

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,
Plaintiff,

Crim. Cases Nos. SB-16-CRM-0417 to
SB-16-CRM-0424

-versus-

Present:
Herrera, Jr., J. *Chairperson*
Musngi, J. &
Pahimna, J.

Reno Gutlay Lim, et al.,
Accused.

Promulgated:
November 9, 2017 *A*

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RESOLUTION

HERRERA, JR., J.:

This resolves the ***Motion To Quash Information For Lack Of Jurisdiction (For erroneously indicted Francisco A. Mercado)***¹ filed by one Francisca A. Mercado (Movant for short), through counsel, Atty. Greta M. Bueno Cruz, to which the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, filed an ***Opposition (Re: Undated Motion to Quash Information for Lack of Jurisdiction [for having erroneously indicted Francisca A. Mercado] filed by accused France A. Mercado)***² dated October 10, 2017.

Movant claims that she is Francisca A. Mercado and not France A. Mercado, one of the accused in these cases. She thus prays that:

“WHEREFORE, in view of any or all the foregoing, it is most respectfully prayed that the information and other related orders and processes against Movant FRANCISCA

¹ Record, Vol. 2, pp. 442-451

² Id, pp. 483-486

[Handwritten signatures and marks]

MERCADO, who as shown by the evidence on record, is not Accused FRANCE MERCADO, be quashed.

Other relief just and equitable are likewise prayed for.”³

Movant’s ***Motion To Quash, etc.*** is devoid of merit.

The one indicted in these cases, among others, is France A. Mercado who resides or resided at No. 338 Quezon Avenue, Barangay Lourdes, Sta. Mesa Heights, Quezon City. She was the Project Coordinator of the *Kaagapay Magpakailanman Foundation, Inc.* (KMFI), who signed the ***Memorandum of Agreement***⁴ entered into with the Technology Resource Center (TRC) regarding the Priority Development Assistant Fund (PDAF) of Congressman Reno G. Lim, as stated in the ***Resolution***⁵ dated October 27, 2015 of the Office of the Ombudsman. France A. Mercado is the one named in the ***Informations*** filed in these cases.

Record also shows that accused France A. Mercado filed, through counsel, an ***Urgent Motion To Reduce Bail***⁶ dated October 10, 2016. There, she acknowledged that she is the accused France A. Mercado. She thereafter posted bail for her provisional liberty on October 13, 2016. She swore under oath on the ***Undertaking***,⁷ under the name France A. Mercado, affixed her fingerprints therein and submitted copies of her photographs. She also affixed on the ***Certification***⁸ dated October 13, 2016 issued by the Office of the Clerk of Court, regarding the posting of bail, her signature over the name France Mercado. The signature is the same or very similar to the signature affixed over the name France A. Mercado in the ***Memorandum of Agreement*** of KMFI with TRC.

