

PERLA A. SEGOVIA, REYNALDO C. SANTIAGO AND WINIFREDO SM. PANGILINAN, PETITIONERS VS. THE SANDIGANBAYAN, PEOPLE OF THE PHILIPPINES, AND THE PRESIDENT OF THE NATIONAL POWER CORPOR...

G.R. No. 124067. March 27, 1998

Ponente: NARVASA, C.J.

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NARVASA, C.J.:

The special civil action of certiorari and prohibition at bar seeks nullification of two (2) Resolutions of the Second Division of the Sandiganbayan issued in Criminal Case No. 21711 -- in which petitioners are prosecuted for violation of the Anti-Graft and Corrupt Practices Act : Republic Act No. 3019, as amended. The resolution assailed are:

- 1) that dated February 1, 1996, which ordered petitioners ‘ preventive suspension for ninety (90) days in accordance with Section 13 of said R.A 3019; and
- 2) that dated February 23, 1996, which denied petitioners’ motion for reconsideration of the suspension order.

The primary issue raised is whether it is mandatory or discretionary for the Sandiganbayan to place under preventive suspension public officers who stand accused before it, pursuant to said Section 13 of the law. Section 13 reads:

Sec. 13 Suspension and Loss of benefits. -- Any incumbent public officer against whom any criminal prosecution under a valid information under this Act or under Title 7, Book II of the Revised Penal Code or for any offense involving fraud upon government or public funds or property, whether as a simple or as a complex offense in whatever stage of execution and mode of participation, is pending in court, shall be suspended from office. ** **”

It is petitioners' submission that preventive suspension under this section “rest in the sound discretion of the Sandiganbayan despite the ostensibly mandatory language” of the statute, and that that discretion was gravely abused by the Sandiganbayan, or it exceeded its jurisdiction, when it decreed their suspension.

Petitioners -- Perla Segovia, Reynaldo Santiago, and Winifredo SM Pangilinan -- all hold regular executive positions in the National Power Corporation (NPC). They -- together with two other officers who have since resigned from the NPC, namely: Gilberto A. Pastoral and Cecilia D. Vales -- were designated by the NPC Board to compose the Contracts Committee for said NPC’s “Mindanao Grid LDC & SCADA/EMS System Operation Control Center and Facilities Project.”

The Contracts Committee thus constituted conducted the prequalification and bidding procedures for the project. The lowest and second lowest bidders were the Joint Venture of INPHASE and T & D, and Urban Consolidated Constructors, Inc., respectively. The Technical Task Force on Bid Evaluation of the NPC reviewed all the bids submitted and recommended approval of the results. The contracts Committee, however, declared the lowest

bidder (Joint Venture) disqualified after verification from the Philippines Contractors Accreditation Board that that group, as well as the second lowest bidder (Urban) had been “downgraded,” thereby rendering both ineligible as bidders.

The Contracts Committee also stated that since a review of relevant factors disclosed that the other bids had exceeded the Approved Agency Estimates and the Allowable Government Estimates for Options A and B of the Project, it was needful for the NPC Board to declare a failure of bidding and direct a re-bidding. The recommendation was unanimously approved by the NPC Board; but for reasons not appearing on record (and, in any event, not relevant to the inquiry), the project was eventually cancelled.

Obviously feeling aggrieved by the turn of events, Urban filed a complaint with the Office of the Ombudsman against the Chairman and Members of the Board of Directors of NPC; the Chairman (Gilberto Pascual) and Members of the NPC Contracts Awards Committee; the Chairman (Perla Segovia) of the Pre-Qualification Bids & Awards Committee; the Manager (Cecilia D. Vales) of the Contracts Management Office, and two others.[1] Urban alleged that before the bidding, Joint Venture had been disqualified, but the Contracts Committee, without basis and in order to favor it, reconsidered its disqualification and thus enabled it to take part in the bidding and in fact to submit the lowest bid; that the NPC was “already poised to award the contract to Joint Venture” but because Urban protested, it was compelled to “post-disqualify” the former; however, instead of awarding the contract for the project to Urban as the second lowest bidder, the Committee and the NPC Board declared a failure of bidding and ultimately cancelled the project. These acts, it is claimed, constituted a violation of the Anti-Graft and Corrupt Practices Act.

