



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

ORLANDO A. FUA, JR.,

*Petitioner,*

G.R. No. 237815

Present:

CAGUIOA, J.,\*  
INTING,\*\* *Acting Chairperson,*  
GAERLAN,  
DIMAAMPAO, and  
SINGH, JJ.

- versus -

Promulgated:

PEOPLE OF THE PHILIPPINES,

*Respondent.*

October 12, 2022

*MisDCAH*

X-----X

D E C I S I O N

INTING, J.:

This resolves the Petition for Review on *Certiorari*<sup>1</sup> under Rule 45 of the Rules of Court filed by Orlando A. Fua, Jr. (petitioner) assailing the Decision<sup>2</sup> dated January 19, 2017 and the Resolution<sup>3</sup> dated March 2, 2018 of the Sandiganbayan in SB-14-CRM-0001 that found him guilty beyond reasonable doubt of the offense of obstruction of justice pursuant to Section 1(e) of Presidential Decree No. (PD) 1829.<sup>4</sup>

\* On official leave.

\*\* Per Special Order No. 2918-REVISED dated October 12, 2022.

<sup>1</sup> *Rollo*, pp. 3-27.

<sup>2</sup> Id. at 28-54. Penned by Associate Justice Zaldy V. Trespeses and concurred in by Associate Justices Ma. Theresa Dolores C. Gomez-Estoesta and Bayani H. Jacinto.

<sup>3</sup> Id. at 55-62.

<sup>4</sup> Entitled, "Penalizing Obstruction of Apprehension and Prosecution of Criminal Offenders," approved on January 16, 1981.

*The Antecedents*

The instant case stemmed from the Affidavit-Complaint<sup>5</sup> executed by Police Inspector Reynaldo Espina Valmoria (P/Insp. Valmoria) against petitioner before the Office of the Ombudsman (Ombudsman). He narrated as follows:

A buy-bust operation was conducted around midnight on November 24, 2010 by the Provincial Intelligence and Investigation Branch (PIIB) and the Provincial Public Safety Platoon (PPSP) of the Siquijor Police Provincial Office against James Alaya-ay Largo @ “Aloy” (Largo) in *Brgy. Tigbawan, Lazi, Siquijor*.<sup>6</sup> After the buy-bust operation, a Search Warrant<sup>7</sup> earlier issued by then Presiding Judge Mario O. Trinidad (Judge Trinidad) of Branch 46, Regional Trial Court (RTC), Larena, Siquijor was served upon Largo for violation of Republic Act No. (RA) 9165,<sup>8</sup> as amended, or the Comprehensive Dangerous Drugs Act of 2002. During the search, petitioner, then Provincial Governor of Siquijor, arrived at the scene and looked for P/Insp. Valmoria, who was the leader of the raiding team. He questioned the legality of the operation, demanded to see the warrant, and inquired into the grounds for its issuance.<sup>9</sup>

On February 18, 2013, the Ombudsman issued a Resolution<sup>10</sup> in OMB-C-C-12-0014-A finding probable cause against petitioner for obstruction of justice or violation of Section 1(e) of PD 1829. Thereafter, the following Information<sup>11</sup> was filed in the Sandiganbayan against petitioner which charged him as follows:

That on 25 November 2010, or sometime prior or subsequent thereto, in Barangay Tigbawan, Lazi, Siquijor, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, a public officer being then the Governor of Siquijor, committing the offense while in the performance of his duties, did then and there

<sup>5</sup> Sandiganbayan *rollo*, Vol. 1, pp. 54-61.

<sup>6</sup> Id. at 54.

<sup>7</sup> Id. at 62.

<sup>8</sup> Approved on June 7, 2002.

<sup>9</sup> Sandiganbayan *rollo*, Vol. 1, p. 56.

<sup>10</sup> Id. at 13-18; signed by Graft Investigation and Prosecution Officer I Daisy Grace M. Paas as reviewed by Director IV Mary Antonette Yalao, and with the recommendation for approval of Overall Deputy Ombudsman Orlando C. Casimiro and approved by Ombudsmans Conchita Carpio Morales on May 9, 2013.

<sup>11</sup> Id. at 1-3.

wilfully, unlawfully and criminally obstruct, impede, frustrate and delay the apprehension of a criminal offender by means of delaying the prosecution of criminal cases when he obstructed the service of Search Warrant No. 2010-07, a process or order issued by the Regional Trial Court Branch 46, Larena, Siquijor, against James Alaya-ay Largo, a suspect who was found in possession of dangerous drugs locally known as “*shabu*” and arrested by the team of police officers headed by Police Inspector Reynaldo E. Valmoría, to the damage and prejudice of the public interest.

