

SECOND DIVISION

[G.R. Nos. 144760-61, August 02, 2017]

**EVELYN L. MIRANDA, PETITIONER, VS. SANDIGANBAYAN AND
THE OMBUDSMAN, RESPONDENTS.**

[G.R. Nos. 167311-12]

**EVELYN L. MIRANDA, PETITIONER, VS. SANDIGANBAYAN AND
THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

[G.R. Nos. 167316-17]

**VENANCIO R. NAVA, PETITIONER, VS. HON. SANDIGANBAYAN
4TH DIVISION AND THE PEOPLE OF THE PHILIPPINES,
RESPONDENTS.**

[G.R. Nos. 167625-26]

**PRIMO C. O BENZA, PETITIONER, VS. SANDIGANBAYAN AND THE
PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

DECISION

MARTIRES, J.:

At bar are the consolidated cases assailing the different issuances of the Sandiganbayan, Fourth Division (*Sandiganbayan*) in Criminal Case Nos. 23625-26 both entitled "People of the Philippines versus Venancio R. Nava, Primo C. Obenza, Exuperia B. Austero, Antonio S. Tan, and Evelyn L. Miranda," viz:

- a) G.R. Nos. 144760-61, filed by Evelyn L. Miranda (*Miranda*), is a Petition for Certiorari and Prohibition pursuant to Rule 65, Sections 1, 2 and 4 in relation to Sec. 1 Rule 58 of the Rules of Court on the 14 August 2000 Resolution^[1] of the Sandiganbayan denying her motion to quash the Informations;
- b) G.R. Nos. 167311-12 and G.R. Nos. 167625-26, filed by Miranda and Primo C. Obenza (*Obenza*), respectively, are Appeals by Certiorari pursuant to Rule 45 of the Rules of Court on the 10 January 2005 Decision^[2] of the Sandiganbayan finding the accused in Criminal Case Nos. 23625-26, except Exuperia B. Austero (*Austero*), guilty of Violation of Sec. 3(g) of Republic Act (R.A.) No. 3019, and its 7 March 2005 Resolution^[3] denying the separate Motion for Reconsideration of Obenza, Miranda, and Venancio R. Nava (*Nava*); and
- c) G.R. Nos. 167316-17, filed by Nava, is a Petition for Certiorari under Rule 65 of the Rules of Court on the above-mentioned 10 January 2005

THE FACTS

Sometime in August 1990, Nava, the Department of Education Culture and Sports (DECS) Region XI Director, and his school superintendents met to discuss Allotment Advice No. B-2-0392-90-2-014 (*Allotment Advice*) issued by DECS-Manila on 21 June 1990. During the meeting, Nava and his school superintendents agreed that the allotment, which was in the amount of P9.36 million and intended for the nationalized high schools in the region, be sub-allotted instead to the divisions and be used to procure science laboratory tools and devices (*SLTDs*). It was further agreed that the public bidding be dispensed with for the reason that the procurement had to be undertaken before the end of calendar year 1990; otherwise, the allotment would revert to the national fund.

On two separate occasions, the DECS Division of Davao Oriental (*DECS-Davao Oriental*) procured SLTDs from D'Implacable Enterprises (*D'Implacable*), owned by Antonio S. Tan (*Tan*) with business address at West Capitol Drive, Pasig, Metro Manila.^[4] The DECS-Davao Oriental paid D'Implacable, whose sales representative was Miranda, using the allotments intended as additional miscellaneous operating expenses for the twenty nationalized high schools of Davao Oriental.

On 8 January 1991, the Commission on Audit (COA) Regional Office No. XI issued Assignment Order No. 91-174 creating an Audit Team (*team*) composed of Laura Soriano (*Soriano*) and Carmencita Eden T. Enriquez (*Enriquez*), as team leader and member, respectively, for the purpose of conducting a special audit on the releases made by the DECS Region XI to its different divisions involving the P9.36 million allotment.