A preliminary investigation was conducted by the Ombudsman’s Office after which Graft Investigation Officer A.A. Amante submitted a Resolution dated August 2, 1994[2] recommending, among others, that:

- 1) petitioners Perla Segovia, Reynaldo Santiago, Winifredo SM Pangilinan, as well as Gilberto Pastoral and Cecilia Vales be charged with a violation of Section 3 (e) of RA 3019 of having in “one way or the other extended undue advantage to Joint Venture through manifest partiality, evident bad faith and gross inexcusable negligence;” and
- 2) the NPC President, NPC chairman and Members of the Board of Directors be cleared of the ** complaint as their official actuation of sustaining a failure of bidding and the consequent re-bidding is supported by factual and legal basis.”

Assistant Ombudsman Abelardo L. Aportadera, Jr., favorably endorsed the recommendation which was eventually approved on December 6, 1994 by Hon. Conrado M. Vasquez, then the Ombudsman.[3]

An information was accordingly filed with the Sandiganbayan against petitioners Segovia, Santiago, and Pangilinan, as well as Pastoral and Vales, docketed as Criminal Case No. 21711. They were charged with infringement of Section 3 (e) of RA 3019: i.e., “causing undue injury to any party, including the Government, or giving any party any unwarranted benefits, advantage or preference in the discharge of his official, administrative or judicial function through manifest partiality, evident bad faith or gross inexcusable negligence.”

Petitioners sought and obtained a reinvestigation of their case but gained no benefit thereby. For although the reinvestigating officer made a recommendation on March 7, 1995 that the information against petitioners be withdrawn -- because the “prima facie case had already been overthrown, considering that, as it now stands, the evidence at hand cannot stand judicial scrutiny”[4] -- and that recommendation met with the approval of the Special Prosecutor, it was ultimately turned down by the chief Special Prosecutor[5] on April 18, 1995, and on April 20, 1995, by the Ombudsman himself.[6]

The case thus proceeded in the Sandiganbayan. The accused were arraigned and entered pleas of not guilty; and a pre-trial was held which resulted in stipulation of facts embodied in an order dated January 11, 1996.[7]

Earlier, the People had filed a “Motion to Suspend Accused Pendente Lite” dated October 24, 1995, invoking Section 13 of RA 3019, as amended, and relevant jurisprudence, and alleging that the “information/s is /are valid.”[8]

Petitioner opposed the motion.[9] In their pleading dated November 28, 1995, the theorized that the explicit terms of the law notwithstanding, their suspension was not mandatory in the premises. They claimed that the admissions at the pre-trial show that the transactions in question resulted in no unwarranted benefits, advantage or preference, or injury, to anyone; that two of the five accused were no longer employees of the NPC; that two of the five accused were no longer employees of the NPC; that the positions that Segovia, Pangilinan and Santiago continued to occupy in the NPC were quite sensitive and had no relation to prequalification of contractors, biddings or awards -- which was an additional function temporarily assigned to them and for which the received no compensation at all -- and their suspension might cause delay of vital projects of the NPC; and that under the circumstances obtaining, they were in no position to tamper with any evidence.

Petitioners’ opposition was overruled. On January 31, 1996 the Sandiganbayan[10] handed down its Resolution suspending them for a period of ninety (90) days.[11] The Sandiganbayan held that the suspension was mandated under the law upon a finding that a proper preliminary investigation had been conducted, the information was valid, and the accused were charged with any of the crimes specified in the law; and stressed that its “authority and power to suspend the accused had been repeatedly upheld” in several precedents. It subsequently denied petitioners’ motion for reconsideration dated February 14, 1996, “(c)onsidering the paucity of the(ir) arguments ** and in the light of the mass of jurisprudence involving the power and authority of this Court to issue orders for preventive suspension of the accused **.”[12]

Petitioners would now have this Court strike down these resolution because supposedly rendered in excess of jurisdiction or with grave abuse of discretion. The court will not do so. In no sense may the challenged resolutions be stigmatized as so clearly capricious, whimsical, oppressive, egregiously erroneous or wanting in logic as to call for invalidation by the extraordinary writ of certiorari. On the contrary, in promulgating those resolution, the Sandiganbayan did but adhere to the clear command of the law and what it calls a “mass of jurisprudence” emanating from this Court, sustaining its authority to decree suspension of public officials and employees indicted before it. Indeed, that the theory of “discretionary suspension” should still be advocated to this late date, despite the “mass of jurisprudence” relevant to the issue, it little short of amazing, bordering on contumacious disregard of the solemn magisterial pronouncements of the Highest court of the land.