³ Id, p/ 449

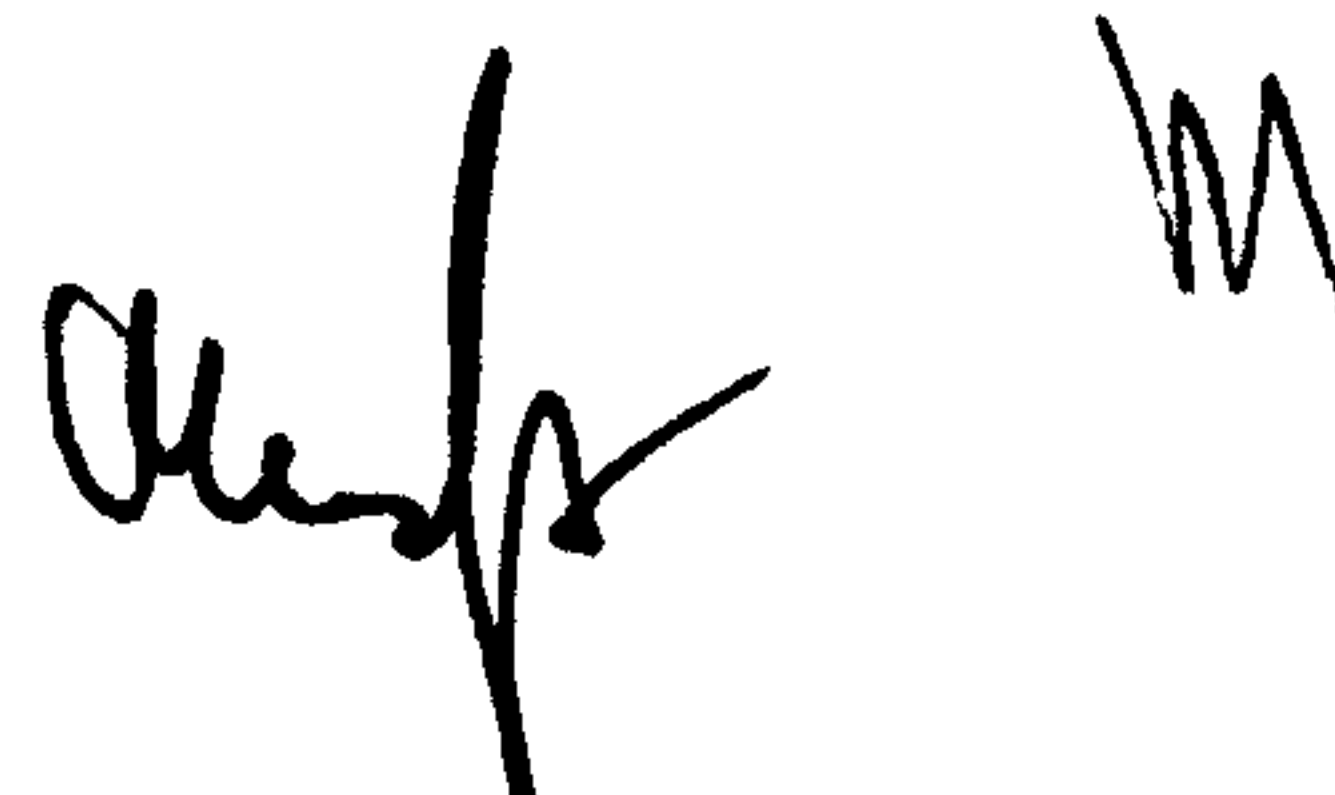
⁴ Record, Vol. 1, pp. 153-156

⁵ Id, pp. 15-42

⁶ Record, Vol. 2, pp. 123-125

⁷ Id, pp. 132-134

⁸ Id, pp. 130-131

Handwritten signature and initials. The signature is a cursive name, possibly 'France A. Mercado', and the initials are 'M'. There is a horizontal line below the signature.

There was no claim, whatsoever, by said France A. Mercado, both in her ***Urgent Motion To Reduce Bail*** and in the posting of bail for her provisional liberty, that she is not the France A. Mercado referred to in the ***Resolution*** of the Office of the Ombudsman and charged in the ***Informations*** filed in these cases.

The Court has therefore acquired jurisdiction over the person of accused France A. Mercado. Upon the other hand, there is no basis for the Court to quash ***Informations*** and other processes pertaining to one Francisca A. Mercado, because there is none.

Whether “France” is the true first name or merely the nickname of accused France A. Mercado is of no moment.