CONTRARY TO LAW.<sup>12</sup>

Petitioner sought reconsideration<sup>13</sup> of the Resolution dated February 18, 2013 of the Ombudsman. Meanwhile, he also filed an Omnibus Motion<sup>14</sup> before the Sandiganbayan which raised the following issues: (a) whether the Sandiganbayan has jurisdiction because the act complained of was not committed while he was in the performance of his official duties as then Provincial Governor of Siquijor; (b) whether the facts alleged in the Information constitute an offense *vis-à-vis* the statute against which he was charged, or in the alternative, whether a warrant of arrest could be issued even if the accused was not accorded his rights to notice and hearing; and (c) whether the pendency of his Motion for Reconsideration before the Ombudsman should defer the issuance of a warrant of arrest and the proceedings in the court *a quo*.<sup>15</sup>

On May 7, 2014, the Sandiganbayan issued a Resolution<sup>16</sup> which denied petitioner's Omnibus Motion. The Sandiganbayan ruled that: (a) petitioner was a public officer who committed the offense while in the performance of his duties, thus, jurisdiction belonged to the Sandiganbayan for what determines the jurisdiction of a court is the nature of the action as alleged in the information and the averments in the information;<sup>17</sup> (b) a determination as to whether the facts alleged in the Information constituted an offense *vis-à-vis* the statute against which petitioner was charged is premature;<sup>18</sup> and (c) the issuance of the warrant of arrest against petitioner must be deferred pending resolution of his Motion for Reconsideration before the Ombudsman.<sup>19</sup>

<sup>12</sup> Id. at 1-2.

<sup>13</sup> See Motion for Reconsideration dated December 9, 2013, id. at 133-139.

<sup>14</sup> Id. at 107-116.

<sup>15</sup> Id. at 114-115.

<sup>16</sup> Id. at 169-179; penned by Associate Justice Roland B. Jurado and concurred in by Associate Justices Alexander G. Gesmundo (now a Member of the Court) and Alex L. Quiroz.

<sup>17</sup> Id. at 177.

<sup>18</sup> Id. at 179.

<sup>19</sup> Id.

Subsequently, in its Resolution<sup>20</sup> dated September 9, 2014, the Ombudsman denied the Motion for Reconsideration filed by petitioner on the ground that he was given an opportunity to controvert the averments made by P/Insp. Valmoría against him. Hence, his allegation that he was denied due process cannot stand.<sup>21</sup>

In view of this development, the Sandiganbayan issued a Resolution on September 22, 2014 which found the existence of probable cause against petitioner and ordered the issuance of a warrant of arrest against him.<sup>22</sup> Petitioner moved for reconsideration,<sup>23</sup> but the Sandiganbayan denied it in a Resolution<sup>24</sup> dated January 27, 2015.

Petitioner, during arraignment on March 5, 2015, refused to enter a plea.<sup>25</sup> Thus, the Sandiganbayan entered a plea of not guilty on his behalf.

During the pre-trial, the parties entered into the following stipulations of facts:

1. identity of the petitioner;
2. at the time material to the charge, petitioner held the position of Governor of Siquijor;
- (3) Largo was, at the time material to the charge, then the newly-elected *Barangay* Chairperson of Tigbawan, Lazi, Siquijor;
- (4) petitioner and Largo were childhood friends who grew up together in the same *barangay*;

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<sup>20</sup> Id. at 232-237; signed by Assistant Special Prosecutor III Ma. Christina T. Marallag-Batacan with the recommendation for approval of Acting Director Maria Janina J. Hidalgo, concurred by Deputy Special Prosecutor John I.C. Turalba and approved by Ombudsman Conchita Carpio Morales on September 12, 2014.

<sup>21</sup> Id. at 237.

<sup>22</sup> Id. at 238.

<sup>23</sup> Id. at 259-262.

<sup>24</sup> Id. at 304.

<sup>25</sup> See Order dated March 5, 2015, id. at 313-314.

(5) P/Insp. Valmoria was the overall team leader of the composite team of PIIB and PPSP of the Siquijor Police Provincial Office;

(6) after the buy-bust operation, the search warrant issued by then Judge Trinidad was served upon Largo by the composite team;

(7) prior to the implementation of the search warrant, *barangay* officials Dioscuri Calunod (Calunod) and Susan Borongan (Borongan) were requested to witness the search and conduct of the inventory but they refused to cooperate;

(8) petitioner went to the house of Largo at dawn;

(9) the team searched the premises described in the warrant in the presence of Largo; his immediate family members; Gibb Alam (Alam), a representative from the Department of Justice (DOJ); Richard Aresgado (Aresgado), a media practitioner; and *Brgy.* Capt. Gervacio Paglinawan (*Brgy.* Capt. Paglinawan), an outgoing *barangay* official;

(10) the team was able to take Largo into custody; and

(11) petitioner signed the inventory of the seized items during the search.<sup>26</sup>

Trial ensued.