Republic Act no. 3019 was enacted by Congress more than 37 years ago, on August 17, 1960, becoming effective on the same date. The law was later amended by Republic Act No. 3047, Presidential Decree 677 and Presidential Decree No. 1288. The last amendment -- to Section 13 thereof -- was introduced by Batas Pambansa Bilang 195, approved on March 16, 1972.

The validity of Section 13, R.A. 3019, as amended -- treating of the suspension pendente lite of an accused public officer -- may no longer be put at issue, having been repeatedly upheld by this Court. As early as 1984, in *Bayot v. Sandiganbayan*,[13] the Court held by this Court. As suspension was not penal in character but merely a preventive measure before final judgement; hence, the suspension of a public officer charged with one of the crimes listed in the amending law, committed before said amendment, does not violate the constitutional provision against an ex post facto law. The purpose of suspension is to prevent the accused public officer from frustrating or hampering his prosecution by intimidating or influencing witnesses or tampering with documentary

evidence, or from committing further acts of malfeasance while in office.[14] Substantially to the same effect was the Court's holding in 1991, in *Gonzaga v. Sandiganbayan*,[15] that preventive suspension is not violative suspension remains entitled to the constitutional presumption of innocence since his culpability must still be established.

The Anti-Graft and Corrupt Practices Act implicitly recognizes that the power of preventive suspension lies in the court in which the criminal charge is filed; once a case is filed in court, all other acts connected with the discharge of court functions -- including preventive suspension -- should be acknowledged as within the competence of the court that has taken cognizance thereof, no violation of the doctrine of separation of powers being perceivable in that acknowledgment.[16]

The provision of suspension *pendente lite* applies to all persons indicated upon a valid information under Act, whether they be appointive or elective officials; or permanent or temporary employees, or pertaining to the career or non-career service.[17] It appears to a Public High School Principal;[18] a Municipal Mayor;[19] a Governor;[20] a Congressman;[21] a Department of Science and Technology (DOST) non-career Project Manager;[22] a Commissioner of the Presidential Commission on Good Government (PCGG).[23] The term "office" in Section 13 of the law applies to any office in relation to which he is charged.[24]

It is mandatory for the court to place under preventive suspension a public officer accused before it.[25] Imposition of suspension, however, is not automatic or self-operative. A precondition therefor is the existence of a valid information, determined at a pre-suspension hearing. Such a hearing is in accord with the spirit of the law, considering the serious and far-reaching consequences of a suspension of a public official even before his conviction, and the demands of public interest for speedy determination of the issues involved in the case.[26] The purpose of the pre-suspension hearing is basically to determine the validity of the information and thereby furnish the court with a basis to either suspend the accused and proceed with the trial on the merits of the case, or refuse suspension of the latter and dismiss the case, or correct any part of the proceeding which impairs its validity.²⁷ The accused should be given adequate opportunity to challenge the validity or regularity of the criminal proceedings against him; e.g. that he has not been afforded the right to due preliminary investigation; that he has not been afforded the right to due preliminary investigation; that the acts imputed to him do not constitute a specific crime (under R.A. 3019 or the Revised Penal Code) warranting his mandatory suspension from office under Section 13 of the Act; or that the information is subject to quashal on any of the grounds set out in Rule 117 of the Rules of Court.²⁸ But once a proper determination of the validity of the Information has been made, it becomes the ministerial duty of the court to forthwith issue the order of preventive suspension of the accused official on the pretext that the order denying the latter's motion to quash is pending review before the appellate courts.²⁹

However, the preventive suspension may not be of indefinite duration or for an unreasonable length of time; it would be constitutionally proscribed otherwise as it raises, at the very least, questions of denial of due process and equal protection of the laws.³⁰ The Court has thus laid down the rule that preventive suspension may not exceed the maximum period of ninety (90) days in consonance with Presidential Decree No. 807 (the Civil Service Decree), now Section 52 of the Administrative Code of 1987.³¹

While petitioners concede that this Court has "almost consistently ruled that the preventive suspension contemplated in Section 13 of RA 3019 is mandatory in character," they nonetheless urge the Court to consider their case an exception because of the "peculiar circumstances" thereof. They assert that the evils sought to be avoided by "separating a public official from the scene of his alleged misfeasance while the same is being investigated"³² -- e.g., "to preclude the abuse of the prerogative of ** (his) office, such as through intimidation of witnesses,"³³ or the tampering with documentary evidence -- will not occur in the present situation where:

“1. The Project has been cancelled.