On 20 May 1991, the COA Region. XI Office furnished the Office of the Ombudsman-Mindanao (*OMB-Min*) with the Special Audit Report (*the report*) of the team on the procurement by the DECS-Davao Oriental of SLTDs from D'Implacable,^[5] and the corresponding affidavit of complaint.^[6] The team claimed in their affidavit, docketed as OMB-MIN-91-0202, that the DECS-Davao Oriental procured the SLTDs at prices higher by 64% to 1,175% than the prevailing price causing the government to lose P398,962.55; hence, a violation of Sec. 3(g) of R.A. No. 3019, COA Circular Nos. 78-84 and 85-55A, and DECS Order No. 100.

After the conduct of preliminary investigation, the OMB-Min found probable cause against Nava, Obenza, Austero, Tan, and Miranda for two counts of Violation of Sec. 3(g) of R.A. No. 3019,^[7] and thus filed with the Sandiganbayan on 8 April 1997, the following Informations:

Criminal Case No. 23625

That sometime on 16 November 1990, in Mati, Davao Oriental, and within the jurisdiction of this Honorable Court, the accused VENANCIO R. NAVA, PRIMO C. OBENZA and EXUPERIA B. AUSTERO, all public officers being then the Regional Director Department of Education, Culture and Sports, Region XI Davao City and a high ranking official by express provision of RA 7975, Division Superintendent of DECS Division of Davao

Oriental with salary grade below 27 and Administrative Officer of DECS Division of Davao Oriental with salary grade below 27, respectively, committing the offense in relation to their official duties and taking advantage of the same, conspiring, confederating, and mutually aiding one another and with accused ANTONIO S. TAN and EVELYN S. MIRANDA, there and then, willfully, unlawfully and criminally, enter into a contract of purchase grossly and manifestly disadvantageous to the government, namely: BY PURCHASING from accused Miranda and Tan, the following goods under Purchase Order dated 16 November 1990 and Check No. 072108, to wit:

350 Units of Test Tube Glass Pyrex	for	P 9,555.00;
250 Units of Glass Spirit Burner	for	40,875.00;
130 Units of Spring Balance	for	71,630.00; and
75 Units of Bunsen Burner	for	52,575.00

or a unit price of P27.30, P163.50, P551.00 and P701.00, respectively, when the actual price of the said items per canvass by the Commission on Audit after considering the 10% price variance were only P14.30, P38.50, P93.50 and P90.75, respectively, thus the above-said procurements were overpriced by as much as 91% or P4,550.00; 325% or P31,250.00; 489% or P59,475.00; and 672% or P45,768.75, respectively, thus shortchanging the government by as much as P141,043.75.^[8]

Criminal Case No. 23626

That sometime on 27 December 1990, in Mati, Davao Oriental, and within the jurisdiction of this Honorable Court, the accused VENANCIO R. NAVA, PRIMO C. OBENZA and EXUPERIA B. AUSTERO, all public officers being then the Regional Director Department of Education, Culture and Sports, Region XI Davao City, a high ranking official by express provision of RA 7975, Division Superintendent of DECS Division of Davao Oriental with salary grade below 27 and Administrative Officer of DECS Division of Davao Oriental with salary grade below 27; respectively, committing the offense in relation to their official duties and taking advantage of the same, conspiring and confederating, and mutually aiding one another and with accused ANTONIO S. TAN and EVELYN L. MIRANDA, there and then, wilfully, unlawfully and criminally, enter into a contract of purchase grossly and manifestly disadvantageous to the government, namely: BY PURCHASING from accused Miranda and Tan, the following goods under Purchase Order dated 27 December 1990 and Check No. 073908, to wit:

89 Units of Flusk Brush (Nylon)	for	P 4,488,00;;
444 Units of	for	P

Graduated	316,572.00;
Cylinder	
195 Units of	
Iron Wire	for P 3,159.00;
Gauge	and
54 Units of	
Beaker 250 ml.	for P 6,751.00
pyrex	

or a unit price of P112.20, P713.00, P16.20, and P125.03, respectively, when the actual price of the said items per recanvassed by the Commission on Audit after considering the 10% price variance, were only P8.80, P159.50, P16.20, and P125.03, thus, the said purchases were overpriced, by as much as 1,175% or P8,892.40, 374% or P245,754.00, 64% or P1,228.50, and 434% or P2,043.90, respectively, thus shortchanging the government by as much as P257,918.80.^[9]

During the hearing of these cases, the prosecution presented Soriano who identified the report.

