

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. SANDIGANBAYAN (FOURTH DIVISION), JESSIE CASTILLO, MELENCIO ARCIAGA AND EMERENCIANO ARCIAGA, RESPONDENTS.

G.R. No. 160619. September 09, 2015

Ponente: JARDELEZA, J.

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JARDELEZA, J.:

The purpose of an Information is to afford an accused his right to be informed of the nature and cause of the accusation against him. It is in pursuit of this purpose that the Rules of Court require that the Information allege the ultimate facts constituting the elements of the crime charged. Details that do not go into the core of the crime need not be included in the Information, but may be presented during trial. The rule that evidence must be presented to establish the existence of the elements of a crime to the point of moral certainty is only for purposes of conviction. It finds no application in the determination of whether or not an Information is sufficient to warrant the trial of an accused.

The Case

Before us is a petition under Rule 45 of the Rules of Court filed by the People of the Philippines ("the People") through the Office of the Special Prosecutor under the Office of the Ombudsman. The petition seeks the reversal of the Resolutions dated January 9, 2002[1] and November 3, 2003[2] issued by public respondent Sandiganbayan, granting private respondent Jessie B. Castillo's Supplemental Motion to Dismiss the Information filed against him and denying the People's subsequent Motion for Reconsideration, respectively.

The Facts

Jessie B. Castillo (Castillo) was elected mayor of the Municipality of Bacoor, Cavite in the May 1998 elections. On September 19, 2000, an Information was filed against Castillo charging him with violation of Section 3(e) of Republic Act (RA) No. 3019,[3] in relation to the alleged illegal operation of the Villa Esperanza dumpsite located in Molino, Bacoor, Cavite. According to the Information, Castillo, while in the performance of his official functions as Mayor of Bacoor, gave unwarranted benefits to his co-accused Melencio and Emerenciano Arciaga by allowing the latter to operate the Villa Esperanza dumpsite without the requisite Environmental Compliance Certificate (ECC) and permit from the Environmental Management Bureau (EMB).[4]

An administrative complaint for Simple Misconduct had previously been filed against Castillo also in relation to the illegal operation of the dumpsite. The Office of the Ombudsman found Castillo guilty of the administrative charge and imposed the penalty of one (1) month and one (1) day suspension. On appeal, the Court of Appeals set aside the decision of the Office of the Ombudsman and ordered the dismissal of the administrative complaint against Castillo.[5] The Court of Appeals held:

Xxx [Castillo] did not violate the DENR notice which was issued way back in 1998 yet, or before his actual assumption of office. Quite the contrary, while already a mayor, [Castillo], upon being informed of the notice,

immediately took steps in resolving the municipality's aged-long garbage problem. True, the solution was a long-term one, but the end results were just the same, i.e., what was once a mountainous pile of trash covering a 2-hectare piece of property has been remarkably reduced and what was left was a considerable area used as a segregation and transfer station of garbage prior to their eventual dumping at the San Mateo landfill.

Doubtless, in finding [Castillo] guilty of simple misconduct and penalizing him therefor, the respondent Office of the Ombudsman, in clear abuse of discretion, ignored and did not take into account the foregoing reports, including no less the letter of commendation of [DENR] Secretary Cerilles.

It is thus unfortunate that even as [Castillo] had taken concrete steps to address a problem that was not of his own doing or tolerance but merely inherited by him, he was instead rewarded by an administrative penalty even as the very government agency (DENR) which issued the Notice of Violation commended him for his efforts. If this is not a travesty of justice, then We know not what it is.[6]

After arraignment and pre-trial, Castillo, on August 21, 2001, filed with the Sandiganbayan a Motion to Dismiss or Terminate Proceedings.[7] He argued that the case against him had been decriminalized by Section 37 of Republic Act No. 9003[8] and invoked the decision of the Court of Appeals absolving him of administrative liability. His motion was initially denied by the Sandiganbayan in a Resolution dated September 6, 2001.[9]

On September 21, 2001, Castillo filed a Supplemental Motion to Quash the Information on the ground that the same does not charge an offense.[10] He claimed that a public officer may only be held liable for violation of Section 3(e) of R.A. No. 3019 if he caused undue injury to the government or any private person. Thus, Castillo argued that the undue injury must not only be mentioned in the Information, its extent must be specified. Invoking the ruling of this Court in *Llorente, Jr. v. Sandiganbayan*,[11] Castillo asserted that the claim of undue injury must be "specified, quantified and proven to the point of moral certainty."