#### *Evidence for the Prosecution*

The prosecution presented five witnesses, namely: P/Insp. Valmoria, Police Officer III Samuel Duhaylungsod Ocao (PO3 Ocao), PO2 Jeralf T. Paghacian (PO2 Paghacian), PO1 Dynichee Tupac (PO1 Tupac), and Nyasa N. Orquillas (Orquillas).<sup>27</sup>

P/Insp. Valmoria testified that as Chief of the PIIB, Siquijor Police

<sup>26</sup> Sandiganbayan *rollo*, Vol. 2, pp. 369-370.

<sup>27</sup> *Rollo*, pp. 32-38.

Provincial Office, he had a copy of the Philippine National Police (PNP) Watchlist/Target List of Drug Personalities in Siquijor for the years 2006-2010. He instructed his team members to conduct a surveillance against Largo because his name appeared in the list as one of the top drug personalities in Siquijor. Thus, on November 22, 2010, his team conducted a test buy against Largo where, after confirmatory test by the PNP Crime Laboratory in Dumaguete City, the drugs obtained from Largo tested positive for *shabu*.<sup>28</sup>

After securing a search warrant, P/Insp. Valmoria coordinated with his team and briefed them on the operation to be carried out against Largo. The team was composed of PO2 Paghacian, PO3 Ocao, PO1 Tupac, PO2 Vincent Badilla, PO1 Jacky Lowe Rodriguez, PO1 Alvin Sonugan, and PO2 Marve Bolay-og. The team proceeded to the house of Largo where PO3 Ocao read the search warrant. They conducted the search in the presence of Largo, his family, DOJ representative Alam, media practitioner Aresgado, and *Brgy.* Capt. Paglinawan. On the other hand, *barangay* officials Calunod and Borongan refused to witness the implementation of the search warrant.<sup>29</sup>

P/Insp. Valmoria further testified that while the search was ongoing, petitioner arrived at the scene and questioned the legality of the operation. He demanded to see the warrant and questioned the legality of its issuance and why it was served at nighttime. P/Insp. Valmoria explained to him that a buy-bust operation was conducted against Largo where the items obtained from the operation tested positive for *shabu*. After the search, an actual physical inventory, marking, and photographing of all confiscated items were made. Petitioner voluntarily signed the inventory of the seized items. When the team was about to depart from the scene together with Largo, petitioner tried to prevent them from taking Largo into custody.<sup>30</sup> Petitioner threatened P/Insp. Valmoria, saying: “*(i) f you will bring Largo, you will be sued in court. I guess you haven't tried facing any charge against you before, bay.*”<sup>31</sup>

P/Insp. Valmoria furthermore testified that the interference of petitioner was reported to the Department of the Interior and Local Government (DILG) in a letter dated December 10, 2010. P/Insp.

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<sup>28</sup> Id. at 32.

<sup>29</sup> Id. at 33.

<sup>30</sup> Id.

<sup>31</sup> Id. at 34.

Valmoria thereafter filed the instant complaint before the Ombudsman.<sup>32</sup>

PO3 Ocao, PO2 Paghacian, and PO1 Tupac, who were members of the composite team that conducted the implementation of the search warrant, corroborated the testimony of P/Insp. Valmoria.<sup>33</sup> PO3 Ocao and PO2 Paghacian further testified that they also heard petitioner address P/Insp. Valmoria while Largo was about to be taken into custody: “(w)hat are you, untouchable? During the election, you were also intervening. I don't have any trust in you.”<sup>34</sup> However, PO3 Ocao stated that they did not arrest petitioner even if they believed that he obstructed the search because he did not do it violently.<sup>35</sup> PO2 Paghacian also confirmed that the search was conducted in an orderly manner. It was only delayed when petitioner arrived at the scene and confronted P/Insp. Valmoria. However, petitioner never said “stop the search.”<sup>36</sup>

The testimony of PO1 Tupac was dispensed with.<sup>37</sup> On the other hand, Orquillas, the Branch Clerk of Court of Branch 46, RTC, Larena, Siquijor, identified the documents relative to the implementation of the search warrant against Largo.<sup>38</sup>

#### *Evidence for the Defense*

The testimony of petitioner is as follows:

Petitioner was the Governor of the Province of Siquijor at the time material to the case. Past midnight on November 24, 2010, he received a text message that a search warrant was being served at the house of Largo which was about 100 meters away from his house. He proceeded to the place and saw that it was full of people. He learned that the search had been going on for at least two hours. He then requested to be included as a witness in the search after learning that *Brgy. Capt. Paglinawan* was the only local official therein.<sup>39</sup>

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<sup>32</sup> Id.

<sup>33</sup> Id. at 35-37.

