



Republic of the Philippines  
SANDIGANBAYAN  
Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff,

versus

**SB- 15-CRIM. – 0252-0279**

For: Violation of Section 3(e)  
of RA 3019, as amended.

**P/C SUPT. RAUL PETRASANTA, ET AL.,**  
Accused.

**Present:**

PONFERRADA, J., Chairperson  
MUSNGI, &  
PAHIMNA, JJ.

**Promulgated:**

**JUL 10 2017**

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**RESOLUTION**

**Ponferrada, J.:**

This resolves the Motion to Quash dated March 28, 2017, of accused Regino S. Catiis (Motion); and the Prosecution's Comment/ Opposition thereto dated May 3, 2017.

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Movant is indicted under the following *Informations* filed on October 20, 2015:

**SB 15 CRM 0253**

“That on or about the period from 16 November 2011 up to 18 November 2011 or sometime prior or subsequent thereto, in Quezon City, Philippines and within the jurisdiction of this Honorable Court, **P/DIR. NAPOLEON R. ESTILLES**, Chief of the Firearms and Explosives Office, **P/CSUPT. RAUL D. PETRASANTA**, Assistant Chief, Firearms and Explosives Office, **P/CSUPT. REGINO S. CATIIS**, Chief Firearms and Licensing Division, all high-ranking public officials, **P/CSUPT. RICKY C. SUMALDE**, Chief Storage Section, **NUP NORA B. PIROTE**, F/E Inspector I, Reviewer, Judicial Section, Firearms and Explosives Office, **NUP SOL Z. BARGAN**, Municipal Operator I/Processor, Judicial Section, all members of the Philippine National Police (PNP), committing the offense while in performance of their official functions, in conspiracy with one another and with accused private individual, **ISIDRO V. LOZADA**, with manifest partiality and evident bad faith did then and there wilfully, unlawfully, and criminally facilitate or process and approve the Application for Firearm License with Administrative Control No. J-A 062539 of **Claver Mineral Development Corporation** for twenty (20) units of AK47 high-powered firearms, despite spurious and/or incomplete supporting documents and without complying with Operating Procedure No. 13 on Licensing of Firearms, which resulted in the anomalous withdrawal of the subject firearms, thereby giving unwarranted benefit, advantage and preference to private accused **ISIDRO V. LOZADA**.

Contrary to law.”

**SB 15 CRM 0254**

“That on or about the period from 4 January 2012 up to 9 January 2012 or sometime prior or subsequent thereto, in Quezon City, Philippines and within the

*Claver*

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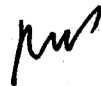
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jurisdiction of this Honorable Court, **P/DIR. NAPOLEON R. ESTILLES**, Chief of the Firearms and Explosives Office, **P/CSUPT. REGINO S. CATIIS**, Chief, Firearms and Licensing Division, both high-ranking public officials, **P/CINSP. RICKY C. SUMALDE**, Chief, Storage Section, all members of the Philippine National Police (PNP), committing the offense while in the performance of their official and administrative functions, in conspiracy with one another and with accused private individual, **ISIDRO V. LOZADA**, with manifest partiality and evident bad faith did then and there wilfully, unlawfully and criminally facilitate or process and approve the Application for Firearms License with Administrative Control No. J-A 062538 of **Claver Mineral Development Corporation** for twenty (20) units of AK47 high-powered firearms, despite spurious and/or incomplete supporting documents and without complying with PNP Standard Operating Procedure No. 13 on Licensing of Firearms, which resulted in the anomalous withdrawal of the subject firearms, thereby giving unwarranted benefit, advantage and preference to private accused **ISIDRO V. LOZADA**.

Contrary to law.”

