



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-23-CRM-0079

For: Violation of Section 3(g) of
Republic Act No. 3019, as amended

- versus -

Present:

FERNANDEZ, SJ, J.,
Chairperson,
MIRANDA, J. and
VIVERO, J.

DARWIN C. ESTRAÑERO,
Accused.

Promulgated:

April 23, 2024 [Signature]

X-----X

RESOLUTION

FERNANDEZ, SJ, J.:

This resolves the following:

1. Accused Darwin C. Estrañero's *Motion to Dismiss/Quash Based on Supervening Event*;¹
2. The prosecution's *Manifestation (In Lieu of Comment/Opposition on the Motion to Dismiss/Quash)*;² and,
3. The prosecution's *Motion to Withdraw Information*.³

In the Resolution dated October 4, 2023,⁴ the Court directed the Office of the Ombudsman to resolve accused Estrañero's partial motion for reconsideration then pending before the said office. Later,

¹ Dated March 24, 2024 and filed on March 25, 2024

² Dated April 1, 2024 and filed on April 2, 2024

³ Dated April 15, 2024

⁴ Record, Vol. 2, pp. 80-88

[Signature]

[Signature]

[Signature]

RESOLUTION
People v. Estrañero
SB-23-CRM-0079

Page 2 of 7

X -----X

upon motion, the Court gave the prosecution another 45 days within which to comply with the directive in the said Resolution.⁵

In its *Compliance*,⁶ the prosecution submitted the Office of the Ombudsman's *Consolidated Order*,⁷ granting accused Estrañero's Motion for Partial Reconsideration (of the Office of the Ombudsman's *Consolidated Resolution*⁸) and dismissing the cases against him. The dispositive portion of the *Consolidated Order* reads:

WHEREFORE, in view of the foregoing, the instant "Motion for Partial Reconsideration," dated August 11, 2023, filed by respondent **DARWIN C. ESTRAÑERO** is granted. The instant cases against him are **DISMISSED**, without prejudice to the refiling of a similar complaint in case additional evidence are received or discovered, or other circumstances emerge that may warrant the said refiling.

SO ORDERED.

In his *Motion to Dismiss/Quash*, accused Estrañero now prays that the Court admit and consider his instant motion; that the present case be dismissed; and that the Information be quashed. He avers:

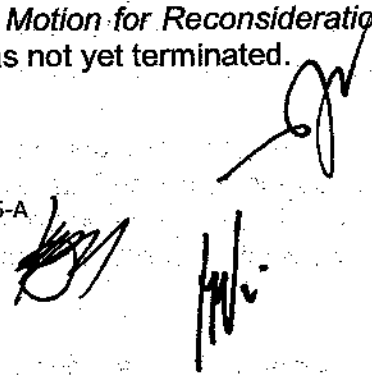
1. Under Administrative Order No. 7, preliminary investigation was deemed terminated with the resolution finding probable cause, which allowed the filing of the corresponding information in court, notwithstanding the filing of a motion for reconsideration or reinvestigation.
2. However, Administrative Order No. 1, Series of 2020 changed the period when preliminary investigation is deemed terminated.
3. A motion for reconsideration is recognized as part of the preliminary investigation, which is deemed terminated only when the resolution of the complaint, including a motion for reconsideration, is approved by the Ombudsman or any of the approving officers mentioned in Rule II, Sec. 9 of Administrative Order No. 1, Series of 2020.
4. When he filed his *Motion for Partial Motion for Reconsideration* [sic], the preliminary investigation was not yet terminated.

