



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

CRIM. CASE NOS. SB-17-CRM-0648-0649
For: Violation of Section 3 (e) of R.A. No.
3019

PRESENT:

PONFERRADA, J., Chairperson
MIRANDA, J. &
MUSNGI*, J.

ENRICO ECHIVERRI Y
REANTILLO, ET AL.,
Accused.

Promulgated:

NOV 30 2017 *[Signature]*

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RESOLUTION

PONFERRADA, J.:

This refers to the Urgent Manifestation and Supplemental Motion to Quash of accused Echiverri, Centeno, and Garcia dated June 27, 2017; and the prosecution's Comment/Opposition dated July 27, 2017.

* Special Member in view of the vacancy in the Sixth Division, per Administrative Order No. 124-2017 dated April 4, 2017.

[Signatures]

The Court is not inclined to grant favorable action on the subject Supplemental Motion as the main Motion to Quash of the accused was already denied in its Resolution promulgated on July 5, 2017, which is hereby quoted pertinently as follows:

“A reading of the assailed Information in Criminal Case No. SB-17-CRM-0648 shows that the essential elements of violation of Section 3 (e) of R.A. 3019 are clearly alleged therein. Thus, the Information alleges that the accused-movants are public officials, Echiverri being then the City Mayor of Caloocan City, Centeno the City Accountant, and Garcia the City Budget Office; that in such capacity from the period May 23, 2011 up to October 19, 2011, while in the performance of their administrative and/or official functions, conspiring with one another, acting with manifest partiality, evident bad faith and/or gross inexcusable negligence, did then and there willfully, unlawfully and criminally cause undue injury to the government and give unwarranted benefits and advantage to Caana Construction Corporation (Caana), represented by its President, Anthony V. Eugenio, in the amount of at least One Million Nine Hundred Ninety Eight Thousand Six Hundred Thirty Nine Pesos (PhP1,998,639.81) & 81/100, more or less, by awarding to Caana the contract for the Construction of Barangay Hall, Barangay 154, Caloocan City, without prior authorization from the Sangguniang Panlungsod of Caloocan City, and paying the said amount to Caana, to the damage and prejudice of the government.

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By filing the Motion to Quash, the accused-movants hypothetically admit the facts alleged in the Information which clearly show a Violation of Section 3 (e) of R.A. 3019. As regards the other arguments of accused in support of their contention that they are not liable for the offense charged in the Information including as to whether or not there was undue injury, the Court finds them to be evidentiary in nature and should better be threshed out in the trial of the case. Thus, the Court is not inclined to

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grant the Motion to Quash the information in Criminal Case No. 0648.

On the other hand, in Criminal Case No. 17-0649, accused Centeno and Garcia are charged with Falsification of Public Documents. A reading of the information therein also clearly shows that accused Centeno and Garcia are charged as City Accountant and City Budget Officer, respectively, of the local government of Caloocan City, and that while in the performance of their administrative and/or official functions, conspiring with one another, and taking advantage of their official positions, did then and there willfully, unlawfully and feloniously make false statements in a narration of facts, the truth of which they are legally bound to disclose, by certifying in the Allotment and Obligation Slip (AL OBS) No. 100-11-05-2508 dated May 23, 2011 as to the existence of appropriation for, and as to obligation of allotment, for the Construction of Barangay Hall, Barangay 154, Caloocan City, in the amount of FIVE MILLION FOUR HUNDRED THIRTY THOUSAND TWO HUNDRED PESOS (PhP5,430,200.00), more or less, when in truth and in fact, as the accused very well knew, there was no appropriation for the said project, to the prejudice of public interest.


The Information, thus, clearly charges accused Centeno and Garcia with Falsification of Public Documents.”

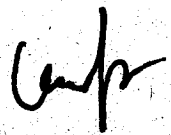

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Moreover, the contents of the Supplemental Motion, including the alleged lifting of the Notice of Disallowance by the Commission on Audit, are matters of defense which should be raised or ventilated in the trial of these cases.


WHEREFORE, the Supplemental Motion is likewise ***DENIED***.

SO ORDERED.


RODOLFO A. PONFERRADA
Associate Justice
Chairperson

WE CONCUR:


KARL B. MIRANDA
Associate Justice


MICHAEL FREDERICK L. MUSNGI*
Associate Justice

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* Special Member per Administrative Order No. 124-2017 dated April 4, 2017.

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