



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
QUEZON CITY

SEVENTH DIVISION

MINUTES of the proceedings held on January 29, 2019.

Present:

JUSTICE MA. THERESA DOLORES C. GOMEZ-ESTOESTA ----- Chairperson
JUSTICE ZALDY V. TRESPESES ----- Member
JUSTICE GEORGINA D. HIDALGO ----- Member

The following resolution was adopted:

Crim. Case No. SB-17-CRM-1782 -

People v. Alex A. Centeña, et al.

This resolves the following:

1. Accused Alex A. Centeña, Valentin B. Sobretudo, Meriam F. Celeste, Crispino V. Castro, Jose Rex A. Casipe, Ma. Melanie L. Hilario, Rhoda Lyn G. Panizares, and Anna Lerio Caspillo's "MOTION TO QUASH BASED ON SUPERVENING EVENT WITH ENTRY OF APPEARANCE" dated January 22, 2019;¹ and
2. The Prosecution's "COMMENT/OPPOSITION" dated January 23, 2019.²

GOMEZ-ESTOESTA, J.:

This resolves above-named accused's *Motion to Quash Based on Supervening Event* which yet again seeks the dismissal of the present charge this time around, on ground that an Entry of Judgment has been issued by the Court of Appeals in CA G.R. SP No. 141500 entitled *Valentin B. Sobretudo, et al. v. Task Force Abono Field Investigation Office, Office of the Ombudsman* certifying that the Decision December 21, 2017 issued in said case has become final and executory on June 20, 2018. Accused claim that the decision negated the finding that they have depraved motives or that they have willfully violated the law or blatantly disregarded established rules. Since it is only substantial evidence that warrants the finding of an

¹ Record, Volume 3, pp. 5-34

² Id., pp. 35-38

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administrative liability, it is with more reason that the present case be dismissed as it will certainly be short of the required quantum of proof beyond reasonable doubt. The dispositive portion of the CA Decision stated:

WHEREFORE, the petition is **GRANTED**. The Decision dated July 8, 2013 and Joint Order dated August 26, 2014 of the Office of the Ombudsman in OMB-C-A-0217 are hereby **MODIFIED** insofar as petitioners **VALENTIN B. SOBRETOD0, MERIAM F. CELESTE, CRISPINO V. CASTRO, JOSE REX A. CASIPE, MA. MELANIE L. HILARIO, RHODA LYN G. PANIZARES, JOSE EDESO A. ENRIQUEZ, AND ANNA LERIO CASPILLO** are held administratively liable for **SIMPLE MISCONDUCT** and each **METED** a penalty of suspension without pay for a period of six (6) months.³

SO ORDERED.

In the same *Motion*, accused infuse a discussion on the purported inordinate delay of about seven (7) years which appear to have pervaded in the filing of the charge and thereafter cite a litany of cases to support it.

In its *Comment/Opposition*, the Prosecution argues that the principle of supervening event is usually invoked to stay a final and executory judgment where the “*supervening effect must alter or modify the situation of the parties under the decision as to render the execution inequitable, impossible, or unfair.*” It avers that it is not present in the instant case. The Decision of the Court of Appeals modifying the Ombudsman Resolution did not alter the situation of the parties. It then claims that administrative cases are independent from criminal actions involving the same act or omission; hence, its dismissal cannot be used as basis to dismiss the criminal charge. On accused’s invocation of inordinate delay, the Prosecution points out that the issue has already been resolved by this Court⁴ which, although elevated to the Supreme Court in a Petition for Certiorari and Prohibition, has likewise been denied in its Resolution dated April 16, 2018 issued in G.R. No. 237507.

The *Motion to Quash* should be denied.

Under Section 3, Rule 117 of the Revised Rules of Criminal Procedure, the grounds for the quashal of a complaint or information delineated are **exclusive**.⁵ No other ground should be considered.⁶

Section 3 of Rule 117 enumerates the grounds for the quashal of a complaint or information, as follows:

³ Annex “1” to the *Motion*; Emphasis not ours

⁴ Vide: Resolution dated December 18, 2017 and Resolution dated February 2, 2018

⁵ *Galzote v. Briones, et al.*, G.R. No. 164682, September 14, 2011

⁶ *Tatad v. Sandiganbayan*, supra

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- (a) That the facts charged do not constitute an offense;
- (b) That the court trying the case has no jurisdiction over the offense charged;
- (c) That the court trying the case has no jurisdiction over the person of the accused;
- (d) That the officer who filed the information had no authority to do so;
- (e) That it does not conform substantially to the prescribed form;
- (f) That more than one offense is charged except when a single punishment for various offenses is prescribed by law;
- (g) That the criminal action or liability has been extinguished;
- (h) That it contains averments which, if true, would constitute a legal excuse or justification; and
- (i) That the accused has been previously convicted or acquitted of the offense charged, or the case against him was dismissed or otherwise terminated without his express consent.

Palpably, a supervening event is not recognized as a ground to quash an information, especially after arraignment has been made. This would have been enough to deny the *Motion* outright.

A few words nonetheless.

