



Republic of the Philippines
Sandiganbayan
Quezon City

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-18-CRM-0153 & 0154
For: Violation of Section 3(e)
Republic Act (R.A.) 3019

- versus -

SB-18-CRM-0160 & 0161
For: Falsification of Public
Documents

JEJOMAR C. BINAY, SR. *ET AL.*,
Accused.

Present:
Lagos, *L.*, Chairperson,
Mendoza - Arcega and
Corpus - Mañalac, *II.*

Promulgated:

September 05, 2018 *led*

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RESOLUTION

CORPUS - MAÑALAC, J.:

Submitted for resolution is accused Norman Flores' **Motion for Reconsideration** of the July 4, 2018 Resolution denying his *Motion to Quash*, as well as the prosecution's **Comment** thereto.

The accused begs to disagree with the ruling of this Court in the afore-captioned cases that the Informations sufficiently informed him of the offenses charged, as well as the acts constituting such offenses. The alleged "crucial details" in the Informations are allegedly lacking. Quoting him in his motion, he stated, *viz*:

In SB-18-CRM-0153, the lacking details are the following:

- a) which or whose bid proposals accused Norman Flores allegedly falsified when this could easily be specified if the allegedly falsification really transpired.
- b) when accused Norman Flores allegedly falsified the bid proposals for the contract when this could easily be specified if the alleged falsification really transpired.
- c) the conditions for negotiated procurement or limited source bidding which the accused failed to comply with.

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- d) the required documents and the requirements under RA 9184 and its IRR which were lacking when payments were made to Infinity.

In SB-18-CRM-0154, the lacking details are the following:

- a) the acts of participation of the accused Norman Flores, and the date of such acts of participation, in the alleged falsification of the BAC Resolution and Abstract of Bids and rightly failed to do so because accused Norman Flores was not a member of the Bids and Awards Committee.
- b) the alleged deficiencies in the required existing documents at the time of processing and payment to Hilmarcs Construction.

In SB-18-CRM-0160, the lacking details are the following:

- a) the acts of participation of the accused Norman Flores in the alleged falsification of the BAC Resolution (Award) and rightly failed to do so because accused Norman Flores was not a member of the Bids and Awards Committee.
- b) the supporting documents to the 19 September 2007 BAC Resolution which were allegedly falsified by accused Norman Flores and his co-accused and the time when such falsification was committed which could easily be specified if the allegedly falsification really transpired.

In SB-18-CRM-0161, the lacking details are the following:

- a) the acts of participation of the accused Norman Flores in the alleged falsification of the BAC Resolution and rightly failed to do so because accused Norman Flores was not a member of the Bids and Awards Committee.
- b) supporting documents to the 11 January 2018 BAC Resolution which were allegedly falsified by accused Norman Flores and his co-accused which could easily be specified if the allegedly falsification really transpired.

He asserts that as regards the alleged falsification of the bid proposals and other documents, the present Information as written would be similar to an Information for Homicide or Murder that charges the accused with killing a human being but without mentioning the name of the victim. And that as regards the alleged lack of statement of conditions for negotiated procurement or limited source bidding, the alleged lack of required documents and requirements under RA 9184, and the alleged lack of required documents at the time of processing and payment for the project, the Information as written would be similar to an Information that charges a violation of Art. 350 of the Revised Penal Code for contracting marriage without stating the requirements of the marriage law that have not been complied with.

For its part, the prosecution counters that Flores' motion is a mere re-wording of the arguments he cited in his *Motion to Quash* which have been judiciously discussed by this Court in the Resolution promulgated on July 4,

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2018. Citing the case of *Bacasmás vs. Sandiganbayan*,¹ the Informations are sufficient because it informs the accused of the offenses, as well as the acts constituting such offenses, enabling the accused to prepare for trial.

On the alleged lack of documents or requirements that ought to have been itemized and spelled out in the Informations, the prosecution avers that the details sought by the accused are not defects that should be fleshed out or included in the Informations. These are rather evidentiary matters which are not required to be stated in the Information. The prosecution invokes the ruling in *Pilapil vs. Sandiganbayan*,² as reiterated in the case of *Virata vs. Sandiganbayan*,³ where the Supreme Court held that matters of evidence are not subject of criminal information and are therefore need not be averred.

RULING

The Court agrees with the prosecution, therefore, it is not persuaded to reconsider. The argument of failure to state with sufficient particularity the acts constituting the offenses charged was already raised and squarely addressed in the assailed *Resolution*, viz:

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.⁴ 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.

Flores repetitiously argues that the "crucial details" are lacking in the subject Informations. Contrary thereto, the document alleged to have been falsified in **SB-18-CRM-0153** in connection with the charge of violation of RA 3019, Section 3[e] is referred to in the Information as "*the bid proposals for the Contract*" apparently pointing to the "*Architectural and Engineering Services Contract for the Ten-Storey Makati Science High School with Four Storey Dormitory*" awarded by the Makati City Government to *Infiniti*. On the other hand, the conditions under RA 9184 and its IRR that were allegedly not complied with were also sufficiently referred to in the Information, which stated "*without the required posting of the Invitation to Apply for Eligibility and to Bid (IAETB) x x x.*"

¹ *Bacasmás vs. Sandiganbayan*, G.R. No. 189343, June 10, 2013

² *Pilapil vs. Sandiganbayan*, 221 SCRA 349, 360-361 (1993)

³ *Virata vs. Sandiganbayan*, G.R. No. 106527, April 6, 1993

⁴ 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

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In **SB-18-CRM-0154, 0160 and 0161**, Flores again argues that the Informations lack details of his participation in the alleged falsification of the BAC Resolution and Abstract of Bids. Contrary thereto, and as already ruled in the assailed Resolution, the Informations charged him as then “Computer Operator at the General Services Division,” and “Engineering Assistant and BAC Secretariat Member,” respectively, and of “conspiring with one another” in the manner of commission of the offenses as specifically outlined in the respective Informations. Flores’ argument that he was not a member of the Bids and Awards Committee is rather evidentiary.

