STEVENS N. FUENTES, PETITIONER,VS. THE SANDIGANBAYAN AND THE PEOPLE OF THE PHILIPPINES,RESPONDENTS.

G.R. NO. 139618. July 11, 2006

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Once a criminal action has been instituted by the filing of the Information with the court, the latter acquires jurisdiction and has the authority to determine whether to dismiss the case or convict or acquit the accused. However, the court, in the exercise of its judicial discretion, cannot ignore the recommendation of the prosecution. Hence, where the prosecution is convinced that the evidence is insufficient to establish the guilt of an accused, it cannot be faulted for moving for the withdrawal of the Information. However, in granting or denying the motion to withdraw, the court must judiciously evaluate the evidence in the hands of the prosecution.

This special civil action for certiorari seeks to annul and set aside the Resolution[1] dated April 26, 1999 of the Sandiganbayan in Criminal Case No. 23334 denying the Motion to Quash the Information filed by Stevens Fuentes, petitioner, and its Resolution[2] dated August 2, 1999 denying his Motion for Reconsideration.

The instant case stemmed from a Deed of Sale entered into by and between Teresita Sta. Maria Raco and the Municipality of Banga, Aklan, represented by petitioner in his capacity as Mayor of the said municipality. The object of the sale was a 1,343-square meter lot located in the same municipality covered by Original Certificate of Title No. P-15999. Petitioner paid Teresita Sta. Maria Raco P114,155.00 for the lot.

When the contract was presented to the Register of Deeds of Aklan, he required the submission of a resolution from the Sangguniang Bayan of Banga authorizing petitioner to purchase the lot.

On July 27, 1995, the Sangguniang Bayan of Banga held a special session, but failed to pass the required resolution.

In order to avoid any controversy, Teresita Sta. Maria Raco returned to petitioner the amount paid for her lot. That same day, petitioner executed an Affidavit of Rescission of Contract of Sale.

On August 30, 1995, Edgardo L. Ruiz, a member of the Sangguniang Bayan of Banga, filed with the Office of the Deputy Ombudsman for the Visayas a complaint charging petitioner with purchasing the lot at a price manifestly and grossly disadvantageous to the government, in violation of Section 3 (g) of Republic Act (R.A.) No. 3019.[3] The complaint was docketed as OMB Case No. OMB-VIS-CRIM-95-0442.

In a Resolution dated February 7, 1996, the Office of the Ombudsman (Visayas) recommended the dismissal of the complaint.

However, then Ombudsman Aniano Desierto disapproved the recommendation and, in a marginal note, stated that "the offense of violation of R.A. 3019, Section 3 (g) was consummated from the signing of the contract by the parties."

Accordingly, on April 11, 1996, the Office of the Special Prosecutor, with the approval of then Ombudsman Desierto, filed with the Sandiganbayan an Information for violation of Section 3 (g) of the Anti-Graft and Corrupt Practices Act, which reads:

> That on or about July 12, 1995, in Banga, Aklan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, a public officer, being then the Municipal Mayor of Banga, Aklan, committing the crime herein in relation to, while in the performance and taking advantage of his official functions, did then and there willfully, unlawfully, and criminally cause the purchase of a 1,343 sq.m. parcel of land situated in Mangan, Banga, Aklan from one Teresita Sta. Maria Raco for and in consideration of the amount of PESOS: ONE HUNDRED FOURTEEN THOUSAND ONE HUNDRED FIFTY-FIVE (P114, 155.00), which contract or transaction is manifestly or gross disadvantageous to the government said accused knowing fully well that the said property has a fair market value of PESOS: TWO THOUSAND EIGHT HUNDRED TWENTY and 30/100 (P2,820.30) and a zonal value of PESOS: THIRTEEN THOUSAND FOUR HUNDRED FIFTY (P13,450.00).
>
> CONTRARY TO LAW.[4]

On May 22, 1997, petitioner filed a Motion for Reconsideration and/or Reinvestigation. After hearing, the Office of the Special Prosecutor found that not all the elements of the offense charged are present.

The Ombudsman filed with the Sandiganbayan a Motion to Withdraw Information "for insufficiency of evidence."