<sup>34</sup> Id. at 35, 37.

<sup>35</sup> Id. at 36.

<sup>36</sup> Id. at 37.

<sup>37</sup> Id.

<sup>38</sup> Id. at 38.

<sup>39</sup> Id. at 39.

Petitioner also advised Largo, who was already handcuffed, to accept the authority of the policemen. Thereafter, he asked P/Insp. Valmoria for the basis in conducting the search at nighttime. He, likewise, asked why the team forced themselves into the house before declaring the search and before the witnesses arrived. P/Insp. Valmoria responded to his queries, but he was not satisfied with P/Insp. Valmoria's answers.<sup>40</sup>

Petitioner signed the receipt for the inventory of the seized items during the search. Largo then boarded the police car.<sup>41</sup>

Petitioner insisted that he did not obstruct the service of the search warrant as he merely asked for justification for the irregularities in the manner of its service. He pointed out that he did not commit obstruction as he even offered to act as one of the government witnesses against Largo when he signed the inventory receipt of the seized items.<sup>42</sup>

Moreover, petitioner averred that P/Insp. Valmoria was previously involved in the fatal shooting of a farmer in San Juan, Siquijor. His staff assisted the widow of the farmer in preparing the charges against P/Insp. Valmoria. Thus, he believed that the complaint was filed against him by P/Insp. Valmoria by way of retaliation.<sup>43</sup>

Cresvie Alvaran Largo (Cresvie), the wife of Largo, was the second witness for the defense. She narrated that past midnight on November 24, 2010, she and her husband were already asleep when they heard a loud pounding on their kitchen door. Several police officers then entered their house and pointed their guns at her husband. She recognized P/Insp. Valmoria as the one who ordered her to go inside the room where her mother-in-law and their ward were sleeping. *Brgy.* Capt. Paglinawan, the *barangay* witness, arrived about an hour after the police entered their house.<sup>44</sup>

Cresvie further narrated that petitioner arrived in their house at around 2 a.m. and asked to see the search warrant. She corroborated

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<sup>40</sup> Id.

<sup>41</sup> Id.

<sup>42</sup> Id. at 40-41.

<sup>43</sup> Id. at 41.

<sup>44</sup> Id. at 42.



petitioner's testimony that the latter served as additional witness to the search and that petitioner did not prevent the arrest of Largo which was done in a peaceful and orderly manner. Cresvie admitted that petitioner even advised Largo to submit to the authority of the police.<sup>45</sup>

Armida Duran Saguion (Saguion) was the last witness for the defense. She testified that she was in front of the house of Largo when the raid was conducted by the police. She noticed petitioner arrive at around 2 a.m. and heard that the petitioner questioned if there were any local officials who were witnessing the search. She heard that petitioner asked to be a witness after learning that *Brgy. Capt. Paglinawan* was the only local official witnessing it. Saguion further narrated that petitioner started to ask questions to P/Insp. Valmoria in a polite and courteous manner while the search was made by his men. After the search, the police took Largo in a police car. She did not recall anything unusual that happened.<sup>46</sup>

#### *Ruling of the Sandiganbayan*

On January 19, 2017, the Sandiganbayan rendered the assailed Decision<sup>47</sup> that found petitioner guilty beyond reasonable doubt of violation of Section 1(e) of PD 1829, the decretal portion of which provides:

WHEREFORE, premises considered, the Court finds accused Orlando Anos Fua, Jr. GUILTY beyond reasonable doubt of the crime of obstruction of justice in violation of Sec. 1(e) of Presidential Decree No. 1829. He is hereby sentenced to pay a fine of Six Thousand Pesos (₱6,000) and, in case of insolvency, shall be required to undergo subsidiary imprisonment.

Accused Fua, Jr. shall also suffer the penalty of perpetual disqualification from holding any public office and to pay the costs.

SO ORDERED.<sup>48</sup>

In convicting petitioner, the Sandiganbayan ruled that his unnecessary presence at the scene of operation and his conduct during

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<sup>45</sup> Id.

<sup>46</sup> Id.at 43.

<sup>47</sup> Id. at 28-54.

<sup>48</sup> Id. at 52-53.

the search revealed his intent to impede the service of the search warrant against Largo, who was admittedly his childhood friend.<sup>49</sup> It found that there was nothing on record that would cast doubt on the credibility of the police officers to testify against petitioner; that there is no merit in petitioner's allegation that he aided the government by consenting to be a witness to the inventory of the seized items; and that the two-witness rule applies only in the absence of the unlawful occupants of the premises searched. In the case, Largo and his wife were present when the search was conducted by the police officers.<sup>50</sup>

Petitioner filed his Motion for Reconsideration<sup>51</sup> questioning the ruling of the Sandiganbayan. However, the Sandiganbayan denied it in the assailed Resolution<sup>52</sup> dated March 2, 2018.