The Sandiganbayan Fourth Division failed to decide unanimously on the Supplemental Motion. Thus, a special division (composed of five Justices of the Sandiganbayan) was constituted.[12] Voting 3 to 2,[13] this Special Division, in its challenged Resolution dated January 9, 2002, granted Castillo's Supplemental Motion:

Going over the elements of the crime vis-a-vis the allegations of the information, the court agrees with the contention of movant that the allegations of the information fail to measure up to the requirements of the law. While the information charges Castillo with violation of Section 3[e] of R.A. 3019 for "giving unwarranted benefits to his co-accused Melencio and Emerenciano Arciaga, by allowing the operation of the dumpsite at Villa Esperanza, Molino, Bacoor, Cavite" and "thereby causing undue injury to the residents and students in the area who had to endure the stench, flies, rats and mosquitoes emanating from the dumpsite" the court notes the failure of the information to quantify the alleged unwarranted benefits supposedly given by movant to his co-accused as well as the undue injury caused to the residents and students of the area affected by the dumpsite.

In the case of *Alejandro vs. People*, the Supreme Court had ruled that undue injury requires proof of actual injury or damage. Thus, in *Llorente*, it was held that undue injury in Sec. 3[e] cannot be presumed even after a wrong or a violation of a right has been established. Its existence must be proven as one of the elements of the crime. In fact, the causing of undue injury or the giving of unwarranted benefits, advantage or preference through manifest partiality, evident bad faith or gross inexcusable negligence constitutes the very act punished under this section. Thus, it is required that the undue injury be specified, quantified and proven to the point of moral certainty.

Anent the allegation of unwarranted benefits given to the Arciagas, the court likewise notes the failure of the information to specify and quantify the same. Whereas the Ombudsman's resolution finding prima facie evidence against the herein accused made mention of the amount of P250.00 to P300.00 allegedly collected from each garbage truck from companies and factories allowed to dump garbage at the Villa Esperanza

dumpsite, the same was not alleged in the information which charged Castillo with having given unwarranted benefits to his co-accused.[14]

(Emphasis supplied.)

The Special Division[15] also resolved, on November 3, 2003, to deny the motion for reconsideration subsequently filed by the People.

Hence, this petition.

The Issue

The case before us raises the question of what ultimate facts are required to be stated in an Information charging an accused with violation of Section 3(e) of R.A. No. 3019. Specifically, we are called to resolve whether an Information alleging the grant of unwarranted benefits and existence of undue injury must state the precise amount of the alleged benefit unduly granted as well as identify, specify, and prove the alleged injury to the point of moral certainty.

Ruling of the Court

The petition is meritorious.

The main purpose of an Information is to ensure that an accused is formally informed of the facts and the acts constituting the offense charged.[16] Where insufficient, an accused in a criminal case can file a motion to have the Information against him quashed and/or dismissed before he enters his plea.[17] A motion to quash challenges the efficacy of an Information[18] and compels the court to determine whether the Information suffices to require an accused to endure the rigors of a trial. Where the Information is insufficient and thus cannot be the basis of any valid conviction, the court must drop the case immediately and save an accused from the anxiety and convenience of a useless trial.[19]

A motion to quash an Information on the ground that the facts charged do not constitute an offense should be resolved on the basis of the allegations in the Information whose truth and veracity are hypothetically admitted.[20] The question that must be answered is whether such allegations are sufficient to establish the elements of the crime charged without considering matters aliunde.[21] In proceeding to resolve this issue, courts must look into three matters: (1) what must be alleged in a valid Information; (2) what the elements of the crime charged are; and (3) whether these elements are sufficiently stated in the Information.

Sufficiency of Complaint or Information

Sections 6 and 9 of Rule 110 of the Rules of Court are relevant. They state -

Sec. 6. Sufficiency of complaint or information. - A complaint or information is sufficient if it states the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed.

When an offense is committed by more than one person, all of them shall be included in the complaint or information.

xxx

Sec. 9. Cause of the accusation. - The acts or omissions complained of as constituting the offense and the qualifying and aggravating circumstances must be stated in ordinary and concise language and not necessarily in the language used in the statute but in terms sufficient to enable a person of common understanding to know

what offense is being charged as well as its qualifying and aggravating circumstances and for the court to pronounce judgment.

(Emphasis supplied.)