2. (Their) ** official duties no longer pertain, in any manner, to the prequalification of contractors dealing with the NPC. Neither are they now involved in any bidding for or awarding of contracts, ** it (being) emphasized (in this connection) that they were merely designated as ad hoc members of the Committee without additional compensation for their additional duties.

3. All the relevant documentary evidence had been submitted either to the Ombudsman or the Honorable Sandiganbayan.”

They conclude that their preventive suspension “at this point would actually be purposeless, as there is no more need for precautionary measures against their abuse of the prerogatives of their office.”

The arguments are not new. They have been advanced and rejected in earlier cases. They will again be so rejected in this case.

The Court’s pronouncements in *Bolastig v. Sandiganbayan*, supra,³⁴ are germane:

“Our holding that, upon the filing of a valid information charging violation of Republic Act No. 30 19, Book II, Title 7 of the Revised Penal Code, or fraud upon government or public property, it is the duty of the court to place the accused under preventive suspension disposes of petitioner’s other contention that since the trial in the Sandiganbayan is now over with respect to the presentation of evidence for the prosecution there is no longer any danger that petitioner would intimidate prosecution’s witnesses. The fact is that the possibility that the accused would intimidate witnesses or otherwise hamper his prosecution is just one of the grounds for preventive suspension. The other one is, ** to prevent the accused from committing further acts of malfeasance while in office.”

Bolastig also disposes of the other contention that vital projects of NPC may be delayed by their preventive suspension, viz.:³⁵

“Finally, the fact that petitioner’s preventive suspension may deprive the people of Samar of the services of an official elected by them, at least temporarily, is not a sufficient basis for reducing what is otherwise a mandatory period prescribed by law. The vice governor, who has likewise been elected by them, will act as governor. (The Local Government Code of 1991, sec. 46[a]) Indeed, even the Constitution authorizes the suspension for not more than sixty days of members of Congress found guilty of disorderly behavior, (Art. VI, sec. 16[3]) thus rejecting the view expressed in one case (*Alejandrino v. Quezon*, 46 Phil. 83, 96 [1924]) that members of the legislature could not be suspended because in the case of suspension, unlike in the case of removal, the seat remains filled but the constituents are deprived of representation.”

The firmly entrenched doctrine is that under Section 13 of the Anti-Graft and Corrupt Practices Law, the suspension of a public officer is mandatory after a determination has been made of the validity of the information in a pre-suspension hearing conducted for that purpose.

In *Socrates v. Sandiganbayan, et al.*,³⁶ decided fairly recently, the Court again expatiated on the mandatory character of suspension pendente lite under Section 13 of R.A. No. 3019 and the nature of the pre-suspension hearing.

“This Court has ruled that under Section 13 of the anti-graft law, the suspension of a public officer is mandatory after the validity of the information has been upheld in a pre-suspension hearing conducted for that purpose. This pre-suspension hearing is conducted to determine basically the validity of the information, from which the Court can have a basis to either suspend the accused and proceed with the trial on the merits of the case, or withhold the

suspension of the latter and dismissed the case, or correct any part of the proceeding which impairs its validity. That hearing may be treated in the same manner as a challenge to the validity of the information by way of a motion to quash (See *People vs. Albano, etc., et. al.*, L-45376-77, July 28, 1988, 163 SCRA 511)

“In the leading case of *Luciano, et al. vs. Mariano, et al.* (L-32950, July 30, 1971, 40 SCRA 187), we have set out the guidelines to be followed by the lower courts in the exercise of the power of suspension under Section 13 of the law, to wit:

‘(c) By way of broad guidelines for the lower courts in the exercise of the power of suspension from office of public officers charged under a valid information under the provisions of Republic Act No. 3019 or under the provisions of the Revised Penal Code on bribery, pursuant to section 13 of said Act, it may be briefly stated that upon the filing of such information, the trial court should issue an order with proper notice requiring the accused officer to show cause at a specific date of hearing why he should not be ordered suspended from office pursuant to the cited mandatory provisions of the Act. Where either the prosecution seasonably files a motion for an order of suspension or the accused in turn files a motion to quash the information or challenges the validity thereof, such show-cause order of the trial court would no longer be necessary. What is indispensable is that the trial court duly hear the parties at a hearing held for determining the validity of the information, and thereafter hand down its ruling, issuing the corresponding order of suspension should it uphold the validity of the information or withhold such suspension in the contrary case.

