



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Crim. Case No. SB-18-CRM-0530

For: Violation of Sec. 3(e) of R.A. No. 3019,
As amended.

-versus-

**CRISTETA C. REYES,
YOLANDA F. CABISCUELAS,
JEANETTE C. CASTILLO,**
Accused.

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PEOPLE OF THE PHILIPPINES,
Plaintiff,

Crim. Case No. SB-18-CRM-0531

For: Violation of Sec. 3(h) of R.A. No. 3019,
As amended.

-versus-

CRISTETA C. REYES,
Accused.

Present:

**QUIROZ, J. Chairperson
CRUZ, J.
JACINTO, J.**

Promulgated on:

FEB 22 2019 /s/

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RESOLUTION

CRUZ, J.

This resolves the (1) Motion (To Quash and to Defer Arraignment) dated 12 November 2018 of accused Cristeta C. Reyes ("Reyes"), Yolanda F. Cabiscuelas ("Cabiscuelas"), and Jeanette C. Fruelda ("Fruelda"); and the (2) Prosecution's Opposition (Re: Motion [To Quash and to Defer Arraignment] dated November 12, 2018) dated 28 November 2018.

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Accused Reyes, Cabiscuelas, and Fruelda ("accused" for brevity) moved¹ for the quashal of the herein Informations² claiming that the facts provided therein do not constitute the elements of Section 3 (e) and (h) of R. A. No. 3019. At the outset, the accused posit that their actions in allegedly causing the payment or approving, facilitating, preparing, processing and releasing the payment for the purchase of the 5,000-square meter lot owned by accused Reyes' children, prior to the execution of the Deed of Portion Sale and the conveyance of the said lot to the municipality, do not constitute manifest partiality, evident bad faith or gross inexcusable negligence, nor can they be considered as giving unwarranted benefit, advantage or preference to any person or damage to the government. The accused insist on the validity of the transaction, contending that they followed the necessary procedures prior to the payment of the purchased lot, and the delivery of the said property was made even before the payment thereof. To support their claim, the accused point out that accused Reyes never initiated the purchase of the said property, rather it was the people of *Barangay Santiago* in Malvar, Batangas who petitioned for such purchase. Furthermore, the ownership of the property was fully disclosed to the School Board, the *Sanggunian*, the Provincial Assessor and the Provincial Engineering Office with the corresponding explanation that it was the only suitable property compliant with the DepEd's requirement for the building of the National High School. The validity of the transaction was also confirmed during the budget deliberations, whereby budget officer Leonisa P. Ubeda and the DMB's Regional Director, Julio Pasipicador, agreed that there would be no conflict of interest in purchasing the lot. Even the Commission on Audit found no anomalies regarding the transaction. Thus, the transaction, with full disclosure of the fact of ownership, underwent the regular process duly complying with the requirements as provided by law and rules. Consequently, the accused argue that accused Reyes' reliance on the correctness and strength of the Certifications as well as the Resolutions of the *Sanggunian* and the School Board should not be taken against her as she was merely performing her functions in good faith and in pursuance to the authority given to her. In the same vein, accused Fruelda and Cabiscuelas cannot be faulted for their mere act of signing the disbursement vouchers and checks for they did so after certifying that the docs were complete and proper. The duties of the aforementioned accused were merely ministerial, considering that

¹ Records, pp. 223-256

² Records, pp. 1-5

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all the required documents consummating the transaction are present, and thus, they have no other recourse but to sign the same. The accused further assert that the property was delivered even before the payment of the purchase price, declaring that the physical possession thereof was surrendered as early as March 2009, when the construction of the national high school started. Observing that there was no allegation of any specific injury in the herein Information, the accused also mention that the third element of Section 3 (e) was missing as it requires proof of actual damage. Finally, accused Reyes denies any violation of Section 3 (h), alleging that: 1) she did not have a direct or indirect financial or pecuniary interest in the property; 2) the prosecution merely assumed that she had pecuniary interest because her children owned the property; 3) the property was sold at a price way below its market value; 4) her sole intention was to provide a national high school for her constituents after the latter petitioned for one; and 5) her numerous awards and recognition are proof of her desire for the betterment of her constituents and the absence of any corrupt motive on her part.