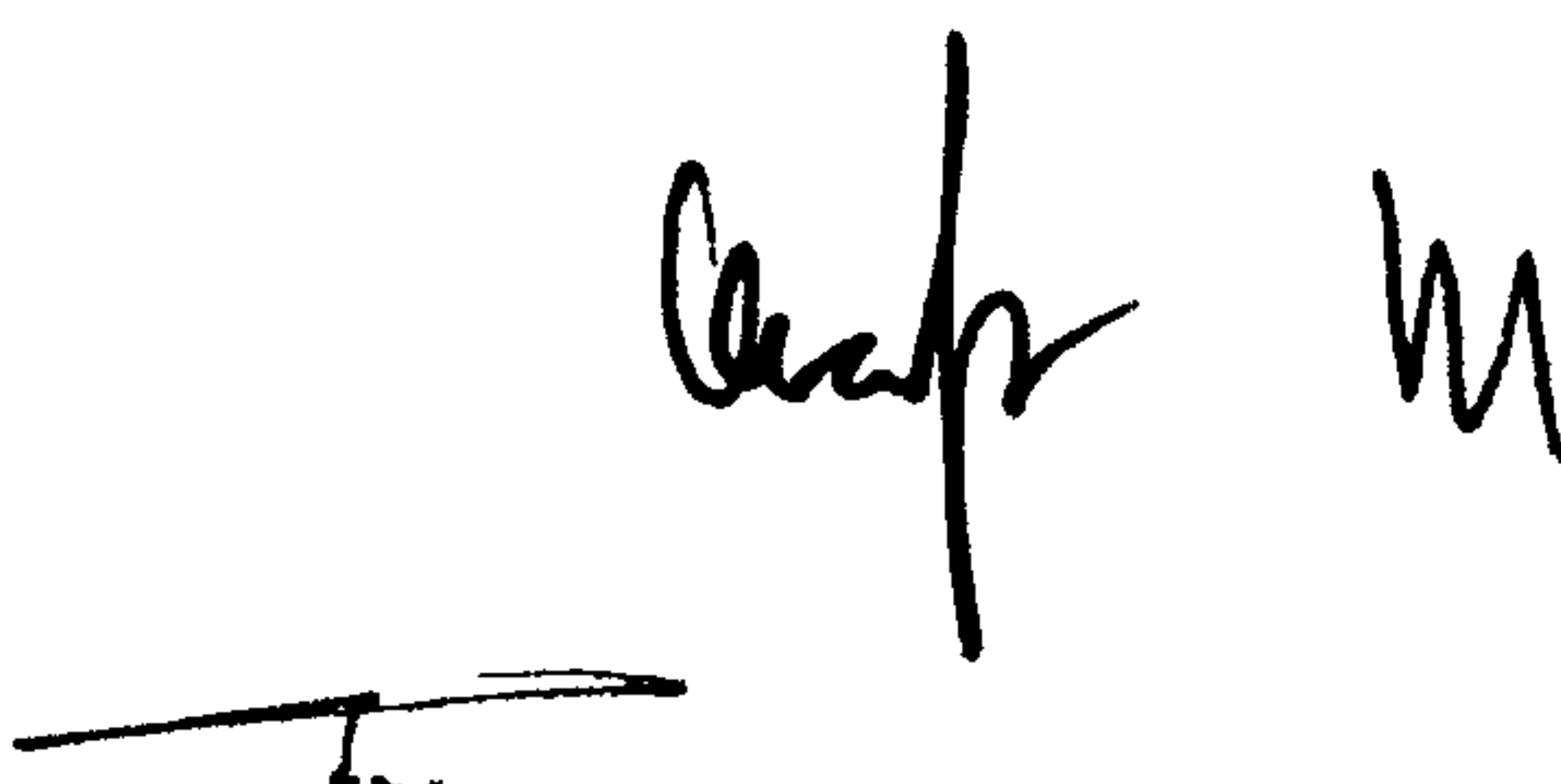
Section 7, Rule 110 of the Rules of Court allows charging of an accused under his nickname or even under a fictitious name. It provides:

“Sec. 7. *Name of the accused.* – The complaint or information must state the name and surname of the accused OR ANY APPELLATION OR NICKNAME BY WHICH HE HAS BEEN OR IS KNOWN. If his name cannot be ascertained, he must be described under a fictitious name with a statement that his true name is unknown.

If the true name of the accused is thereafter disclosed by him or appears in some other manner to the court, such true name shall be inserted in the complaint or information and record.”

