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FIRST DIVISION

[G.R. No. L-48982. March 30, 1979]

CARLOS BAYOS and ANACLETO MATUNDAN, *petitioners, vs.* **THE HONORABLE JUDGE ONOFRE A. VILLALUZ and THE PEOPLE OF THE PHILIPPINES,** *respondents.*

SYLLABUS

REMEDIAL LAW; SPECIAL CIVIL ACTIONS; CERTIORARI; PROPER REMEDY FOR FAILURE TO OBSERVE GUIDELINES FOR POWER OF SUSPENSION BY TRIAL COURT UNDER ANTI-GRAFT AND CORRUPT PRACTICES ACT. — Where the Circuit Criminal Court without first hearing the parties in an information for violation of the Anti-Graft & Practices Act to determine the validity of such information, exercised the power of suspension from office of the public officers so charged, *certiorari* is proper. The trial Judge having failed to observe the guidelines prescribed by the Supreme Court on the power of suspension by trial courts under the Act aforementioned.

RESOLUTION

GUERRERO, *J.*:

It appears from the petition at bar that petitioners are employees of the Philippine National Railways; that on August 15, 1978, an Information was filed against them for violation of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, in the Circuit Criminal Court, Seventh Judicial District, presided by respondent Judge before whom they were arraigned; and, that after arraignment, respondent Judge issued an Order on August 24, 1978 suspending petitioners from service until after the termination of the case, pursuant to paragraph 13 of R.A. 3019.

Petitioners contend that the suspension Order is contrary to law and jurisprudence because it was issued without a hearing

Supreme Court E-Library

on the validity of the Information, a condition *sine qua non* to the issuance of an order of suspension, relying on Our ruling in the case of *Luciano vs. Mariano* (L-32950, July 30, 1971, 40 SCRA 187) wherein We held that:

"By way of broad guidelines for the lower courts in the exercise of the power of suspension from office of public officers charged under a valid information under the provisions of Republic Act 3019 or under the provisions of the Revised Penal Code in bribery, pursuant to Section 13 of said Act, it may be briefly stated that upon the filing of such information, the trial court should issue an order with proper notice requiring the accused officer to show cause at a specific date of hearing why he should not be ordered suspended from office pursuant to the cited mandatory provisions of the Act. Where either the prosecution seasonably files a motion for an order of suspension or the accused in turn files a motion to quash the information or challenges the validity thereof, such show-cause order of the trial court would no longer be necessary. What is indispensable is that the trial court duly hear the parties at a hearing held for determining the validity of the information, and thereafter hand down its ruling, issuing the corresponding order of suspension should it uphold the validity of the information or withholding such suspension in the contrary case." (*Id.*, pp. 202-203).

Upon being required to comment, the Office of the Solicitor General submits that there is a proper ground for *certiorari* as respondent Judge failed to observe the indispensable guidelines prescribed by this Court in the exercise by trial courts of their power of suspension under R.A. 3019, and recommends that this case be remanded to the Court below for appropriate action in accordance with the jurisprudence on the matter.

We find this recommendation to be well taken.

WHEREFORE, let this case be remanded to the lower Court for hearing on the validity of the Information conformably to the guidelines set forth in the *Luciano vs. Mariano* case. Pending said hearing, the suspension Order of August 24, 1978 is hereby lifted.

SO ORDERED.

Teehankee (Chairman), Makasiar, Fernandez, De Castro, and *Melencio-Herrera, JJ.*, concur.