

**LIBRADO M. CABRERA, FE M. CABRERA AND LUTHER LEONOR,
PETITIONERS, VS. THE HONORABLE SANDIGANBAYAN (FOURTH
DIVISION) AND FRANCO P. CASANOVA, RESPONDENTS.**

G.R. Nos. 162314-17. October 25, 2004

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Before us is a petition for certiorari under Rule 65 of the Rules of Court with a prayer for the writ of preliminary injunction and/or temporary restraining order for the nullification of the Resolution[1] of the Sandiganbayan denying the motion to quash the Informations filed by the petitioners who were the accused in Criminal Cases Nos. 27555 to 27558, for violation of Section 3(e) of Republic Act No. 3019, and its resolution denying their motion for reconsideration.

The Antecedents

On July 23, 2002, four (4) Informations were filed with the Sandiganbayan charging the petitioners, Librado M. Cabrera, his wife Fe M. Cabrera, and Luther Leonor, with violation of Section 3(e) of Rep. Act No. 3019. The docket numbers of the cases and the accusatory portion of each of the Informations respectively read:

Criminal Case No. 27555

That for the period from January 30, 1998 to June 30, 1998, or sometime prior or subsequent thereto, in the Municipality of Taal, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, above-named accused LIBRADO M. CABRERA and LUTHER LEONOR, both public officers, being then the Municipal Mayor and Municipal Councilor, respectively, of the Municipality of Taal, Batangas, committing the offense herein charged, in conspiracy and connivance with each other and in relation to their office, taking advantage of their official position, and through manifest partiality, evident bad faith or gross inexcusable negligence, did then and there willfully, unlawfully and criminally give unwarranted benefits to Diamond Laboratories, Inc. (DLI), a corporation owned by the relatives by consanguinity of the accused LIBRADO M. CABRERA, by directly purchasing medicines on several occasions only from the said Diamond Laboratories, Inc. without the benefit of public bidding or canvass from different duly-licensed manufacturers, thereby depriving the Municipality of Taal, Batangas the opportunity to avail of a better price of the same quality of supplies, in the total amount of FIVE HUNDRED THREE THOUSAND NINE HUNDRED TWENTY PESOS & THIRTY-FIVE CENTAVOS (P503,920.35), with accused LUTHER LEONOR, who, in conspiracy and connivance with accused LIBRADO M. CABRERA, acted as the authorized representative of Diamond Laboratories, Inc. despite his being a Municipal Councilor of Taal, Batangas, by receiving all payments due and on behalf of the Diamond Laboratories, Inc. and by signing all pertinent documents of the transactions, at the same time cause undue injury to the Municipality of Taal, Batangas, to the Government as a whole and to public interest.

CONTRARY TO LAW.[2]

...

Criminal Case No. 27556

That for the period from March 13, 1998 to June 22, 1998, or sometime prior or subsequent thereto, in the Municipality of Taal, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, above-named accused LIBRADO M. CABRERA, a public officer, being then the Municipal Mayor of Taal, Batangas, committing the offense herein charged in relation to his office, taking advantage of his official position, and through manifest partiality evident bad faith or gross inexcusable negligence, did then and there willfully, unlawfully and criminally cause undue injury to the Municipality of Taal, Batangas, to the Government as a whole and to public interest, at the same time, give unwarranted benefits to himself by reimbursing, collecting and appropriating for himself, the aggregate amount of TWENTY-SEVEN THOUSAND SIX HUNDRED FIFTY-ONE PESOS & EIGHTY-THREE CENTAVOS (P27,651.83) from the Municipal coffers of Taal, Batangas, representing his expenses incurred during his unauthorized and illegal travels, to the damage and prejudice of the Municipality of Taal, Batangas, to the Government as a whole and to public interest in the said amount of P27,651.83.

CONTRARY TO LAW.[3]

...