For his defense, Nava testified that the documents pertinent to these transactions came from the office of Obenza. He claimed that he signed the documents because the amount involved for each of the two transactions was more than P100,000.00, and therefore within his authority to sign. He insisted that the transactions complied with the DECS' policies.

Obenza testified that the documents for the transactions with D'Implacable were already signed by Nava when these were brought to his office. Prudencio N. Mabanglo, the DECS Division Superintendent for Davao del Norte, testified that the documents for the procurement of SLTDs for his division were likewise already signed by Nava when these were brought to him.

Austero, Tan, and Miranda did not take the witness stand.

RULING OF THE SANDIGANBAYAN

On 10 January 2005, the Sandiganbayan rendered the assailed decision, the dispositive portion of which reads:

WHEREFORE, judgment is hereby rendered -

1. in Criminal Case No. 23625 - finding accused VENANCIO R. NAVA, PRIMO C. OBENZA, ANTONIO S. TAN and EVELYN MIRANDA guilty beyond reasonable doubt as charged and sentencing each of them to suffer the indeterminate penalty of six (6) years and one (1) month as minimum to ten (10) years as maximum, and to suffer perpetual disqualification from public office, and to indemnify, jointly and severally, the Government of the Republic of the Philippines in the amount of P141,043.75 representing the losses that it suffered and to proportionately pay the costs;
2. in Criminal Case No. 23626 - finding accused VENANCIO R. NAVA, PRIMO C. OBENZA, ANTONIO S. TAN and EVELYN MIRANDA guilty

beyond reasonable doubt as charged and sentencing each of them to suffer the indeterminate penalty of six (6) years and one (1) month as minimum to ten (10) years as maximum, and to suffer perpetual disqualification from public office, and to indemnify, jointly and severally, the Government of the Republic of the Philippines in the amount of P257,918.80 representing the losses that it suffered, and to proportionately pay the costs; and

3. in both cases ACQUITTING accused EXUPERIA B. AUSTERO, for insufficiency of evidence, with costs de officio.^[10]

Obenza, Miranda,^[11] and Nava^[12] filed their separate motion for reconsideration which were denied by the Sandiganbayan in its 7 March 2005 Resolution.^[13]

ISSUES

The following issues were submitted by Miranda for the consideration of this Court in her petition for certiorari in G.R. No. 144760-61:

1. Respondent Court committed grave abuse of discretion amounting to lack or excess of jurisdiction in denying the motion to quash;
2. The disputed resolution was in great contravention of the principle of "stare decisis" and settled jurisprudence;
3. The Respondent court should be immediately prohibited or restrained from further proceedings, in order not to render the subject petition moot and academic.^[14]

On the other hand, Miranda anchored her petition in G.R. No. 167311-12 on the ground that "the [Sandiganbayan] had decided questions of substance in a way not in accord with law and the applicable decisions of this Honorable Court and/or [had] so far departed from the accepted and usual course of judicial proceeding[s] or so far sanctioned such a departure by the court a quo as to call for an exercise of the power of supervision vested in this Honorable Court."^[15]

For G.R. Nos. 167316-17, Nava raised the following grounds to support his petition:

- I. THE SANDIGANBAYAN COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO A LACK OF OR EXCESS OF JURISDICTION IN UPHOLDING THE FINDINGS OF THE SPECIAL AUDIT TEAM THAT IRREGULARLY CONDUCTED THE AUDIT BEYOND THE AUTHORIZED PERIOD AND WHICH TEAM FALSIFIED THE SPECIAL AUDIT REPORT.
- II. THE SANDIGANBAYAN COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO A LACK OF OR EXCESS OF JURISDICTION IN UPHOLDING THE FINDINGS IN THE SPECIAL AUDIT REPORT WHERE, IN VIOLATION OF PETITIONER'S RIGHT TO DUE PROCESS, THE AUDIT TEAM EGREGIOUSLY FAILED TO COMPLY WITH THE MINIMUM STANDARDS SET BY THE SUPREME COURT AND ADOPTED BY THE COMMISSION ON AUDIT, AND CAME OUT WITH A REPORT THAT SUPPRESSED EVIDENCE FAVORABLE TO THE