This Court, in *Lazarte v. Sandiganbayan*[22] explained the two important purposes underlying the rule. First, it enables the accused to suitably prepare his defense.[23] Second, it allows the accused, if found guilty, to plead his conviction in a subsequent prosecution for the same offense.[24] Thus, this Court held that the true test in ascertaining the validity and sufficiency of an Information is "whether the crime is described in intelligible terms with such particularity as to apprise the accused, with reasonable certainty, of the offense charged." [25]

Castillo is charged with violation of Section 3(e) of R.A. No. 3019, the elements of which are as follows:

- The accused must be a public officer discharging administrative, judicial or official functions;
- He must have acted with manifest partiality, evident bad faith or gross inexcusable negligence; and
- That his action caused any undue injury to any party, including the government, or giving any private party unwarranted benefits, advantage or preference in the discharge of his functions.[26]

The subject Information filed against Castillo, on the other hand, reads to wit:

That in or about 1998, or sometime prior or subsequent thereto, in the Municipality of Bacoor, Province of Cavite, Philippines, and within the jurisdiction of this Honorable Court, accused Jessie B. Castillo, a public officer, being the incumbent Mayor of Bacoor, Cavite, while in the performance of his official and administrative function, acting in evident bad faith and manifest partiality, conspiring and confederating with accused Melencio A. Arciaga and Emerenciano A. Arciaga, caretakers of Villa Esperanza, did then and there wilfully, unlawfully and criminally give unwarranted benefits to his co-accused Melencio A. Arciaga and Emerenciano A. Arciaga, by allowing the operation of the dump site located at Villa Esperanza, Molino, Bacoor, Cavite, notwithstanding the fact that no Environmental Compliance Certificate (ECC) or any permit has been issued by the Environmental Management Bureau (EMB), Department of Environment and Natural Resources to any person or entity for such purpose, and despite cease and desist orders issued by the DENR, thereby causing undue injury to the residents and students in the area who had to endure the stench, Hies, rats and mosquitoes emanating from the dumpsite.[27]

(Emphasis supplied.)

Information filed against Castillo

and his co-accused is sufficient

We find that the foregoing Information sufficiently alleges the essential elements of a violation of Section 3(e) of R.A. No. 3019. The Information specifically alleged that Castillo is the Mayor of Bacoor, Cavite who, in such official capacity, with evident bad faith and manifest partiality, and conspiring with the Arciagas, wilfully, unlawfully and criminally gave unwarranted benefits to the latter, by allowing the illegal operation of the Villa Esperanza dumpsite, to the undue injury of the residents and students in the area who had to endure the ill-effects of the dumpsite's operation.

The Sandiganbayan, however, allowed the quashal of the Information due to the prosecution's failure to (1) allege, with precision, the exact amount of benefits granted by Castillo to the Arciagas and (2) specify, quantify and prove "to the point of moral certainty" the undue injury caused to the people of Molino. According to the Sandiganbayan:

xxx the court deems it to be an exercise in futility to proceed to trial when the information that was filed failed

to inform the accused of the quantity of injury caused by Castillo to the residents of Villa Esperanza and the amount of unwarranted benefits given to the Arciagas as a result of the operation of the dumpsite. Such failure is fatal to the prosecution's cause considering that the public prosecutor is barred from presenting evidence on a matter not alleged in the information. Otherwise, if the prosecution would be allowed to present evidence to quantify the element of undue injury or unwarranted benefits, the same would violate the right of the accused to be informed of the nature and cause of the accusation against him.[28]

(Emphasis supplied.)

We disagree.

For as long as the ultimate facts constituting the offense have been alleged, an Information charging a violation of Section 3(e) of R.A. No. 3019 need not state, to the point of specificity, the exact amount of unwarranted benefit granted nor specify, quantify or prove, to the point of moral certainty, the undue injury caused. We have consistently and repeatedly held in a number of cases that an Information need only state the ultimate facts constituting the offense and not the finer details of why and how the crime was committed.[29]

As alleged in the Information, the unwarranted benefit was the privilege granted by Castillo to the Arciagas to operate the dumpsite without the need to comply with the applicable laws, rules, and regulations; the undue injury being residents and students were made to endure the ill-effects of the illegal operation. The details required by the Sandiganbayan (such as the specific peso amount actually received by the Arciagas as a consequence of the illegal operation of the subject dumpsite or the specific extent of damage caused to the residents and students) are matters of evidence best raised during the trial; they need not be stated in the Information. For purposes of informing the accused of the crime charged, the allegation on the existence of unwarranted benefits and undue injury under the Information suffices.