On August 17, 1998, the Sandiganbayan denied the motion, holding that:

> The motion at bar now is for the withdrawal of the information on the ground of insufficiency of evidence. As argued by the private complainant, however, quoting the Ombudsman, the offense for which the accused was charged "xxx is consummated upon the signing of the contract by the parties xxx." A perusal of the records would seem that this ground of insufficiency of evidence may not hold water.
>
> Besides, and more importantly, the matter of determining the sufficiency or insufficiency of evidence, is best addressed to the Court after the prosecution has determined the existence of the prima facie case upon the filing of the Information.[5]

On November 25, 1998, petitioner filed a Motion to Quash the Information on the following grounds: (1) the facts as alleged do not constitute an offense; and (2) there is clearly no prima facie evidence of wrongdoing on the part of the accused.

On April 26, 1999, the Sandiganbayan denied petitioner's Motion to Quash the Information, thus:

> Anent the first ground, that the facts charged do not constitute an offense, a cursory reading of the allegations in the Information clearly show that the facts alleged therein constitute an offense for violation of Sec. 3 (g), R.A. 3019.
>
> Anent the second ground that there is clearly no prima facie evidence against the accused, the same is evidentiary in nature and is not a ground for the quashal of an information. Besides, as ruled earlier, the matter of determining the sufficiency or insufficiency of evidence is best addressed to the Court after the Ombudsman has determined the existence of prima facie case on the filing of the Information.[6]

Petitioner then filed a Motion for Reconsideration, but this was denied by the Sandiganbayan in its Resolution of July 29, 1999.

Hence, the instant petition for certiorari.

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The sole issue for our resolution is whether the Sandiganbayan committed grave abuse of discretion amounting to lack or excess of jurisdiction in denying petitioner's Motion to Quash the Information.

In its Comment on the petition, respondent People of the Philippines, represented by the Ombudsman, prayed that the Information in Criminal Case No. 23334 be dismissed on the ground that not all the elements of the crime charged are present.

In his Comment, the Solicitor General, representing the Sandiganbayan, prayed that the instant petition be given due course and that the challenged Resolutions be set aside. The Solicitor General stated:

> Contrary to established jurisprudence, respondent court merely relied on the self-serving allegation of the private complainant that the offense for which petitioner was charged "[was] consummated upon the signing of the contract by the parties."
>
> x x x x x x x x x
>
> Here, we submit that petitioner was denied due process when respondent court merely accepted the private complainant's word as to the sufficiency of the evidence against the petitioner. By doing so, it relinquished the discretion that it was duty bound to exercise. x x x

It is highly unusual for the Solicitor General to take a position adverse to the People or the Sandiganbayan he is representing. Generally, the Solicitor General has the duty to see to it that the interest of the government is upheld within the limits set by law.[7] It bears emphasis that in a prosecution for violation of the Anti-Graft and Corrupt Practices Act, as in this case, the government is the offended party.

As early as US v. Valencia,[8] this Court, through Justice Charles A. Willard, ruled that once an Information has been filed in court, the latter acquires jurisdiction over the case; and, accordingly, it is the court, not the fiscal, which has control over it. In US v. Barredo,[9] this Court explained that fiscals are not clothed with the power to dismiss or nolle prosequi criminal actions once these have been instituted, for the power to dismiss is solely vested in the court. The Barredo doctrine has continuously been applied through the years.[10] In other words, once a court acquires jurisdiction, the same continues until the termination of the case.[11] The rule, therefore, in this jurisdiction is that once a complaint or information is filed in court, any disposition of the case, whether it be dismissal or the conviction or the acquittal of the accused, rests in the sound discretion of the court.[12] The only qualification to this exercise of the judicial prerogative is that the substantial rights of the accused must not be impaired[13] nor the People be deprived of the right to due process.[14]

This brings us to this basic issue in the instant case, that is, how that judicial discretion should be exercised.