**SB 15 CRM 0255**

“That on or about the period from 16 February 2012 up to 24 February 2012 or sometime prior or subsequent thereto, in Quezon City, Philippines and within the jurisdiction of this Honorable Court, **P/CSUPT. RAUL D. PETRASANTA**, Chief (or Assistant Chief), Firearms and Explosives Office, **P/CSUPT. REGINO S. CATIIS**, Chief, Firearms and Licensing Division, **P/SSUPT. ALLAN A. PARREÑO**, Assistant Chief, Firearms and Explosives Office, all high-ranking public officials, **P/CINSP. RICKY C. SUMALDE**, Chief, Storage Section, **NUP NORA B. PIROTE**, F/E Inspector I, Reviewer, Judicial Section, Firearms and Explosives Office, **NUP SOL Z. BARGAN**, Munitions Operator I/Processor, Judicial Section, all members of the Philippine National Police (PNP), committing the offense



while in the performance of their official and administrative functions, in conspiracy with one another and with accused private individual, ISIDRO V. LOZADA, with manifest partiality and evident bad faith did then and there wilfully, unlawfully and criminally facilitate or process and approve the Application for Firearms License with Administrative Control No. J-A 062542 of **Claver Mineral Development Corporation** for ten (10) units of AK47 high-powered firearms, despite spurious and/or incomplete supporting documents and without complying with PNP Standard Operating Procedure No. 13 on Licensing of Firearms, which resulted in the anomalous withdrawal of the subject firearms, thereby giving unwarranted benefit, advantage and preference to private accused ISIDRO V. LOZADA.”

Contrary to law.”

Movant seeks to quash the aforequoted Informations on the following grounds: a.) the facts contained in the Informations do not constitute an offense; and b.) the Informations do not conform to the prescribed form.

The prosecution, in its Comment/Opposition, asserts that the Informations sufficiently charge the accused-movant with violation of Section 3(e) of the Anti-Graft and Corrupt Practices Act; that the confluence and congruity of all the actions of the accused-movant and his co-accused led to the issuance of the licenses of the AK47 on account of incomplete documents which is an attestation that undue injury was caused to the government; that accused private individual Lozada, could not have singlehandedly shepherded the issuance of the firearms licenses without the willing collusion of accused-movant and the other co-accused; and that the concerted acts of the malefactors point to the existence of conspiracy where the accused by their acts aimed at the same object, one performing one part of and another performing another so as to complete it with a view to the attainment of the same objective and their acts, although apparently independent, were in fact concerted and cooperative.

#### RULING/DISCUSSION

The Motion lacks merit.

The accused-movant is charged with violation of Section 3(e) of R.A. 3019, as amended, which has the following elements:

1. that the accused is a public officer discharging administrative, judicial or official function;
2. that he must have acted with manifest partiality, evident bad faith, or gross or inexcusable negligence; and
3. that his action caused undue injury to any party, including the government, or gave any party any unwarranted benefits, advantage or preference in the discharge of his functions.<sup>1</sup>

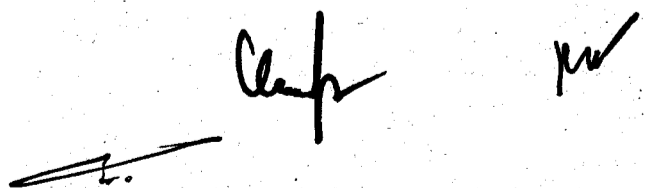
It is settled that a motion to quash is a hypothetical admission of the facts alleged in the Information, hence, the Court in resolving the instant Motion cannot consider facts contrary to those alleged in the information or which do not appear on the face of the information, except those admitted by the prosecution.<sup>2</sup> The test in resolving a motion to quash on the ground that the information charges no offense is whether the material facts alleged in the complaint or information will establish the essential elements of the offense charged as defined by law. The trial court may not consider a situation contrary to that set forth in the criminal complaint or information. Facts which constitute the defense of the accused against the charge under the information must be proved during the trial. Such facts or circumstances do not constitute proper grounds for a motion to quash the information on the ground that the material averments do not constitute the offense.<sup>3</sup>

A reading of the assailed Informations shows that they allege the essential elements of violation of Section 3(e) of R.A. 3019. The Informations state that accused-movant and his co-accused, as high ranking public officials, in conspiracy with one another and with private individual Isidro Lozada, in the performance of their official functions as such, with manifest partiality and evident bad faith, wilfully, unlawfully and criminally facilitated, processed and approved the Applications for Firearms License with Administrative Control Nos. J-A 062539 (Case No. SB 15CRM 0253), J-A 062538 (Case No. SB 15 CRM 0254), and A-J 062542 (Case No. SB 15 CRM 0255) of Claver Mineral Development Corporation for a total of fifty (50) units of AK47, by the use of spurious and/or incomplete documents and without complying with the Operating Procedure No. 13 on Licensing of Firearms, thereby giving unwarranted benefits, advantage and preference to

<sup>1</sup> Jacinto v. Sandiganbayan, 178 SCRA 254

<sup>2</sup> Regalado, Remedial Law Compendium, Vol. II, 10<sup>th</sup> Rev. Ed., p. 477 citing People v. Navarro, et al., 75 Phil. 516; People v. Cadabis, 97 Phil. 829; People v. Ferrer, 101 Phil. 234; People v. De la Rosa, etc., et al., L-34112, June 25, 1980.