The prosecution opposed³ the accused's allegations, arguing that the present motion, which dwelt on the lack of culpability of the accused in denying the existence of probable cause against them, is in reality a motion for judicial determination of probable cause albeit entitled as a motion to quash. The prosecution maintains that the said motion should be denied because the filing of a motion for judicial determination of probable cause is already prohibited under A. M. No. 15-06-10-SC, otherwise known as the *Revised Guidelines for Continuous Trial of Criminal Cases*. Steadfast on the denial of the present motion, the prosecution emphasizes that the fundamental test in considering a motion to quash, on the ground that the factual allegations in the Information do not constitute an offense, is the sufficiency of the averments in the Information. Citing jurisprudence, the prosecution explains that the averments in the Information are deemed adequate when the facts alleged, if hypothetically admitted, would establish the essential elements of the crime. Matters extrinsic or evidence *aliunde* should be excluded, and the trial court cannot consider allegations contrary to those appearing on the face of the Information. In other words, the prosecution states that the viability of a criminal information should be determined on the basis of the allegations contained therein. Following these guidelines, the prosecution concludes that the

³ Records, pp. 500-509



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averments in the herein Informations correspond to each of the elements constituting the violation of Sections 3 (e) and (h) of R. A. No. 3019. The prosecution further underscores that there are two (2) ways of violating Section 3(e), clarifying that the Information herein may not allege any undue injury but it clearly avers that the accused gave unwarranted benefits, advantage, or preference to the children of accused Reyes. The prosecution claims that the accused erred when they anchored their argument on the fact that the Information failed to allege undue injury because the same is just one of the two modes of violating Section 3(e). The prosecution also continues to reject the postulations of the accused, saying that only the ultimate facts must be stated in the Information, and thus, allegations tending to prove the legality of their actions are matters of defense that are better threshed out during the trial.

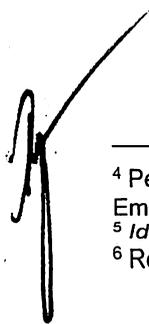
The accused's motion is without merit.

Jurisprudence dictates that a motion to quash an Information on the ground that the facts charged do not constitute an offense should be resolved on the basis of the allegations in the Information whose truth and veracity are hypothetically admitted.⁴ Concomitantly, the pivotal question that must be answered is whether such allegations are sufficient to establish the elements of the crime charged without considering matters *aliunde*.⁵

In this case, two (2) separate Informations⁶ were filed. The first charges all of the accused with violation of Section 3 (e) of R. A. No. 3019, while the second only charges accused Reyes for violation of Section 3 (h) thereof. The respective accusatory portions of the assailed Informations are quoted as follows:

1. Section 3 (e) of R. A. No. 3019

"That on or about **31 July 2009**, or sometime prior or subsequent thereto, in Malvar, Batangas, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, all public officers, **CRISTETA C. REYES**, being then the Municipal Mayor and as such a high ranking officer, **YOLANDA F. CABISCUELAS**, being then the Municipal Treasurer, and **JEANETTE C. FRUELDA**, being then the Municipal Budget Officer, respectively, of the Municipal Government of Malvar, Batangas, while in the performance of their

 ⁴ People of the Philippines vs. Sandiganbayan (Fourth Division), Jessie Castillo, Melencio Arciaga and Emerencio Arciaga, (G. R. No. 160619, September 09, 2015)

⁵ *Id.*

⁶ Records,



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respective administrative and/or official functions and committing the crime in relation to office, taking advantage of their official positions, acting with evident bad faith, manifest partiality, and/or gross inexcusable negligence, conspiring and confederating with one another, did then and there, willfully, unlawfully and criminally give unwarranted benefit, advantage or preference to Katherine, Cynthia Rose, Kristina, Jose Gabriel and Karina, all surnamed Reyes and children of the accused, by causing the payment or approving, facilitating, preparing, processing and releasing the payment in the amount of Php6,650,000.00 for the purchase of the 5000-square meter lot owned by the Reyes children, months prior to the execution of the Deed of Portion Sale conveying the property to the municipality, to the damage and prejudice of the government.

2. Section 3(h) of R. A. No. 3019

"That on or about **21 January 2010**, or sometime prior or subsequent thereto, in the Municipality of Malvar, Batangas, Philippines and within the jurisdiction of this Honorable Court, the above named accused, **CRISTETA C. REYES**, a high ranking public officer, being then the Municipal Mayor of Malvar, Batangas while in the performance of her official and administrative duties, did then and there, willfully, unlawfully and criminally, have direct and/or indirect financial or pecuniary interest in the procurement of the Municipality of Malvar of the 5000-square meter lot owned by accused's children, Katherine, Cynthia Rose, Kristina, Jose Gabriel and Karina, by representing the said municipality in the execution of the Deed of Portion Sale, and by approving or causing the payment of the amount of Php6,650,000.00 in her children's favor, thereby intervening in her official capacity as Mayor in the said transaction of which she had direct or indirect financial or pecuniary interest, to the detriment of public interest."