⁵ Resolution dated December 7, 2023; Record, Vol. 2, p. 95-A

⁶ Dated February 15, 2024; Record, Vol. 2, pp. 120-122

⁷ Dated January 26, 2024; Record, Vol. 2, pp. 123-140

⁸ Record, Vol. 1, pp. 7-63



RESOLUTION
People v. Estrañero
SB-23-CRM-0079

Page 3 of 7

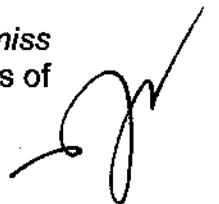
X-----X

5. The filing of the present Information with the Court prior to the full and complete termination of the preliminary investigation can be reasonably regarded as premature and prejudicial.
6. The Court's Resolution dated August 18, 2023⁹ finding probable cause for the issuance of a warrant of arrest admits to perusing the Information and evaluating the resolution of the prosecutor, the evidence in support thereof, and the records of the preliminary investigation.
7. However, the *Consolidated Order* dated January 26, 2024 superseded the *Consolidated Resolution* dated November 28, 2022, which was the basis for the Court's evaluation to determine probable cause to issue a warrant of arrest.
8. Although *Crespo v. Mogul* explained that once an information is filed in court, any disposition of the case rests in its sound discretion, being the best and sole judge of what to do with the case, it was likewise ruled that where there is a clash of views between a judge who did not investigate and a prosecutor who conducted a reinvestigation, those of the prosecutor should normally prevail because prosecuting officers not only have the authority and duty to prosecute those who, according to the evidence received from the complainant, are shown to be probably guilty of the crime. They also have the legal duty not to prosecute when after an investigation they are convinced that the evidence is insufficient to establish a *prima facie* case.
9. The *Consolidated Order* dated January 26, 2024 constitutes a supervening event that reinstated the case to the preliminary investigation stage where the investigating prosecutor's evaluation found insufficient evidence to charge the respondent before the court. The case deserves to be re-examined, and the Court may consider the said *Consolidated Order*, and not proceed with the case in the hope that evidence might later turn up or that the findings of deficiencies are defenses better threshed out in the trial.

In its *Manifestation*, the prosecution states:

1. Accused Estrañero's *Motion to Dismiss* is a disguised motion for reconsideration of the Court's earlier Resolution dated October 4, 2023 finding probable cause in the instant case. It is too late to assail the Court's finding of probable cause.
2. The grounds accused Estrañero relies on in his *Motion to Dismiss* are not included under Rule 117, Sec. 3 of the Revised Rules of

⁹ Record, Vol. 2, p. 6



RESOLUTION
People v. Estrañero
SB-23-CRM-0079

Page 4 of 7

X -----X

Criminal Procedure, nor was it filed with leave of court. Thus, it is a prohibited motion and a mere scrap of paper.

3. Accused Estrañero's claim that the Office of the Ombudsman's Resolution dated January 24, 2024 effectively withdraws the authority of the prosecutor to file the Information in court holds no water.
4. There is nothing in law, the Revised Rules of Criminal Procedure, or jurisprudence, to support accused Estrañero's contentions. As held in *Crespo v. Mogul*, once an information is filed in court, any disposition of the case rests in the sound discretion of the court.

Subsequently, the prosecution filed its *Motion to Withdraw Information*, wherein it prays that it be allowed to withdraw the Information in the present case, considering the Office of the Ombudsman's dismissal of the cases against the accused.

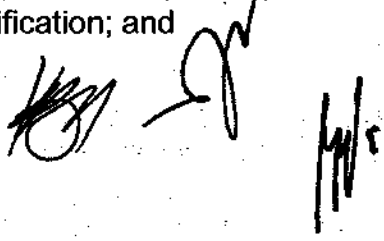
THE COURT'S RULING

The Court resolves to deny accused Estrañero's *Motion to Dismiss/Quash*. Conversely, the prosecution's *Motion to Withdraw Information* should be granted.

First, Rule 117, Sec. 3 of the Rules of Court, on the grounds for a motion to quash, provides:

Sec. 3. Grounds. – The accused may move to quash the complaint or information on any of the following grounds:

- (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



RESOLUTION
People v. Estrañero
SB-23-CRM-0079

Page 5 of 7

X-----X

- (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.

As pointed out by the prosecution, the grounds cited by accused Estrañero are not among those in Rule 117, Sec. 3 of the Rules of Court.

Next, the issuance of the Office of the Ombudsman's *Consolidated Order* will not result in the automatic dismissal of the case or withdrawal of the Information.

Indeed, Section 9 of the Office of the Ombudsman's Administrative Order No. 1, Series of 2020¹⁰ provides that the preliminary investigation is deemed terminated when the resolution of the complaint, including the motion for reconsideration, is approved by the Ombudsman or the Overall Deputy Ombudsman/Special Prosecutor/Deputy Ombudsman concerned. However, it did not amend the *Rules of Procedure of the Office of the Ombudsman*¹¹ to prohibit the filing of an information in court before the motion for reconsideration is resolved.

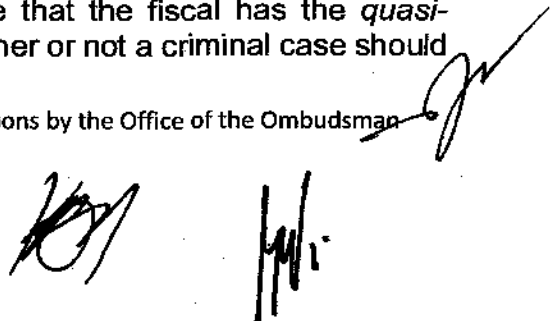
Even assuming that Administrative Order No. 1, Series of 2020, prohibits the filing of an information in court before the motion for reconsideration is resolved, the premature filing of an information in court will still not result in the automatic dismissal of a case or withdrawal of an information. In *Crespo v. Mogul*,¹² it was held that once an information is filed with the court, any disposition of the case, such as its dismissal or the conviction or acquittal of the accused, rests in the court's sound discretion. *Viz.:*

