

THIRD DIVISION

[G.R. No. 234618, September 16, 2019]

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. MATEO A. LEE, JR., RESPONDENT.

DECISION

PERALTA, J.:

In this Petition for Review under Rule 45 of the Rules of Court, the People of the Philippines, as petitioner, thru the Office of the Special Prosecutor (*OSP*) of the Office of the Ombudsman, seeks the reversal of the Sandiganbayan's Resolution^[1] dated September 6, 2017, which granted Mateo Acuin Lee, Jr.'s (*Lee*) Motion for Reconsideration and ordered the dismissal of the case against him on the ground of prescription, and Resolution^[2] dated October 6, 2017, which denied petitioner's Motion for Reconsideration.

Lee was charged with Violation of Republic Act (*R.A.*) No. 7877^[3] before the Sandiganbayan under an Information that was filed on March 21, 2017. The Information alleged:

That from February 14, 2013 to March 20, 2014, or sometime prior or subsequent thereto, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, accused MATEO A. LEE, JR. a public officer, being the Deputy Executive Director of the National Council on Disability Affairs, committing the offense in relation to this official functions and taking advantage of his position, did then and there willfully, unlawfully, criminally demand, request or require sexual favor from Diane Jane M. Paguirigan, an Administrative Aide VI in the same office and who served directly under the supervision of accused, thus, accused has authority, influence or moral ascendancy over her, by asking Ms. Paguirigan in several instances, when they would check in a hotel, sending her flowers, food and messages of endearment and continuing to do so even after several protests from her, visiting her house and church and inquiring about her from her family, relatives and friends, and even following her on her way home, which sexual demand, request or requirement resulted in an intimidating, hostile or offensive working environment to Ms. Paguirigan.

CONTRARY TO LAW.^[4]

On March 30, 2017, Lee filed a Motion for Judicial Determination of Probable Cause and Prescription Extinguishing Criminal Liability with Prayer for Outright Dismissal of the Case which drew a Comment/Opposition dated April 17, 2017, from the *OSP*.

Lee's motion was denied by the Sandiganbayan in its Resolution dated June 2, 2017.

Lee's counsel, thereafter, filed an Entry of Appearance and Motion for Reconsideration of the June 16, 2017 (sic) Resolution dated June 29, 2017, seeking reconsideration of the Sandiganbayan's Resolution dated June 2, 2017. The OSP filed a Comment/Opposition to Accused Lee's Motion for Reconsideration dated June 29, 2017.

In the assailed Resolution dated September 6, 2017, the Sandiganbayan resolved to reconsider and set aside its earlier Resolution dated June 2, 2017 and ordered the dismissal of the case against Lee on the ground that the offense charged had already prescribed. On September 18, 2017, the OSP filed a Motion for Reconsideration of the Honorable Court's Resolution dated September 8, 2017 (sic), which was subsequently denied by the Sandiganbayan in a minute Resolution dated October 6, 2017.

Hence, this petition.

Petitioner contends that the Sandiganbayan seriously erred in ordering the dismissal of the case against Lee on the ground of prescription. It asserts that the Sandiganbayan's reliance on the case of *Jadewell v. Judge Nelson Lidua, Sr.*^[5] is not on all fours with Lee's case. Unlike the *Jadewell* case, which resolved the issue concerning the reckoning point for the running of the period of prescription of actions for violation of a city ordinance, the offense involved in Lee's case was for violation of R.A. No. 7877, a special law. Citing the case of *People v. Pangilinan*,^[6] where this Court tackled the issue of prescription of action pertaining to violation of Batas Pambansa (B.P.) Blg. 22, also a special law, petitioner insists that the filing of the complaint with the prosecutor's office interrupts the prescription period.

While admitting that *Jadewell* is the most recent case law on the contentious issue of prescription of actions, petitioner nevertheless posits that it cannot be deemed to have abandoned earlier jurisprudences and the *Pangilinan* case which categorically ruled that it is the filing of the complaint with the prosecution's office that tolls the running of the prescription period for actions involving violations of special penal laws. It explained that *Jadewell* merely adopted, insofar as violations of ordinances are concerned, the doctrine in *Zaldivia v. Reyes, Jr.*, that it is the filing of the information in court that interrupts the running of the prescriptive period not the filing of the complaint with the prosecutor's office.

In his Comment, ^[7] Lee asserts that the Petition has no clear statement of the material dates of receipt of the assailed Resolution dated September 6, 2017 and the filing of petitioner's motion for reconsideration and motion for extension of time. He also contends that the certification against forum shopping did not contain an undertaking that petitioner shall promptly inform the courts and other tribunal or agency of the filing or pendency of the same or similar action or proceeding. The signatories to the Verification likewise lacked proof of authority from the Ombudsman that they were authorized to initiate the present petition.

The Petition is meritorious.