Moreover, the rationale for the ultimate facts requirement becomes clearer when one considers the period when a motion to quash is filed, that is, before the accused's arraignment and the parties' presentation of their evidence. It would be illogical, if not procedurally infirm, to require specific peso amount allegations of the unwarranted benefit and proof of undue injury - to the point of moral certainty, no less — at this stage of the criminal proceedings.

Application of Llorente ruling

is misplaced

The Sandiganbayan's application of the Llorente ruling in this case is misplaced.

Indeed, this Court held in Llorente that the "undue injury must be specified, quantified and proven to the point of moral certainty." [30] The validity and sufficiency of the Information, however, was not an issue in Llorente. The import of the ruling therein is that proof of undue injury must be established by the prosecution during the trial and not when the Information is filed. Nowhere in Llorente did we require that undue injury be specified, quantified and proved to the point of moral certainty at the time of the filing of the Information. Such an interpretation would effectively require the prosecution to include all the relevant evidence in the Information and to present such evidence of undue injury even prior to arraignment. Moreover, under the Sandiganbayan's interpretation of Llorente, the accused would be required to face (and even rebut) the evidence as soon as the Information is filed and even before he pleads. This runs counter to the function of a motion to quash as a remedy afforded an accused before he proceeds to trial.

Further, such an interpretation would undermine the value of the Information as a tool for an accused to understand the crime for which he is being charged as it requires that the Information already contain a long and

detailed list of other matters not necessary in informing the accused of the charge. It will also be prejudicial to the prosecution who will then be forced to present evidence even before the trial proper. This interpretation cannot be countenanced.

Outright quashal of the Information not proper

Even assuming for the sake of argument that the Information was defective on the ground that the facts charged therein do not constitute an offense, outright quashal of the Information is not the proper course of action.

Section 4, Rule 117 of the Rules of Court gives clear guidance on this matter. It provides -

Sec. 4. Amendment of complaint or information. - If the motion to quash is based on an alleged defect of the complaint or information which can be cured by amendment, the court shall order that an amendment be made.

If it is based on the ground that the facts charged do not constitute an offense, the prosecution shall be given by the court an opportunity to correct the defect by amendment. The motion shall be granted if the prosecution fails to make the amendment, or the complaint or information still suffers from the same defect despite the amendment.

(Emphasis supplied.)

When a motion to quash is filed challenging the validity and sufficiency of an Information, and the defect may be cured by amendment, courts must deny the motion to quash and order the prosecution to file an amended Information.[31] Generally, a defect pertaining to the failure of an Information to charge facts constituting an offense is one that may be corrected by an amendment.[32] In such instances, courts are mandated not to automatically quash the Information; rather, it should grant the prosecution the opportunity to cure the defect through an amendment.[33] This rule allows a case to proceed without undue delay. By allowing the defect to be cured by simple amendment, unnecessary appeals based on technical grounds, which only result to prolonging the proceedings, are avoided.

More than this practical consideration, however, is the due process underpinnings of this rule. As explained by this Court in *People v. Andrade*,[34] the State, just like any other litigant, is entitled to its day in court. Thus, a court's refusal to grant the prosecution the opportunity to amend an Information, where such right is expressly granted under the Rules of Court and affirmed time and again in a string of Supreme Court decisions, effectively curtails the State's right to due process.

Hence, even assuming that the Information was defective, the Sandiganbayan should have first ordered its amendment and not its quashal. Doing so would have saved the parties from resorting to an appeal to this Court and this case from remaining in the docket of the Sandiganbayan for a long period.

WHEREFORE, and in view of the foregoing, the petition is hereby GRANTED. The Sandiganbayan's Resolutions dated January 9, 2002 and November 3, 2003 are REVERSED and the Information charging Castillo and the Arciagas with violation of Section 3(e) of R.A. No. 3019 is ordered REINSTATED. As this case has been pending for almost fifteen years, the Sandiganbayan is directed to resolve the case with dispatch.

SO ORDERED.

Sereno,[*] C. J., Carpio,[*] Villarama, Jr., (Acting Chairperson), and Perez,**] JJ., concur.

October 30, 2015

NOTICE OF JUDGMENT

Sirs / Mesdames:

Please take notice that on September 9, 2015 a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on October 30, 2015 at 9:15 a.m.

Very truly yours,

(SGD)

WILFREDO V. LAPITAN

Division Clerk of Court

[*] Designated as additional Members per Raffle dated September 2, 2015 in view of the recusal of Associate Justices Presbitero J. Velasco Jr. and Diosdado M. Peralta due to relation to a party and prior action in the Sandiganbayan, respectively.

