B. Salazar and the Motion to Quash Information filed by accused Alfredo Non, Gloria Victoria C. Yap-Taruc, Josefina Patricia A. Magpale-Asirit, and Geronimo D. Sta Ana, are hereby DENIED for want of basis. Let the arraignment of the accused proceed on September 19, 2018, at 8:30 in the morning, as previously scheduled.

SO ORDERED.⁸

⁶ Rollo, pp. 21-22.

⁷ AN ACT STRENGTHENING FURTHER THE FUNCTIONAL AND STRUCTURAL ORGANIZATION OF THE SANDIGANBAYAN, FURTHER AMENDING PRESIDENTIAL DECREE NO. 1606, AS AMENDED, AND APPROPRIATING FUNDS THEREFOR.

⁸ Rollo, p. 77.

Petitioners' motion for reconsideration was denied on October 22, 2018.⁹

Petitioners then filed an Urgent Motion for the Issuance of TRO or Writ of Preliminary Injunction dated October 29, 2018 in G.R. No. 239168, seeking to restrain RTC Pasig City from hearing Criminal Case No. R-PSG-18-01280-CR, on the ground that a prejudicial question exists in G.R. No. 227670. Petitioners also asserted that RTC Pasig City had no jurisdiction over the offense pursuant to Section 2 of R.A. No. 10660.

Upon their arraignment on November 21, 2018 in Criminal Case No. R-PSG-18-01280-CR, the petitioners pleaded "not guilty," and the trial court set the pre-trial conference on February 13, 2019. The initial presentation of prosecution evidence, however, has not commenced in view of the motion filed by petitioners to suspend proceedings.¹⁰

In the meantime, the Court, on May 3, 2019, rendered its Decision in G.R. No. 227670 holding that the assailed issuances of the ERC were void *ab initio*.

On September 20, 2019, petitioners filed a Motion for Leave to File Supplemental Petition and the attached Supplemental Petition in G.R. No. 239168, arguing that respondent judge committed grave abuse of discretion amounting to lack or excess of jurisdiction in denying their Motion to Quash.¹¹

The Court granted petitioners' Motion for Leave to File Supplemental Petition in G.R. No. 239168, which was docketed as a separate petition, herein **G.R. No. 251177**.¹²

The Issue

Petitioners are now before the Court raising the sole issue that:

THE PUBLIC RESPONDENT GRAVELY ERRED IN DENYING THE MOTION TO QUASH INFORMATION BECAUSE, BY EXPRESS PROVISIONS OF [R.A.] NO. 10660, SHE HAS NO JURISDICTION OVER THE CRIMINAL CASE AS IT MUST [BE] TRIED BY [A] REGIONAL TRIAL COURT IN A JUDICIAL REGION OTHER THAN IN THE NATIONAL CAPITAL JUDICIAL REGION.¹³

⁹ Id. at 90.

¹⁰ Id.

¹¹ Id. at 80-83.

¹² Id. at 3-4.

¹³ Supra note 9.

The pertinent provision of R.A. No. 10660 reads:

SEC. 2. Section 4 of the same decree, 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 Philippine National Police while occupying the position of provincial director and those holding the rank of senior superintendent and higher;

(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 and officials thereof classified as Grade '27' and higher under the Compensation and Position Classification Act of 1989;
 - (3) Members of the judiciary without prejudice to the provisions of the Constitution;
 - (4) Chairmen and members of the Constitutional Commissions, without prejudice to the provisions of the Constitution; and
 - (5) All other national and local officials classified as Grade '27' and 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 in connection with Executive Order Nos. 1, 2, 14 and 14-A, issued in 1986.

Provided, That the Regional Trial Court shall have exclusive original jurisdiction where the information: (a) does not allege any damage to the government or any bribery; or (b) alleges damage to the government or bribery arising from the same or closely related transactions or acts in an amount not exceeding One million pesos (P1,000,000.00).

Subject to the rules promulgated by the Supreme Court, the cases falling under the jurisdiction of the Regional Trial Court under this section shall be tried in a judicial region other than where the official holds office. (Emphases supplied)

Petitioners assert that under Section 2 of R.A. No. 10660, not only is the RTC vested with jurisdiction over the instant case, the law also fixed the venue of the action. The Congress' intent was to confer both jurisdiction and venue on certain cases that used to be within the jurisdiction of the Sandiganbayan to the RTC, but in a judicial region different from where the accused holds office. They argue that even though the Supreme Court has yet to promulgate rules therefor, since R.A. No. 10660 was already effective at the time of the filing of the Information, the public respondent should have applied its provisions.¹⁴

The Ombudsman, in its Comment, meanwhile, avers that *certiorari* is not the proper remedy from a denial of a motion to quash. Assuming that *certiorari* is proper, it should have been filed with the Sandiganbayan. In

¹⁴ Rollo, pp. 91-109.

any event, the RTC Pasig City has jurisdiction over Criminal Case No. R-PSG-18-01280-CR.

According to the Ombudsman, while Section 4 of the Sandiganbayan law (as amended by Section 2 of R.A. No. 10660) explicitly states that “cases falling under the jurisdiction of the RTC under this section shall be tried in a judicial region other than where the official holds office” such *proviso* is qualified by the phrase “subject to the rules promulgated by the Supreme Court.” Said section regarding venue is not self-executing as it is still subject to the rules to be promulgated by the Supreme Court. This interpretation, according to the Ombudsman, is more consistent with the constitutional provision that the Congress may not deprive the Court of its power to promulgate rules of pleadings, practice, and procedure. Further, the Ombudsman asserts, as the Court has yet to promulgate the pertinent rules on venue, the actions against high ranking officials falling under the jurisdiction of the RTC under Section 4 must be instituted and tried in the court of the municipality or territory where the offense was committed or where any of its essential ingredients occurred,” pursuant to existing rule on venue under Section 15(a), Rule 110 of the Revised Rules on Criminal Procedure.¹⁵

The Office of the Solicitor General (OSG), meanwhile, filed its Manifestation and Motion (In Lieu of Comment) stating that as the Tribune of the People and an officer of the Court, it shares in the task and responsibility of dispensing justice. In the discharge of its duty, it is mandated to present to the Court the position that will best uphold the interest of both the Government and the People. Thus, in certain instances, it may take a position adverse or contrary to that of its client.¹⁶

The OSG then expressed its agreement with petitioners specifically on the following points: that direct resort to this Court *via certiorari* was proper; that respondent judge gravely abused her discretion in denying petitioners’ motion to quash; that the RTC Pasig City has no jurisdiction over Criminal Case No. R- PSG-18-01280-CR; and that petitioners are entitled to the issuance of a TRO/Writ of Preliminary Investigation.¹⁷

The Court’s Ruling

We grant the petition.

¹⁵ Ombudsman’s Comment, pp. 3-10.

¹⁶ OSG’s Manifestation and Motion, pp. 1-2.

¹⁷ Id. at 14-28.

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***Direct recourse to the Court from
a denial of a Motion to Quash
allowed in meritorious cases***

As a rule, a denial of a motion to quash filed by an accused is not appealable, since an appeal from an interlocutory order is not allowed under Section 1(b), Rule 41 of the Rules of Court. Neither can it be a proper subject of a petition for *certiorari*, which is filed only in the absence of an appeal or any other adequate, plain, and speedy remedy. In a denial of a motion to quash information, the plain and speedy remedy is to proceed to trial.¹⁸

In the usual course of procedure, a denial of a motion to quash filed by an accused results in the continuation of the trial and the determination of his guilt or innocence. If a judgment of conviction is rendered and the lower court's decision of conviction is appealed, the accused can raise the denial of his motion to quash, not only as an error committed by the trial court, but as an added ground to overturn the latter's ruling.¹⁹

Thus, a direct resort to this Court *via* a special civil action for *certiorari* is an exception rather than the rule, and is a recourse that must be firmly grounded on compelling reasons.²⁰

In meritorious cases, however, we have recognized *certiorari* as an appropriate remedy to assail interlocutory orders, specifically pertaining to denials of motions to quash. These instances are: (a) when the court issued the order without or in excess of jurisdiction or with grave abuse of discretion; (b) when the interlocutory order is patently erroneous and the remedy of appeal would not afford adequate and expeditious relief; (c) in the interest of a more enlightened and substantial justice; (d) to promote public welfare and public policy; and (e) when the cases have attracted nationwide attention, making it essential to proceed with dispatch in the consideration thereof.²¹

Certiorari is the appropriate remedy in grave abuse of discretion cases, if the petitioner can establish that the lower court issued the judgment or order without or in excess of jurisdiction or with grave abuse of discretion, and the remedy of appeal would not afford adequate and expeditious relief. The writ of *certiorari* serves to keep an inferior court within the bounds of its jurisdiction or to prevent it from committing such grave abuse of discretion amounting to excess or lack of jurisdiction, or to relieve parties from arbitrary acts of courts which courts have no power or

¹⁸ *Galzote v. Briones*, 673 Phil. 165, 172 (2011).

¹⁹ *Maximo v. Villapando, Jr.*, 809 Phil. 843, 870 (2017).

²⁰ *Id.* at 871.

²¹ *Id.*

authority in law to perform. The burden is on the petitioner to show that the circumstances warrant the resort to *certiorari*.²²

Here we find that the RTC Pasig City acted with grave abuse of discretion in denying petitioners' motion to quash the Information which warrants the resort to the filing of the instant Petition for *Certiorari*.

By definition, the special civil action of *certiorari*, as provided for under Section 1, Rule 65 of the Rules of Court, is an extraordinary remedy that is available only upon showing that a tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of jurisdiction or with grave abuse of discretion amounting to lack of excess of jurisdiction.

As we held in *De Lima v. City of Manila*:²³

The writ is designed to correct grave errors of jurisdiction — [W]hich means either that the judicial or quasi-judicial power was exercised in an arbitrary or despotic manner by reason of passion or personal hostility, or that the respondent judge, tribunal or board evaded a positive duty, or virtually refused to perform the duty enjoined or to act in contemplation of law, such as when such judge, tribunal or board exercising judicial or quasi-judicial powers acted in a capricious or whimsical manner as to be equivalent to lack of jurisdiction.

In the present case, respondent judge refused to grant the Motion to Quash filed by petitioners despite the clear wording of R.A. No. 10660 that cases falling under the jurisdiction of the RTC under Section 4, as amended, shall be tried in a judicial region other than where the official holds office.

***RTC Pasig City has no jurisdiction over
Criminal Case No. R-PSG-18-01280-CR***

In the September 10, 2018 Order of respondent judge, she held that since the “Supreme Court has yet to promulgate the pertinent rules on R.A. No. 10660 and there are no implementing rules yet on this particular matter. The default regime is found in Section 15(a), Rule 110 of the Revised Rules on Criminal Procedure, *viz.*, the criminal action shall be instituted and tried in the proper court of the municipality, city, or province where the offense was committed and where any of its essential ingredients took place.”²⁴

Such reasoning is specious.

²² Id. at 871, 873.

²³ G.R. No. 222886, October 17, 2018.

²⁴ *Rollo*, p. 77.

A quick look at Section 15(a), Rule 110 of the Revised Rules on Criminal Procedure would reveal that when a law specifically provides a venue, then the criminal action shall be instituted in such place.

SEC. 15. *Place where action is to be instituted.* —

- (a) Subject to existing laws, the criminal action shall be instituted and tried in the court of the municipality or territory where the offense was committed or where any of its essential ingredients occurred.

Here, Section 2 of R.A. No. 10660 clearly provides that the RTC has original and exclusive jurisdiction when the information either: (a) does not allege any damage to the government or any bribery; or (b) alleges damage to the government or bribery arising from the same or closely related transactions or acts in an amount not exceeding One Million Pesos (₱1,000,000.00). Moreover, such cases falling within the jurisdiction of the RTC shall be tried in a judicial region *other* than the place where the accused official holds office.

R.A. No. 10660 took effect in 2015. When the Information against petitioners was filed in 2018, petitioners were still Commissioners of the ERC, holding office in Ortigas, Pasig City. The Information also did not allege any amount of damage to the government, or any bribery. Applying Section 2 of R.A. No. 10660, the Information against petitioners should have been filed in a judicial region outside of the National Capital Judicial Region. Since jurisdiction is a matter of substantive law, the established rule is that the statute in force at the time of the commencement of the action determines the jurisdiction of the court.²⁵

The *proviso* “*subject to the rules promulgated by the Supreme Court*” should not stand as a hindrance to the application of the clear intention of the law.

The Senate deliberations on R.A. No. 10660 support the view that the RTC’s jurisdiction under said law shall be tried in a judicial region outside of the place where the accused public official holds office.

As regards the amendment on page 3, lines 28 to 31, on the trial of cases falling within the jurisdiction of the RTC in a judicial region other than where the official holds office, **Senator Angara believed that the basic reasoning behind the provision is to prevent a public official from exerting influence over the RTC judge who is hearing the case. Senator Pimentel agreed**, saying that it is the assumption of the amendment.

²⁵

Anama v. Citibank, N.A., 822 Phil. 630, 640 (2017).

Senator Angara expressed concern that the proposed amendment could be used as harassment against a public official. For instance, he noted that if cases are filed against a mayor or governor x x x in Region III and these cases are referred to RTCs in Regions I, II and IV, that would entail substantial expenses and time on their part. Senator Pimentel explained that the provision would only apply when there is already an information and it could not be considered harassment because those cases would have to go through the Ombudsman. He stated that under existing procedures, there are sufficient safeguards in detailing with such kind of situation, and he believed that the Ombudsman would not file harassment cases. Besides, not all cases filed with the Sandiganbayan lead to convictions, he said.²⁶

Contrary to the interpretation of the respondent judge and the Ombudsman, the applicability of R.A. No. 10660 is not conditioned upon the promulgation of rules by the Court. As we declared in *Government Service Insurance System v. Daymiel*:²⁷

Jurisdiction over a subject matter is conferred by the Constitution or the law, and rules of procedure yield to substantive law. Otherwise stated, jurisdiction must exist as a matter of law. Only a statute can confer jurisdiction on courts and administrative agencies.

If we were to follow respondents' reasoning — that until the Court comes up with implementing rules, the application of R.A. No. 10660 shall be put on hold — then the letter of the law would be rendered nugatory by the mere expediency of the Court's non-issuance of such rules. This is clearly not the intention of the framers of the law in placing the *proviso*, neither would the Court countenance such a scenario. The Court cannot enlarge, diminish, or dictate when jurisdiction shall be removed, given that the power to define, prescribe, and apportion jurisdiction is, as a general rule, a matter of legislative prerogative.²⁸

Since the RTC of Pasig City has no jurisdiction over the present case, the dismissal of Criminal Case No. R-PSG-18-01280-CR is clearly in order. Further, all actions of the RTC of Pasig City in the case are declared null and void for having been issued without jurisdiction. As the Court held in *Bilag v. Ay-ay*,²⁹ "x x x any act that [a court] performs without jurisdiction shall be null and void, and without any binding legal effects." It is also well established that "the decision of a court or tribunal without jurisdiction is a total nullity. A void judgment for want of jurisdiction is no judgment at all. All acts performed pursuant to it and all claims emanating from it have no legal effect."³⁰ The dismissal of the case, thus, follows as a necessary

²⁶ Rollo, p. 71.

²⁷ G.R. No. 218097, March 11, 2019.

²⁸ *Gonzales v. GJH Land, Inc.*, 772 Phil. 483, 510 (2015).

²⁹ 809 Phil. 236, 243 (2017).

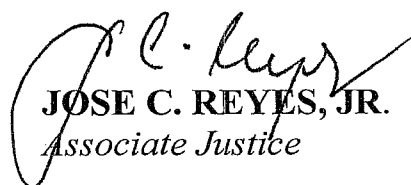
³⁰ *Tan v. Cinco*, 787 Phil. 441, 450 (2016).

consequence. As aptly stated in the case of *Radiowealth Finance Co., Inc. v. Pineda, Jr.*:³¹


Jurisdiction is a matter of substantive law. Thus, an action may be filed only with the court or tribunal where the Constitution or a statute says it can be brought. Objections to jurisdiction cannot be waived and may be brought at any stage of the proceedings, even on appeal. When a case is filed with a court which has no jurisdiction over the action, the court shall *motu proprio* dismiss the case.

WHEREFORE, the Petition is **GRANTED**. The Orders dated September 10, 2018 and October 22, 2018 of the Regional Trial Court, Branch 155, Pasig City are **ANNULLED** for lack of jurisdiction. Criminal Case No. R-PSG-18-01280-CR is ordered **DISMISSED**. All actions of and all proceedings undertaken by the RTC of Pasig City in the case are declared **NULL** and **VOID** for lack of jurisdiction.

SO ORDERED.


JOSE C. REYES, JR.
Associate Justice

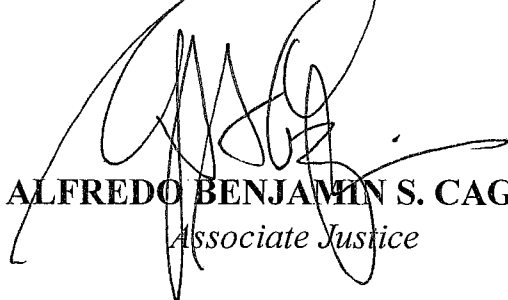
WE CONCUR:

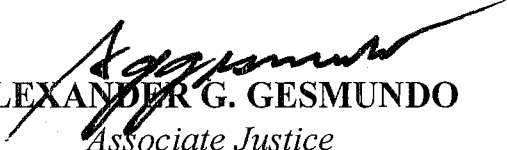

DIOSDADO M. PERALTA
Chief Justice

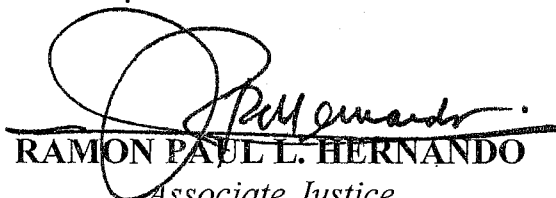
³¹ G.R. No. 227147, July 30, 2018.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice

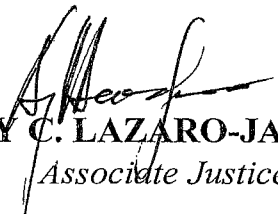

MARVIC M.V. F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

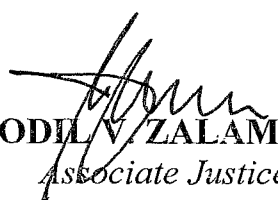

ALEXANDER G. GESMUNDO
Associate Justice

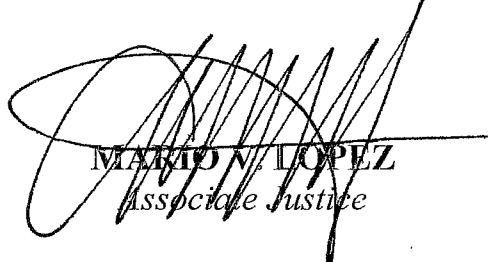

RAMON PAUL L. HERNANDO
Associate Justice

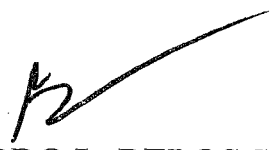

ROSMARI D. CARANDANG
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice

NO PART 
HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


MARIO N. LOPEZ
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice

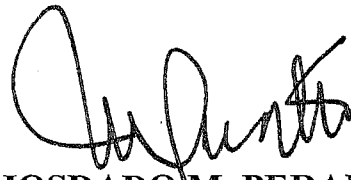

SAMUEL H. GAERLAN
Associate Justice

(ON SICK LEAVE)
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice

Y

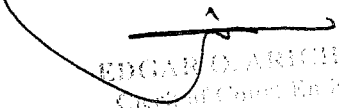
CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, it is hereby certified that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.



DIOSDADO M. PERALTA
Chief Justice

CERTIFIED TRUE COPY



EDGAR O. ARCHETA
Clerk of Court, En Banc
Supreme Court