



Republic of the Philippines
Sandiganbayan
Quezon City

FIFTH DIVISION

**PEOPLE OF THE PHILIPPINES,
Plaintiff,**

**SB-18-CRM-0153 & 0154
For: Violation of
Sec. 3(e) of RA No. 3019,
as amended, and
SB-18-CRM-0160 & 0161
For: Falsification of Public
Documents**

- versus -

**JEJOMAR C. BINAY, SR., et al.,
Accused.**

**Present:
Lagos, J., Chairperson,
Mendoza – Arcega and
Corpus - Mañalac, JJ.**

Promulgated:

July 04, 2018 *jal*

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RESOLUTION

CORPUS - MAÑALAC, J.:

This treats of the accused Norman Flores' "*Motion to Quash*" filed on June 7, 2018 in **SB-18-CRM-0153 to 0154, 0160 to 0161**, as well as the *Opposition* thereto filed by the prosecution on June 19, 2018.

The Arguments of Accused Flores

Flores alleges in general that the *Informations* in the above-captioned cases do not conform substantially to the prescribed form pursuant to Sections 6, 9 and 11 of Rule 110, Rules of Court, thus, denying him of his right to be informed of the nature and cause of accusation against him.

Specifically, the Information in SB-18-CRM-0153 allegedly failed to specify the following: (a) the bid proposals he allegedly falsified; (b) the time when he allegedly falsified the bid proposals for the contract; (c) the conditions for negotiated procurement which he allegedly failed to comply; and (d) the required documents under RA 9184 which allegedly were lacking when payments were made to the contractor.

In SB-18-CRM-0154, the Information allegedly failed to state his participation in the alleged falsification of the BAC Resolution and Abstract of Bids, considering that he was not a member of the Bids and Awards Committee; as well as the specific deficiencies in the required documents at the time of processing and payment to Hilmarc's Construction.

Similarly, in SB-18-CRM-0160, the Information failed to allege his participation in the falsification of the BAC Resolution and Abstract of Bids, stating that he was not a member of the Bids and Awards Committee; and that it failed to specify which supporting documents to the September 19, 2007 BAC Resolution was falsified by him, as well as the time when he allegedly did so.

Whereas in SB-18-CRM-0161, Flores alleges that the Information likewise failed to specify his participation in the falsification of the BAC Resolution, and which supporting documents to the January 11, 2008 BAC Resolution he allegedly falsified.

The Opposition

The prosecution points out that the motion was not set for hearing within ten (10) days after its filing as required by Section 5, Rule 15 of the Rules of Court. The motion was received by the Court on June 7, 2018 and was set for hearing on June 22, 2018 which is beyond the ten (10)-day period required.

It also alleges that the Informations are complete and sufficient to hold the accused liable for violation of Section 3[e] of RA 3019 and Falsification of Public Documents as they are compliant with the requirements of Section 6, Rule 110 of the Rules of Court. The names of the accused, offense charged, the offended party, date, place and the acts of the accused were stated in the Informations. That only ultimate facts need to be alleged in the Informations as evidentiary matters will be proved during trial citing the case of **Go vs. BSP**.¹

The prosecution further contends that the facts alleged in the Informations, if hypothetically admitted, will establish the culpability of the accused for the offenses charged. The respective elements thereof were

¹ GR No. 178429, October 23, 2009

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sufficiently stated in ordinary and concise language to enable the accused to know what is being charged against him compliant with Section 9, Rule 110 of the Rules of Court. Summing up, it alleges that the challenged Informations are complete contrary to the assertions of accused Flores.

The Court's Ruling

Rule 117, Section 3 of the Rules of Court provides:

Section 3. Grounds. — The accused may move to quash the complaint or information on any of the following grounds:

xxx

(e) That it does not conform substantially to the prescribed form;

xxx

The Information is sufficient if it complies with the requirements laid down in Sections 6, 9 and 11, Rule 110 of the Rules of Court, to wit:

Section 6. Sufficiency of complaint or information. — A complaint or information is sufficient if it states the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed.

