

EN BANC

[G.R. Nos. 162314-17, October 25, 2004]

**LIBRADO M. CABRERA, FE M. CABRERA AND LUTHER LEONOR,
PETITIONERS, VS. THE HONORABLE SANDIGANBAYAN (FOURTH
DIVISION) AND FRANCO P. CASANOVA, RESPONDENTS.**

DECISION

CALLEJO, SR., J.:

Before us is a petition for certiorari under Rule 65 of the Rules of Court with a prayer for the writ of preliminary injunction and/or temporary restraining order for the nullification of the Resolution^[1] of the Sandiganbayan denying the motion to quash the Informations filed by the petitioners who were the accused in Criminal Cases Nos. 27555 to 27558, for violation of Section 3(e) of Republic Act No. 3019, and its resolution denying their motion for reconsideration.

The Antecedents

On July 23, 2002, four (4) Informations were filed with the Sandiganbayan charging the petitioners, Librado M. Cabrera, his wife Fe M. Cabrera, and Luther Leonor, with violation of Section 3(e) of Rep. Act No. 3019. The docket numbers of the cases and the accusatory portion of each of the Informations respectively read:

Criminal Case No. 27555

That for the period from January 30, 1998 to June 30, 1998, or sometime prior or subsequent thereto, in the Municipality of Taal, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, above-named accused LIBRADO M. CABRERA and LUTHER LEONOR, both public officers, being then the Municipal Mayor and Municipal Councilor, respectively, of the Municipality of Taal, Batangas, *committing the offense herein charged, in conspiracy* and connivance with each other and in relation to their office, taking advantage of their official position, and through manifest partiality, evident bad faith or gross inexcusable negligence, did then and there *willfully, unlawfully and criminally* give unwarranted benefits to Diamond Laboratories, Inc. (DLI), a corporation owned by the relatives by consanguinity of the accused LIBRADO M. CABRERA, by directly purchasing medicines on several occasions only from the said Diamond Laboratories, Inc. without the benefit of public bidding or canvass from different duly-licensed manufacturers, thereby depriving the Municipality of Taal, Batangas the opportunity to avail of a better price of the same quality of supplies, in the total amount of FIVE HUNDRED THREE THOUSAND NINE HUNDRED TWENTY PESOS & THIRTY-FIVE CENTAVOS (P503,920.35), with accused LUTHER LEONOR, who, *in conspiracy and connivance* with accused LIBRADO M. CABRERA, acted as

the authorized representative of Diamond Laboratories, Inc. despite his being a Municipal Councilor of Taal, Batangas, by receiving *all payments due and on behalf of the Diamond Laboratories, Inc.* and by signing all pertinent documents of the transactions, at the same time cause undue injury to the Municipality of Taal, Batangas, to the Government as a whole and to public interest.

CONTRARY TO LAW.^[2]

...

Criminal Case No. 27556

That for the period from March 13, 1998 to June 22, 1998, or *sometime prior or subsequent thereto*, in the Municipality of Taal, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, above-named accused LIBRADO M. CABRERA, a public officer, being then the Municipal Mayor of Taal, Batangas, committing the offense herein charged in relation to his office, taking advantage of his official position, and through manifest partiality evident bad faith or gross inexcusable negligence, did then and there willfully, unlawfully and criminally cause undue injury to the Municipality of Taal, Batangas, to the Government as a whole and to public interest, at the same time, give unwarranted benefits to himself by reimbursing, collecting and appropriating for himself, the aggregate amount of TWENTY-SEVEN THOUSAND SIX HUNDRED FIFTY-ONE PESOS & EIGHTY-THREE CENTAVOS (P27,651.83) from the Municipal coffers of Taal, Batangas, representing his expenses incurred during his unauthorized and illegal travels, to the damage and prejudice of the Municipality of Taal, Batangas, to the Government as a whole and to public interest in the said amount of P27,651.83.

CONTRARY TO LAW.^[3]

...