Notably, violations of Section 3 (e) and (h) of R. A. No. 3019,⁷

⁷ Section 3 (e) and (h) of R. A. No. 3019, states:

"Section 3. *Corrupt practices of public officers.* – In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

xxx

xxx

xxx

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

xxx

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(h) Directly or indirectly having financial or pecuniary interest in any business, contract or

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the entails the concurrence of the following elements:

1. Section 3 (e) of R. A. No. 3019

1. That the accused is a public officer discharging administrative, judicial or official functions;
2. That the accused must have acted with manifest partiality, evident bad faith or gross inexcusable negligence; and
3. That the action of the accused caused any undue injury to any party, including the government, or gave any private party unwarranted benefits, advantage or preference in the discharge of his functions.⁸

2. Section 3 (h) of R. A. No. 3019

1. That the accused is a public officer;
2. That the accused has a direct or indirect financial or pecuniary interest in any business, contract, or transaction; and
3. That the accused either: (a) intervenes or takes part in his official capacity in connection with such interest, or (b) is prohibited from having such interest by the Constitution or by law.⁹

Here, even a cursory look at the accusatory portions of the assailed Informations readily shows that the allegations therein are sufficient¹⁰ to establish the above-enumerated elements of each of the offenses charged, to wit:

1. Section 3 (e) of R. A. No. 3019

1. All of the accused are public officers, **CRISTETA C. REYES**, being then the Municipal Mayor, **YOLANDA F. CABISCUELAS** was the Municipal Treasurer, and **JEANETTE C. FRUELDA** was the Municipal Budget Officer, respectively, of the Municipal Government of Malvar, Batangas, and while in the performance of their respective administrative and/or official functions, they committed

transaction in connection with which he intervenes or takes part in his official capacity, or in which he is prohibited by the Constitution or by any law from having any interest.xxx"

⁸ People of the Philippines vs. Aristeo E. Atienza, et al., (G. R. No. 171671, June 18, 2012)

⁹ Henry T. Go vs. Sandiganbayan (5th Division), et al., (G. R. No. 172602, April 13, 2007)

¹⁰ Section 6, Rule 110 of the Rules of Court states:

"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."

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the crime in relation to their office, taking advantage of their official positions;

2. They acted with evident bad faith, manifest partiality, and/or gross inexcusable negligence, conspiring and confederating with one another;

3. They willfully, unlawfully and criminally give unwarranted benefit, advantage or preference to Katherine, Cynthia Rose, Kristina, Jose Gabriel and Karina, all surnamed Reyes and children of the accused, by causing the payment or approving, facilitating, preparing, processing and releasing the payment in the amount of Php6,650,000.00 for the purchase of the 5000-square meter lot owned by the Reyes children, months prior to the execution of the Deed of Portion Sale conveying the property to the municipality, to the damage and prejudice of the government.

2. Section 3 (h) of R. A. No. 3019

1. Accused **CRISTETA C. REYES** is a high ranking public officer, being then the Municipal Mayor of Malvar, Batangas;

2. She willfully, unlawfully and criminally, had direct and/or indirect financial or pecuniary interest in the procurement of the Municipality of Malvar of the 5000-square meter lot owned by her children, Katherine, Cynthia Rose, Kristina, Jose Gabriel and Karina;

3. She represented the said municipality in the execution of the Deed of Portion Sale, and approved or caused the payment of the amount of Php6,650,000.00 in her children's favor, thereby intervening in her official capacity as Mayor in the said transaction of which she had direct or indirect financial or pecuniary interest, to the detriment of public interest.

From the foregoing, the Court finds that the assailed Informations have accurately alleged the elements of each of the crimes charged,¹¹ specifying the same with such particularity so as to serve its purpose of ensuring that all of the accused are formally informed of the facts and the acts constituting each of the offense, enabling them to suitably prepare their defenses.¹²

All other matters in the motion are evidentiary in nature, which are best addressed during the trial of the case.

¹¹ In *People of the Philippines vs. Sandiganbayan (Fourth Division), Jessie Castillo, Melencio Arciaga and Emerencio Arciaga*, (G. R. No. 160619, September 09, 2015, p. 8), it was held that an Information need only state the ultimate facts constituting the offense and not the finer details of why and how the crime was committed.

¹² *Id.*

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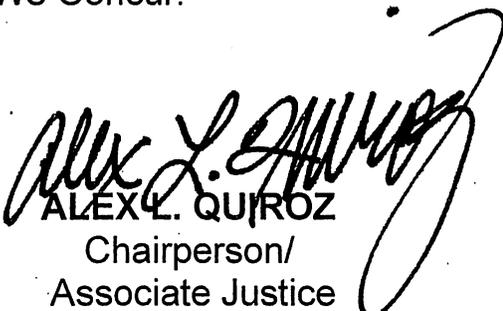
WHEREFORE, premises considered, the Motion (To Quash and to Defer Arraignment) dated 12 November 2018 of accused Cristeta C. Reyes, Yolanda F. Cabiscuelas, and Jeanette C. Fruelda is hereby **DENIED** for lack of merit.

Let the Arraignment of the accused and the Pre-trial of these cases set on 08 March 2019 at 1:30 in the afternoon, proceed as scheduled.

SO ORDERED.


REYNALDO P. CRUZ
Associate Justice

We Concur:


ALEX L. QUIROZ
Chairperson/
Associate Justice


BAYANI H. JACINTO
Associate Justice