The preliminary investigation conducted by the fiscal for the purpose of determining whether a *prima facie* case exists warranting the prosecution of the accused is terminated upon the filing of the information in the proper court. In turn, as above stated, the filing of said information sets in motion the criminal action against the accused in Court. Should the fiscal find it proper to conduct a reinvestigation of the case, at such stage, the permission of the Court must be secured. After such reinvestigation the finding and recommendations of the fiscal should be submitted to the Court for appropriate action. While it is true that the fiscal has the *quasi-judicial* discretion to determine whether or not a criminal case should

¹⁰ Prescribing the Periods in the Conduct of Investigations by the Office of the Ombudsman

¹¹ Administrative Order No. 07, Series of 1990

¹² G.R. No. L-53373, June 30, 1987.



RESOLUTION
People v. Estrañero
SB-23-CRM-0079

Page 6 of 7

X-----X

be filed in court or not, once the case had already been brought to Court whatever disposition the fiscal may feel should be proper in the case thereafter should be addressed for the consideration of the Court. The only qualification is that the action of the Court must not impair the substantial rights of the accused, or the right of the People to due process of law.

.....

The rule therefore in this jurisdiction is that once a complaint or information is filed in Court any disposition of the case as its dismissal or the conviction or acquittal of the accused rests in the sound discretion of the Court. Although the fiscal retains the direction and control of the prosecution of criminal cases even while the case is already in Court he [or she] cannot impose his [or her] opinion on the trial court. The Court is the best and sole judge on what to do with the case before it. The determination of the case is within its exclusive jurisdiction and competence. A motion to dismiss the case filed by the fiscal should be addressed to the Court who has the option to grant or deny the same. It does not matter if this is done before or after the arraignment of the accused or that the motion was filed after a reinvestigation or upon instructions of the Secretary of Justice who reviewed the records of the investigation.

At any rate, the prosecution had already filed its *Motion to Withdraw Information*. The Court is inclined to agree that the withdrawal of the Information is warranted.

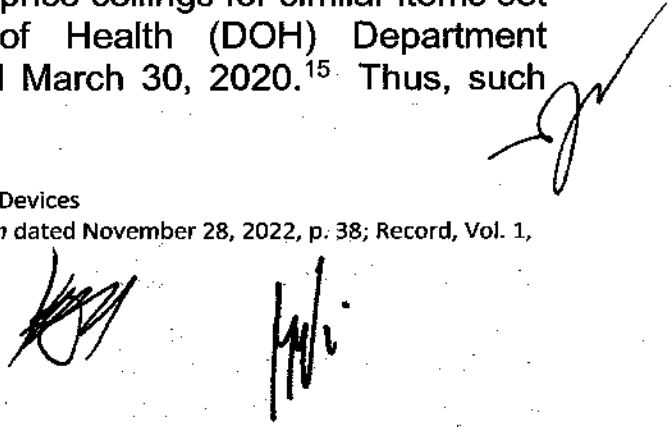
Accused Estrañero is charged with entering into contracts with various suppliers for the purchase of grossly overpriced items. In *Macairan v. People*,¹³ it was held that in assessing if there was overpricing, there should be a specific comparison with items of the same brand, features and specification as those of the items subject of the questioned transactions.

The Court made a careful re-examination of the evidence attached to the Office of the Ombudsman's *Consolidated Resolution*, but found no such comparison. It appears that the conclusion that the subject items were grossly overpriced is based solely on the difference between the contract prices and the price ceilings for similar items set in Annex 1¹⁴ of Department of Health (DOH) Department Memorandum No. 2020-0144 dated March 30, 2020.¹⁵ Thus, such

¹³ G.R. No. 215104, March 18, 2021

¹⁴ Price Freeze on Emergency Medicines and Medical Devices

¹⁵ Office of the Ombudsman's *Consolidated Resolution* dated November 28, 2022, p. 38; Record, Vol. 1, p. 44



RESOLUTION
People v. Estrañero
SB-23-CRM-0079

Page 7 of 7

X-----X

evidence is insufficient, and the withdrawal of the Information is warranted.

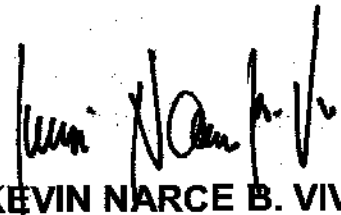
ACCORDINGLY, accused Estrañero's *Motion to Dismiss/Quash Based on Supervening Event* is hereby **DENIED**. On the other hand, the prosecution's *Motion to Withdraw Information* is **GRANTED**, and the Information in SB-23-CRM-0079 is hereby **WITHDRAWN** without prejudice to the refiling of the same in the event that additional evidence is received or discovered, or other circumstances emerge that may warrant the said refiling.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice