

FIRST DIVISION

[G.R. Nos. 137017-18, February 08, 2000]

**RAMON G. CUYCO, PETITIONER, VS. THE HONORABLE
SANDIGANBAYAN, FIFTH DIVISION AND THE HONORABLE
OFFICE OF THE SPECIAL PROSECUTOR, RESPONDENTS.**

D E C I S I O N

PARDO, J.:

The case before the Court is a special civil action for certiorari with preliminary injunction or temporary restraining order seeking to review the resolutions of the Sandiganbayan, Fifth Division,^[1] that denied petitioner's motion to quash information for violation of Section 3(e), Republic Act No. 3019, as amended, for lack of jurisdiction, and another resolution suspending petitioner from office for a period of ninety (90) days for the same offense.

The facts are as follows:

On April 18, 1995, Graft Investigation Officer Ma. Lourdes M. Vilaria-Yap found probable cause for the indictment of petitioner Ramon G. Cuyco, Generoso P. Germino and Melcy V. Wee for violation of Section 3(a), Republic Act No. 3019, and petitioner Ramon G. Cuyco together with Rolando R. Madarang for violation of Section 3(e) of the same Act, and recommended the filing of two informations against petitioner, together with the other respondents.

On October 30, 1995, the Ombudsman approved the recommendation, and on November 2, 1995, the prosecution filed with the Sandiganbayan two informations against petitioner for the offenses aforesaid.^[2]

On June 20, 1997, petitioner filed with the Sandiganbayan a motion to quash the information for lack of jurisdiction, contending that the Sandiganbayan had no jurisdiction over the cases under Republic Act No. 7975, which was subsequently amended by Republic Act No. 8249, approved on February 5, 1997.

On June 8, 1998, Prosecutor Jacqueline J. Ongpauco-Cortel filed with the Sandiganbayan her comment stating that "the prosecution interposes no objection to the remanding of the case to the Regional Trial Court of Zamboanga City."^[3]

On August 5, 1998, the Sandiganbayan issued a resolution denying petitioner's motion to quash and on September 21, 1998, issued another resolution ordering the preventive suspension of petitioner and his co-accused for ninety (90) days.^[4]

On September 23, 1998, petitioner filed with the Sandiganbayan a motion for reconsideration seeking to set aside the resolutions in question and to dismiss the