Prescription is one of the modes of totally extinguishing criminal liability.^[8]

Prescription of a crime or offense is the loss or waiver by the State of its right to prosecute an act prohibited and punished by law. On the other hand, prescription of the penalty is the loss or waiver by the State of its right to punish the convict.^[9]

For felonies under the Revised Penal Code, prescription of crimes is governed by Articles 90 and 91, which read as follows:

Art. 90. Prescription of crimes. – Crimes punishable by death, *reclusion perpetua* or *reclusion temporal* shall prescribe in 20 years.

Crimes punishable by other afflictive penalties shall prescribe in 15 years.

Those punishable by a correctional penalty shall prescribe in 10 years; with the exception of those punishable by *arresto mayor*, which shall prescribe in 5 years.

The crime of libel or other similar offenses shall prescribe in 1 year.

The offenses of oral defamation and slander by deed shall prescribe in 6 months.

Light offenses prescribe in 2 months.

When the penalty fixed by law is a compound one, the highest penalty shall be made the basis of the application of the rules contained in the first, second, and third paragraphs of this article.

Art. 91. The period of prescription shall commence to run from the day on which the crime is discovered by the offended party, the authorities, or their agents, and shall be interrupted by the filing of the complaint or information, and shall commence to run again when such proceedings terminate without the accused being convicted or acquitted, or are unjustifiably stopped for any reason not imputable to him.

The term of prescription shall not run when the offender is absent from the Philippine Archipelago.

While prescription for violations penalized by special acts and municipal ordinances is governed by Act 3326, otherwise known as "*An Act to Establish Periods of Prescription for Violations Penalized By Special Laws and Municipal Ordinances, and to Provide When Prescription Shall Begin to Run*," as amended by Act 3763. The pertinent provisions provide that:

Sec. 2. Prescription shall begin to run from the day of the commission of the violation of the law, and if the same be not known at the time, from the discovery thereof and the institution of judicial proceeding for its investigation and punishment.

The prescription shall be interrupted when proceedings are instituted

against the guilty person, and shall begin to run again if the proceedings are dismissed for reasons not constituting jeopardy.

Sec. 3. For purposes of this Act, special acts shall be acts defining and penalizing violations of the law not included in the Penal Code.

Here, it was undisputed that the respondent stands charged with violation of R.A. No. 7877, a special law otherwise known as the *Anti-Sexual Harassment Act of 1995*. The prescriptive period for violations of R.A. No. 7877 is three (3) years. The Affidavit-Complaint for sexual harassment against him was filed before the Office of the Ombudsman on April 1, 2014. The Information against the respondent was, subsequently, filed before the Sandiganbayan on March 21, 2017. It alleged respondent's unlawful acts that were supposedly committed "from February 14, 2013 to March 20, 2014, or sometime prior or subsequent thereto." Thus, the issue confronting this Court is whether the filing of the complaint against the respondent before the Office of the Ombudsman for the purpose of preliminary investigation halted the running of the prescriptive period.

The issue of when prescription of a special law starts to run and when it is tolled was settled in the case of *Panaguiton, Jr. v. Department of Justice, et al.*,^[10] wherein the Court had the occasion to discuss the set-up of our judicial system during the passage of Act 3326 and the prevailing jurisprudence at that time which considered the filing of the complaint before the justice of peace for preliminary investigation as sufficient to toll period of prescription. *Panaguiton* also cited cases^[11] subsequently decided by this Court involving prescription of special laws where *We* categorically ruled that the prescriptive period is interrupted by the institution of proceedings for preliminary investigation against the accused.

The doctrine in the *Panaguiton* case was subsequently affirmed in *People v. Pangilinan*.^[12] In this case, the affidavit-complaint for estafa and violation of B.P. Blg. 22 against the respondent was filed before the Office of the City Prosecutor (OCP) of Quezon City on September 16, 1997. The complaint stems from respondent's issuance of nine (9) checks in favor of private complainant which were dishonored upon presentment and refusal of the former to heed the latter's notice of dishonor which was made sometime in the latter part of 1995. On February 3, 2000, a complaint for violation of BP Blg. 22 against the respondent was filed before the Metropolitan Trial Court (MeTC) of Quezon City, after the Secretary of Justice reversed the recommendation of the OCP of Quezon City approving the "Petition to Suspend Proceedings on the Ground of Prejudicial Question" filed by the respondent on the basis of the pendency of a civil case for accounting, recovery of commercial documents and specific performance which she earlier filed before the Regional Trial Court of Valenzuela City. The issue of prescription reached this Court after the Court of Appeals (CA), citing Section 2 of Act 326, sustained respondent's position that the complaint against her for violation of B.P. Blg. 22 had prescribed.

In reversing the CA's decision, *We* emphatically ruled that "(t)here is no more distinction between cases under the RPC (Revised Penal Code) and those covered by special laws with respect to the interruption of the period of prescription" and reiterated that the period of prescription is interrupted by the filing of the complaint before the fiscal's office for purposes of preliminary investigation against the