



Republic of the Philippines

Sandiganbayan

Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on 23 November 2023.

Present:

Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA----- Chairperson
Justice ZALDY V. TRESPESES----- Member
Justice EDGARDO M. CALDONA----- Member*

The following resolution was adopted:

Crim. Case No. 26352-26353- People vs. FRANCISCO REYES, et al.

This resolves the following:

1. Accused Teodoro C. Lim's "MOTION TO QUASH" dated November 3, 2023.¹
2. Prosecution's COMMENT (Re: Accused Teodoro C. Lim's Motion to Quash dated 3 November 2023) dated November 10, 2023.²

TRESPESES, J.

This resolves the Motion to Quash filed by accused Teodoro C. Lim, thru counsel.

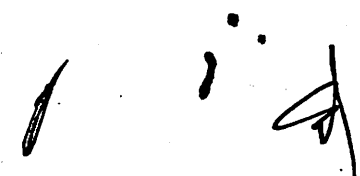
ANTECEDENTS

On 12 April 2019, the court rendered a decision finding accused Francisco Reyes, Robert Nacianceno, Alfredo Macapugay, Ramon Mateo, Dante Villoria, Octavio Cababa, Margarito Chan and Dickson Lim, guilty beyond reasonable doubt of the offense of Violation of Sec. 3(e) of R.A. No. 3019. Accused Villoria, Macapugay, Chan, Mateo and Dickson Lim filed a Notice of Appeal. On 8 February 2023, the Supreme Court promulgated its Decision in *People v. Villoria* docketed as G.R. Nos. 247563 and 250517, acquitting said accused due to insufficiency of evidence. The acquittal was due to the fact that the subject warehouse, which the information stated did not exist, did exist, as well as the absence of their criminal participation.

* Per A.O. No. 294-2023 dated November 21, 2023.

¹ Record, Vol. 13, pp. 374-424.

² Id. at 427-431.



ACCUSED TEODORO LIM'S MOTION

Accused Lim, who remains at large, now prays that the Amended Information dated 11 February 2003 be quashed on the ground that the facts charged in the information do not constitute an offense. He claims that decisions of the Supreme Court are proper subjects of mandatory judicial notice. Thus, the Court can take mandatory judicial notice of the ruling in *People v. Villoria*. He further alleges that in resolving motions to quash, generally the court cannot go beyond what is stated in the information, but the same admits exceptions.

The first exception is when the prosecution admits matters *aliunde* or outside the scope of the information. He contends that the decision in *Villoria* is evidence *aliunde* that can be considered in resolving the motion to quash. While the prosecution did not admit the existence of the warehouse in this case, the ruling in *Villoria* binds the prosecution so that an admission is no longer required.

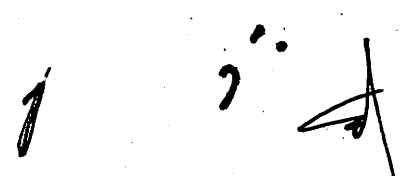
The second exception is when the Rules so permit. A.M. No. 15-06-10-SC or the Revised Guidelines on Continuous Cases provides that a motion to quash on the ground that the facts charged do not constitute an offense is considered meritorious motion that is supported by relevant documents and/or competent evidence. In *Garcia v. Court of Appeals*,³ it was held that a motion to quash may be based on factual and legal grounds. Further, when the ground invoked is that the allegations in the information do not constitute the offense charged, inquiry into such facts outside the information may be allowed.

The third exception is when facts are revealed by evidence presented by both parties during the hearing on a motion to quash on the ground that the allegations in the information do not charge an offense, and such facts destroy the prima facie truth accorded to the allegations of the information on the hypothetical admission thereof.

Accused Lim also invokes *Lorenzo v. Sandiganbayan*⁴ in which the Supreme Court dismissed the case against therein accused based on evidence *aliunde* presented, such as rulings of the Ombudsman in similar cases involving the same parties and factual backdrop.

³ G.R. No. 119063 (1997).

⁴ G.R. Nos. 242506-10 (2022)



PROSECUTION'S COMMENT

The prosecution opposes the motion and alleges that accused is a fugitive from justice who has no legal standing and should be denied any judicial relief. They cite *Rodriguez v. COMELEC*⁵ which defined "fugitive from justice" as those who flee after conviction to avoid punishment or who flee after being charged to avoid prosecution. They mention that Lim was at large during the entire proceedings before the Sandiganbayan and only appeared now after the Supreme Court issued a favorable decision in *People v. Villoria*.

The prosecution further claims that jurisdiction over the accused's person is obtained either through arrest or through voluntary appearance in court. The court did not acquire jurisdiction over accused Lim since he did not voluntarily appear or participate in the trial. As a result, even in the form of a relief of quashal of the information, the verdict in *Villoria* should not be made to apply to him.

The cases cited by accused in which the Supreme Court weighed extrinsic evidence in resolving the motion to quash were those in which the accused submitted themselves to the court's jurisdiction. Such circumstance is not obtaining in this case. In *Navarro*, the extrinsic evidence is the admission made by the fiscal during the pre-trial where the accused was also present; in *Dela Rosa*, the accused was held in custody while the trial was ongoing; and in *Lorenzo*, the accused actively participated throughout the proceedings before the Ombudsman until the case reached the court. What is common in all the cases mentioned is that the accused were all acting in good faith. Accused Lim, on the other hand, cannot assert good faith.

Finally, the prosecution submits to the sound discretion of the court the matter on judicial notice as to the ruling in *Villoria*.

OUR RULING

The motion is meritorious.

I. *On the procedural aspect*

At the outset, the court notes that accused Lim is at large and as such, the court has no jurisdiction over his person. It should be noted that jurisdiction over the person of the accused is acquired upon his or her: (1) arrest or apprehension, with or without a warrant; or (2) voluntary appearance

⁵ G.R. No. 120099, 24 July 1996 (328 PHIL 624-682).

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or submission to the jurisdiction of the court. It allows the court to render a decision that is binding on the accused.

Moreover, in criminal cases, jurisdiction over the person of the accused may be acquired when accused files any pleading seeking an affirmative relief, except when he or she invokes the special jurisdiction of the court by impugning such jurisdiction over his or her person.⁶ It was further held in *Santiago v. Vasquez*⁷ that, voluntary appearance of the accused is accomplished either by his pleading to the merits (such as by filing a motion to quash or other pleadings requiring the exercise of the court's jurisdiction thereover, appearing for arraignment, entering trial) or by filing bail.

The prosecution argues that the ruling in *Rodriguez v. COMELEC* should be made to apply in this case. As such, accused Lim is regarded a fugitive from justice with no legal standing in court. The term "fugitive from justice" was first defined by the Court in the related case of *Marquez v. COMELEC*⁸ which addressed whether Rodriguez, a gubernatorial candidate in the Province of Quezon, is a fugitive from justice since he fled the United States with a criminal charge against him pending in the Municipal Court of Los Angeles, California. However, said definition may no longer apply to accused Lim because he voluntarily submitted his person to the jurisdiction of the court when he filed the instant motion to quash praying for an affirmative relief.

Considering the foregoing, the court acquired jurisdiction over the person of accused Lim.

II. *On the substantive aspect*

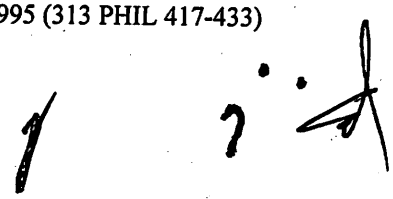
A motion to quash challenges the efficacy of an Information and compels the court to determine whether the Information suffices to compel an accused to suffer the rigors of a trial. Where the Information is insufficient and thus cannot be the basis of any valid conviction, the court must drop the case immediately and save an accused from the anxiety and inconvenience of a futile trial.

Further, a motion to quash an Information on the ground that the facts charged do not constitute an offense should be resolved based on the allegations in the Information whose truth and veracity are hypothetically

⁶ *Villa Gomez v. People*, G.R.a No. 216824, 10 November 2020.

⁷ *Santiago v. Vasquez*, G.R. Nos. 99289-90 (Resolution), 27 January 1993 (291 PHIL 664-684).

⁸ *Marquez, Jr. v. Commission on Elections*, G.R. No. 112889, 18 April 1995 (313 PHIL 417-433)



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admitted. Therefore, matters *aliunde* are not to be considered.⁹ However, there are recognized exceptions to the general rule.

As held in *People vs. Navarro*,¹⁰ additional facts not alleged in the information, but admitted or not denied by the prosecution may be invoked in support of the motion to quash. The pertinent portion thereof reads:

Prima facie, the "facts charged" are those described in the complaint, but they may be amplified or qualified by others appearing to be additional circumstances, upon admissions made by the people's representative, which admissions could anyway be submitted by him as amendments to the same information. It would seem to be pure technicality to hold that in the consideration of the motion the parties and the judge were precluded from considering facts which the fiscal admitted to be true, simply because they were not described in the complaint. Of course, it may be added that upon similar motions the court and the fiscal are not required to go beyond the averments of the information, nor is the latter to be inveigled into a premature and risky revelation of his evidence. But we see no reason to prohibit the fiscal from making, in all candor, admissions of undeniable facts, because the principle can never be sufficiently reiterated that such official's role is to see that justice is done; not that all accused are convicted, but that the guilty are justly punished. Less reason can there be to prohibit the court from considering those admissions, and deciding accordingly, in the interest of a speedy administration of justice.