Criminal Case No. 27557

That for the period from July 28, 1998 to July 6, 1999, or sometime prior or subsequent thereto, in the Municipality of Taal, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, above-named accused FE M. CABRERA and LUTHER LEONOR, both public officers, being then the Municipal Mayor and Municipal Councilor, respectively, of the Municipality of Taal, Batangas, committing the offense herein charged, in conspiracy and connivance with each other and in relation to their office, taking advantage of their official position, and through manifest partiality, evident bad faith or gross inexcusable negligence, did then and there willfully, unlawfully and criminally give unwarranted benefits to Diamond Laboratories, Inc. (DLI), a corporation owned by the relatives by affinity of the accused FE M. CABRERA, by directly purchasing medicines on several occasions only from the said Diamond Laboratories, Inc. without the benefit of public bidding or canvass from different duly-licensed manufacturers, thereby depriving the Municipality of Taal, Batangas the opportunity to avail of a better price of the same quality of supplies, in the total amount of ONE MILLION FORTY-TWO THOUSAND NINE HUNDRED TWO PESOS & FORTY-SIX CENTAVOS (P1,042,902.46), with accused LUTHER LEONOR, who, in conspiracy and connivance with accused FE M. CABRERA, acted as the authorized representative of Diamond Laboratories, Inc. despite his being a Municipal Councilor of Taal, Batangas, by receiving all payments due and on behalf of the Diamond Laboratories, Inc. and by signing all pertinent documents of the transactions, at the same time cause undue injury to the Municipality of Taal, Batangas, to the Government as a whole and to public interest.

CONTRARY TO LAW.[4]

...

Criminal Case No. 27558

That for the period from August 31, 1998 to September 1, 1999, or sometime prior or subsequent thereto, in the Municipality of Taal, Province of Batangas, Philippines, and within the jurisdiction of this Honorable Court, above-named accused FE M. CABRERA, a public officer, being then the Municipal Mayor of Taal, Batangas, committing the offense herein charged in relation to her office, taking advantage of her official position, and through manifest partiality, evident bad faith or gross inexcusable negligence, did then and there willfully, unlawfully and criminally cause undue injury to the Municipality of Taal, Batangas, to the Government as a whole and to public interest, at the same time, give unwarranted benefits to herself by reimbursing, collecting and appropriating for herself, the aggregate amount of ONE HUNDRED SEVENTY

THOUSAND NINE HUNDRED EIGHTY-SEVEN PESOS & SIXTY-SIX CENTAVOS (P170,987.66) from the Municipal coffers of Taal, Batangas, representing her expenses incurred during her unauthorized and illegal travels, to the damage and prejudice of the Municipality of Taal, Batangas, to the Government as a whole and to public interest in the said amount of P27,651.83.

CONTRARY TO LAW.[5]

On August 7, 2003, the petitioners filed a motion to quash the Informations in Criminal Cases Nos. 27555 and 27557 on the ground that the facts contained therein do not allege the quantity, the extent and value of undue injury to the Municipality of Taal, Batangas, or to the government as a whole and to public interest. The petitioners also sought the quashal of the Informations in Criminal Cases Nos. 27556 and 27558 on the ground that the said Informations failed to specify and quantify the alleged undue injury to the Municipality of Taal, Batangas, or to the government as a whole; to prove the same with moral certainty; and to state that the petitioners therein gave any unwarranted benefits to a third-party private individual. The petitioners noted that the Informations merely alleged that “the accused gave unwarranted benefits to himself/herself.”

The petitioners cited the decisions of this Court in *Mendoza-Arce v. Office of the Ombudsman (Visayas)*,^[6] *Llorente v. Sandiganbayan*,^[7] and *Garcia-Rueda v. Amor*,^[8] that for violation of Section 3(e) of Rep. Act No. 3019, the Informations must allege, and the prosecution must prove, that a party sustained undue injury caused by the act of the accused of giving unwarranted benefits, advantage or preference through manifest partiality, evident bad faith or gross inexcusable negligence.

