PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON. SANDIGANBAYAN (FIFTH DIVISION), ABELARDO P. PANLAQUI, RENATO B. VELASCO, ANGELITO PELAYO AND WILFREDO CUNANAN, RESPONDENTS.

G.R. No. 173396. September 22, 2010

Ponente: PERALTA, J.

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PERALTA, J.:

This resolves the petition for certiorari under Rule 65 of the Rules of Court, praying that the Decision[1] dated May 19, 2006, of the Sandiganbayan, acquitting private respondents Abelardo P. Panlaqui, Renato B. Velasco, Angelito Pelayo and Wilfredo Cunanan, of the charge for Violation of Section 3(e) of Republic Act (R.A.) No. 3019, as amended, be nullified and set aside.

The antecedent facts are set forth hereunder.

Private respondents were charged in an Information dated February 24, 1994, reading as follows:

> That on or about the 1[st] day of September, 1991, and for some time prior or subsequent thereto, in the Municipality of Sasmuan, Province of Pampanga, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, ABELARDO PANLAQUI being then the Municipal Mayor of Sasmuan, Pampanga, RENATO B. VELASCO and ANGELITO PELAYO, being then the Municipal Planning and Development Coordinator and the Municipal Treasurer, respectively, of Sasmuan, Pampanga, VICTORINO MANINANG being then the Barangay Captain of Malusac, Sasmuan, Pampanga, and hence all public officers, while in the performance of their official functions, taking advantage of their position, committing the offense in relation to their office, and conspiring and confederating with one another and with WILFREDO CUNANAN, the representative of J.S. Lim Construction, did then and there willfully, unlawfully, criminally and with evident bad faith cause undue injury to the Government and grant unwarranted benefits to J.S. Lim Construction in the following manner: accused ABELARDO P. PANLAQUI, without being authorized by the Sangguniang Bayan of Sasmuan, Pampanga, entered into a Contract of Lease of Equipment with J.S. Lim Construction, represented by accused WILFREDO CUNANAN, whereby the municipality leased seven (7) units of Crane on Barge with Clamshell and one (1) unit of Back Hoe on Barge for an unstipulated consideration for a period of thirty (30) days, which equipment items were to be purportedly used for the deepening and dredging of the Palto and Pakulayo Rivers in Sasmuan, Pampanga; thereafter accused caused it to appear that work on the said project had been accomplished and 100% completed per the approved Program of Work and Specifications and turned over to Barangay Malusac; as a result of the issuance of the Accomplishment Report and Certificate of Project Completion and Turn-Over, payments of P511,612.20 and P616,314.60 were made to and received by accused WILFREDO CUNANAN notwithstanding the fact that no work had actually been done on the Palto and Pakulayo Rivers considering that J.S. Lim Construction had no barge or any kind of vessel registered with the First Coast Guard District and that no business license/permit had been granted to the said company by the Municipal Treasurer's Office of Guagua, Pampanga, which acts of the accused caused undue injury to the Government and granted unwarranted benefits to J.S. Lim Construction

> in the total amount of ONE MILLION ONE HUNDRED TWENTY- SEVEN THOUSAND NINE HUNDRED TWENTY-SIX AND 80/100 PESOS (P1,127,926.80), Philippine Currency.
>
> CONTRARY TO LAW.[2]

Private respondents were duly arraigned on April 10, 1996, pleading not guilty to the charge against them. Thereafter, trial on the merits ensued. Both the prosecution and the defense were able to present the testimonies of their numerous witnesses and their respective documentary exhibits.

On May 19, 2006, the Sandiganbayan rendered the assailed Decision,[3] the dispositive portion of which reads as follows:

> WHEREFORE, for failure of the prosecution to prove the guilt of the accused beyond reasonable doubt, accused ABELARDO P. PANLAQUI, RENATO B. VELASCO, ANGELITO PELAYO and WILFREDO CUNANAN are hereby declared NOT GUILTY in Criminal Case No. 20637 for Violation of Section 3(e) of Republic Act No. 3019. They are ordered ACQUITTED of the said offense charged against them.
>
> The cash bonds posted by all the aforesaid accused to obtain their provisional liberty are hereby ordered returned to them, subject to the usual accounting and auditing procedures.
>
> The Hold Departure Order issued against the same accused are likewise ordered lifted.
>
> There can be no pronouncement as to civil liability as the facts from which the same might arise were not proven in the case at bar.
>
> SO ORDERED.[4]

The People, represented by the Office of the Ombudsman, through the Office of the Special Prosecutor, then filed the present petition for certiorari, alleging that:

> I
>
> THE COURT A QUO ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF ITS JURISDICTION WHEN IT DISREGARDED THE MANDATORY PROVISIONS OF PRESIDENTIAL DECREE (PD) NO. 1594 AND SUPPLIED A DEFENSE NOT INVOKED BY RESPONDENTS AND ANCHORED ITS DECISION ON POSSIBILITIES, MERE ASSUMPTION OR CONJECTURE RATHER THAN ON FACTS ESTABLISHED BY EVIDENCE ON RECORD, THEREBY VIOLATING PETITIONER'S FUNDAMENTAL RIGHT TO DUE PROCESS OF LAW.
>
> II
>
> THE COURT A QUO ACTED WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR IN EXCESS OF ITS JURISDICTION WHEN IT IGNORED THE EVIDENCE ADDUCED BY THE PETITIONER AND DECLARED THAT THE PETITIONER FAILED TO PRESENT ANY EVIDENCE TO PROVE THAT SAID RESPONDENTS VIOLATED THE PROVISIONS OF SECTION 3(e) OF R.A. 3019.[5]

The Court finds the petition unmeritorious.