<sup>3</sup> Torres v. Garchitorea, 394 SCRA 494, 503 (2002) citing Cruz, Jr. vs. Court of Appeals 194 SCRA 145 (1991).

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individual accused Isidro Lozada and causing undue injury to the government.

By filing his Motion to Quash, accused-movant Catiis hypothetically admits the facts alleged in the Informations which clearly show a violation of Section 3(e) of R.A. 3019.

On accused-movant's claim that the general allegation of conspiracy without specific acts attributed to him to show his participation makes the Informations incomplete, it may be mentioned that there is a distinction in the manner of alleging the indictment between conspiracy as a crime and conspiracy as a mode of committing a crime that must be set forth in the complaint or information. In *Estrada v. Sandiganbayan*<sup>4</sup> the Supreme Court held that it is enough to allege conspiracy, as a mode of committing an offense, in either of the following manner: 1) by use of the word conspire, or its derivatives or synonyms, such as confederate, connive, collude, etc.; or 2) by allegations of basic facts constituting the conspiracy in a manner that a person of common understanding would know what is intended, and with such precision as would enable the accused to competently enter a plea to a subsequent indictment based on the same facts.

In these cases, the "conspiracy" alleged is simply a mode of committing the offense because it is not the gravamen of the offense charged. As such, it is not necessary for the prosecution to allege specific acts attributable to accused-movant to warrant the sufficiency of Informations against him.

Movant's claims for details are not defects in the Informations. They are evidentiary matters which need not be stated in the Information but should be threshed out in a full-blown trial. Thus, his claim that his participation in the offenses charged was in the lawful exercise of his duty as a member of IABAC-TWG is a matter of defense.

Hence, it is quite clear that the assailed Informations are sufficient in form and substance and charge the accused-movant with the offense of violation of Section 3(e) of Republic Act 3019 for three (3) counts.

It must be emphasized, however, that the matter of whether or not accused-movant is guilty of the offense of violation of Section 3 (e) of R. A. 3019, including the alleged conspiracy, as charged in the Informations, is subject to the evidence to be presented by the parties in the trial of these cases. Of course, it is incumbent upon the prosecution to show the accused-movant's involvement or participation in the commission of the offense charged by proof beyond reasonable doubt.

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<sup>4</sup> G.R. No. 148965, February 26, 2002.

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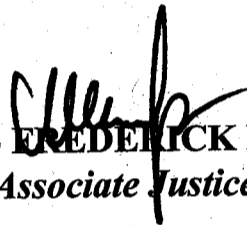
WHEREFORE, the Motion to Quash filed by accused Catiis is  
**DENIED.**

**SO ORDERED.**

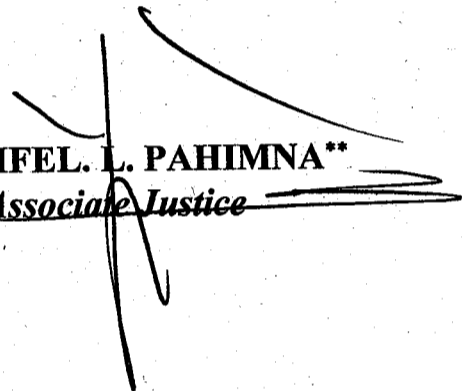


**RODOLFO A. PONFERRADA**  
*Associate Justice*  
*Chairperson*

**WE CONCUR:**



**MICHAEL FREDERICK L. MUSNGI\***  
*Associate Justice*



**LORIFEL L. PAHIMNA\*\***  
*Associate Justice*

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\* Sitting as Special Member in lieu of Justice Karl B. Miranda per Administrative Order No. 136-2016 dated May 16, 2017.

\*\* Sitting as Special Member in view of the vacancy in the Sixth Division per Administrative Order no. 205-2017 dated May 31, 2017.