Criminal Case No. 27557

That for the period from July 28, 1998 to July 6, 1999, or *sometime prior or subsequent thereto*, in the Municipality of Taal, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, above-named accused FE M. CABRERA and LUTHER LEONOR, both public officers, being then the Municipal Mayor and Municipal Councilor, respectively, of the Municipality of Taal, Batangas, committing the offense herein charged, in conspiracy and connivance with each other and in relation to their office, taking advantage of their official position, and through manifest partiality, evident bad faith or gross inexcusable negligence, did then and there willfully, unlawfully and criminally give unwarranted benefits to Diamond Laboratories, Inc. (DLI), a corporation owned by the relatives by affinity of the accused FE M. CABRERA, by directly purchasing medicines on several occasions only from the said Diamond Laboratories, Inc. without the benefit of public bidding or

canvass from different duly-licensed manufacturers, thereby depriving the Municipality of Taal, Batangas the opportunity to avail of a better price of the same quality of supplies, in the total amount of ONE MILLION FORTY-TWO THOUSAND NINE HUNDRED TWO PESOS & FORTY-SIX CENTAVOS (P1,042,902.46), with accused LUTHER LEONOR, who, in conspiracy and connivance with accused FE M. CABRERA, acted as the authorized representative of Diamond Laboratories, Inc. despite his being a Municipal Councilor of Taal, Batangas, by receiving all payments due and on behalf of the Diamond Laboratories, Inc. and by signing all pertinent documents of the transactions, at the same time cause undue injury to the Municipality of Taal, Batangas, to the Government as a whole and to public interest.

CONTRARY TO LAW.^[4]

...

Criminal Case No. 27558

That for the period from August 31, 1998 to September 1, 1999, or sometime *prior* or subsequent thereto, in the Municipality of Taal, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, above-named accused FE M. CABRERA, a public officer, being then the Municipal Mayor of Taal, Batangas, committing the offense herein charged in relation to her office, taking advantage of her official position, and through manifest partiality, evident bad faith or gross inexcusable negligence, did then and there willfully, unlawfully and criminally cause undue injury to the Municipality of Taal, Batangas, to the Government as a whole and to public interest, at the same time, give unwarranted benefits to herself by reimbursing, collecting and appropriating for herself, the aggregate amount of ONE HUNDRED SEVENTY THOUSAND NINE HUNDRED EIGHTY-SEVEN PESOS & SIXTY-SIX CENTAVOS (P170,987.66) from the Municipal coffers of Taal, Batangas, representing her expenses incurred during her unauthorized and illegal travels, to the damage and prejudice of the Municipality of Taal, Batangas, to the Government as a whole and to public interest in the said amount of P27,651.83.

CONTRARY TO LAW.^[5]

On August 7, 2003, the petitioners filed a motion to quash the Informations in Criminal Cases Nos. 27555 and 27557 on the ground that the facts contained therein do not allege the quantity, the extent and value of undue injury to the Municipality of Taal, Batangas, or to the government as a whole and to public interest. The petitioners also sought the quashal of the Informations in Criminal Cases Nos. 27556 and 27558 on the ground that the said Informations failed to specify and quantify the alleged undue injury to the Municipality of Taal, Batangas, or to the government as a whole; to prove the same with moral certainty; and to state that the petitioners therein gave any unwarranted benefits to a third-party private individual. The petitioners noted that the Informations merely alleged that "the accused gave unwarranted benefits to himself/herself."

The petitioners cited the decisions of this Court in *Mendoza-Arce v. Office of the Ombudsman (Visayas)*,^[6] *Llorente v. Sandiganbayan*,^[7] and *Garcia-Rueda v. Amor*,^[8] that for violation of Section 3(e) of Rep. Act No. 3019, the Informations must allege, and the prosecution must prove, that a party sustained undue injury caused by the act of the accused of giving unwarranted benefits, advantage or preference through manifest partiality, evident bad faith or gross inexcusable negligence.

