



Republic of the Philippines
SANDIGANBAYAN
Quezon City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

**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-

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

Accused.

X-----X

Crim. Case No.

SB-16-CRM-0765

*For: violation of Sec. 3 (e) of
R. A. No. 3019*

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SB-16-CRM-0766

*For: violation of Sec. 3 (e) of
R. A. No. 3019*

Present:

CABOTAJE-TANG, A.M.,

*Presiding Justice and
Chairperson*

FERNANDEZ, B. R., J.

MORENO, R. B., J.

Promulgated:

APRIL 29, 2024

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R E S O L U T I O N

FERNANDEZ B. R, J.

This resolves the Motion filed by movant-accused Ethelita E. Ornedo dated November 17, 2023, seeking a reconsideration of the Resolution of this Court dated November 15, 2023, denying her Omnibus Motion to Quash dated June 2, 2023.

To recall, the Omnibus Motion to Quash of movant-accused Ornedo was principally triggered by the manifestations of the prosecution, before the Office of the Division Clerk of Court, that it will be adopting the evidence it had previously presented during the earlier trial on the merits of acquitted accused Romulo Festin and that it no longer intends to present additional evidence against movant-accused Ornedo.

This prompted movant-accused Ornedo to seek a dismissal of the cases against her through an Omnibus Motion to Quash dated June 2, 2023.

After the prosecution filed its Opposition dated August 7, 2023, this Court denied the Omnibus Motion of movant-accused Ornedo in its Resolution dated November 15, 2023.

Hence, this pending plea.

Movant-accused Ornedo, in her Motion for Reconsideration, principally argues that this Court has the power to consider evidence *aliunde* in these cases, as the trial had been concluded in so far as acquitted accused Romulo Festin is concerned as well as the manifestation of the prosecution that it will no longer present additional evidence against her.

She also maintains that the prosecution failed to show proof to establish conspiracy and undue injury.

Movant-accused Ornedo further questions the jurisdiction of this Court to try her, as the principal accused, Romulo Festin, was already acquitted, hence, removed as an accused in these cases. Consequently, she maintains that the remaining accused, including her, who hold positions below salary grade 27, now fall beyond the jurisdiction of this Court, citing Republic Act No. 10660 as basis.



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When given time (Minutes, November 20, 2023), the prosecution filed its Opposition dated January 15, 2024.

It argues that the reliance by movant-accused Ornedo on the Decision promulgated on April 14, 2023, particularly on the acquittal of Romulo Festin, is misplaced.

Although the rule on allowing evidence *aliunde* admits exceptions, the prosecution maintains that the exceptions are inapplicable to these cases. Citing *Valencia vs. Sandiganbayan* (G.R. No. 141336, June 26, 2004), the prosecution argues that in order to fall under the exception, it is essential that there be no objection from the prosecution. Herein, the prosecution not only objected to the presentation of extraneous facts but also opposed the Motion to Quash of movant-accused Ornedo.

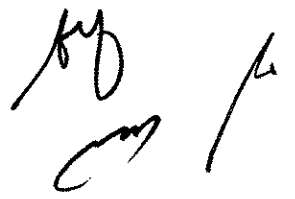
The prosecution further alleges that, in the absence of a conspiracy, each of the accused will be responsible only for the consequences of their individual acts. Thus, any evidence that will be presented against movant-accused Ornedo will have to be independently evaluated and weighed by this Court. At this point, there is no certainty as to the actual or possible outcome of the cases as far as movant-accused Ornedo is concerned.

We now rule.

It would appear from a close reading of the Motion for Reconsideration, as well as the earlier Omnibus Motion to Quash, that the principal direction of movant-accused Ornedo is that the acquittal of Romulo Festin should, in the same vein, lead also to her acquittal and that the manifestation of the prosecution that no additional evidence will be presented against movant-accused Ornedo other than those already presented against acquitted accused Romulo Festin should be considered as evidence *aliunde* in her favor.