Section 9. Cause of the accusation. — The acts or omissions complained of as constituting the offense and the qualifying and aggravating circumstances must be stated in ordinary and concise language and not necessarily in the language used in the statute but in terms sufficient to enable a person of common understanding to know what offense is being charged as well as its qualifying and aggravating circumstances and for the court to pronounce judgment. (9a)

Section 11. Date of commission of the offense. — It is not necessary to state in the complaint or information the precise date the offense was committed except when it is a material ingredient of the offense. The offense may be alleged to have been committed on a date as near as possible to the actual date of its commission. (11a)

To be considered as sufficient and valid, an *Information* must state the name of the accused; the designation of the offense given by the statute; the acts or omissions constituting the offense; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed. The requirement aims to enable the accused to properly prepare for his defense since he is presumed to have no independent knowledge of the facts constituting the offense charged.²

² People v. Ching, 563 Phil. 433, 443-444 (2007).

In *People vs. Valdez*,³ the Supreme Court held that “the sufficiency of the allegations of the facts and circumstances constituting the elements of the crime charged is crucial in every criminal prosecution because of the ever-present obligation of the State to duly inform the accused of the nature and cause of the accusation.” Citing the case of *People v. Dimaano*,⁴ the High Court expounded, *viz*:

For complaint or information to be sufficient, it must state the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate time of the commission of the offense, and the place wherein the offense was committed. What is controlling is not the title of the complaint, nor the designation of the offense charged or the particular law or part thereof allegedly violated, these being mere conclusions of law made by the prosecutor, but the description of the crime charged and the particular facts therein recited. The acts or omissions complained of must be alleged in such form as is sufficient to enable a person of common understanding to know what offense is intended to be charged, and enable the court to pronounce proper judgment. No information for a crime will be sufficient if it does not accurately and clearly allege the elements of the crime charged. **Every element of the offense must be stated in the information. What facts and circumstances are necessary to be included therein must be determined by reference to the definitions and essentials of the specified crimes. The requirement of alleging the elements of a crime in the information is to inform the accused of the nature of the accusation against him so as to enable him to suitably prepare his defense. The presumption is that the accused has no independent knowledge of the facts that constitute the offense.** [emphasis supplied]

However, an *Information* only needs to state the ultimate facts constituting the offense; the evidentiary and other details (*i.e.*, the facts supporting the ultimate facts) can be provided during the trial.⁵ In *Bautista v. Court of Appeals*,⁶ these two concepts of “ultimate facts” and “evidentiary details” in relation to a particular criminal case were explained, *viz*:

The distinction between the elements of the offense and the evidence of these elements is analogous or akin to the difference between *ultimate facts* and *evidentiary facts* in civil cases. **Ultimate facts are the essential and substantial facts which either form the basis of the primary right and duty or which directly make up the wrongful acts or omissions of the defendant, while evidentiary facts are those which tend to prove or establish said ultimate facts.** x x x

The accusatory portion of the *Information* in Criminal Case No. **SB-18-CRM-0153** alleges:

In September 2007 to March 2012, or thereabout, in Makati City, Philippines, and within this Honorable Court’s jurisdiction, accused **JEJOMAR C. BINAY, SR. (Binay, Sr.)**, City Mayor for the period 2007 to 2010; **JEJOMAR ERWIN S. JR. (Binay, Jr.)**, City Mayor for the period 2010 to 2013; **MARJORIE**

³ G.R. No. 175602, January 18, 2012

⁴ G.R. No. 168168, September 14, 2005, (469 SCRA 647)

⁵ *People v. Romualdez, et al.*, 581 Phil. 462, 479-480 (2008).

⁶ Cited in *Enrile vs. People, Supra*, Note 7

A. DE VEYRA (De Veyra), then City Administrator and Chairperson of the Bids and Awards Committee (BAC); **PIO KENNETH I. DASAL (Dasal)**, then City Legal Officer and BAC member; **LORENZA P. AMORES (Amores)**, then City Budget Officer and BAC Member; **LEONILA D. G. QUERIJERO (Querijero)**, then City Accountant; **CECILIO P. LIM III (Lim)**, then City Accountant; **NELIA A. BARLIS (Barlis)**, then City Treasurer; and **NORMAN D. FLORES (FLORES)**, then BAC Secretariat Member, all public officers of Makati City, Philippines, while in the performance of their administrative and/or official functions and committing the offense in relation to office, conspiring with one another, and with private individual **VIRGINIA P. GARCIA (Garcia)**, representative of Infiniti Architectural Works (Infiniti), 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 of the City of Makati and give unwarranted benefits, advantage and preference to Infiniti, through Garcia, in the amount of Php17,372,062.00, more or less, by awarding the Architectural and Engineering Services Contract (Contract) for the Ten-Storey Makati Science High School with Four Storey Dormitory to Infiniti, in violation of RA 9184 (Government Procurement Reform Act) and its implementing rules and regulations (IRR), and causing the payment of the said amount to Infiniti, through the following scheme:

- a) Ensuring that the contract was awarded to Infiniti through the resort to negotiated procurement or limited source bidding by the BAC composed of De Veyra, Dasal, and Amores, without complying with the conditions for such under RA 9184 and its IRR, and without the required posting of the Invitation to Apply for Eligibility and to Bid (IAETB) in the official website and in conspicuous places of Makati City and in the Philippine Government Electronic Procurement System, among other things;
- b) Falsification by Flores, as instructed by Binay, Sr. and accused BAC Members, of bid proposals for the Contract to make it appear that Infiniti was the most qualified proponent;
- c) Entering through Binay, Sr. into the said Contract with Garcia, as representative of Infiniti, despite glaring flaws in the procurement process;
- d) Processing and releasing of payments to Infiniti by Querijero and Lim, acting as City Accountant on different occasions; De Veyra, as City Administrator, Amores as City Budget Officer, Barlis as City Treasurer, which release of payments were approved by Binay, Sr. (in 2008) and Binay Jr. (in 2012), and accepted by Garcia, on behalf of Infiniti in the aforesaid sum, despite the lack of the required documents and non-compliance with the requirements under RA 9184 and its IRR.

CONTRARY TO LAW.

While the *Information* in Criminal Case No. **SB-18-CRM-0154** alleges:

In December 2007 to December 2008, or thereabout, in Makati City, Philippines, and within this Honorable Court's jurisdiction, accused **JEJOMAR C. BINAY, SR. (Binay, Sr.)**, then City Mayor; **MARJORIE A. DE VEYRA (De Veyra)**, then City Administrator and Chairperson of the Bids and Awards Committee (BAC); **PIO KENNETH I. DASAL (Dasal)**, then City Legal Officer and BAC Member; **LORENZA P. AMORES (Amores)**, then City Budget Officer and BAC Member; **GIOVANNI I. CONDES (Condes)**, then BAC Secretary and Head of the BAC Secretariat; **RODEL R. NAYVE (Nayve)**, then Head of the BAC Technical Working Group (BAC-TWG); **LEONILA D.G. QUERIJERO (Querijero)**, then City Accountant; **NELIA A. BARLIS (Barlis)**, then City Treasurer; **RALPH E. LIBERATO (Liberato)**, then BAC Secretariat Member and **NORMAN D. FLORES (Flores)**, then Computer Operator at the General Services Division (GSD), all public officers of Makati City, while in the performance of their administrative and/or official functions and committing the offense in relation to office, conspiring with one another, and with private individuals **EFREN M. CANLAS (Canlas)**, and

JULIUS V. RAMOS (Ramos), both of Hilmarc's Construction Corporation (Hilmarc's), acting with manifest partiality, evident bad faith, and/or gross inexcusable negligence, did then and there willfully, unlawfully and criminally give unwarranted benefits, advantages and preference to Hilmarc's, and cause undue injury to the government, by awarding Hilmarc's the Contract in the amount of Php99,631,205.15 for Phase I construction of the Ten-Storey Makati Science High School Building (Science Building) through a simulated public bidding, in violation of RA 9184 and its implementing rules and regulations (IRR), as follows:

- a) Circumvention of the provisions of RA 9184 by Binay, Sr., De Veyra, Dasal, Amores, Condes and Nayve by, among other things:
 - 1) Falsifying the publication of the Invitation to Apply for Eligibility and to Bid (IAETB) in Balita Newspaper;
 - 2) Not posting the IAETB in the official website of Makati City;
 - 3) Not complying with the required number of days of the posting of the IAETB in the City's conspicuous places;
 - 4) Not including in the IAETB the relevant eligibility criteria by which the bids shall be compared; and
 - 5) Preparing and signing the Abstract of Bids and Post-Qualification Report despite knowing the absence of public bidding;
- b) Binay, Sr., De Veyra, Dasal, Amores, Condes, Nayve, Flores, Liberato, and Ramos collectively making it appear on the BAC Resolution and the Abstract of Bids that Hilmarc's, through Canlas, became the bidder with the Lowest Calculated and Responsive Bid (LCRB), as against JBros Construction and ITP Construction, which documents were signed and approved by Binay, Sr., despite knowing the absence of public bidding;
- c) Entering, through Binay, Sr., into the Contract for Phase I construction of the Science Building with Canlas, on behalf of Hilmarc's, and proceeding with the said project despite the absence of the project's architectural design and detailed engineering plans;
- d) Processing and releasing of the payments amounting to Php93,404,254.82, more or less, to Hilmarc's by De Veyra, Amores, Querijero, Barlis, which payments were approved by Binay, Sr., and received by Canlas, despite deficiencies in the required supporting documents.

CONTRARY TO LAW.

On the other hand, the *Information* in Criminal Case No. **SB-18-CRM-0160** states:

"On 19 September 2007, or thereabout, in Makati City, Philippines and within this Honorable Court's jurisdiction, accused Makati City public officers City Mayor and Head of the Procuring Entity (HOPE) **JEJOMAR CABAUTAN BINAY, SR. (Binay, Sr.)**, City Administrator and Chairperson of the Bids and Awards Committee (BAC) **MARJORIE A. DE VEYRA (De Veyra)**, City Legal Officer and BAC Member **PIO KENNETH ILANO DASAL (Dasal)**, City Budget Officer and BAC Member **LORENZA PUNZALAN AMORES (Amores)**, and Engineering Assistant and BAC Secretariat Member **NORMAN DOMINGO FORES (Flores)**, while in the performance and taking advantage of their official functions as such, conspiring with one another, did then and there willfully, unlawfully, and feloniously falsify the 19 September 2007 BAC Resolution (Award), an official document, and its supporting documents, declaring Infiniti Architectural Works (Infinity) as the most qualified consulting Firm with recommendation to award it the architectural and engineering services contract for the Makati City Science High School Building (Science Building), and approved by Binay, Sr. as HOPE, by making it appear therein that:

- a) seven consulting firms – Infiniti, BLG Design Services (BLG), Genesis RR Engineering Services (Genesis), R.B. Padolina & Associates (R.B. Padolina), George A. Paras/Architects (JAPA), MANA Architecture and Interior Design Co. (MANA), JFR Aquino Design (JFR) – were sent and received letters inviting them to submit project and contract proposals;
- b) the seven firms each submitted their respective proposals and participated in the procurement/negotiation process; and
- c) Infiniti was found to be the most qualified upon opening and evaluating each of the submitted proposals;

when in truth and in fact, as said accused very well knew, that JFR and Genesis did not so participate in the procurement/negotiation process for the architectural and engineering services for the Science Building.

CONTRARY TO LAW.”

Whereas, the *Information* in **Criminal Case No. SB-18-CRM-0161** alleges:

“On 11 January 2008, or thereabout, in Makati City, Philippines, and within this Honorable Court’s jurisdiction, accused Makati City public officers City Mayor and Head of the Procuring Entity (HOPE) **JEJOMAR CABAUTAN BINAY, SR. (Binay, Sr.)**, City Administrator and Chairperson of the Bids and Awards Committee (BAC) **MARJORIE A. DE VEYRA (De Veyra)**, City Legal Officer and BAC Member **PIO KENNETH ILANO DASAL (Dasal)**, City Budget Officer and BAC Member **LORENZA P. AMORES (Amores)**, and City Chief Administrative Officer and BAC Secretariat Head **GIOVANI ILIO CONDES (Condes)** City Department Head II and BAC Technical Working Group (TWG) Head **RODEL REBUSTILLO NAYVE**, and Engineering Assistant and BAC Secretariat Member **NORMAN DOMINGO FLORES**, while in the performance and taking advantage of their official functions as such, conspiring with one another, did then and there willfully, unlawfully, and feloniously falsify the 11 January 2008 BAC Resolution, an official document, and its supporting documents, declaring Hilmarc’s Construction Corporation (Hilmarc’s) as the bidder who submitted the Lowest Calculated Responsive Bid, with the recommendation to award it to the contract for Phase I Construction of the Makati Science High School Building (Science Building), which was approved by Binay, Sr. as HOPE, by making it appear therein that a public bidding for the said Phase I Construction, compliant with the provisions of Republic Act 9184 (Government Procurement and Reform Act) and its implementing rules and regulations (IRR), was conducted, such that:

- a) the Invitation to Apply for Eligibility and to Bid (IAETB) was published in newspapers of general circulation;
- b) the IAETB was posted in the PhilGEPS, in the City’s official website, and in conspicuous places of Makati City;
- c) the public bidding was participated in by Hilmarc’s, JBros Construction (JBros) and ITP Construction (ITP), submitting their respective bids;
- d) Hilmarc’s was found to have submitted the Lowest Calculated Bid; and
- e) after post-qualification, Hilmarc’s was found to have submitted the Lowest Calculated Responsive Bid;

when in truth and in fact, as said accused very well knew, being legally bound to disclose the truth of such facts as required by RA 9184 and its IRR, that there was no such public bidding conducted, there being no such newspaper publication of the IAETB, no such posting of the IAETB, and Hilmarc’s could not have been found to have submitted the Lowest Calculated Responsive Bid for it to be awarded the contract for the Phase I Construction of the Science Building.

CONTRARY TO LAW.”

Going through the aforesaid *Informations*, the contention of insufficiency of the allegations thereof *viz-a-viz* the respective charges for violation of R.A. 3019, Section 3(e) and Falsification of Public Documents lacks basis. The elements of the offense charged,⁷ i.e., violation of RA 3019 Section 3 (e) are as follows:

1. The accused must be a public officer discharging administrative functions;
2. He must have acted with manifest partiality, evident bad faith or gross inexcusable negligence; and
3. That his action caused any injury to any party, including the government, or giving any private party unwarranted benefits, advantage or preference in the discharge of his functions.

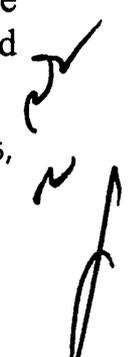
In SB-18-CRM-0153 and SB-18-CRM-0154, the *Informations* allege the facts constituting the elements of violation of R.A. 3019 Section 3[e], namely:

First, Flores is among the named accused as “public officer[s] of Makati City,” being then “BAC Secretariat Member” (SB-18-CRM-0153) and “Computer Operator at the General Services Division (SB-18-CRM-0154) performing “administrative and/or official functions;”

Second, said accused is charged of “acting with manifest partiality, evident bad faith, and/or gross inexcusable negligence” while “committing the offense in relation to office,” and “conspiring with one another.”

Third, that the accused in both cases “willfully, unlawfully and criminally give unwarranted benefits, advantages and preference” to Infiniti (SB-18-CRM-0153) and Hilmarc’s Construction (SB-18-CRM-0154), and allegedly “cause undue injury to the government” involving the projects subject of the said *Informations*. The manner of the alleged commission of the offense in SB-18-CRM-0153 which is that of “resort to negotiated procurement x x x without complying with the conditions under RA 9184, “falsification of bid proposals x x x,” and “without the required posting of the IAETB,” among others, were stated with sufficient clarity. Similarly, in SB-18-CRM-0154, the manner of commission of the offense through “circumvention of the provisions of RA 9184” allegedly by “falsifying the publication of the Invitation to Apply for Eligibility and to Bid (IAETB) in Balita Newspaper,” “not posting the IAETB,” “not complying with the required number of days of the posting of the IAETB,” “preparing and

⁷ Bautista vs. Sandiganbayan, 332 SCRA 126 (2000); Uriarte v. People, G.R. No. 169251, December 20, 2006, 511 SCRA 471, 486, citing Santos v. People, G.R. No. 161877, March 23, 2006, 485 SCRA 185, 194; Cabrera v. Sandiganbayan, G.R. Nos. 162314-17, October 25, 2004, 441 SCRA 377, 386; and Jacinto v. Sandiganbayan, G.R. No. 84571, October 2, 1989, 178 SCRA 254, 259.



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signing the Abstract of Bids and Post-Qualification Report despite knowing the absence of public bidding,” among others, were particularized.

On the other hand, the elements⁸ of Falsification of Public Documents charged in SB-18-CRM-0160 and 0161 are as follows:

- 1) The offender is a public officer, employee or notary public;
- 2) He takes advantage of his official position;
- 3) He falsifies a document by committing any of the acts enumerated under Article 171 of the Revised Penal Code.

