



Republic of the Philippines
SANDIGANBAYAN
Quezon City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

Crim. Case No.
SB-16-CRM-0765
For: violation of Sec. 3 (e)
of R. A. No. 3019

ROMULO DE MESA FESTIN,
CHONNA C. SANTOS;
PABLO ILAO ALVARO (+);
ETHELITA E. ORNEDO
LOURDES D. CASTILLO

Accused.

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PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

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SB-16-CRM-0766
For: violation of Sec. 3 (e)
of R. A. No. 3019

ROMULO DE MESA FESTIN,
CHONNA C. SANTOS,
PABLO ILAO ALVARO (+),
ETHELITA E. ORNEDO,

Accused.

X-----X

Present:

CABOTAJE-TANG, A.M.,
PJ/Chairperson
FERNANDEZ, B. R., J.
MORENO, R. B., J.

Promulgated:

JULY 20, 2023

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RESOLUTION

FERNANDEZ, B. R, J.

For resolution is the Motion to Quash dated May 12, 2023 of accused-movant Chonna C. Santos, raising the singular issue that the facts in these cases do not constitute an offense.

Accused-movant Santos posits that, since she was charged to be in conspiracy with her co-accused and with the Decision promulgated on April 14, 2023, acquitting the principal accused, Romulo de Mesa Festin, this Court had already made a judicial determination of the facts in these cases. Thus, the evidence against accused-movant Santos have been shown to be weak, even to support a possible conviction, and further proceeding with the cases will be considered expensive on her part and a wasteful expense of precious time on the part of the Court and the prosecution.

When given time (Minutes, May 18, 2023), the prosecution, in its Opposition dated May 29, 2023, maintains that the position of accused-movant Santos is misplaced.

The prosecution alleges that the subject Motion should be resolved on the basis alone of the allegations in the Informations whose truth and veracity are hypothetically admitted. The arguments raised by accused-movant Santos, *i.e.* the presence or absence of the elements of the offense charged and of conspiracy, are evidentiary in nature and matters of defense that should be passed upon only after a full-blown trial on the merits. The prosecution further argues that a defect pertaining to the failure of an Information to charge facts constituting an offense may be cured by an amendment.

Our ruling.

Let us revisit anew the two Informations charging accused-movant Santos, in conspiracy with the other accused, for violation of Section 3 (e) of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, to wit - -

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Criminal Case No. SB-16-CRM-0765

That on July 7, 2008 or sometime prior or subsequent thereto, in the Municipality of San Jose, Occidental Mindoro, Philippines and within the jurisdiction of this Honorable Court, accused Romulo de Mesa Festin, Chonna Santos, Pablo Ila Alvaro and Ethelita E. Ornedo, all public officers, being then the Municipal Mayor, Municipal Treasurer, Municipal Accountant and Provincial Auditor respectively of San Jose, Occidental Mindoro, acting in relation to their official duties and taking advantage to their official positions, conspiring and confederating with one another and with Lourdes D. Castillo, owner and proprietor of JABL Information Solutions with evident bad faith, manifest partiality or gross inexcusable negligence, did then and there willfully, unlawfully and criminally give unwarranted benefit, advantage or preference to accused Castillo by awarding the contract for the computerization of the Municipal Real Property Tax and Assessment (RPTA) to JABL Information Solutions in the amount of Four Million Four Hundred Ninety Nine Thousand Seven Hundred Twelve Pesos (Php4,499,712.00) without the benefit of a public bidding and the required Bids and Awards Committee (BAC) resolution recommending to accused Festin to resort to alternative mode of procurement and based solely on the recommendation of accused Ornedo and Castillo that JABL Information Solutions was the only company accredited by the COA that could supply such service when it was not, to the prejudice of public interest.

Criminal Case No. SB-16-CRM-0766

That in September 2008 or sometime prior or subsequent thereto, in the Municipality of San Jose, Occidental Mindoro, Philippines and within the jurisdiction of this Honorable Court, the accused, all public officers, Romulo de Mesa Festin, being the Municipal Mayor, Pablo Ila Alvaro, then Municipal Treasurer, Chonna Santos, then Municipal Treasurer, Ethelita Ornedo, then Provincial Auditor, Commission on Audit (COA), all of San Jose Occidental Mindoro, acting in relation to their official duties and taking advantage of their official positions, with evident bad faith, manifest partiality or gross inexcusable negligence, did there and there willfully, unlawfully and criminally give unwarranted benefit, advantage or preference to Minco Enterprise by purchasing four (4) units of multi-cab from Minco Enterprise in the amount of Eight Hundred Fifty Thousand Pesos (Php850,000.00) paid through cash advances, without benefit of a public bidding and the required Bids and Awards Committee (BAC) resolution recommending to accused Festin to resort to negotiated procurement and in violation of COA Circular



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No. 90-331 dated May 3, 1990 to the prejudice of public interest.