On November 12, 2003, the Sandiganbayan issued a Resolution denying the petitioners’ motion to quash. The graft court ruled that as gleaned from all the Informations in Criminal Cases Nos. 27555 and 27557, the petitioners caused undue injury to the Municipality of Taal, Batangas, the government and to the public interest, and that they gave unwarranted benefits, advantage or preference to the Diamond Laboratories, Inc. The graft court also ruled that under the Informations in Criminal Cases Nos. 27556 and 27558, petitioners Librado and Fe Cabrera gave unwarranted benefits to themselves by allocating and collecting the amounts of P27,651.83 and P170,987.66, respectively, representing expenses they incurred during their unauthorized and illegal travels, thereby causing undue injury to the Municipality of Taal. The Sandiganbayan relied on the rulings of the Court in *Jacinto v. Sandiganbayan*^[9] and *Santiago v. Garchitorena*,^[10] instead of relying on the rulings of this Court in *Llorente v. Sandiganbayan*,^[11] *Mendoza-Arce v. Office of the Ombudsman (Visayas)*,^[12] and *Suller v. Sandiganbayan*.^[13] The Sandiganbayan also ruled that the elements of the crime of violation of Section 3(e) of Rep. Act No. 3019 enumerated in *Jacinto* are more consistent with the law and in harmony with the ruling of this Court in *Santiago*. The Sandiganbayan further declared that the rulings in *Jacinto* and *Santiago* had not as yet been overruled by the Court.

The petitioners filed a motion for the reconsideration of said resolution, contending that the Sandiganbayan should have relied on more recent rulings of this Court, the latest of which is *Mendoza-Arce v. Office of the Ombudsman (Visayas)*.^[14] On February 18, 2004, the Sandiganbayan issued a Resolution denying the said motion.

The petitioners now seek relief in this Court via their petition for certiorari contending that:

WITH ALL DUE RESPECT, PUBLIC RESPONDENT ACTED WITHOUT OR IN EXCESS OF ITS JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN ISSUING THE QUESTIONED RESOLUTIONS DATED 12 NOVEMBER 2003 AND 18 FEBRUARY 2004.^[15]

The threshold issue in this case is whether or not all the essential elements of Section 3(e) of Rep. Act No. 3019 are alleged in the four (4) Informations filed against the petitioners.

The petition has no merit.

Section 8, Rule 110 of the Revised Rules of Criminal Procedure requires that the acts or omissions constituting the offense must be stated in the Information or criminal complaint:

SEC. 8. Designation of the offense. – The complaint or information shall state the designation of the offense given by the statute, aver the acts or omissions constituting the offense, and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it.

The petitioner must be apprised of the facts that are imputed on him as he is presumed to have no independent knowledge of the facts that constitute the offense. The Information must contain a specific allegation of every fact and circumstance necessary to constitute the crime charged.[16] Also, the Information must state only the relevant facts; the reason therefor could be proved during the trial.[17]

The accused may file a motion to quash the Information under Section 3(a), Rule 117 of the Revised Rules of Criminal Procedure, on the ground that the facts charged do not constitute an offense.

SEC. 3. Grounds. – The accused may move to quash the complaint or information on any of the following grounds:

(a) That the facts charged do not constitute an offense.

...

The fundamental test in determining the sufficiency of the material averments of an Information is whether or not the facts alleged therein, which are hypothetically admitted, would establish the essential elements of the crime defined by the law. The Court has ruled[18] that evidence aliunde or matters extrinsic of the Information are not to be considered:

Section 3(a) of Rule 117 of the Revised Rules of Court authorizes the quashal of an information when the facts therein averred do not amount to an offense. The fundamental test in reflecting on the viability of a motion to quash under this particular ground is whether or not the facts asseverated, if hypothetically admitted, would establish the essential elements of the crime defined in the law. In this examination, matters aliunde are not considered. Anent the sufficiency of the information, Section 6, Rule 110, of the Rules of Court requires, inter alia, that the information must state the acts or omissions so complained of as constitutive of the offense.[19]

Section 3(e) of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, reads:

Sec. 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:

...