Hence, the instant petition.

*Issues Before the Court*

- I. THE SANDIGANBAYAN GRAVELY ERRED WHEN IT UNDULY PREDICATED ITS JUDGMENT UPON A FINDING OF FACTS THAT THE PETITIONER NEVER ADMITTED ON RECORD.
- II. THE PETITIONER WAS IN THE PERFECT EXERCISE OF A CIVIC RIGHT TO INQUIRE WHY THE SEARCH WARRANT WAS EXECUTED AT NIGHTTIME.
- III. THE PETITIONER WAS VALIDLY ADMITTED AS WITNESS TO THE EXECUTION OF THE SEARCH WARRANT AT CAPT. LARGO'S HOUSE.
- IV. THE INFERENCE REACHED BY THE SANDIGANBAYAN WAS MANIFESTLY MISTAKEN, WRONG AND UNFAIR.
- V. BY EXCLUDING [PETITIONER'S MATERIAL PIECES OF EVIDENCE] SANDIGANBAYAN COMMITTED A MISAPPREHENSION OF THE FACTS UPON WHICH IT BASED ITS JUDGMENT.

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<sup>49</sup> Id. at 46.

<sup>50</sup> Id. at 49-52.

<sup>51</sup> Id. at 63-70.

<sup>52</sup> Id. at 55-62.

VI. THE SANDIGANBAYAN ERRED IN FAILING TO CONSIDER THAT IT HAD NO JURISDICTION OVER THE CASE.<sup>53</sup>

Petitioner avers as follows: (1) the Sandiganbayan erred when it based its findings on a statement of facts which were never admitted on record, and thus, depriving him of his right to be heard;<sup>54</sup> (2) he was in the exercise of his right to question the legality of the implementation of the search warrant at nighttime and that he directed his questions at P/Insp. Valmoría in a civil manner;<sup>55</sup> (3) the rest of Largo's family were placed in a room before the search could commence and they were not allowed to witness it, hence, petitioner may be considered as a witness in the implementation of the search warrant;<sup>56</sup> (4) an utterance made as a reaction to the implementation of a search warrant late at night is not the wrongful act contemplated by PD 1829;<sup>57</sup> (5) the Sandiganbayan excluded material pieces of evidence that would prove that the implementation of the warrant was peaceful and orderly;<sup>58</sup> and (6) the Sandiganbayan had no jurisdiction over the case because the information did not allege any damage to the government.<sup>59</sup>

The Office of the Solicitor General (OSG), representing the Republic of the Philippines, counters that only questions of law may be raised in a petition for review on *certiorari* under Rule 45 of the Rules of Court. Questions of fact, which were raised by petitioner, are thus beyond the scope of the Rule. Moreover, it maintains that the prosecution had established petitioner's guilt beyond reasonable doubt for violation of PD 1829.<sup>60</sup>

*The Court's Ruling*

The Court grants the petition.

*The Sandiganbayan has jurisdiction*

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<sup>53</sup> Id. at 8-9.

<sup>54</sup> Id. at 9-11.

<sup>55</sup> Id. at 11-12.

<sup>56</sup> Id. at 13-14.

<sup>57</sup> Id. at 16-17.

<sup>58</sup> Id. at 19-22.

<sup>59</sup> Id. at 22-24.

<sup>60</sup> Id. at 133.

*over the case.*

Section 4 of PD 1606,<sup>61</sup> as amended by Section 2 of RA 10660,<sup>62</sup> outlines the jurisdiction of the Sandiganbayan:

SEC. 4. *Jurisdiction.*— The Sandiganbayan shall exercise exclusive original jurisdiction in all cases involving:

X X X X

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.

X X X X

*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).

Prior to its amendment, Section 4 of PD 1606 did not set a threshold amount of damage allegedly suffered by the government which would vest the Sandiganbayan with jurisdiction over the offense.<sup>63</sup> RA 10660, which took effect on May 5, 2015, amended PD 1606 in that the RTC shall now have exclusive original jurisdiction over offenses committed by public officials and employees where the information does not allege any damage to the government or alleges damage not

<sup>61</sup> Section 4 of PD 1606, also known as Revising Presidential Decree No. 1486 Creating a Special Court to be Known as Sandiganbayan and for Other Purposes, enacted on December 10, 1978, reads:

SECTION 4. *Jurisdiction.* — The *Sandiganbayan* shall have jurisdiction over:

(a) Violations of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, and Republic Act No. 1379;

(b) Crimes committed by public officers and employees, including those employed in government-owned or controlled corporations, embraced in Title VII of the Revised Penal Code, whether simple or complexed with other crimes; and

(c) Other crimes or offenses committed by public officers or employees, including those employed in government-owned or controlled corporations, in relation to their office.