If movant is not the France A. Mercado charged as an accused in these cases – the one referred to in the ***Resolution*** of the Office of the Ombudsman and the corresponding ***Informations*** filed in court – she has no legal personality to file the instant ***Motion To Quash Information, etc.***

WHEREFORE, premises considered, the ***Motion To Quash Information For Lack Of Jurisdiction (For Erroneously indicted***



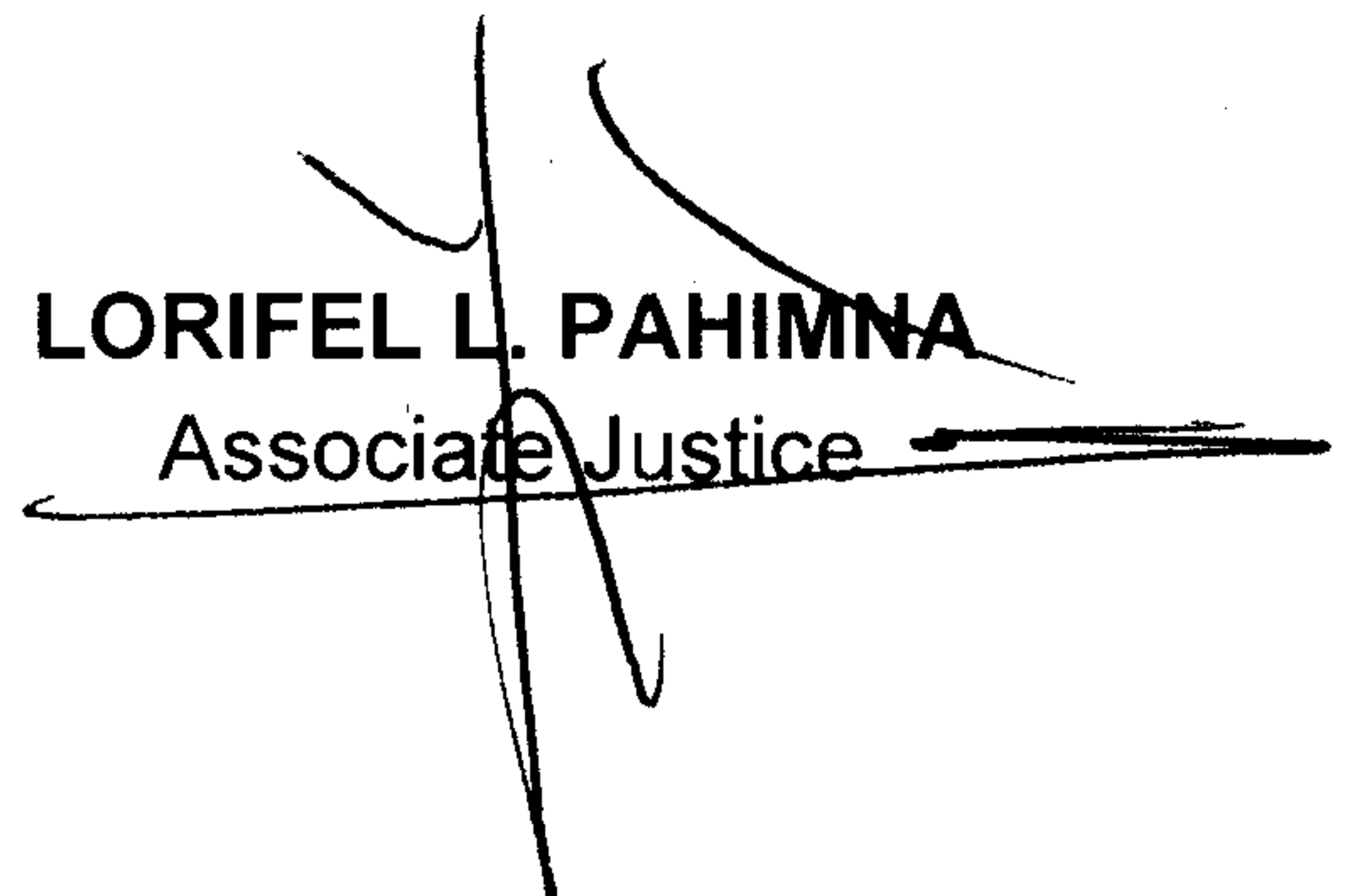
Francisca A. Mercado), filed by one Francisca A. Mercado, through counsel, is hereby denied.

SO ORDERED.


OSCAR C. HERRERA, JR.
Chairperson

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


LORIFEL L. PAHIMNA
Associate Justice