It is fitting to reiterate the holding of the Court in People v. Tria-Tirona,[6] to wit:

> x x x it is clear in this jurisdiction that after trial on the merits, an acquittal is immediately final and cannot be appealed on the ground of double jeopardy. The only exception where double jeopardy cannot be invoked is where there is a finding of mistrial resulting in a denial of due process.
>
> x x x x

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> x x x Certiorari will not be issued to cure errors by the trial court in its appreciation of the evidence of the parties, and its conclusions anchored on the said findings and its conclusions of law.[7]

The Court further expounded in First Corporation v. Former Sixth Division of the Court of Appeals,[8] thus:

> It is a fundamental aphorism in law that a review of facts and evidence is not the province of the extraordinary remedy of certiorari, which is extra ordinem - beyond the ambit of appeal. In certiorari proceedings, judicial review does not go as far as to examine and assess the evidence of the parties and to weigh the probative value thereof. It does not include an inquiry as to the correctness of the evaluation of evidence. Any error committed in the evaluation of evidence is merely an error of judgment that cannot be remedied by certiorari. An error of judgment is one which the court may commit in the exercise of its jurisdiction. An error of jurisdiction is one where the act complained of was issued by the court without or in excess of jurisdiction, or with grave abuse of discretion, which is tantamount to lack or in excess of jurisdiction and which error is correctible only by the extraordinary writ of certiorari. Certiorari will not be issued to cure errors of the trial court in its appreciation of the evidence of the parties, or its conclusions anchored on the said findings and its conclusions of law. It is not for this Court to re-examine conflicting evidence, re-evaluate the credibility of the witnesses or substitute the findings of fact of the court a quo. (Emphasis supplied.)[9]

The aim of the present petition is to overturn the Sandiganbayan's conclusion that "there is no doubt that dredging work was performed along the Palto and Pakulayo Rivers"[10] and the "project was actually undertaken and accomplished by the said contractor x x x [h]ence the payment made to the latter was justified."[11] From such finding, the trial court held that the prosecution failed to prove the presence of all the elements of the offense charged, resulting in the acquittal of private respondents. Petitioner points out that the lower court erred in arriving at such conclusion, since prosecution evidence shows that as of September 2, 1991 to October 2, 1991, when the dredging works were supposedly conducted, there was as yet no approved plans and specifications as required by Presidential Decree (PD) No. 1594 before bidding for construction contracts can proceed. Petitioner doubts that the proper procedure for bidding had been followed. Petitioner then asks how the project could have proceeded on September 2, 1991 when the required plan was only dated November 18, 1991.

The foregoing is essentially an issue involving an alleged error of judgment, not an error of jurisdiction. Petitioner has not convincingly shown that the prosecution has indeed been deprived of due process of law. There is no showing that the trial court hampered the prosecution's presentation of evidence in any way. On the contrary, the prosecution was given ample opportunity to present its ten witnesses and all necessary documentary evidence. The case was only submitted for decision after the parties had duly rested their case. Respondent trial court clearly stated in its decision which pieces of evidence led it to its conclusion that the project was actually undertaken, justifying payment to the contractor. Clearly, petitioner failed to show that there was mistrial resulting in denial of due process.

In People v. Tria-Tirona,[12] the Court held that when the trial court arrives at its decision only after all the evidence had been considered, weighed and passed upon, then "any error committed in the evaluation of evidence is merely an error of judgment that cannot be remedied by certiorari."[13]

In sum, there being no mistrial in this case, the acquittal of private respondents can no longer be reviewed by the Court as this would constitute a violation of the constitutional right against double jeopardy. Moreover, since the alleged error is only one of judgment, petitioner is not entitled to the extraordinary writ of certiorari.

WHEREFORE, the petition is DISMISSED for lack of merit. The Decision dated May 19, 2006 of the Sandiganbayan is AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Velasco, Jr., [*] Bersamin, [**] and Abad, JJ., concur.

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[*] Designated as an additional member in lieu of Associate Justice Antonio Eduardo B. Nachura, per Special Order No. 883, dated September 1, 2010..

[**] Designated as an additional member in lieu of Associate Justice Jose Catral Mendoza, per Special Order No. 886, dated September 1, 2010.

[1] Penned by Associate Justice Ma. Cristina G. Cortez-Estrada, with Associate Justices Roland B. Jurado and Teresita V. Diaz-Baldos, concurring; rollo, pp. 13-69.

[2] Decision, rollo, pp. 13-14.

[3] Rollo, pp. 159-216.

[4] Id. at 215-216.

[5] Id. at 117

[6] G.R. No. 130106, July 15, 2005, 463 SCRA 462.

[7] Id. at 469-470. (Emphasis supplied.)

[8] G.R. No. 171989, July 4, 2007, 526 SCRA 564; also quoted in Soriano v. Marcelo, G.R. No. 160772, July 13, 2009, 592 SCRA 394.

[9] First Corporation v. Former Sixth Division of the Court of Appeals, supra, at 578.

[10] Decision, rollo, p. 208.

[11] Id. at 213.

[12] Supra note 6.

[13] Id. at 470.

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