<sup>62</sup> Entitled, “An Act Strengthening Further the Functional and Structural Organization of the Sandiganbayan, Further Amending Presidential Decree No. 1606, As Amended, And Appropriating Funds Therefor,” approved on April 16, 2015.

<sup>63</sup> *People v. Bacaltos*, G.R. No. 248701, July 28, 2020.

exceeding ₱1,000,000.00.

Petitioner invokes the amendment in RA 10660 and submits that the Sandiganbayan has no jurisdiction over the offense because the information filed against him did not allege any amount of damage to the government.

The issue raised by petitioner was already settled in the case of *Ampongan v. Sandiganbayan*<sup>64</sup> (*Ampongan*), where the Court enunciated that the amendment to the provision on the jurisdiction of the Sandiganbayan in RA 10660 shall only apply to cases arising from offenses committed after the effectivity of the law. As the Court explained:

And more importantly, the transitory provision of R.A. No. 10660 provides:

Section 5. *Transitory Provision.* — This Act shall apply to all cases pending in the Sandiganbayan over which trial has not begun: Provided, That: (a) Section 2, amending Section 4 of Presidential Decree No. 1606, as amended, on “Jurisdiction”; and (b) Section 3, amending Section 5 of Presidential Decree No. 1606, as amended, on “Proceedings, How Conducted; Decision by Majority Vote” shall apply to cases arising from offenses committed after the effectivity of this Act.

It is clear from the transitory provision of R.A. No. 10660 that the amendment introduced regarding the jurisdiction of the Sandiganbayan shall apply to cases arising from offenses committed after the effectivity of the law. Consequently, the new paragraph added by R.A. No. 10660 to Section 4 of Presidential Decree (P.D.) No. 1606, as amended, transferring the exclusive original jurisdiction to the RTC of cases 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, applies to cases which arose from offenses committed after the effectivity of R.A. No. 10660.<sup>65</sup>

In the case, the offense was allegedly committed on November 25,

<sup>64</sup> G.R. Nos. 234670-71, August 14, 2019.

<sup>65</sup> Id.

2010, or before the effectivity of RA 10660.<sup>66</sup> Applying *Ampongan*, the Sandiganbayan correctly assumed jurisdiction over the case as RA 10660 was not yet in effect at that time the offense charged was allegedly committed.

*The acts alleged were committed in relation to petitioner's office.*

Petitioner argues, too, that the alleged acts do not involve any function attendant to his office, thus, the case does not fall under the jurisdiction of the Sandiganbayan.

The Court is not convinced.

As petitioner himself admitted during the trial and as corroborated by defense witnesses, Cresvie and Saguion, he asked the people present at the house of Largo if there were any local officials present to witness the search. He then requested to be included as a witness when he was told that *Brgy. Capt. Paglinawan* was the only local official present.<sup>67</sup> Thereafter, he signed as a witness in the Receipt/Inventory of Property Seized above his name "Hon. Orlando A. Fua, Jr., Provincial Governor."<sup>68</sup> At that point, the fact that he and Largo were childhood friends had already been rendered immaterial. Evidently, petitioner's presence during the search was in his official capacity as the Governor of Siquijor.

*The acts of petitioner in questioning the regularity and manner of implementation of the search warrant were not tantamount to Obstruction of Justice contemplated by PD 1829.*

Petitioner was charged with obstruction of justice defined and penalized under Section 1(e) of PD 1829 which reads:

Sec. 1. The penalty of *prision correccional* in its maximum

<sup>66</sup> Sandiganbayan *rollo*, Vol. 1, pp. 1-3.

<sup>67</sup> *Rollo*, p. 39.

<sup>68</sup> *Id.* at 77.

period, or a fine ranging from 1,000 to 6,000 pesos, or both, shall be imposed upon any person who knowingly or willfully obstructs, impedes, frustrates or delays the apprehension of suspects and the investigation and prosecution of criminal cases by committing any of the following acts:

X X X X

(e) delaying the prosecution of criminal cases by obstructing the service of process or court orders or disturbing proceedings in the fiscal's offices, in Tanodbayan, or in the courts.

The elements of the offense are: (a) that the accused committed any of the acts listed under Section 1 of PD 1829; and (b) that such commission was done for the purpose of obstructing, impeding, frustrating, or delaying the successful investigation and prosecution of criminal cases.<sup>69</sup>

Here, petitioner allegedly obstructed the implementation of the search warrant against Largo when he questioned the conduct of the search in the premises. However, the Court is of the view that such act is not the obstruction contemplated by PD 1829.

*First*, petitioner only questioned the legality of the search. Being a lawyer himself, he asked for proof of the regularity of its issuance and why it was implemented at midnight. As P/Insp. Valmoría confirmed during his cross-examination:

Q Okay. So, at 2:00 o'clock when accused Fua arrived, he immediately asked for you?