This is a *non sequitur*.

It should be remembered 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. The question that must be answered is whether such allegations are sufficient to establish the elements of the crime charged without considering matters



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aliunde (People vs. Sandiganbayan (4th Div.), *et al.*, G. R. No. 160619, September 9, 2015; Domingo vs. Sandiganbayan, G. R. No. 109376, January 20, 2000).

In proceeding to resolve the issue, courts must look into these matters: 1) what must be alleged in a valid information; 2) what are the elements of the crime; and, 3) whether these elements are sufficiently stated in the information (*ibid.*).

This Court is also mindful of an exception to this general rule. In *Lorenzo vs. Sandiganbayan* (6th Div.) and the People (G.R. Nos. 242506-10, September 14, 2022) and *Yap vs. Sandiganbayan* (6th Div.) and the People (G.R. No. 242590-94, September 14, 2022), the Supreme Court ruled that - - in the application of the exception to the general rule on non-admission of evidence *aliunde* in a motion to quash on the ground that the allegations of the information do not charge an offense, what is controlling is the presence of facts that are apparent from the records and are admitted, directly or impliedly, or not denied by the prosecution, which destroy the *prima facie* truth accorded to the allegations of the information on the hypothetical admission thereof.

This exception does not apply to these cases.

It is clear that the subject Informations are not defective, as they sufficiently establish the designation of the offense, the acts complained of, among others. As mentioned earlier, the matters *aliunde* that movant-accused Ornedo would want this Court to consider pertain to the acquittal of Romulo Festin and how this would affect her cause.

The issues raised and emphasized by movant-accused Ornedo are matters of defense and thus, cannot be considered in evaluating the sufficiency of the subject Informations. The same largely pertain to extrinsic matters or evidence *aliunde*.

It should be emphasized that the acquittal of Romulo Festin is irrelevant at this point. The decision of the Court regarding one accused does not automatically mean that the same finding will be rendered for the other accused who were not tried with the acquitted accused.

Movant-accused Ornedo further insists that with the acquittal of the principal accused, Romulo Festin, the allegation of a conspiracy will, as a matter course, fall. Consequently, without Romulo Festin, this Court no longer

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has jurisdiction to try her cases because she and the remaining co-accused hold positions below salary grade 27.

We are not convinced.


The doctrine of adherence (continuity) of jurisdiction explains that once a court has acquired jurisdiction, that jurisdiction continues until the court has done all that it can do in the exercise of that jurisdiction. This principle also means that once jurisdiction has attached, it cannot be ousted by subsequent happenings or events, although of a character which would have prevented jurisdiction from attaching in the first instance (*Abad, et al. vs. Regional Trial Court of Manila, Br. 52, et al., G. R. No. L-65505, October 12, 1987*).

The circumstance raised by movant-accused Ornedo is not a valid ground for this Court to lose its jurisdiction.


Whether movant-accused Ornedo acted alone or in conspiracy with Romulo Festin, will certainly require a careful and meticulous study of the evidence presented. Without sounding repetitive, the criminal liability, or the lack of it, of the remaining accused will still be subjected to close scrutiny, even if the prosecution no longer intends to present any additional evidence.

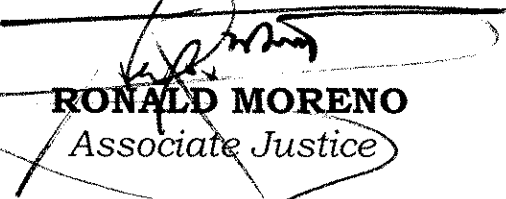
WHEREFORE, premises considered, the Motion for Reconsideration of movant-accused Ethelita C. Ornedo dated November 17, 2023 is hereby **DENIED** for lack of merit.

SO ORDERED.


BERNELITO R. FERNANDEZ
Associate Justice

We concur:


AMPARO M. CABOTAJE-TANG
Presiding Justice/ Chairperson


RONALD MORENO
Associate Justice