

****Title:****

Saludaga and Genio v. Sandiganbayan, 4th Division and People of the Philippines

****Facts:****

The case involves petitioners Quintin B. Saludaga and SPO2 Fiel E. Genio, charged with violating Section 3(e) of Republic Act (RA) No. 3019, the Anti-Graft and Corrupt Practices Act. The background facts are presented in a step-by-step manner:

1. ****Initial Charge (1997 Actions):****

- In November and December 1997, as the Municipal Mayor and a PNP member respectively, Saludaga and Genio allegedly connived to enter into a Pakyaw (informal) contract with Olimpio Legua for constructing Barangay Day Care Centers in Mac-Arthur and Urdaneta, Lavezares, Northern Samar.
- The contract was worth PHP 97,000 combined (PHP 48,500 each), but no competitive bidding was conducted, allegedly causing undue injury to the government.

2. ****Initial Proceeding:****

- The case was initially filed on September 13, 2000, with the Sandiganbayan Third Division as Criminal Case No. 26319.
- The Third Division quashed the information on June 14, 2002, citing a failure to specify the amount of actual damages caused.

3. ****Reevaluation and Refiling:****

- The Ombudsman reviewed the case and directed re-filing.
- A new information dated August 17, 2007, was filed by the Office of the Special Prosecutor. This case was docketed as Criminal Case No. SB-08 CRM 0263 in Sandiganbayan's Fourth Division.
- The new charge was framed as giving an unwarranted benefit to Olimpio Legua, rather than causing undue injury to the government.

4. ****Motions for Preliminary Investigation:****

- Petitioners filed a motion for a preliminary investigation on June 4, 2008, arguing that the new charge was different and required a new preliminary investigation.
- The Fourth Division denied this motion and the subsequent motion for reconsideration, asserting that no substantial amendments necessitated a new preliminary investigation.

5. **Present Petition:**

- The petitioners subsequently filed a special civil action for certiorari, prohibition, and mandamus under Rule 65 with the Supreme Court, asserting grave abuse of discretion by the Sandiganbayan for denying their motion for preliminary investigation.

Issues:

1. **Substitution of Information:**

- Whether the second information constituted a substitution requiring a new preliminary investigation.

2. **Substantial Amendment:**

- Whether the change in the manner of committing the offense (from causing undue injury to conferring unwarranted benefit) constituted a substantial amendment necessitating a preliminary investigation.

3. **Newly Discovered Evidence:**

- Whether alleged newly discovered evidence required re-examination to determine the presence of a prima facie case.

Court's Decision:

1. Substitution of Information:

Holding: The Supreme Court held that there was no substitution of information. The new information did not change the nature of the offense charged under Section 3(e) of RA 3019. It merely modified the mode of commission from causing undue injury to giving unwarranted benefits.

Rationale: The Court referenced statutory construction principles, asserting that differing modes of committing an offense under a single section do not constitute separate offenses. The disjunctive "or" deems it as alternative modes within one offense.

2. Substantial Amendment:

Holding: The Court held that the modification in the information did not represent a substantial amendment that required a new preliminary investigation.

Rationale: As the principal act remained entering into a Pakyaw contract without

competitive bidding, the amendment did not alter the type of offense, and the underlying evidence remained the same. Therefore, a new preliminary investigation was unnecessary.

****3. Newly Discovered Evidence:****

****Holding:**** The Court dismissed the argument for considering alleged newly discovered evidence, particularly the affidavit of COA Auditor Carlos G. Pornelos.

****Rationale:**** The affidavit, dated November 29, 2000, was already in existence and included in the case records prior to the re-filing. Therefore, it did not qualify as newly discovered evidence under Rule 121 of the Rules of Court. Further, the determination of probable cause fell within the prosecutorial discretion of the Ombudsman, which had already been exercised.

****Doctrine:****

- The introduction of a mode of commission in an information charge under Section 3(e) of RA 3019 does not necessitate a new preliminary investigation if it does not change the nature of the offense.
- Substitution of information entails another preliminary investigation, but substantial amendments that do not alter the essence of the charge do not.
- Affidavits existing prior to the re-filing of a case do not constitute newly discovered evidence requiring re-examination of probable cause.

****Class Notes:****

1. ****Section 3(e) of RA 3019:****

- Public officer discharging official functions.
- Acted with manifest partiality, evident bad faith, or gross inexcusable negligence.
- The act caused undue injury to any party, including the government, or gave any private party unwarranted benefits, advantage, or preference.

2. ****Statutory Construction:****

- Disjunctive “or” signifies alternative modes that do not create separate offenses.

3. ****Preliminary Investigation:****

- Preliminary investigation is a substantive right but does not require repetition absent significant change in the charge’s nature.

****Historical Background:****

The case arose in the context of increased anti-graft efforts in the Philippines. RA 3019, known as the Anti-Graft and Corrupt Practices Act, was a response to pervasive corruption. The legal framework emphasizes procedural rigor in handling offenses involving public officers, balancing the accused's rights with anti-corruption imperatives. This case underscores the judiciary's interpretation of procedural requirements against the backdrop of systemic corruption in local governance.