A Looking for...

Q Looking for you?

A Looking for the team leader.

Q And can you tell the Court what was his first action when he confronted you?

A He was there and then he asked for the team leader. And I introduced myself... of course, he knew me.

<sup>69</sup> *Navaja v. Judge de Castro*, 817 Phil. 1072, 1079 (2017). See also *Padiernos v. People*, G.R. No. 181111, August 17, 2015, 766 SCRA 614, 628-629.

Q Yes.

A And then he questioned the legality of the search and demanded the search warrant and proof of the regularity of the issuance of the search warrant.

Q So, he was questioning the legality of the search?

A Yes, sir.<sup>70</sup>

The Court views this as a valid exercise by Largo, through petitioner, of his Constitutional right to be secure in his or her person, houses, papers, and effects against unreasonable searches and seizures of whatever nature.<sup>71</sup> The Court notes that the search was made at nighttime and that it already commenced even before the arrival of the persons who were supposed to witness it. Simply put, there were valid grounds to question the implementation of the search warrant. To consider these acts as obstruction of justice punishable under PD 1829 would run counter to the basic precepts of Largo's fundamental right to privacy guaranteed under the 1987 Constitution.

*Second*, granting that there were unsavory words uttered by petitioner towards P/Insp. Valmoria, they do not, by themselves, constitute acts of obstruction contemplated under PD 1829. This is considering that the prosecution, through witnesses PO3 Ocao and PO2 Paghacian who were both present during the search, admitted that it was conducted in an orderly manner and that petitioner only asked questions regarding the regularity of the operation. As PO3 Ocao stated during trial:

Atty. Eusebio Avila:

Q. Mr. Witness, because of that action of then Gov. Fua, you accused him of obstruction in the search?

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<sup>70</sup> TSN, March 7, 2017, pp. 26-27.

<sup>71</sup> Article III, Section 2 of the 1987 Philippine Constitution provides:

SECTION 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized



A. Yes, because of that reaction...(interrupted)

Q. Just answer yes or no.

A. Yes, Sir.

Q. And when your team believed that accused then Gov. Fua committed the violation, why did not (*sic*) your team arrest him?

A. He did not do it violently. As I said, uttering unsavory words.<sup>72</sup>

PO2 Paghacian testified on cross-examination:

Q. In other words, when you affirmed that in an orderly manner, the search was conducted orderly?

A. Yes, Sir, the search was... (interrupted)

Q. Just answer. You said "yes"?

A. The search was conducted orderly, Sir.

Q. Mr. Witness, the search was orderly conducted and fully accomplished and when accused Fua arrived, he just asked questions. Can you recall what was the question asked?

A. No, Sir. When Honorable Gov. Fua arrived, the search was ongoing, Sir.

Q. The search was ongoing?

A. Yes, Sir.

Q. What time did he arrive?

A. I cannot recall the exact time, Sir.

Q. But the search was ongoing?

A. Yes, Sir.

Q. It was not obstructed?

A. It is, Sir, because the search has stopped.

<sup>72</sup> TSN, March 8, 2017, pp. 36-37.

- Q. The search was stopped?
- A. Yes, Sir.
- Q. Who caused the stop of the search?
- A. Because Honorable Gov. Fua had a confrontation with our team leader.
- Q. Did you hear him say, "Stop the search?" Did he order you to stop the search?
- A. No, Sir, not ordering me.
- Q. He did not. But what you heard was he was asking question?
- A. Yes, Sir.
- Q. From your answer on paragraph 10, "The good governor questioned the legality of the operation and demanded to see the warrant asking the ground or basis of its issuance and why it was served during nighttime". Do you affirm that was the question of Gov. Fua?
- A: Yes, Sir.<sup>73</sup>

Verily, the witnesses for the prosecution confirmed that petitioner only questioned the legality of the search warrant and its implementation.

*Third*, the reports after the conduct of the search reflect that it was done in an orderly manner. The Investigation Report<sup>74</sup> signed by P/Insp. Valmoria and submitted to the Provincial Prosecution Office of Siquijor expressly stated that the search was done in an orderly manner. Likewise, the Receipt/Inventory of Property Seized<sup>75</sup> signed by Seizing Officer Jackie Lowe M. Rodriguez<sup>76</sup> and the witnesses to the search indicated that it was properly done in an orderly manner.

*Fourth*, the Court recognizes the fact that petitioner even signed

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<sup>73</sup> Id. at 47-48.

<sup>74</sup> *Rollo*, pp. 85-87.

<sup>75</sup> Id. at 77.