We hold that the exercise of judicial discretion, with respect to a motion to withdraw the Information filed by the prosecution, is not limited to the mere approval or disapproval of the stand taken by the prosecution. The court must itself be convinced that there is indeed no sufficient evidence against the accused and this conclusion can only be reached after an assessment of the evidence in the possession of the prosecution. What is required is the court's own assessment of such evidence.[15]

Here, the Sandiganbayan failed to make its own appraisal of the prosecution's evidence in Criminal Case No. 23334. As aptly observed by the Solicitor General, the Sandiganbayan merely accepted the private complainant's word that the evidence against petitioner is sufficient. This is glaringly clear from its Resolution dated August 17, 1998 stating that it relied upon the arguments of the private complainant, and its Resolution of April 26, 1999 holding that "a mere cursory reading of the allegations in the Information clearly shows that the facts alleged therein show an offense for violation of Sec. 3(g), R.A. 3019." Significantly, these Resolutions contain no evaluation of the evidence for the prosecution for the purpose of determining whether the Motion to Withdraw the

Information filed by the prosecution and Motion to Quash the Information filed by herein petitioner should be granted or denied.

In Mosquera v. Panganiban,[16] the trial court failed to state a good reason for the withdrawal of the Information. We held that the exercise of the trial court's discretion is neither just nor fair. The ruling in Mosquera is applicable to the instant case. It bears reiterating that the Sandiganbayan merely relied on the arguments of private complainant. Thus, it relinquished its discretion it was duty bound to exercise.

In sum, we find that the Sandiganbayan, in issuing the challenged Resolutions denying the Ombudsman's Motion to Withdraw Information, gravely abused its discretion amounting to lack or excess of jurisdiction.

WHEREFORE, the petition is GRANTED. The Resolutions of the Sandiganbayan dated August 17, 1998, April 26 and July 29, 1999 in Criminal Case No. 23334 are SET ASIDE.

SO ORDERED.

Puno, (Chairperson), Corona, Azcuna and Garcia, JJ., concur.

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[1]Rollo, p. 39. Penned by Associate Justice Godofredo L. Legaspi with Associate Justice Edilberto G. Sandoval and Associate Justice Alfredo J. Gustilo, concurring.

[2] Id., p. 40.

[3] Anti-Graft and Corrupt Practices Act.

[4] Rollo, pp. 41-42.

[5] Id., pp. 61-62.

[6] Id., p. 39.

[7] Orbos v. Civil Service Commission, G.R. No. 92561, September 12, 1990, 189 SCRA 459.

[8] 1 Phil. 642 (1903).

[9] 32 Phil. 444 (1915).

[10] See for instance, US v. Abanzado, 37 Phil. 658 (1917); Kwong Sing v. The City of Manila, 41 Phil. 103 (1920); US v. Perfecto, 42 Phil. 113 (1921); Dimayuga v. Fernandez, 43 Phil. 304 (1922); Gonzales v. Court of First Instance of Bulacan, 63 Phil. 846 (1936); People v. Ovilla, 65 Phil. 722 (1938); People v. Orais, 65 Phil. 744 (1938); People v. De Moll. 68 Phil. 626 (1939).

[11]Hoey v. Provincial Fiscal of Rizal, G.R. Nos. 61323-24, June 29, 1984, 130 SCRA 239; Republic v. Sunga, G.R. No. 38634, June 20, 1988, 162 SCRA 191, citing Crespo v. Mogul, 151 SCRA 462 (1987).

[12]Crespo v. Mogul, G.R. No. 53373, June 30, 1987, 151 SCRA 462, 471; Sta. Rosa Mining Co. v. Assistant Provincial Fiscal, G.R. No. 44723, August 31, 1987, 153 SCRA 367; Marquez v. Alejo, G.R. No. 40575, September 28, 1987, 154 SCRA 302, 308; Dungog v. Court of Appeals, G.R. Nos. 77850-51, March 25, 1988, 159 SCRA 145; Balgos, Jr. v. Sandiganbayan, G.R. No. 85590, August 10, 1989, 176 SCRA 287; Velasquez v. Undersecretary of Justice, G.R. No. 88442, February 15, 1990, 182 SCRA 388; Marcelo v. Court of Appeals, G.R. No. 106695, August 4, 1994, 235 SCRA 39; Roberts, Jr. v. Court of Appeals, G.R. No. 113930, March 5, 1996, 254 SCRA 307.

[13] People v. Zabala, 58 O.G. 5028.

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[14] Galman v. Sandiganbayan, G.R. No. 72670, September 12, 1986, 144 SCRA 43.

[15] Martinez v. Court of Appeals, G.R. No. 112387, October 13, 1994, 237 SCRA 575.

[16] G.R. No. 121180, July 5, 1996, 258 SCRA 473.

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