Accused-movant Santos insists that the above cited Informations should be quashed on the ground that the facts do not constitute an offense.

The determinative test in appreciating a motion to quash under this rule is the sufficiency of the averments in the information, that is, the facts alleged, if hypothetically admitted, would establish the essential elements of the offense as defined by law without considering matters *aliunde* (Jalandoni vs. Office of the Ombudsman, G.R. Nos. 211751, 217212-80, 244467-535 & 245546-614, [May 10, 2021]; People vs. Romualdez, G.R. No. 166510, [July 23, 2008], 581 Phil 462-488). Matters *aliunde* or those beyond what is alleged in the Information are not considered (Jalandoni, *ibid.*).

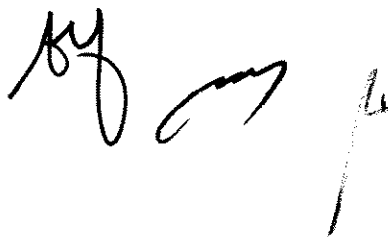
Section 6, Rule 110 of the Revised Rules of Criminal Procedure, provides the criteria for determining the sufficiency of an Information, thus - -

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.

When the offense is committed by more than one person, all of them shall be included in the complaint or information.

In *People vs. Sandiganbayan (Fourth Division)* (G.R. No. 160619, September 9, 2015), the Supreme Court further declared, to wit - -

For as long as the ultimate facts constituting the offense have been alleged, an Information charging a violation of Section 3 (e) of R.A. No. 3019 need not state, to the point of specificity, the exact amount of unwarranted benefit granted nor specify, quantify or prove, to the point of moral certainty, the undue injury caused. We have consistently and repeatedly held in a number of cases 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.

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Similarly, the allegation of conspiracy, its methods and details, need not be specifically stated in the Informations.

The Supreme Court in *Go vs. Sandiganbayan* (G. R. No. 172602, April 13, 2007) has already declared that the details on how petitioner Go had taken part in the planning and preparation of the alleged conspiracy need not be set forth in the Information as these are evidentiary matters, and, as such, are to be shown and proved during the trial on the merits.

Guided by the foregoing and after a close examination of the subject Informations, it is clear that the requirements set forth in Sec. 6, Rule 110, of the Revised Rules of Criminal Procedure, earlier cited, were met, namely - - *the name of the accused* - Chonna C. Santos; *the designation of the offense* - a violation of Section 3 (e) of R. A. No. 3019; *the acts or omissions complained of as constituting the offense* - as detailed in the accusatory portion of the subject Informations; *the name of the offended party* - People of the Philippines; *the approximate dates of commission* - on July 7, 2008 or sometime prior or subsequent thereto (Crim. Case No. SB-16-CRM-0765) and in September 2008 or sometime prior or subsequent thereto (Crim. Case No. SB-16-CRM-0766); and, - *the place where the offense was committed* - Municipality of San Jose, Occidental Mindoro, Philippines.

Although it is the belief, albeit erroneous, of accused-movant Chonna C. Santos that the exoneration of accused Festin should also equate to her own acquittal, this remains to be a *non sequitur*. This Court still needs to consider and evaluate the evidence for and against her.

The issue raised by the accused-movant Santos cannot be considered in evaluating the sufficiency of the subject Informations. Her allegation refers to evidence *aliunde* which would be better ventilated fully during a trial on the merits.

WHEREFORE, in light of the foregoing, the Motion to Quash of accused-movant Chonna C. Santos dated May 12, 2023 is hereby **DENIED** for lack of merit.

SO ORDERED.


BERNELITO R. FERNANDEZ
Associate Justice



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We concur:

AMPARO M. CABOTAJE-TANG
Presiding Justice/Chairperson


RONALD B. MORENO
Associate Justice

by