

SECOND DIVISION

[G.R. Nos. 205963-64, July 07, 2016]

AMANDO A. INOCENTES, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, HON. ROLAND B. JURADO, IN HIS CAPACITY AS CHAIRPERSON, SANDIGANBAYAN, FIFTH DIVISION, HON. CONCHITA CARPIO MORALES, IN HER CAPACITY AS OMBUDSMAN, AS COMPLAINANT; AND HON. FRANCIS H. JARDELEZA, OFFICE OF THE SOLICITOR GENERAL (OSG), IN ITS CAPACITY AS COUNSEL FOR THE PEOPLE, RESPONDENTS.

DECISION

BRION, J.:

We resolve the Petition^[1] filed under Rule 65 of the Rules of Court by petitioner Amando A. Inocentes (*Inocentes*), assailing the Resolutions dated February 8, 2013^[2] and October 24, 2012^[3] of the Sandiganbayan in Criminal Case Nos. SB-12-CRM-0127-0128 entitled *People of the Philippines v. Amando A. Inocentes, et. al.*

THE FACTUAL ANTECEDENTS

Inocentes, together with four (4) others, was charged with violating Section 3(e) or Republic Act (*R.A.*) No. 3019,^[4] as amended. The informations read:

That on or about October 2001 or immediately prior or subsequent thereto, in Tarlac City, Tarlac, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, Amando A. Inocentes, Celestino Cabalitan, Ma. Victoria Leonardo and Jerry Balagtas, all public officers, being the Branch Manager, Division Chief III, Property Appraiser III, and Senior General Insurance Specialist, respectively, of the Government Service Insurance System, Tarlac City Field Office, committing the crime herein charged in relation to and in taking advantage of their official functions, conspiring and confederating with Jose De Guzman, through manifest partiality, evident bad faith or gross inexcusable negligence; did then and there willfully, unlawfully and criminally [gave] undue preference, benefit or advantage to accused Jose De Guzman by processing and approving the housing loans of Four Hundred Ninety-One (491) borrowers of [Jose De Guzman] 's housing project under the GSIS *Bahay Ko Program*, with a total amount of loans amounting to Two Hundred Forty-One Million Fifty-Three Thousand Six Hundred Pesos (Php241,053,600.00), knowing fully well that the said borrowers/grantees were not qualified and were not under the territorial jurisdiction of the Tarlac City Field Office, thereby giving said borrowers/grantees unwarranted benefit and causing damage and prejudice to the government and to public interest in the aforesaid amount.

CONTRARY TO LAW.^[5]

and

[...] processing, approving and granting loans under the GSIS *Bahay Ko Program* to Fifty-Three (53) borrowers of [Jose De Guzman]'s land development project known as Teresa Homes amounting to Fifty-Two Million and One Hundred Seven Thousand Pesos (Php52,107,000.00), despite the knowledge of the fact that the lots covered were intended for commercial purposes and by causing the over-appraisal in the amount of Thirty-Three Million Two Hundred Forty Thousand Eight Hundred Forty-Eight Pesos and Thirty-Six Centavos (Php33,242,848.36) of the land and buildings offered as collaterals, thus causing undue injury to the Government.

CONTRARY TO LAW.^[6]

On May 10, 2012, the Sandiganbayan issued a minute resolution finding probable cause and ordered the issuance of a warrant of arrest against all the accused.^[7] To avoid incarceration, *Inocentes immediately posted bail*.

On July 10, 2012, Inocentes filed an omnibus motion (1) for judicial determination of probable cause; (2) to quash the informations filed against him; and (3) to dismiss the case for violating his right to the speedy disposition of this case (*omnibus motion*).^[8] In this motion, he argued as follows:

First, the informations filed against him were fatally defective because they did not allege the specific acts done by him which would have constituted the offense. All that was alleged in the informations was that he conspired and cooperated in the alleged crime.

Second, there is no evidence showing how he cooperated or conspired in the commission of the alleged offense. The findings of the investigating unit revealed that the connivance was perpetuated by the marketing agent and the borrowers themselves by misrepresenting their qualifications. The GSIS Internal Audit Service Group Report even said that it was the marketing agent who had the opportunity to tamper and falsify the documents submitted before Inocentes' office.

Third, the informations filed against him should be quashed because the Sandiganbayan does not have jurisdiction over the case. At the time of the commission of the alleged offense, Inocentes held a position with a Salary Grade of 26. He likewise claims that he cannot fall under the enumeration of managers of GOCCs because his position as department manager cannot be placed in the same category as the president, general manager, and trustee of the GSIS.

Fourth, Inocentes insisted that the case against him must be dismissed because his right to the speedy disposition of this case had been violated since seven (7) years had lapsed from the time of the filing of the initial complaint up to the time the information was filed with the Sandiganbayan.

After the Office of the Special Prosecutor (OSP) filed its opposition and Inocentes

filed his reply, the Sandiganbayan issued the first assailed resolution. The Sandiganbayan maintained its jurisdiction over the case because Section 4 of P.D. 1606, as amended by R.A. No. 8249,^[9] *specifically* includes managers of GOCCs - whose position may not fall under Salary Grade 27 or higher - who violate R.A. No. 3019. It also ruled that the informations in this case sufficiently allege all the essential elements required to violate Section 3(e) of R.A. No. 3019.

Further, it said that it already determined the existence of probable cause when it issued the warrant of arrest in its minute resolution dated May 10, 2012.

Lastly, it held that the delay in this case was excusable considering that the records of this case were transferred from the Regional Trial Court in Tarlac City, where the case was first filed.

In his motion for reconsideration, Inocentes reiterated the same arguments he raised in his omnibus motion. In addition, he asserted that the present case against him should be dismissed because the Office of the Ombudsman dismissed the estafa case against him for the same transactions. He also filed a supplemental motion attaching a copy of the affidavit of a certain Monico Imperial to show (1) that there existed political persecutions within the GSIS against the critics of then President and General Manager Winston F. Garcia, and (2) that the GSIS branch manager relies on the recommendation of his subordinates in approving or disapproving real estate loan applications.

The Sandiganbayan remained unconvinced. On the contents of the affidavit, it agreed with the prosecution that these are matters of defense that must stand scrutiny in a full-blown trial. With respect to the dismissal of the estafa case against him, the Sandiganbayan said that the dismissal of that case does not necessarily result in the dismissal of the present case because the same act may give rise to two (2) or more separate and distinct offenses.

To contest the denial of his motion for reconsideration, Inocentes filed the present petition asserting, among others, that the quantum of evidence required to establish probable cause for purposes of holding a person for trial and/or for the issuance of a warrant of arrest was not met in this case. He argued that absent any allegation of his specific acts or evidence linking him to the anomalous transactions, probable cause can hardly exist because it would be imprudent to insinuate that Inocentes knew of the criminal design when all he did was only to approve the housing loan applications. Obviously relying on his subordinates, Inocentes claimed that he could not have conspired with them when he had no personal knowledge of any defect.

On April 10, 2013, we required the respondents to comment on Inocentes' petition, and deferred action on the issuance of a temporary restraining order and/or writ of preliminary injunction.

In its comment, the OSP counters that what Inocentes asks at this point is for this Court to examine and weigh all the pieces of evidence and thereafter absolve him of all charges without undergoing trial.

The OSP said that the Office of the Ombudsman did not act arbitrarily in conducting the preliminary investigation and finding probable cause. Moreover, the Sandiganbayan likewise found probable cause after considering all the pleadings and

documents submitted before it and saw no sound reason to set aside its finding.

On the other hand, the Office of the Solicitor General filed a manifestation saying that it will no longer submit its comment as the OSP, pursuant to its expanded mandate under R.A. No. 6770,^[10] shall represent the People before this Court and the Sandiganbayan.

OUR RULING

We find the present petition meritorious.