On November 12, 2003, the Sandiganbayan issued a Resolution denying the petitioners' motion to quash. The graft court ruled that as gleaned from all the Informations in Criminal Cases Nos. 27555 and 27557, the petitioners caused undue injury to the Municipality of Taal, Batangas, the government and to the public interest, and that they gave unwarranted benefits, advantage or preference to the Diamond Laboratories, Inc. The graft court also ruled that under the Informations in Criminal Cases Nos. 27556 and 27558, petitioners Librado and Fe Cabrera gave unwarranted benefits to themselves by allocating and collecting the amounts of P27,651.83 and P170,987.66, respectively, representing expenses they incurred during their unauthorized and illegal travels, thereby causing undue injury to the Municipality of Taal. The Sandiganbayan relied on the rulings of the Court in *Jacinto v. Sandiganbayan*^[9] and *Santiago v. Garchitorena*,^[10] instead of relying on the rulings of this Court in *Llorente v. Sandiganbayan*,^[11] *Mendoza-Arce v. Office of the Ombudsman (Visayas)*,^[12] and *Suller v. Sandiganbayan*.^[13] The Sandiganbayan also ruled that the elements of the crime of violation of Section 3(e) of Rep. Act No. 3019 enumerated in *Jacinto* are more consistent with the law and in harmony with the ruling of this Court in *Santiago*. The Sandiganbayan further declared that the rulings in *Jacinto* and *Santiago* had not as yet been overruled by the Court.

The petitioners filed a motion for the reconsideration of said resolution, contending that the Sandiganbayan should have relied on more recent rulings of this Court, the latest of which is *Mendoza-Arce v. Office of the Ombudsman (Visayas)*.^[14] On February 18, 2004, the Sandiganbayan issued a Resolution denying the said motion.

The petitioners now seek relief in this Court *via* their petition for certiorari contending that:

WITH ALL DUE RESPECT, PUBLIC RESPONDENT ACTED WITHOUT OR IN EXCESS OF ITS JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN ISSUING THE QUESTIONED RESOLUTIONS DATED 12 NOVEMBER 2003 AND 18 FEBRUARY 2004.^[15]

The threshold issue in this case is whether or not all the essential elements of Section 3(e) of Rep. Act No. 3019 are alleged in the four (4) Informations filed against the petitioners.

The petition has no merit.

Section 8, Rule 110 of the Revised Rules of Criminal Procedure requires that the acts or omissions constituting the offense must be stated in the Information or criminal complaint:

SEC. 8. *Designation of the offense.* – The complaint or information shall state the designation of the offense given by the statute, aver the acts or omissions constituting the offense, and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it.

The petitioner must be apprised of the facts that are imputed on him as he is presumed to have no independent knowledge of the facts that constitute the offense. The Information must contain a specific allegation of every fact and circumstance necessary to constitute the crime charged.^[16] Also, the Information must state only the relevant facts; the reason therefor could be proved during the trial.^[17]

The accused may file a motion to quash the Information under Section 3(a), Rule 117 of the Revised Rules of Criminal Procedure, on the ground that the facts charged do not constitute an offense.

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.

...

The fundamental test in determining the sufficiency of the material averments of an Information is whether or not the facts alleged therein, which are hypothetically admitted, would establish the essential elements of the crime defined by the law. The Court has ruled^[18] that evidence *aliunde* or matters extrinsic of the Information are not to be considered:

Section 3(a) of Rule 117 of the Revised Rules of Court authorizes the quashal of an information when the facts therein averred do not amount to an offense. The fundamental test in reflecting on the viability of a motion to quash under this particular ground is whether or not the facts asseverated, if hypothetically admitted, would establish the essential elements of the crime defined in the law. In this examination, matters *aliunde* are not considered. Anent the sufficiency of the information, Section 6, Rule 110, of the Rules of Court requires, *inter alia*, that the information must state the acts or omissions so complained of as constitutive of the offense.^[19]

Section 3(e) of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, reads:

Sec. 3. *Corrupt practices of public officers.* - In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

...

(e) Causing any undue injury to any party, including the Government, or