The Informations for Falsification in the aforesaid cases sufficiently allege that:

Firstly, Flores, among others, is a “public officer,” then being the “Engineering Assistant and BAC Secretariat Member (in both **SB-18-CRM-0160 & 0161**);

Secondly, that the accused “taking advantage of their official functions as such, conspiring with one another x x x;”

Thirdly, that accused in **SB-18-CRM-0160** “did then and there willfully, unlawfully and feloniously falsify the 19 September 2007 BAC Resolution (Award), an official document, and its supporting documents declaring Infinity Architectural Works (Infiniti) as the most qualified consulting firm x x x” and in **SB-18-CRM-0161** that the accused “did then and there willfully, unlawfully and feloniously falsify the 11 January 2008 BAC Resolution, an official document, and its supporting documents declaring Hilmarc’s Construction Corporation (Hilmarc’s) as the bidder who submitted the Lowest Calculated Responsive Bid, x x x” and

Fourthly, these averments in the respective *Informations* were followed by specific allegations of the manner and circumstances of commission of the said offenses, viz: in **SB-18-CRM-0160** - “by making it appear therein that “seven consulting firms – Infiniti, BLG Design Services (BLG), Genesis RR Engineering Services (Genesis), R.B. Padolina & Associates (R.B. Padolina), George A. Paras/Architects (JAPA), MANA Architecture and Interior Design Co. (MANA), JFR Aquino Design (JFR) were sent and received letters inviting them to submit project and contract proposals,” “the seven firms each submitted their respective proposals and participated in the procurement/negotiation process x x x, “when in truth and in fact, as said accused very well knew, that JFR and Genesis did not so participate in the procurement/negotiation process for the architectural and engineering services for the Science Building”; while

⁸ Luis B. Reyes, The Revised Penal Code Annotated, Book II (17th ed.), 2008, p. 215

in **SB-18-CRM-0161** – “by making it appear therein that a public bidding for the said Phase I Construction, compliant with the provisions of Republic Act 9184 x x x was conducted, x x x when in truth and in fact, as said accused very well knew, x x x that there was no such public bidding conducted, there being no such newspaper publication of the IAETB, no such posting of the IAETB x x x.”

It should not be problematic to see that the facts constituting their alleged commission of the offense were adequately alleged to inform the accused of the nature and cause of accusation against them. Jurisprudence dictates that, for as long as the **ultimate facts** constituting the offense have been alleged, an Informations charging violations of Section 3(e) of R.A. No. 3019 and Falsification need not state the finer details of why and how the crime was committed.⁹ The details of Flores’ participation in the charges which he is asking to be stated in the *Informations* are but evidentiary matters that should be addressed during trial.

The allegation that the time of the alleged commission of falsification of the bid proposals was not specified also lacks merit. The precise and accurate time when the crime was allegedly committed is not required, but only the approximation thereof suffices. Considering the averment of facts in the subject *Informations*, the Court concludes that the same sufficiently state the essential facts constituting the respective elements of violation of RA 3019, Section 3(e) and Falsification of Public Documents.

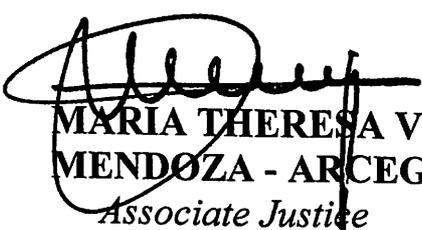
WHEREFORE, the Court finds no basis to quash the *Informations* in the above-cited cases filed against accused Flores, thus, the instant motion is hereby **DENIED**.

SO ORDERED.


MARYANN E. CORPUS - MAÑALAC
Associate Justice

WE CONCUR:


RAFAEL R. LAGOS
Associate Justice
Chairperson


MARIA THERESA V. MENDOZA - ARCEGA
Associate Justice

⁹ See *Lazarte v. Sandiganbayan*, G.R. No. 180122, March 13, 2009, 581 SCRA 431; *People v. Romualdez*, G.R. No. 166510, July 23, 2008, 559 SCRA 492; *Go v. Bangko Sentral ng Pilipinas*, G.R. No. 178429, October 23, 2009, 604 SCRA 322, cited in *People vs. Castillo, et. al.*, G.R. No. 160619, September 09, 2015