‘(d) No specific rules need be laid down for such pre-suspension hearing. Suffice it to state that the accused should be given a fair and adequate opportunity to challenge the validity of the criminal proceedings against him, e.g., that he has not been afforded the right of due preliminary investigation, the act for which he stands charged do not constitute a violation of the provisions of Republic Act No. 3019 or of bribery provisions of the Revised Penal Code which would warrant his mandatory suspension from office under Section 13 of the Act, or he may present a motion to quash the information on any of the grounds provided in the Rule 117 of the Rules of Court. The mandatory suspension decreed by the act upon determination of the pendency in court or criminal prosecution for violation of the Anti-Graft Act or for bribery under a valid information requires at the same time that the hearing be expeditious, and not unduly protracted such as to thwart the prompt suspension envisioned by the Act. Hence, if the trial court, say, finds the ground alleged in the quashal motion not to be indubitable, then it shall be called upon to issue the suspension order upon its upholding the validity of the information and setting the same for trial on the merits.’

“With the aforequoted jurisprudential authority as the basis, it is evident that upon a proper determination of the validity of the information, it becomes mandatory for the court to immediately issue the suspension order. The rule on the matter is specific and categorical. It leaves no room for interpretation. It is not within the court’s discretion to hold in abeyance the suspension of the accused officer on the pretext that the order denying the motion to quash is pending review before the appellate courts. Its discretion lies only during the pre-suspension hearing where it is required to ascertain whether or not (1) the accused had been afforded due preliminary investigation prior to the filing of the information against him, (2) the acts for which he was charged constitute a violation of the provisions of Republic Act. No. 3019 or of the provisions of title 7, Book II of the revised Penal Code, or (3) the information against him can be quashed, under any of the grounds provided in Section 2, Rules 117 of the Rules of Court. (*People vs. Albano, etc., et al. Supra, fn. 26*)

“Once the information is found to be sufficient in form and substance, then the court must issue the order of suspension as a matter of course. There are no ifs and buts about it. This is because a preventive suspension is not penalty. It is not imposed as a result of judicial proceedings. In fact, if acquitted, the official concerned shall be entitled to reinstatement and to the salaries and benefits which he failed to receive during suspension. In view of

this latter provisions, the accused elective public officer does not stand to be prejudiced by the immediate enforcement of the suspension order in the event that the information is subsequently declared null and void on appeal and the case dismissed as against him. Taking into consideration the public policy involved in preventively suspending a public officer charged under a valid information, the protection of public interest will definitely have to prevail over the private interest of the accused. (*Bayot vs. Sandiganbayan, et al.*, G.R. Nos. 61776-61861, March 23, 1984, 128 SCRA 383)

“To further emphasize the ministerial duty of the court under Section 13 of Republic Act No. 3019, it is said that the court trying the case has neither discretion nor duty to determine whether or not a preventive suspension is required to prevent the accused from using his office to intimidate witnesses or frustrate his prosecution or continue committing malfeasance in office. The presumption is that unless the accused is suspended, he may frustrate his prosecution or commit further acts of malfeasance or do both, in same way that upon a finding that there is probable cause to believe that a crime has been committed and that the accused is probably guilty thereof, the law requires the judge to issue a warrant for the arrest of the accused. The law does not require the court to determine whether the accused is likely to escape or evade the jurisdiction of the court.”

The Court is satisfied that the Second Division of the Sandiganbayan, after upholding the validity of the information against petitioners, correctly ordered their preventive suspension from any public office for period of ninety (90) days.

As was stressed in *Libanan v. Sandiganbayan* 37

“ ** When the statute is clear and explicit, there is hardly room for any extended court ratiocination or rationalization of the law. Republic Act No. 3019 unequivocally mandates the suspension of a public official from office pending a criminal prosecution against him. This Court has repeatedly held that such preventive suspension is mandatory **, and there are no ‘ifs’ and ‘buts’ about it.”

WHEREFORE, the petition in this case is hereby DISMISSED for lack of merit. Cost against petitioners.

SO ORDERED.

Romero, Kapunan, and Purisima JJ. concur.