Preliminary Considerations

The Constitution, under Section 1, Article VIII, empowers the courts to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.^[11] This is an overriding authority that cuts across all branches and instrumentalities of government and is implemented through the petition for *certiorari* that Rule 65 of the Rules of Court provides.^[12]

Inocentes, through this remedy, comes before this Court asserting that there was grave abuse on the part of the Sandiganbayan when it exercised its discretion in denying his omnibus motion. This extraordinary writ solely addresses lower court actions rendered without or in excess of jurisdiction or with grave abuse of discretion amounting to lack of jurisdiction. Grave abuse of discretion is a circumstance beyond the legal error committed by a decision-making agency or entity in the exercise of its jurisdiction; this circumstance affects even the authority to render judgment.^[13]

Under these terms, if the Sandiganbayan merely *legally erred* while acting within the confines of its jurisdiction, then its ruling, even if erroneous, is not the proper subject of a petition for *certiorari*. If, on the other hand, the Sandiganbayan ruling was *attended by grave abuse of discretion amounting to lack or excess of jurisdiction*, then this ruling is fatally defective on jurisdictional ground and should be declared null and void.^[14]

In the present case, the Sandiganbayan denied Inocentes' omnibus motion (1) to judicially determine the existence of probable cause; (2) quash the information that was filed against him; and/or (3) dismiss the case against him for violation of his right to speedy trial. In determining whether the Sandiganbayan committed grave abuse in the exercise of its discretion, we shall review the Sandiganbayan's judgment denying the omnibus motion in the light of each cited remedy and the grounds presented by Inocentes to support them.

The Sandiganbayan hardly committed any grave abuse of discretion in denying the motion to quash the information.

Inocentes is unyielding in his position that the informations filed against him should be quashed based on the following grounds: (1) that all the information alleged is that Inocentes conspired and confederated with his co-accused without specifying how his specific acts contributed to the alleged crime; and (2) that the

Sandiganbayan has no jurisdiction over Inocentes because he was occupying a position with a salary grade less than 27.

On the contention that the informations did not detail Inocentes' individual participation in the conspiracy, we have underscored before the fact that under our laws conspiracy should be understood on two levels, *i.e.*, a mode of committing a crime or a crime in itself.^[15]

In *Estrada v. Sandiganbayan*,^[16] we explained that when conspiracy is charged as a crime, the act of conspiring and all the elements and all the elements must be set forth in the information, but when it is not and conspiracy is considered as a mode of committing the crime, there is less necessity of reciting its particularities in the information because conspiracy is not the gravamen of the offense, to wit:

To reiterate, when conspiracy is charged as a crime, the act of conspiring and all the elements of said crime must be set forth in the complaint or information.

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*The requirements on sufficiency of allegations are different when conspiracy is not charged as a crime in itself but only as the mode of committing the crime as in the case at bar. There is less necessity of reciting its particularities in the information because conspiracy is not the gravamen of the offense charged. The conspiracy is significant only because it changes the criminal liability of all the accused in the conspiracy and makes them answerable as co-principals regardless of the degree of their participation in the crime. The liabilities of the conspirators is collective and each participant will be equally responsible for the acts of others, for the act of one is the act of all. In *People v. Quitlong*, we ruled how conspiracy as the mode of committing the offense should be alleged in the information, viz:*

A conspiracy indictment need not, of course, aver all the components of conspiracy or allege all the details thereof like the part that each of the parties therein have performed, the evidence proving the common design or the facts connecting all the accused with one another in the web of conspiracy. Neither is it necessary to describe conspiracy with the same degree of particularity required in describing a substantive offense. It is enough that the indictment contains a statement of facts relied upon to be constitutive of the offense in ordinary and concise language, with as much certainty as the nature of the case will admit, in a manner that can enable a person of common understanding to know what is intended, and with such precision that the accused may plead his acquittal or conviction to a subsequent indictment based on the same facts.

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Again, following the stream of our own jurisprudence, it is enough to