MERLE BAUTISTA PALACPAC, PETITIONER, VS. SANDIGANBAYAN (FIFTH DIVISION) AND THE OFFICE OF THE SPECIAL PROSECUTOR (THE OMBUDSMAN), RESPONDENTS.

G.R. No. 249243. November 10, 2021

Ponente: INTING, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-249243/

INTING, J.:

Before the Court is a Petition for Certiorari[1] under Rule 65 of the Rules of Court seeking to reverse and set aside the Resolutions dated July 24, 2019[2] (first assailed Resolution) and September 4, 2019[3] (second assailed Resolution) of the Sandiganbayan, Fifth Division, in Criminal Case No. SB-19-CRM-0028.

The first assailed Resolution denied the Omnibus Motion (1. To Quash the Information; and 2. To Defer and Reset Arraignment)[4] (Omnibus Motion) filed by Merle Bautista Palacpac (petitioner) which sought to quash the Information[5] based on the Resolution[6] dated January 29, 2018 of the Office of the Ombudsman finding probable cause against several accused, including her.

The second assailed Resolution, on the other hand, denied the Motion for Reconsideration (with Additional Ground to Quash the Information)[7] (Motion for Reconsideration) of the first assailed Resolution.

The Antecedents

The case stemmed from a Complaint[8] dated May 30, 2016 filed by the Field Investigation Office (FIO) II, Office of the Ombudsman for (1) violation of Section 3(e) and (j) of Republic Act No. (RA) 3019[9]; and (2) Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service under Section 46(A)(3) and (B)(8), respectively, of Rule 10 of Civil Service Resolution No. 1101502[10] against several accused, including petitioner.

Petitioner is the former Chief of the National Plant Quarantine Services Division of the Bureau of Plant and Industry (BPI).[11]

In the Resolution[12] dated January 29, 2018, Graft Investigation and Prosecution Officer III Bonifacio G. Mandrilla (GIPO III Mandrilla) of the Office of the Ombudsman found probable cause against several accused, including petitioner, for violation of Section 3(e) of RA 3019, as amended.

On May 9, 2018, petitioner filed a Motion for Reconsideration[13] of the Resolution dated January 29, 2018. GIPO III Mandrilla denied the motion in an Order[14] dated August 30, 2018.

Thus, on March 15, 2019, GIPO III Mandrilla filed an Information[15] before the Sandiganbayan which reads:

> That on or about the period covering the calendar years (CYs) 2010 to 2014 and sometime prior or subsequent thereto, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, accused public officers of the Department of Agriculture (DA) namely: PROCESO JARAZA ALCALA (Alcala), then Secretary with Salary Grade 31 and as such, supervises the Bureau of Plant and Industry (BPI); CLARITO

MAAÑO BARRON (Barron), then Director of BPI, with Salary Grade 28; LUBEN QUIJANO MARASIGAN (Marasigan), Former Chief of the National Plant Quarantine Services (NPQSD), with Salary Grade 24; and MERLE BAUTISTA PALACPAC (Palacpac), Chief of NPQSD, with Salary Grade 24, while in the performance of their official, administrative duties and functions and taking advantage of their positions as such, committing the offense in relation to office, conspiring and confederating with one another, and with private accused LILIA MATABANG CRUZ a.k.a. "LEA CRUZ" (Cruz), Director of Philippine VIEVA Group of Companies, Inc. (PHILVIEVA), shareholder of Magtutumana ng Sta. Rosa Multi-Purpose Cooperative (MPC), Manager of Shelmarie Enterprises, Chairman and controlling owner of Vegetable Importers, Exporters, Vendors Association of the Philippines, Inc. (VIEVA), and with VIEVA incorporators, directors and officers, EDMOND C. CAGUINGUIN, owner of Tumana Trading; ROLAN M. GALVEZ, owner of R.M. Galvez Agri-Trading; ROCHELLE M. DIAZ, Director of PHILVIEVA and Attorney-in-Fact of Shelmarie Enterprises, A.G.R. Trading and Bee Jee Trading; MA. JACKILOU ILAGAN, Director of PHILVIEVA; JON DINO DE VERA; NAPOLEN DE VERA BALDUEZA, owner of Purple Moon Trading; JOSE SEBASTIAN OLLEGUE, owner of Bee Jee Trading; LAILA MATABANG, owner of Touchdown Trading; ANGELITA DE GUZMAN FLORES, owner of A.G.R. Trading; GAUDIOSO DIATO, DENIA MATABANG, JOSE ANGELO JR., RAFFY TORRES, MARY GRACE SEBASTIAN, RENATO VICENTE FRANCISCO JR., Directors of PHILVIEVA, owner of La Reina Trading and Yom Trading Corporation; ROLANDO R. MANANGAN, owner of Kapisanan ng Mga Magsisibuyas ng Nueva Ecija (KASAMNE) and member of the Kooperatiba ng Bayang Sagana (KBS); ORESTES T. SALON, Director of Kooperatiba ng Bayang Sagana (KBS); PRUDENCIO B. RUEDAS, Chairman/Director and Operator of Mindoro Allium Growers Multi-Purpose Cooperative (MAGRO--MPC) and SHIELA MARE DE GUZMAN CRUZ, owner of Shelmarie Enterprises, acting with manifest partiality, evident bad faith or gross inexcusable negligence, did then and there wilfully, unlawfully and criminally cause undue injury to the public and give unwarranted benefit and advantage and preference to PHILVIEVA, VIEVA, Tumana Trading, R.M. Galvez Agri Trading, Purple Moon Trading, Bee Jee Trading, Touch Down Trading, A.G.R. Trading, La Reina Food Trading, Yom Trading Corporation, KASAMNE, KBS, MAGRO-MPC and Shelmarie Enterprises, its shareholder, officers, owners and representatives, in the following manner: Alcala created the National Garlic Action Team (NGAT) composed of individuals from public and private sectors involved in the trading and growing of garlic, serving as a forum for consultations/dialogues on issues and concerns affecting the garlic industry and to provide policy and/or program recommendations which include the validation of the report from the Task Force Allium (TFA) relative to the supply and production of garlic for submission to the DA as to whether importation of the commodity is necessary and by appointing Director Barron and Chairman Cruz as members, which enable Cruz to have access to vital information and resulted to her group securing most of the Import Permits (IPs), when NGAT found it necessary to allow the importation of 58,240 Mt of garlic or the issuance of 1,165 IPs (SPSIC) at 50 Mt per clearance to satisfy the market requirement from November 2013 to March 2014, Alcala approve and refer NGAT resolutions to Barron for appropriate action, for the same period covered, there were a total of 8,810 applications granted IPs and out of these, 5,022 were issued to PHILVIEVA, VIEVA and VIEVA--affiliated importers despite the suspension of the issuance of IP from July 2012 to October 2013; Barron was the approving authority; and Marasigan and Palacpac were the recommending officers, in their respective tenure, of the processing and release of IPs, resulting to Cruz monopolizing the supply of garlic allowing her to dictate the prices of garlic in the market, by January to July 2014, the price of imported garlic soared, ranging from PhP260.00 to PhP400.00 per kg from its price averaging from PhP165 to PhP170 per kg in CYs 2010 to 2013 and the prices of native garlic varied from PhP250.00 to PhP450.00 in the months of April to June 2014.

CONTRARY TO LAW.[16]

In her Omnibus Motion dated May 21, 2019 before the Sandiganbayan, petitioner sought the quashal of the Information on the ground that it did not conform to the requirements of the law for failure to state the approximate date of the commission of the offense charged.[17] Petitioner also alleged that her right to speedy

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

disposition of the case was violated.[18]

The Ruling of the Sandiganbayan

On July 24, 2019, the Sandiganbayan issued the first assailed Resolution[19] denying the Omnibus Motion ruling that the motion could not be considered as a meritorious motion based on the Revised Guidelines for Continuous Trial of Criminal Cases (Revised Guidelines); and that the petitioner offered no plausible justification to establish that the delay was malicious, politically motivated, or unreasonable.

Petitioner then filed a Motion for Reconsideration.[20] On September 4, 2019, the Sandiganbayan issued the second assailed Resolution[21] denying the motion.

Hence, the present petition.

The Petition

Petitioner argues that the Sandiganbayan acted with grave abuse of discretion amounting to lack of jurisdiction:

> I.
>
> IN DENYING PETITIONER'S MOTION FOR RECONSIDERATION (WITH ADDITIONAL GROUND TO QUASH THE INFORMATION) BASED ON MERE TECHNICALITIES AND WITHOUT LOOKING INTO THE MERITS OF THE SAME.
>
> II.
>
> IN UNCEREMONIOUSLY EXCLUDING SECTION 3(E) OF RULE 117 OF THE RULES OF COURT AS A PLAUSIBLE GROUND TO QUASH THE INFORMATION IN QUESTION.
>
> III.
>
> IN RULING THAT THE INFORMATION IS VALID DESPITE THE FACT THAT IT DOES NOT CONFORM TO THE REQUIREMENT OF LAW AS TO THE DATES OF THE ALLEGED COMMISSIONS OF THE CRIME.
>
> IV.
>
> IN RULING THAT THE OMBUDSMAN STILL HAS THE AUTHORITY TO FILE THE INFORMATION DESPITE THE VIOLATION OF THE PETITIONER'S CONSTITUTIONAL RIGHT TO THE SPEEDY DISPOSITION OF HER CASE.
>
> V.
>
> IN RULING THAT THE INFORMATION IS NOT DUPLICITOUS.[22]

The Issue

The crux of the petition is whether the Sandiganbayan acted with grave abuse of discretion amounting to lack of jurisdiction in denying petitioner's (1) Omnibus Motion; and (2) Motion for Reconsideration.

The Court's Ruling

The petition is bereft of merit.

The Sandiganbayan correctly ruled that petitioner's motion to quash did not qualify as a meritorious motion.

Under Section 3(2)(c) of the Revised Guidelines, the meritorious motions that can be filed before the courts are as follows:

> c. Meritorious Motions. - Motions that allege plausible grounds supported by relevant documents and/or competent evidence, except those that are already covered by the Revised Guidelines, are meritorious motions, such as:
>
> X X X Xv. Motion to quash information on the grounds that the facts charged do not constitute an offense, lack of jurisdiction, extinction of criminal action or liability, or double jeopardy under Sec. 3, par.(a), (b), (g), and (i), Rule 117;[23]

In the present case, petitioner's ground in seeking the quashal of the Information is the alleged failure of the Ombudsman to substantially conform to the prescribed form which falls under Section 3(e) of Rule 117 of the Rules of Court. Petitioner argues that the Information does not conform to the requirement of the law as it does not state the approximate date of the commission of the offense charged.[24] Although Section 3(e) is one of the grounds to quash the Information under Rule 117 of the Rules of Court, petitioner's Omnibus Motion fails, however, to qualify as a meritorious motion following the Revised Guidelines.

Therefore, the Sandiganbayan did not err in denying petitioner's motion to quash the Information on the ground that it is not a meritorious motion.[25]

The Sandiganbayan correctly ruled that petitioner's right to speedy disposition of the case was not violated.

The Court in Cagang v. Sandiganbayan, Fifth Division[26] (Cagang), stressed that:

> Every accused has the rights to due process and to speedy disposition of cases. Inordinate delay in the resolution and termination of a preliminary investigation will result in the dismissal of the case against the accused. Delay, however, is not determined through mere mathematical reckoning but through the examination of the facts and circumstances surrounding each case. Courts should appraise a reasonable period from the point of view of how much time a competent and independent public officer would need in relation to the complexity of a given case. Nonetheless, the accused must invoke his or her constitutional rights in a timely manner. The failure to do so could be considered by the courts as a waiver of right.[27] (Italics supplied.)

There are four factors that must be considered in determining whether petitioner has been deprived of her right to a speedy disposition of the case: (a) length of delay; (b) the reason for the delay; (c) the defendant's assertion of her right; and (d) prejudice to the defendant.[28]

Petitioner alleges the following:

> The Complaint against Petitioner was filed on 13 July 2016. Moreover, the Decision charging Petitioner for violation of Section 3 (e) of Republic Act 3019 was only issued on 29 January 2018, or after almost two (2) vexing years after the Complaint was filed. Petitioner immediately filed a motion for reconsideration of the Decision. It took another seven (7) months before a decision on the said motion was finally released on 30 August 2018. The Ombudsman filed the Information on 15 March 2019 or ten (10) long months from the Decision on the Motion for Reconsideration.[29] (Emphasis and underscoring omitted.)

The Court, after a perusal of the records, observes that the FIO filed the Complaint before the Ombudsman on June 22, 2016.[30] Then, on January 29, 2018, the Ombudsman issued a Resolution finding probable cause against several accused, including petitioner, and charged them with violation of Section 3(e) of RA 3019. Petitioner then filed a Motion for Reconsideration dated May 9, 2018. On August 30, 2018, the Ombudsman

issued an Order denying the Motion for Reconsideration of its earlier Resolution. Hence, on March 15, 2019,[31] an Information was filed with the Sandiganbayan.

It is evident that petitioner only relied on the mathematical computation of the time involved in the resolution of the case, that is, from the time of the filing of the Complaint up to the time of the filing of the necessary Information against her before the Sandiganbayan. She obviously failed to consider the complexity of the instant case and the issues involved including the fact that there are 47 respondents implicated and charged under Section 3(e) of RA 3019.[32] Further, there are voluminous documentary evidence and numerous counter-affidavits that the Ombudsman needs to study and evaluate.[33]

As regards petitioner's allegation that the alleged delay was malicious, politically motivated, or unreasonable, the case of Cagang enlightens:

> [D]etermination of the length of delay is never mechanical. Courts must consider the entire context of the case, from the amount of evidence to be weighed to the simplicity or complexity of the issues raised.
>
> An exception to this rule is if there is an allegation that the prosecution of the case was solely motivated by malice, such as when the case is politically motivated or when there is continued prosecution despite utter lack of evidence. Malicious intent may be gauged from the behavior of the prosecution throughout the proceedings. If malicious prosecution is properly alleged and substantially proven, the case would automatically be dismissed without need of further analysis of the delay.[34]

In the present case, petitioner failed to provide a plausible justification to establish that the alleged delay was malicious, politically motivated, or unreasonable. There is only a sweeping generalization that there is a delay of three years. Consequently, the Court finds that the Sandiganbayan did not err in ruling that there is no inordinate delay in the disposition of the case.

The Sandiganbayan correctly denied the motion for reconsideration filed by petitioner for lack of merit.

Petitioner argues that there is an apparent conflict between Section 2(c) of the Revised Guidelines which provides that a motion for reconsideration of the resolution of a meritorious motion shall be filed within a non-extendible period of five calendar days from receipt of the resolution and Section 1, Rule X of the 2018 Revised Internal Rules of the Sandiganbayan (2018 Revised Rules) which provides that a motion for new trial or reconsideration of a decision or final orders shall be filed within 15 days from promulgation of the judgment or from notice of the final order or judgment.[35] For petitioner, the apparent conflict between the two rules calls for the relaxation of the application of the Revised Guidelines.[36]

The Court disagrees. Section 3(2)(c) of the Revised Guidelines provides:

> The motion for reconsideration of the resolution of a meritorious motion shall be filed within a non-extendible period of five (5) calendar days from receipt of such resolution, and the adverse party shall be given an equal period of five (5) calendar days from receipt of the motion for reconsideration within which to submit its comment. Thereafter, the motion for reconsideration shall be resolved by the court within a non-extendible period of five (5) calendar days from the expiration of the five (5)-day period to submit the comment.
>
> Motions that do not conform to the requirements stated above shall be considered unmeritorious and shall be denied outright. (Italics supplied.)

On the other hand, Section 1, Rule X of the 2018 Revised Rules[37] reads:

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> Section 1. Period to File Motion for New Trial or Reconsideration. — A Motion for New Trial or Reconsideration of a decision or final order shall be filed within fifteen (15) calendar days from promulgation of the judgment or from notice of the final order or judgment. The motion shall be decided within thirty (30) calendar days from the date of submission for resolution.

Notably, the Motion for Reconsideration was filed to seek reconsideration of the Sandiganbayan's first assailed Resolution dated July 24, 2019. The first assailed Resolution is neither a decision nor a final order as required in the 2018 Revised Rules. Thus, the 2018 Revised Rules which provides for a 15-day reglementary period within which to file a motion for reconsideration of a decision or final order finds no application in the case. The insistence of petitioner that the conflict between the two rules warrants the relaxation of the application of the Revised Guidelines is, therefore, misplaced.

Verily, the Sandiganbayan did not err when it ruled that the Motion should have been filed on or before August 5, 2019;[38] that when the Motion was filed only on August 15, 2019, it was already way beyond the five-day reglementary period provided under the Revised Guidelines.[39]

Petitioner likewise invokes, as an additional ground to quash the Information, that the Information is defective because it charges more than one offense.[40]

The additional ground fails. Section 8, Rule 15 of the Rules of Court is instructive:

> SEC. 8. Omnibus motion. — Subject to the provisions of section 1 of Rule 9, a motion attacking a pleading, order, judgment, or proceeding shall include all objections then available, and all objections not so included shall be deemed waived.

Notably, the additional ground raised by petitioner in the Motion for Reconsideration is patently a violation of the Omnibus Motion Rule[41] which states that a motion attacking a pleading, order, judgment, or proceeding shall include all objections then available and all objections not so included shall be deemed waived.

As things stand, petitioner failed to sufficiently show in the present petition that the Sandiganbayan gravely abused its discretion in denying the Omnibus Motion and the Motion for Reconsideration.

WHEREFORE, the instant petition is DISMISSED. The Resolutions dated July 24, 2019 and September 4, 2019 of the Sandiganbayan, Fifth Division, in Criminal Case No. SB-19-CRM-0028 are AFFIRMED.

SO ORDERED.

Perlas-Bernabe, S.A.J., (Chairperson), Hernando, Gaerlan, and Dimaampao, JJ., concur.

---

[1] Rollo, pp. 3-37.

[2] Id. at 49-62; penned by Associate Justice Maria Theresa V. Mendoza-Arcega with Associate Justices Maryann E. Corpus-Mañalac and Georgina D. Hidalgo, concurring.

[3] Id. at 44-48.

[4] Id. at 252-263.

[5] Id. at 244-251.

[6] Id. at 184-207.

[7] Id. at 272-296.

[8] Id. at 63-85.

[9] Entitled, "Anti-Graft and Corrupt Practices Act," approved on August 17, 1960.

[10] Revised Rules on Administrative Cases in the Civil Service, promulgated on November 8, 2011.

[11] Rollo, p. 63.

[12] Id. at 184-207.

[13] Id. at 211-222.

[14] Id. at 238-243; signed by Graft Investigation and Prosecution Officer III Bonifacio G. Mandrilla, reviewed by Acting Director Ruth Laura Mella, PIAB-F, with the recommending approval of Assistant Ombudsman Marilou B. Ancheta-Mejica, PAMO II, and approved by Ombudsman Samuel R. Martires.

[15] Id. at 244-251.

[16] Id. at 248-250.

[17] Id. at 253-255.

[18] Id. at 255-260.

[19] Id. at 49-62.

[20] Id. at 272-296.

[21] Id. at 44-48.

[22] Id. at 11.

[23] Id.

[24] Id. at 253.

[25] Id. at 58.

[26] 837 Phil. 815 (2018).

[27] Id. at 830.

[28] Corpuz v. Sandiganbayan, 484 Phil. 899, 918 (2004).

[29] Rollo, p. 26.

[30] Id. at 63.

[31] Id. at 60.

[32] Id.

[33] Id. at 269.

[34] Cagang v. Sandiganbayan, Fifth Division, supra note 26 at 881.

[35] Rollo, p. 13.

[36] Id.

[37] A.M. No. 13-07-05-SB, approved on October 9, 2018.

[38] Rollo, p. 46.

[39] Id.

[40] Id. at 30.

[41] Id. at 47.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.