<sup>76</sup> Also spelled as Jacky Lowe Rodriguez in the Petition and in the Sandiganbayan Decision, id. at 33.

the Receipt/Inventory of Property Seized as a witness. He would have not done so if it was his intent to willfully delay or obstruct the implementation of the search warrant. This is a crucial piece of evidence in the prosecution of Largo for violation of the Comprehensive Dangerous Drugs Act of 2002. Yet, he voluntarily affixed his signature which demonstrated his submission to the process, contrary to what the prosecution would want to establish.

*Lastly*, PD 1829 penalizes any person who knowingly or willfully obstructs, impedes, frustrates, or delays the apprehension of suspects and the investigation and prosecution of criminal cases. The specific acts enumerated in the law as are follows:

- (a) preventing witnesses from testifying in any criminal proceeding or from reporting the commission of any offense or the identity of any offender/s by means of bribery, misrepresentation, deceit, intimidation, force or threats;
- (b) altering, destroying, suppressing or concealing any paper, record, document, or object, with intent to impair its verity, authenticity, legibility, availability, or admissibility as evidence in any investigation of or official proceedings in, criminal cases, or to be used in the investigation of, or official proceedings in, criminal cases;
- (c) harboring or concealing, or facilitating the escape of, any person he knows, or has reasonable ground to believe or suspect, has committed any offense under existing penal laws in order to prevent his arrest, prosecution and conviction;
- (d) publicly using a fictitious name for the purpose of concealing a crime, evading prosecution or the execution of a judgment, or concealing his true name and other personal circumstances for the same purpose or purposes;
- (e) delaying the prosecution of criminal cases by obstructing the service of process or court orders or disturbing proceedings in the fiscal's offices, in *Tanodbayan*, or in the courts;
- (f) making, presenting or using any record, document, paper or object with knowledge of its falsity and with intent to affect the course or outcome of the investigation of, or official proceedings in, criminal cases;
- (g) soliciting, accepting, or agreeing to accept any benefit in

consideration of abstaining from, discontinuing, or impeding the prosecution of a criminal offender;

(h) threatening directly or indirectly another with the infliction of any wrong upon his person, honor or property or that of any immediate member or members of his family in order to prevent such person from appearing in the investigation of, or official proceedings in, criminal cases, or imposing a condition, whether lawful or unlawful, in order to prevent a person from appearing in the investigation of or in official proceedings in, criminal cases;

(i) giving of false or fabricated information to mislead or prevent the law enforcement agencies from apprehending the offender or from protecting the life or property of the victim; or fabricating information from the data gathered in confidence by investigating authorities for purposes of background information and not for publication and publishing or disseminating the same to mislead the investigator or the court.

The foregoing acts pertain to those willfully and maliciously done with the intent to frustrate the apprehension and prosecution of offenders. Preventing witnesses from testifying in criminal proceedings, altering or destroying documents to impair their admissibility, and harboring or concealing a suspect are only some of the acts punishable by PD 1829. Questioning the legality of the issuance and implementation of a search warrant do not belong to the acts contemplated therein. To be sure, petitioner respected the conduct and result of the implementation of the search warrant; he even affixed his signature in the inventory to prove that the search was regular and legal.

Thus, the prosecution miserably failed to prove beyond reasonable doubt that petitioner committed acts in violation of Section 1(e) of PD 1829.

The Court reminds petitioner to be more circumspect in his actuations and dealings which may taint the integrity of the public office.

**WHEREFORE**, the Decision dated January 19, 2017 and the Resolution dated March 2, 2018 of the Sandiganbayan in SB-14-CRM-0001 are **REVERSED** and **SET ASIDE**. Petitioner Orlando A. Fua, Jr. is **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt.

**SO ORDERED.**

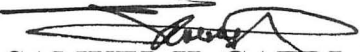


**HENRI JEAN PAUL B. INTING**  
*Associate Justice*


WE CONCUR:

On official leave

**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*  
*Chairperson*



**SAMUEL H. GAERLAN**  
*Associate Justice*



**JAPAR B. DIMAAMPAO**  
*Associate Justice*



**MARIA FILOMENA D. SINGH**  
*Associate Justice*

**ATTESTATION**

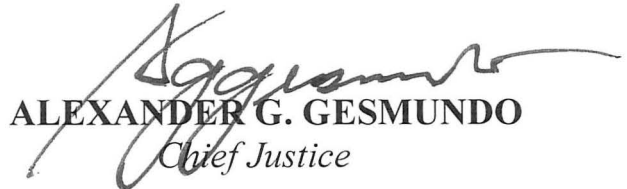
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**HENRI JEAN PAUL B. INTING**  
*Associate Justice*  
*Acting Chairperson, Third Division*  
(Per S.O. No. 2918-REVISED dated October 12, 2022)

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify 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's Division.



**ALEXANDER G. GESMUNDO**  
*Chief Justice*