First. Accused's main reliance on the CA Decision is misplaced. A reading thereof shows that respondents Valentin B. Sobretudo, et al. were actually held administratively liable for Simple Misconduct and each meted a penalty of suspension without pay for a period of six (6) months. The ruling was a modification of the original penalty of dismissal from the service with its accessory penalties. In essence, an administrative liability was found using substantial evidence as the iota of proof. At this instance, it would be highly speculative for the accused to adduce that the same amount of evidence introduced in the administrative charge would be presented against them in the instant criminal case when this is *yet* to be done. Trial has not even started for the Court to weigh the evidence that is about to be presented.

Second. Accused seem to thrive on the belief that the situation has now been altered with the judgment in the administrative case having become final and executory; hence, the allusion to a "*supervening event*." This hardly qualifies as a supervening event since the CA Decision in the administrative case has no effect whatsoever in the criminal case. The penalty of suspension against the accused may be implemented with nary any prejudice in the institution of the criminal action.

In the case of *PANELCO III v. NLRC*,⁷ the supervening event referred to a judgment of conviction in a criminal case while the administrative charge was pending. The Supreme Court concluded that the conviction of the private respondent in the criminal case was admittedly a supervening event, but it nevertheless showed that the administrative charge filed against him for the

⁷ G.R. No. 89876, November 13, 1992

same offense was not unfounded since he was held guilty of the criminal case not by only substantial or preponderant evidence but by proof beyond reasonable doubt.

Applied to this case, it can only be taken that the finality of the judgment in an administrative case is not a cause to extinguish the other, or even render the issue in the criminal case moot and academic. It is not a supervening event that should be a cause for the dismissal of the criminal charge. Notably, accused are harboring an administrative case that did not even exculpate them from any liability but rather, only brought a mitigation thereof. With more reason than that the decision rendered in the administrative case should not bar the institution of the instant criminal charge.

Besides, with the Entry of Judgment, accused have not sufficiently shown that a set of new circumstances developed after the judgment attained finality, including matters that the parties were not aware of prior to or during the pendency of the charge because such matters were not yet in existence at that time.⁸ What new facts have changed in the administrative case so as to affect or interrupt the criminal proceedings case in this case is not clear. Verily, the accused facing administrative sanctions may as well serve the penalty imposed on them without affecting the ongoing criminal proceedings.

Third. This is actually the second time the accused have moved for a dismissal in view of the same CA Decision. During the hearing held on June 29, 2018, accused's counsel premised his motion for a dismissal on "*newly discovered evidence.*" Why a different theory should be lodged at this time, from "*newly discovered evidence*" to one of "*supervening event,*" if only to seek a dismissal of the charge, should not be tolerated.

Fourth. It is no longer within the jurisdiction of this Court to resurrect the issue on inordinate delay. As pointed out by the Prosecution, the Court's Resolution dated December 18, 2017⁹ denying accused Centeña, Sobretedo, Celeste, Castro, Casipe, Hilario, Panizales and Caspillo's *Motion to Quash Information and to Dismiss the Case* and the Resolution dated February 2, 2018¹⁰ denying accused Enriquez' *Omnibus Motion (To Quash Information)* have both been elevated to the Supreme Court via a Petition for Certiorari and Prohibition. In the Resolution dated April 16, 2018 of the Supreme Court issued in G.R. No. 237507, the Petition was dismissed "*for failure to show any grave abuse of discretion in rendering the challenged decision and resolution which, on the contrary, appear to be in accord with the facts and the applicable law and jurisprudence.*" The *finis* to a replicated cause has thus come, and should only bar the present.

⁸ Quoting from *Lomondot, et al. v. Balindong, et al.*, G.R. No. 192463, July 13, 2015

⁹ Record, Volume 1, pp. 331-342

¹⁰ *Id.*, pp. 445-457

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Let trial now ensue. Accused are warned that no similar motion shall be entertained by the Court.

WHEREFORE, the *Motion to Quash Based on Supervening Event* filed by accused Alex A. Centefia, Valentin B. Sobretudo, Meriam F. Celeste, Crispino V. Castro, Jose Rex A. Casipe, Ma. Melanie L. Hilario, Rhoda Lyn G. Panizares, and Anna Lerio Caspillo is **DENIED** for lack of merit.

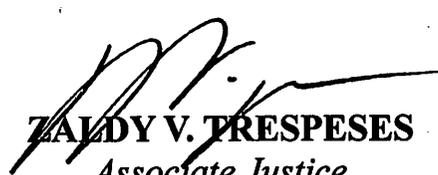
Let the initial presentation of prosecution evidence **PROCEED**, as scheduled, on *February 20, 2019 at 8:30 in the morning*.

The Prosecution is directed to submit judicial affidavits of its witnesses at least five (5) days before the scheduled hearing.

SO ORDERED.


MA. THERESA DOLORES C. GOMEZ-ESTOESTA
Associate Justice, Chairperson

WE CONCUR:


ZALDY V. TRESPESES
Associate Justice


GEORGINA D. HIDALGO
Associate Justice