PEOPLE OF THE PHILIPPINES, PLAINTIFF, VS. THE HON. SANDIGANBAYAN (4TH DIV.) AND HENRY BARRERA, RESPONDENTS.

G.R. Nos. 153952-71. August 23, 2010

Ponente: LEONARDO-DE CASTRO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-nos-153952-71/

LEONARDO-DE CASTRO, J.:

This Petition for Certiorari under Rule 65 of the Rules of Court assails the Decision[1] dated May 6, 2002 of the Sandiganbayan granting the Demurrer to Evidence of Mayor Henry E. Barrera (Mayor Barrera) and dismissing Criminal Case Nos. 25035-25037, 25039-25041, 25043, 25045-25047, 25049-25050, and 25053-25054, on the ground that the elements of the offense under Section 3(e) of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, were not established beyond reasonable doubt.

Mayor Barrera, together with Rufina Escala (Escala) and Santos Edquiban (Edquiban), were charged with 14 counts of violation of Sections 3(e) and 9 of Republic Act No. 3019 in separate Informations, which alleged essentially similar set of facts, save for the names of the complainants, to wit:

> That on or about 30 June 1998, or sometime prior or subsequent thereto, in Candelaria, province of Zambales, Philippines, and within the jurisdiction of this Honorable Court, accused Henry E. Barrera, Santos Edquiban and Rufina E. Escala, all public officers, then being the Municipal Mayor, Market Collector, and District Supervisor, respectively, all of Candelaria, Province of Zambales, committing the penal offense herein charged against them while in the performance of, in relation to, and taking advantage of their official functions and duties as such, thru manifest partiality and/or evident bad faith, did then and there, willfully, unlawfully, and criminally, in conspiracy with one another, prevent [Ermelinda Abella (Criminal Case No. 25035), Lourdes Jaquias (C.C. No. 25036), John Espinosa (C.C. No. 25037), Jean Basa (C.C. No. 25038), Lerma Espinosa (C.C. No. 25039), Eduardo Sison (C.C No. 25040), Lina Hebron (C. C. No. 25041), Nora Elamparo (C.C. No. 25042), Luz Aspiras (C.C . No. 25043), Oscar Lopez (C.C. No. 25044), Corazon Cansas (C.C. No. 25045), Michelle Palma (C.C. No. 25046), Mila Saberon (C.C. No.25047), Merlina Miraflor (C.C. No. 25048), Edna Bagasina (C.C. No. 25049), Jocelyn Educalane (C.C. No. 25050), Alvin Gatdula (C.C. No. 25051), Helen Egenias (C.C. No. 25052), Luz Eclarino (C.C. No. 25053) and Josephine Elamparo (C.C. No. 25054)], a legitimate lessee-stallholder from exercising his/her contractual and/or proprietary rights to transfer to, occupy and/or operate his/her assigned stall at the public market of Candelaria, Province of Zambales, under the subsisting lease contract dated 25 June 1998, without any valid or justifiable reason whatsoever, by means of the issuance and implementation of the patently unlawful Memorandum No. 1 dated 30 June 1998, thereby causing undue injury to (private complainants).[2]

During the Pre-Trial Conference on February 22, 2000, the People and Mayor Barrera marked their respective documentary exhibits and entered into the following stipulation of facts:

> 1. That at the time material to this case as alleged in all of the Informations, accused Henry E. Barrera was a public officer being then the municipal mayor of Candelaria, Zambales;
>
> 2. That private complainants were awarded individual contract of lease for a market stall in the new Candelaria Public Market by the former Mayor Fidel Elamparo before the oath taking of the accused on June 30, 1998;

3. That the awardees are the following:

1. Ermelina Abella 11. Corazon Cansas
2. Lourdes Jaquias 12. Michelle Palma
3. John Espinosa 13. Mila Saberon
4. Jean Basa 14. Merlinda Miraflor
5. Lerma Espinosa 15. Edna Bagasina
6. Eduardo Sison 16. Jocelyn Educalane
7. Lina Hebron 17. Alvin Gatdula
8. Nora Elamparo 18. Helen Egenias
9. Luz Aspiras 19. Luz Eclarino
10. Oscar Lopez 20. Josephine Elamparo

4. That on June 30, 1998 accused Henry E. Barrera after taking his oath as the new Mayor of Candelaria, Zambales went to the public market and pleaded with the complainants herein not to occupy the new market stalls;

5. That there was a public hearing conducted on the issue of the public market on July 8, 1998 by the Sangguniang Bayan with the new elected mayor as presiding officer;

6. That accused Henry E. Barrera was the Vice-Mayor of Candelaria, Zambales from 1986 to 1992;

7. That the accused was a stall holder or lessee of one of the stalls at the Candelaria Public Market;

8. That on March 11, 1995 during the time of Mayor Fidel Elamparo, the public market of Candelaria, Zambales was razed to the ground;

9. That the incident displaced about 60 market vendors;

10. That Ex-Mayor Elamparo assured the market vendors who were displaced together with Congressman Antonio Diaz that they will enjoy priority/preference over the new stalls once the public market is re-built; and

11. That the displaced market vendors were temporarily sheltered along Perla St. and Ruby St., adjacent to the burned public market.

The parties agreed, that the only issue to be resolved is: whether or not accused Henry E. Barrera is liable for violation of Section 3(e) and 9 of Republic Act No. 3019.[3]

While the Pre-Trial Order, reflecting the foregoing stipulation of facts, was not signed by the members of the Fourth Division of the Sandiganbayan, the issuance, authenticity, and contents thereof were never disputed nor put in issue by any of the parties.

When arraigned, accused Mayor Barrera, Escala, and Edquiban separately pleaded not guilty.

On August 2, 2000, Escala and Edquiban filed an Omnibus Motion: 1) For the Issuance of an Order Dropping Dr. Rufina Escala and Mr. Santos Edquiban from the Information; 2) To Withdraw Bond; and 3) To Lift Hold Departure Orders on the ground that the Ombudsman approved the recommendation of the Special Prosecutor to drop said two accused from the Informations.

In an Order dated August 8, 2000, the Sandiganbayan granted the Omnibus Motion and accordingly ordered Escala and Edquiban dropped from the Informations.

Complainants Abella, Jaquias, John Espinosa, Lerma Espinosa, Sison, Hebron, Cansas, Palma, Saberon, Bagasina, Educalane, Eclarino, and Josephine Elamparo testified for the People. Upon motion of the People, the Sandiganbayan issued an Order dated August 14, 2001, dismissing the complaints of Basa, Norma Elamparo,

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

Lopez, Miraflor, Gatdula, and Egenias, on the ground that said charges cannot be prosecuted successfully without the testimony of these six complainants. The People, however, proceeded with the prosecution of the complaints of Abella and the 13 other complainants (Abella, et al.). Subsequently, the People formally offered its documentary exhibits, which were admitted in evidence.

Mayor Barrera filed a Motion for Leave to File Demurrer to Evidence on October 23, 2001, which the Sandiganbayan granted in an Order dated October 29, 2001.

Mayor Barrera filed his Demurrer to Evidence on November 8, 2001, avowing that there was no bad faith in his issuance of Memorandum No. 1, which prevented Abella, et al., from occupying the new stalls at the Candelaria Public Market. He explained that he needed to issue Memorandum No. 1 since the previous Municipal Mayor, Fidel Elamparo, awarded the Lease Contracts over the new public market stalls less than a week before the end of the latter's term and without regard to the requirement of pertinent laws. Mayor Barrera also claimed that he did not act with manifest partiality in issuing Memorandum No. 1 considering that said issuance applies not only to Abella, et al., but also to all awardees of the questionable Lease Contracts. Mayor Barrera further pointed out that Abella, et al., did not suffer any undue injury even when they were unable to occupy the new public market stalls as they were able to continue working and earning as market vendors at the temporary public market site. Hence, Mayor Barrera argued that any purported damage sustained by Abella, et al., by reason of the issuance and implementation of Memorandum No. 1 should be solely borne by them, being damnum absque injuria.

In its Comment/Opposition to Mayor Barrera's Demurrer to Evidence, the People asserted that the pieces of evidence it adduced and presented were more than sufficient to sustain the accused Mayor's conviction. The People maintained that it would be in Mayor Barrera's best interest to explain during trial why on June 30, 1998, said Mayor, assisted by the police, forcibly evicted Abella, et al., from the new public market and padlocked the market stalls without the benefit of any court order. According to the People, Mayor Barrera's actuations displayed a wanton disregard of the constitutional rights to life and property, as well as to due process of law, which resulted to business losses on the part of Abella, et al., from the time their market stalls were closed.

On May 6, 2002, the Sandiganbayan rendered its Decision granting Mayor Barrera's Demurrer to Evidence and dismissing the criminal cases against said Mayor. The dispositive portion of the Decision reads:

> WHEREFORE, the Demurrer to Evidence filed by accused HENRY E. BARRERA, through counsel, is hereby GRANTED and Criminal Cases Nos. 25035-37; 25039-41; 25043; 25045-47; 25049-50 and 25053-54 are hereby DISMISSED on the ground that the elements of the offense under Sec. 3(e) of R.A. No. 3019, as amended, were not established beyond reasonable doubt.[4]

Without filing a Motion for Reconsideration of the Sandiganbayan judgment, the People filed the present Petition, faulting the graft court for the following:

> I
>
> THE RESPONDENT COURT ACTED WITH GRAVE ABUSE OF DISCRETION IN PROMULGATING THE ASSAILED DECISION AS IT NEVER EXPRESSED CLEARLY AND DISTINCTLY THE FACTS AND THE EVIDENCE ON WHICH IT IS BASED, IN VIOLATION OF THE PROVISIONS OF SEC. 14, ARTICLE VIII OF THE CONSTITUTION.
>
> II
>
> THE RESPONDENT COURT COMMITTED GRAVE ABUSE OF DISCRETION IN RULING THAT THE PROSECUTION FAILED TO PROVE AND QUANTIFY ACTUAL INJURY AND DAMAGE SUFFERED BY THE PRIVATE COMPLAINANTS.

> III
>
> THE RESPONDENT COURT COMMITTED GRAVE ABUSE OF DISCRETION IN RULING THAT THE PROSECUTION FAILED TO PROVE EVIDENT BAD FAITH ON THE PART OF THE PRIVATE RESPONDENT.

The Petition has no merit.

At the outset, we note that this Petition for Certiorari under Rule 65 of the Rules of Court was filed without a Motion for Reconsideration of the Decision dated May 6, 2002 having been filed before the Sandiganbayan. This fact alone would have warranted the dismissal of the instant Petition given the general rule that a motion for reconsideration is a condition sine qua non before the filing of a petition for certiorari. In Republic v. Sandiganbayan,[5] we held:

> As a rule, the special civil action of certiorari under Rule 65 of the 1997 Rules of Civil Procedure, as amended, lies only when the lower court has been given the opportunity to correct the error imputed to it through a motion for reconsideration of the assailed order or resolution.The rationale of the rule rests upon the presumption that the court or administrative body which issued the assailed order or resolution may amend the same, if given the chance to correct its mistake or error. The motion for reconsideration, therefore, is a condition sine qua non before filingapetition for certiorari.
>
> Here, petitioners filed the instant petitions for certiorari without interposing a motion for reconsideration of the assailed Resolution of the Sandiganbayan. Section 1 of the same Rule 65 requires that petitioners must not only show that the trial court, in issuing the questioned Resolution, "acted without or in excess of its jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction," but that "there is no appeal, nor any plain, speedy, and adequate remedy in the ordinary course of law."We have held that the "plain," "speedy," and "adequate remedy"referredtoinSection1of Rule65isamotionfor reconsideration of the questioned Order or Resolution.It bears stressing that the strict application of this rule will also prevent unnecessary and premature resort to appellate proceedings. We thus cannot countenance petitioners' disregard of this procedural norm and frustrate its purpose of attaining speedy, inexpensive, and orderly judicial proceedings.
>
> In justifying their failure to file the required motion for reconsideration, petitioners vehemently assert that they were "deprived of due process and there is extreme urgency for relief, and that under the circumstances, a motion for reconsideration would be useless."
>
> We are not persuaded.
>
> Petitioners may not arrogate to themselves the determination of whether a motion for reconsideration is necessary or not.To dispense with the requirement of filing a motion for reconsideration, petitioners must show concrete, compelling, and valid reason for doing so.They must demonstrate that the Sandiganbayan, in issuing the assailed Resolution, acted capriciously, whimsically and arbitrarily by reason of passion and personal hostility.Such capricious, whimsical and arbitrary acts must be apparent on the face of the assailed Resolution. These, they failed to do.

The People in the instant case absolutely failed to provide any explanation as to why it did not first move for reconsideration of the challenged Sandiganbayan judgment before seeking a writ of certiorari from this Court. We therefore cannot find any "concrete, compelling, and valid reason" to except the People from the aforementioned general rule of procedure.

The Petition at bar must also be dismissed on substantive grounds.

Article VIII, Section 14 of the 1987 Constitution mandates that "[n]o decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based." The purpose of

Article VIII, Section 14 of the Constitution is to inform the person reading the decision, and especially the parties, of how it was reached by the court after consideration of the pertinent facts and examination of the applicable laws. The losing party is entitled to know why he lost, so he may appeal to a higher court, if permitted, should he believe that the decision should be reversed. A decision that does not clearly and distinctly state the facts and the law on which it is based leaves the parties in the dark as to how it was reached and is especially prejudicial to the losing party, who is unable to pinpoint the possible errors of the court for review by a higher tribunal. Thus, a decision is adequate if a party desiring to appeal therefrom can assign errors against it.[6]

Our review of the Sandiganbayan Decision dated May 6, 2006 reveals that said judgment actually contained a summary of the antecedent facts and proceedings; as well as a discussion on the relevant statutory provisions, the elements of the offense charged, and the testimonial and documentary evidence presented by the People. The factual and legal bases of the assailed Sandiganbayan Decision, granting Mayor Barrera's Demurrer to Evidence, are readily evident in the following excerpts therefrom:

> The instant "Demurrer to Evidence" is impressed with merit.
>
> Section 3, paragraph (e) of R.A. 3019, provides that:
>
> Section 3. Corrupt Practices of Public Officers. - In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful;
>
> x x x x
>
> e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefit, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. x x x

To be liable for violation of Section 3(e) of Republic Act No. 3019, four essential elements (as stated in the Information filed in the present cases) must be present:

1) That the accused is a public officer or a private person charged in conspiracy with the public officers;

2) That said public officer commits the prohibited acts during the performance of his official duties or in relation to his public position;

3) That he causes undue injury to any party, whether government or private individuals; and

4) That the public officer has acted with manifest partiality, evident bad faith or gross inexcusable negligence.

The first two above-stated elements are clearly present in the instance cases. However, the third and fourth elements appear to be absent, or at best remain doubtful.

The undue injury mentioned as the third essential element in the commission of the crime requires proof of actual injury and damage. Clarifying, the Supreme Court, in Llorente v. Sandiganbayan, stated:

> "x x x Unlike in actions for torts, 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 a crime. In fact, the causing of undue injury or the giving of any unwarranted 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."

In the instant cases, the evidence presented by the prosecution failed to prove actual injury and damage suffered

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

by the private complainants, as one of the elements of the crime herein charged, in that it failed to specify, quantify and prove to the point of moral certainty the purported "undue injury". The complainants in their testimonies, admitted that they have been working and earning, either as market vendors or in pursuit of their profession from the time of the closure of their respective market stalls up to now. Also, their claims of business losses, at the time material to the cases at bar, leave much to be desired vis-à-vis the moral certitude exacted by law to prove the alleged undue injury. Pathetically, said evidence, are either contradictory or incredible.

Likewise, the prosecution's evidence failed to prove manifest partiality and/or evident bad faith on the part of the accused, as the fourth of the above-stated requisites for the commission of the crime herein charged.

For an act to be considered as exhibiting "manifest partiality," there must be a showing of a clear, notorious or plain inclination or predilection to favor one side rather than the other. "Partiality" is synonymous with "bias" which "excites a disposition to see and report matters as they are wished for rather than as they are." "Evident bad faith," on the other hand, is something which does not simply connote bad judgment or negligence; it imputes a dishonest purpose or some moral obliquity and conscious doing of a wrong; a breach of sworn duty through some motive or intent or ill will; It partakes of the nature of fraud. It contemplates a state of mind affirmatively operating with furtive design, or some motive of self-interest or ill will for ulterior purpose. Evident bad faith connotes a manifest and deliberate intent on the part of the accused to do wrong or cause damage.

The evidence presented by the prosecution falls short of that quantum of proof necessary to establish the fact that the accused acted with manifest partiality or with evident bad faith. On the contrary, what is clear from the evidence adduced, was that herein accused simply exercised his legitimate powers under the Local Government Code of 1991 (LGC) which provides that a municipal mayor has the power to "enforce all laws and ordinances relative to the governance of the municipality and the exercise of its corporate powers" and, for this purpose, he shall have the power to "issue such executive order as are necessary for the proper enforcement and execution of the laws and ordinances." Ex-Mayor Elamparo's acts of entering into lease contracts, when his term was about to expire and herein accused-movant's term was about to commence, being the mayor-elect, was not only in violation of the Local Government Code provision that "no contract may be entered into by the local chief executive in behalf of the local government unit without prior authorization by the sangguniang concerned," but also of the other requirements of law such as, a verified application from the complainants, payment of application fees, drawing of lots and the opening of bids, since not all the displaced vendors can be accommodated in the thirty-two stalls in the new public market. The intent of such a maneuvering was obviously to tie the hands of the incoming administration.

The undue haste of awarding stalls in the new public market by Ex-Mayor Elamparo was flagrant, because from 26 June to 30 June, 1998, former stall holders of the old market that burned down, held a rally to denounce the allegedly unfair awarding of contracts of lease over the new stalls, complaints ranging from awards to new comers, to instances of two stalls, being awarded to one lessee.

It was precisely in this state of affair that prompted herein accused-movant Barrera to cause the issuance of Memorandum No. 1, Series of 1998, after he had taken his oath as mayor of Candelaria, Zambales, to wit:

> "You are hereby advised that effective 1:00 PM, June 30, 1998, the transferring to and occupancy of stalls inside the Public Market shall be temporarily suspended.
>
> For your strict implementation and compliance."

Lastly, of significance is the fact that Memorandum No. 1 applied to all stallholders at the new public market, be they supporters or not of Mayor Barrera during the 1998 mayoralty elections just past. These admissions of the complaining witnesses in open court, thus, refute their allegations in their affidavits that the purpose of the

memorandum was to award the new stalls to Mayor Barrera's supporters.

In the light of all the foregoing, We find that herein accused-movant Henry E. Barrera cannot in fairness be held liable under the indictment. In this connection, it has been held that the prosecution must rely on the strength of its own evidence and not on the weakness of the defense; the burden of proof is never on the accused to disprove the facts necessary to establish the crime charged. "It is safely entrenched in our jurisprudence" says the Supreme Court, "that unless the prosecution discharges its burden to prove the guilt of an accused beyond reasonable doubt, the latter need not even offer evidence in his behalf.[7]

In fact, based on the foregoing, the People was able to identify and discuss with particularity in its present Petition the grave abuse of discretion allegedly committed by the graft court in granting Mayor Barrera's Demurrer to Evidence. Thus, contrary to the People's contention, the aforequoted Sandiganbayan judgment did not violate the mandate of Article VIII, Section 14 of the 1987 Constitution.

We further disagree with the People's assertion of grave abuse of discretion on the part of Sandiganbayan in ruling that several elements for the violation of Section 3(e) of Republic Act No. 3019[8] are lacking, or at best, doubtful, in this case.

In order to be held guilty of violating Section 3(e) of Republic Act No. 3019, the provision itself explicitly requires that the accused caused undue injury for having acted with manifest partiality, evident bad faith, or with gross inexcusable negligence, in the discharge of his official administrative or judicial function. The People's evidence failed to support the existence of these two elements.

The issuance by Mayor Barrera of Memorandum No. 1 is rooted in Section 444, in relation to Section 22, of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, which provide:

> Section 444. The Chief Executive: Powers, Duties, Functions and Compensation. - (a) The municipal mayor, as the chief executive of the municipal government, shall exercise such powers and perform such duties and functions as provided by this Code and other laws.
>
> (b) For efficient, effective and economical governance the purpose of which is the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code, the municipal mayor shall:
>
> x x x x
>
> (2) Enforce all laws and ordinances relative to the governance of the municipality and the exercise of its corporate powers provided for under Section 22 of this Code, implement all approved policies, programs, projects, services and activities of the municipality and, in addition to the foregoing, shall:
>
> x x x x
>
> (iii) Issue such executive orders as are necessary for the proper enforcement and execution of laws and ordinances.
>
> Section 22. Corporate Powers. - x x x
>
> x x x x
>
> (c) Unless otherwise provided in this Code, no contract may be entered into by the local chief executive in behalf of the local government unit without prior authorization by the sanggunian concerned. A legible copy of such contract shall be posted at a conspicuous place in the provincial capitol or the city, municipality or barangay hall.

The award of Lease Contracts over the new public market stalls were marred by several irregularities, among

which, was it being made by the former Mayor with only one week before the expiration of his term and the lack of prior authorization by the sanggunian as required by Section 22(c) of Republic Act No. 7160. Also, there were 60 market vendors displaced by the fire at the old public market, but only 32 stalls were available for occupancy at the new public market. A rally was held by the stall holders displaced by the fire from the old public market to denounce the allegedly unfair awarding of the Lease Contracts over the new public market stalls to new comers, and even in some instances, the awarding of two stalls to only one lessee. These circumstances prompted Mayor Barrera, the newly elected Municipal Mayor, to issue Memorandum No. 1 pursuant to his duty of enforcing and implementing laws and ordinances for the general welfare of the municipality and its inhabitants. It bears to stress that Memorandum No. 1 applies equitably to all awardees of the Lease Contracts over the new public market stalls, not just Abella, et al., and did not give any unwarranted benefit, advantage, or preference to any particular private party. Consequently, we find that the Sandiganbayan did not commit grave abuse of discretion when it declared that Mayor Barrera did not issue Memorandum No. 1 with manifest partiality, evident bad faith, or with gross inexcusable negligence.

Moreover, in Pecho v. Sandiganbayan,[9] we explained that the undue injury caused to any party, including the government, under Section 3(e) of Republic Act No. 3019, could only mean actual injury or damage which must be established by evidence. Abella, et al., alleged undue damage/injury by reason of Memorandum No. 1 because they had been unable to occupy the new public market stalls and were thus deprived of their daily income of varying amounts. However, Abella, et al., in their own testimonies,[10] admitted that that they have continued working and earning - either as market vendors at the temporary public market site, or in pursuit of their profession - from the time their market stalls were closed until present time. Hence, there was no sufficient evidence to establish actual injury or damage suffered by Abella, et al., by reason of Memorandum No. 1.

In People v. Sandiganbayan,[11] we defined grave abuse of discretion as follows:

> Grave abuse of discretion is the capricious and whimsical exercise of judgment as equivalent to lack of jurisdiction or where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and it must be so patent and gross as to amount to an evasion of positive duty or a virtual refusal to perform the duty enjoined or to act in contemplation of law. x x x.
>
> x x x x
>
> The demurrer to evidence in criminal cases, such as the one at bar, is "filed after the prosecution had rested its case," and when the same is granted, it calls "for an appreciation of the evidence adduced by the prosecution and its sufficiency to warrant conviction beyond reasonable doubt, resulting in a dismissal of the case on the merits, tantamount to an acquittal of the accused." Such dismissal of a criminal case by the grant of demurrer to evidence may not be appealed, for to do so would be to place the accused in double jeopardy. The verdict being one of acquittal, the case ends there.
>
> The sole office of an extraordinary writ of certiorari is the correction of errors of jurisdiction including the commission of grave abuse of discretion amounting to lack or excess of jurisdiction. For as long as the court acted within its jurisdiction, an error of judgment that it may commit in the exercise thereof is not correctible through the special civil action of certiorari. To reiterate, the Sandiganbayan, in rendering the challenged Decision, acted with jurisdiction and did not gravely abuse its discretion.

There being no grave abuse of discretion on the part of the Sandiganbayan in granting Mayor Barrera's Demurrer to Evidence as to deprive the graft court of jurisdiction, the issuance of a writ of certiorari is not warranted in the present case.

WHEREFORE, the Petition is hereby dismissed.

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

SO ORDERED.

Corona, C.J., (Chairperson), Velasco, Jr., Del Castillo, and Perez, JJ., concur.

---

[1] Penned by Associate Justice Nicodemo T. Ferrer with Associate Justices Narciso S. Nario and Raoul V. Victorino, concurring; rollo, pp. 31-42.

[2] Id. at 32.

[3] Id. at 62-63.

[4] Id. at 42.

[5] 499 Phil. 138, 150-152 (2005).

[6] People v. Orbita, 433 Phil. 761, 771-772 (2002).

[7] Rollo, pp. 36-42.

[8] Section 9 of Republic Act No. 3019 referred to in the Complaints and the Pre-Trial Order merely provides for the penalties for violations of said statute. It provides:

Sec. 9. Penalties for violations. - (a) Any public officer or private person committing any of the unlawful acts or omission enumerated in Sections 3, 4, 5 and 6 of this Act shall be punished with imprisonment for not less than six years and one month nor more than fifteen years, perpetual disqualification from public office, and confiscation or forfeiture in favor of the Government of any prohibited interest and unexplained wealth manifestly out of proportion to his salary and other lawful income.

Any complaining party at whose complaint, the criminal prosecution was initiated shall, in case of conviction of the accused, be entitled to recover in the criminal action with priority over the forfeiture in favor of the Government, the amount of money or the thing he may have given to the accused, or the fair value of such thing.

[9] G.R. No. 111399, November 14, 1994, 238 SCRA 116, 133.

[10] TSN, May 22, 2000, p. 25 (Abella).

TSN, August 21, 2000, pp. 21-22, 27 (Sison).
TSN, September 18, 2000, p. 14 (Jaquias).
TSN, November 6, 2000, pp. 28-29 (Espinosa).
TSN, November 9, 2000, pp. 12-13 (Educalane).
TSN, January 17, 2001, p. 32 (Hebron).
TSN, March 6, 2001, p. 18 (Palma).
TSN, June 27, 2001, p. 17 (Saberon).

[11] People v. Sandiganbayan, G.R. Nos. 137707-11, December 17, 2004, 447 SCRA 291, 306-308.

Study hands-free: podcast-style lessons with read-along highlighting - 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.