Another exception, as correctly raised by accused, is where, during a hearing on a motion to quash based on the grounds that the allegations of the information do not charge an offense, accused presented facts or evidence that destroy the prima facie truth accorded to the allegations of the Information on the hypothetical admission thereof.¹¹

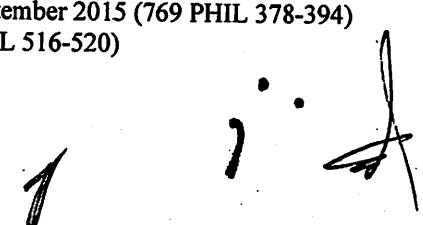
In here, accused Lim invokes the decision of the Supreme Court in *People v. Villoria* docketed as G.R. Nos. 247563 and 250517. The court is aware of the said decision where the Supreme Court declared as follows:

It is a cardinal principle in criminal law that the prosecution has the burden of proving the elements of the offense charged. *Taking into consideration the fact that the prosecution's graft and corruption charge against Macapugay et al. is primarily anchored on the allegation that the warehouse subject of the expropriation proceedings does not exist, the finding of this Court that the 457.2-square meter warehouse once stood on Servy Realty's lot warrants the dismissal of the case against them. As the existence of the 457.2-square meter warehouse was duly proven and explained, the third and fourth elements of Section 3(e) of Republic Act*

⁹ *People v. Sandiganbayan (Fourth Division)*, G.R. No. 160619, 9 September 2015 (769 PHIL 378-394)

¹⁰ *People v. Navarro*, G.R. Nos. L-1 & L-2, 4 December 1945 (75 PHIL 516-520)

¹¹ *People v. De La Rosa*, G.R. No. L-34112, 25 June 1980.



No. 3019 were not established. The just and logical consequence is for this Court to declare that there is no irregularity in the payment of just compensation and that no crime was committed by Macapugay, et al. The prosecution failed to prove beyond reasonable doubt the non-existence of the subject warehouse from which criminal liability may arise. Therefore, Macapugay, et al. are acquitted. (Emphasis supplied)

The findings in *Villoria* are binding in this case because they involve the same parties and subject matter. It should be remembered that the *Villoria* stemmed from this case.

Further, the Court's decision in *Villoria* already forms part of this case. The findings were not denied by the prosecution in its comment. As held in *Lorenzo v. Sandiganbayan*,¹² facts apparent from the records and not denied by the prosecution; while they may not constitute admissions on the part of the prosecution, they still fall within the spirit and principle of the ruling in *Navarro*, as there should be no distinction between facts merely admitted and undeniable facts appearing on the record of the case.

Moreover, the findings in *Villoria* which conclusively established the existence of the subject warehouse, destroy the prima facie truth accorded to the allegations of the information based on the hypothetical admission thereof, viz, that the warehouse owned by Servy Realty subject of the expropriation does not exist. Thus, the court posits that continuing the case against accused Lim would be a waste of time and a useless act because the same defenses, evidence and facts would have to be presented again. It is fundamental that Supreme Court's decisions form part of the legal system, and a court's refusal to apply them constitutes a breach of its duties to resolve a dispute in conformity with the law.¹³ Consequently, in accordance with the principle of conclusiveness of judgment, the court deemed it proper not to disturb what has already been settled.

Accordingly, with the declaration in *Villoria* that the prosecution's theory of an allegedly non-existing warehouse actually existed, and that accused Lim's supposed liability is anchored on such existence, the criminal charge for violation of Sec. 3(e) of R.A. No. 3019 has no leg to stand on.

WHEREFORE, premises considered, accused Teodoro C. Lim's Motion to Quash is **GRANTED** and the Information insofar as said accused is concerned is hereby quashed.

¹² Supra note 4.

¹³ *Peltan Development, Inc. v. Court of Appeals*, G.R. No. 117029, 9 March 1997 (336 PHIL 824-837).

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Minute Resolution

People v. Francisco Reyes, et al.

Crim. Case Nos. 26352-26353

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In view of the quashal of the Information, the case against accused Lim is hereby ordered **DISMISSED**.

SO ORDERED.

Quezon City, Philippines.

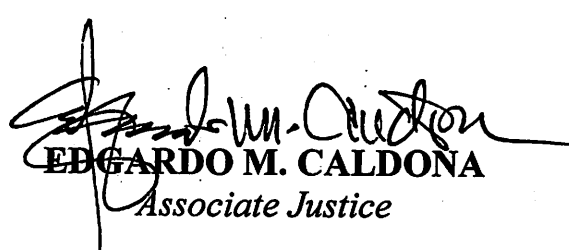


ZALBY V. TRESPESSES
Associate Justice

WE CONCUR:



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



EDGARDO M. CALDONA
Associate Justice