[**] Designated as Acting Member in view of the leave of absence of Associate Justice Bienvenido L. Reyes, per Special Order No. 2084 dated June 29, 2015.

[1] Penned by Associate Justice Rodolfo G. Palattao, with Associate Justices Narciso S. Nario, Nicodemo T. Ferrer, Ma. Cristina G. Cortez-Estrada, and Francisco H. Villaruz, Jr., rollo, pp. 68-75.

[2] Penned by Associate Justices Rodolfo G. Palattao, with Associate Justices Gregory S. Ong, Norberto Y. Germaldez, Ma. Cristina G. Cortez-Estrada, and Francisco H. Villaruz, Jr., rollo, pp. 101-108.

[3] Otherwise known as the Anti-Graft and Corrupt Practices Act, as amended.

[4] Rollo, pp. 119-121.

[5] Id. at 248-273.

[6] Id. at 270-271.

[7] Resolution dated September 6, 2001, rollo, p. 122.

[8] Otherwise known as the Ecological Solid Waste Management Act of 2000.

[9] Rollo, pp. 122-124.

[10] Id. at 125.

[11] G.R. No. 122166, March 11, 1998, 287 SCRA 382.

[12] Administrative Order No. 278-2001 dated October 30, 2001. This Special Division of Five was composed of the following Associate Justices of the Sandiganbayan: Narciso S. Nario, Rodolfo G. Palattao, Nicodemo T. Ferrer, Ma. Cristina G. Cortez-Estrada and Francisco H. Villaruz, Jr. Resolution dated November 3, 2003, rollo, p. 68.

[13] Associate Justices Palattao, Nario and Cortez-Estrada voted to grant Castillo's motion, with dissents from Justices Ferrer and Villaruz, Jr., rollo, p. 75.

[14] Rollo, pp. 72-73.

[15] This Special Division of Five was now composed of the following Associate Justices of the Sandiganbayan: Rodolfo G. Palattao, Gregory S. Ong, Norberto Y. Germaldez, Ma Cristina G. Cortez-Estrada and Francisco H. Villaruz, Jr. Associate Justices Palattao, Ong and Cortez-Estrada voted to deny the People's motion. Associate Justices Germaldez and Villaruz dissented, rollo, 108.

[16] *People v. Arnault*, 92 Phil. 252 (1952).

[17] Rules of Court, Rule 117, Sec. 1.

[18] *Los Baños v. Pedro*, G.R. No. 173588, April 22, 2009, 586 SCRA 303.

[19] *Cruz, Jr. v. Court of Appeals*, G.R. No. 83754, February 18, 1991, 194 SCRA 145.

[20] *People v. De la Rosa*, G.R. No. L-34112, June 25, 1980, 98 SCRA 190.

[21] *Go v. Bangko Sentral ng Pilipinas*, G.R. No. 178429, October 23, 2009, 604 SCRA 322 citing *People v. Romualdez*, G.R. No. 166510, July 23, 2008, 559 SCRA 492.

[22] G.R. No. 180122, March 13, 2009, 581 SCRA 431.

[23] *Id.* at 446.

[24] *Id.*

[25] *Id.*

[26] *Uriarte v. People*, G.R. No. 169251, December 20, 2006, 511 SCRA 471, 486, citing *Santos v. People*, G.R. No. 161877, March 23, 2006, 485 SCRA 185, 194; *Cabrera v. Sandiganbayan*, G.R. Nos. 162314-17, October 25, 2004, 441 SCRA 377, 386; and *Jacinto v. Sandiganbayan*, G.R. No. 84571, October 2, 1989, 178 SCRA 254, 259.

[27] Rollo, pp. 119-120.

[28] *Id.* at 74.

[29] See *Lazarte v. Sandiganbayan*, G.R. No. 180122, March 13, 2009, 581 SCRA 431; *People v. Romualdez*, G.R. No. 166510, July 23, 2008, 559 SCRA 492; *Go v. Bangko Sentral ng Pilipinas*, G.R. No. 178429, October 23, 2009, 604 SCRA 322.

[30] *Supra* note 11 at 399.

[31] *People v. Andrade*, G.R. No. 187000, November 24, 2014; *People v. Talao Perez*, 98 Phil. 764 (1956).

[32] *People v. Andrade*, *supra*.

[33] *Id.*

[34] *Id.*

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