[1] Docketed as OMB-0-94-0735

[2] Rollo, pp 51-63.

[3] Id., p.62

[4] Annex E, petition

[5] Hon. Aniano Desierto, now the incumbent Ombudsman

[6] Rollo, p.11

[7] Annex J, petition

[8] Rollo, p.135-136.

[9] Id., pp. 137 et seq

[10] Second Division: Per Escareal, J., Chairman, with whom concurred Lagman and Demetriou, JJ.

[11] Rollo, pp. 26-30

[12] Id., p.31

[13] 128 SCRA 383 [1984]

[14] Bolastig v. Sandiganbayan, 235 SCRA 103 [1994]

[15] 201 SCRA 417 [1991]; SEE also

[16] Luciano v. Provincial Governor, et al., 28 SCRA 517 [1969]; per Sanchez, J.

[17] Preclaro v. Sandiganbayan, 247 SCRA 454 [1995]; Gonzaga v. Sandiganbayan, et al. 201 SCRA 417 [1991]

[18] Gonzaga v Sandiganbayan, 201 SCRA 417 [1991]

[19] See Layno, Sr. v Sandiganbayan, 136 SCRA 536 [1985]

[20] See Deloso v. Sandiganbayan, 173 SCRA 409 [1985]

[21] Paredes v. Sandiganbayan, G.R. No. 118364, August 8, 1995, En Banc Resolution

[22] Preclaro v. Sandiganbayan, 247 SCRA 454 [1995]

[23] Doromal v. Sandiganbayan, 177 SCRA 354 [1989]

[24] Libanan v. Sandiganbayan, 233 SCRA 163 [1994]; SEE Bayot v Sandiganbayan, 128 SCRA 383 [1984] -- auditor, charged with a crime committed while a municipal mayor; Deloso v. Sandiganbayan, 173 SCRA 409 [1989] -- provincial governor, charged with crime committed while a municipal mayor; Libanan v. Sandiganbayan, 233 SCRA 163 [1994] -- Vice-Governor, charged with a crime committed while a Snguniang Bayan Member, Paredes v. Sandiganbayan, et al., G.R. No. 118364. August 8, 1995, En Banc Minute Resolution, MR denied with finality on January 28 1997 -- Congressman, charged with a crime committed while provincial governor.

[25] Aguinaldo v. Sandiganbayan, 265 SCRA 121 [1996] citing Socrates v. Sandiganbayan, 253 SCRA 773 [1996]; Bolastig v. Sandiganbayan, 235 SCRA 103 [1994]; Libanan v. Sandiganbayan, 233 SCRA 163 [1994] citing Gonzaga v. Sandiganbayan, 201 SCRA 417 [1991] Bunye v. Escareal, 226 SCRA 332 [1993], People v. Albano, 163 SCRA 511 [1988], and People v. Albano, 163 SCRA 511 [1988, People v. Court of Appeals, 135 SCRA 372 [1985]; Luciano v. Provincial Governor, 28 SCRA 517 [1969]; See Luciano v. Mariano, 40 SCRA 187 [1971]

[26] People v. Albano, 163 SCRA 511 [1988 citing Luciano v. Wilson, 34 SCRA 638 [1970]

27 People v. Albano, supra, p. 517

28 Id.,citing Luciano v. Mariano, 40 SCRA 187 [1971].

29 Socrates v. Sandiganbayan, 253 SCRA 773 [1996]

30 Gonzaga v. Sandiganbayan, supra, citing Layno v. Sandiganbayan, 136 SCRA 536 [1985]; Deloso v. Sandiganbayan, 173 SCRA 409 [1989]; Doromal v. Sandiganbayan, 177 SCRA 354 [1989].

31 Bolastig v. Sandiganbayan, 235 SCRA 103 [1994]; Gonzaga v. Sandiganbayan, 201, SCRA 417 [1991] citing Deloso v. Sandiganbayan, 173 SCRA 409 [1989] and Doromal v. Sandiganbayan, 177 354 [1991]

32 Citing Bautista v. Peralta, 207 SCRA 689

33 Citing *Deloso v. Sandiganbayan*, 173 SCRA 409, at pp. 420-421

34 235 SCRA 103, 109 emphasis supplied

35 235 SCRA 103, 110, emphasis supplied

36 253 SCRA 773, 794-797 (1996), per Regalado, J., emphasis supplied

37 163 SCRA 163, at p. 167.

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