The Court carefully considered the ratiocinations of the accused, but finds the same to be mere echoes of his arguments raised in the Motion to Quash filed on June 7, 2018. The pronouncement of the Supreme Court in the case of *Komatsu Industries (Phils.), Inc. vs. Court of Appeals*⁵ is enlightening, viz:

“In the same manner, we readily found that, despite the lengthy and repetitious submissions of petitioner in its pleadings filed with this Court as earlier enumerated, all the arguments therein are also mere rehashed versions of what it posited before respondent court. We have patiently given petitioners postulates the corresponding thorough and objective review but, on the real and proper issues so completely and competently discussed and resolved by respondent court, petitioners obvious convolutions of the same arguments are evidently unavailing.
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Considering the arguments raised are not new, there is no cogent reason for this Court to grant the motion.

WHEREFORE, the instant **Motion for Reconsideration** is DENIED for lack of merit.

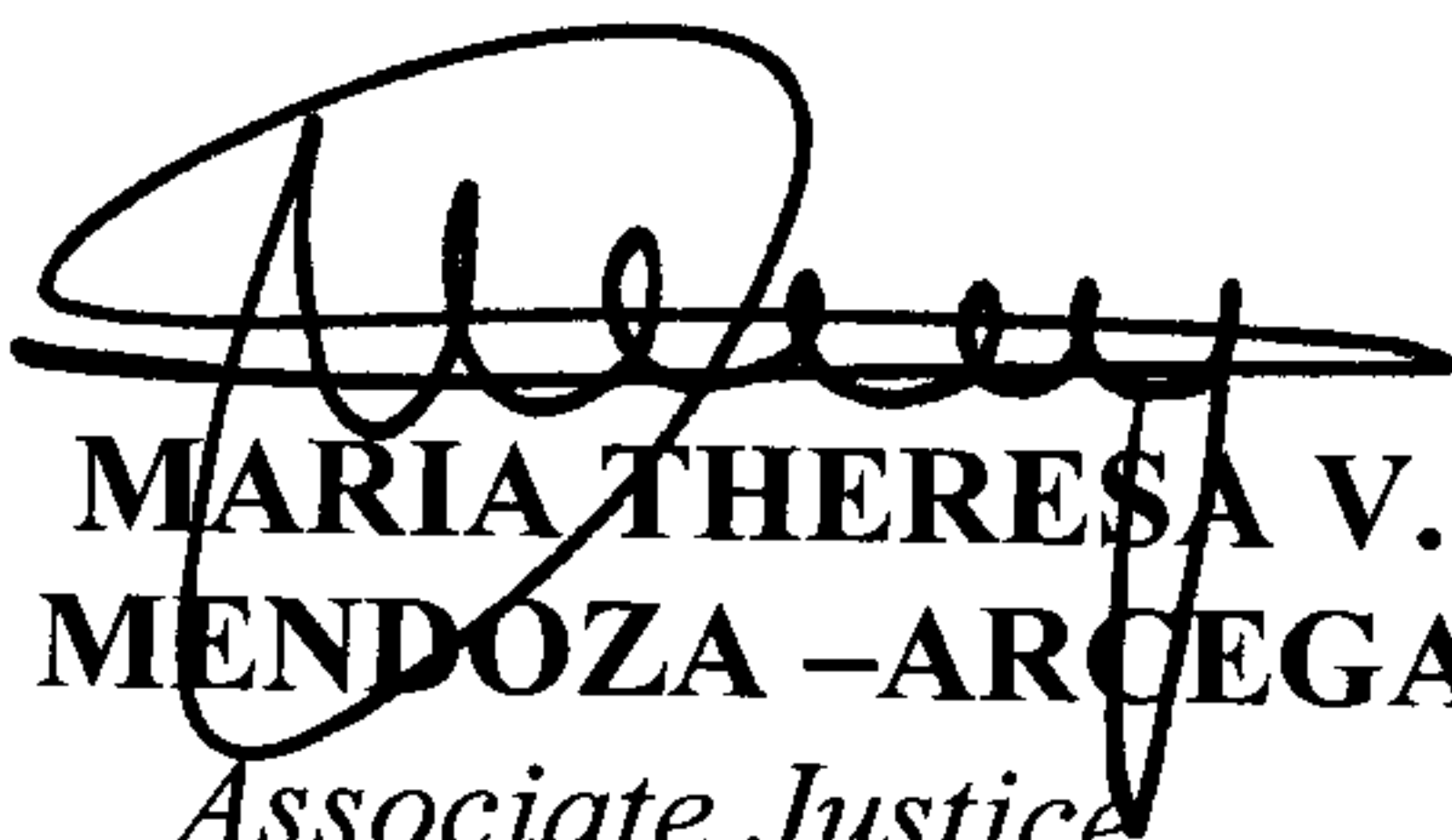
The arraignment set on September 7, 2018 at 8:30 in the morning shall proceed as scheduled.

SO ORDERED.


MARYANN E. CORPUS – MAÑALAC
 Associate Justice

WE CONCUR:


RAFAEL R. LAGOS
 Chairperson
 Associate Justice


**MARIA THERESA V.
 MENDOZA –ARCEGA**
 Associate Justice

⁵ *Komatsu Industries (Phils.), Inc. vs. Court of Appeals*, 289 SCRA 604, 620