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official, administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

In *Jacinto v. Sandiganbayan*,[20] the Court en banc enumerated the essential elements of the crime, viz:

- The accused must be a public officer discharging administrative, judicial or official functions;

- He must have acted with manifest partiality, evident bad faith or 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.[21]

There are two (2) ways by which a public official violates Section 3(e) of Rep. Act No. 3019 in the performance of his functions, namely: (a) by causing undue injury to any party, including the Government; or (b) by giving any private party any unwarranted benefit, advantage or preference. The accused may be charged under either mode or under both. In *Quibal v. Sandiganbayan*,^[22] the Court held that the use of the disjunctive term “or” connotes that either act qualifies as a violation of Sec. 3(e) of Rep. Act No. 3019.

In fine, the delictual act of the accused may give rise to or cause either an undue injury to any party, including the government; or the giving to any private party unwarranted benefits, advantage or preference, or both undue injury and warranted benefits, advantage or preference. As explained by the Court in *Bautista v. Sandiganbayan*:^[23]

Indeed, Sec. 3, par. (e), RA 3019, as amended, provides as one of its elements that the public officer should have acted by causing any undue injury to any party, including the government, or by giving any private party unwarranted benefits, advantage or preference in the discharge of his functions. The use of the disjunctive term “or” connotes that either act qualifies as a violation of Sec. 3, par. (e), or as aptly held in *Santiago*, as two (2) different modes of committing the offense. This does not, however, indicate that each mode constitutes a distinct offense, but rather, that an accused may be charged under either mode or under both.

In *Santiago*, petitioner therein assailed the failure of respondent to include the phrase “causing of undue injury to any party, including the Government” in the amended informations filed against her. Refuting the claim, the Court cited the minute resolution in *Uy v. Sandiganbayan* and clarified that the “act of giving any private party any unwarranted benefit, advantage or preference” is not an indispensable element of the offense of “causing any undue injury to any party,” although there maybe instances where both elements concur. Thus, in *Pareño v. Sandiganbayan*, the information charged the public officers with “willfully and unlawfully causing undue injury to the Government and giving unwarranted benefits to Tanduay Distillery, Inc.” by failing to verify and act on the validity and/or veracity of the claim for tax credit filed by the corporation before the BIR.

In *Pilapil v. Sandiganbayan*, petitioner *Pilapil* was only charged with having “willfully caused undue injury to the Municipality of Tigaon, Camarines Sur, when he failed to deliver the ambulance received by him on behalf of the municipality in a Deed of Donation executed by the Philippine Charity Sweepstakes Office in its favor, to the prejudice and damage of the municipal government.”

Likewise, in *Diaz v. Sandiganbayan*, the PCGG Commissioners as public officers were charged only with having given *Enrique Razon, Jr.*, a stockholder or officer of the sequestered corporation *Metro Port*, unwarranted benefits and/or advantage by the approval of his loan application for P5,000,000.00 belonging to the same sequestered corporation.

By analogy, *Gallego v. Sandiganbayan* finds application in the instant case. There, petitioners claimed that the Information charged the accused with three (3) distinct offenses, to wit: (a) the giving of “unwarranted” benefits through manifest partiality; (b) the giving of “unwarranted” benefits through evident bad faith; and, (c) the giving of “unwarranted” benefits through gross inexcusable negligence while in the discharge of their official and/or administrative functions; and thus moved for the quashal of the Information. The *Sandiganbayan* denied the motion to quash and held that the phrases “manifest partiality,” “evident bad faith” and “gross inexcusable negligence” merely described the different modes by which the offense penalized in Sec. 3, par. (e), of RA 3019, as amended, could be committed, and the use of all these phrases in the same Information did not mean that the indictment charged three (3) distinct offenses.^[24]

The Court reiterated in *Evangelista v. People*^[25] the ruling of the Court in *Bautista* and *Santiago*, thus:

R.A. 3019, Section 3, paragraph (e), as amended, provides as one of its elements that the public officer should have acted by causing any undue injury to any party, including the Government, or by giving any private party unwarranted benefits, advantage or preference in the discharge of his functions. The use of the disjunctive term "or" connotes that either act qualifies as a violation of Section 3, paragraph (e), or as aptly held in *Santiago*, as two (2) different modes of committing the offense. This does not, however, indicate that each mode constitutes a distinct offense, but rather, that an accused may be charged under either mode or under both.[26]

We note that, as pointed out by the petitioners, the Court held in *Mendoza-Arce* and other cases[27] that the essential elements for violation of Section 3(e) of Rep. Act No. 3019 are the following:

- The accused is a public officer or private person charged in conspiracy with him;
- Said public officer commits the prohibited acts during the performance of his official duties or in relation to his public position;
- He causes undue injury to any party, whether the government or private party;
- Such undue injury is caused by giving unwarranted benefits, advantage or preference to such parties; and
- The public officer has acted with manifest partiality, evident bad faith or gross inexcusable negligence.[28]

The petitioners posit that, as gleaned from the enumerations by the Court of the essential elements of the crime, the only mode by which a public officer may commit a crime for violation of Section 3(e) of Rep. Act No. 3019 is by causing undue injury to any party, both the government or private party, the giving of unwarranted benefits, advantage or preference to such party being only a mode of causing such undue injury, which is inconsistent with the rulings of this Court in *Jacinto*, *Santiago*, *Bautista* and other cases.

We find the contention of the petitioners to be untenable. For one thing, we have reviewed the rulings of the Court in *Mendoza-Arce* and kindred cases and find that the issue of whether or not violation of Section 3(e) of Rep. Act No. 3019 may be committed only by causing undue injury to the government or to a private individual, the giving of unwarranted benefits, advantage or preference being only a mode of causing undue injury to the government or to a private party had not been raised therein, nor resolved by the Court. In any event, the ruling in this case has categorized any perceived inconsistencies spawned by the rulings of the Court in *Mendoza-Arce* and other cases and those in *Jacinto*, *Santiago*, *Evangelista*, *Quibal* and *Bautista*.

In *Gallego v. Sandiganbayan*,[29] the Court ruled that "unwarranted" means lacking adequate or official support; unjustified; unauthorized; or without justification or adequate reasons. "Advantage" means a more favorable or improved position or condition; benefit or gain of any kind; benefit from course of action.[30] "Preference" signifies priority or higher evaluation or desirability; choice or estimation above another.[31]

Section 3(e) of Rep. Act No. 3019, which was approved by Congress in Spanish reads:

(e) Causar algun perjuicio indebido a cualquiera, incluyendo al Gobierno, o dar a alguna persona particular cualesquier beneficios, vengaja o preferencia injustificados en el desempeño de sus funciones administrativas judiciales de indole oficial con manifiesta parcialidad, evidente mala fe o crasa negligencia inexcusable. Esta disposicion se aplicara a los funcionarios y empleados de oficinas o de las corporaciones del gobierno encargados de otorgar licencias o permisos u otras concesiones.

"Perjuicio" means prejudice, mischief, injury, damages.[32] Prejudice means injury or damage, due to some judgment or action of another.[33] Mischief connotes a specific injury or damage caused by another.[34] "Indebido" means undue, illegal, immoral, unlawful, void of equity and moderations.[35] In *Pecho v. Sandiganbayan*,[36] the Court en banc defined injury as "any wrong or damage done to another, either in his person, or in his rights, reputation or property; the invasion of any legally protected interests of another." It must

be more than necessary or are excessive, improper or illegal.[37] It is required that the undue injury caused by the positive or passive acts of the accused be quantifiable and demonstrable and proven to the point of moral certainty.[38] Undue injury cannot be presumed even after a wrong or a violation of a right has been established.[39]

In *Fonacier v. Sandiganbayan*,^[40] the Court en banc held that proof of the extent or quantum of damage is not essential. It is sufficient that the injury suffered or benefits received can be perceived to be substantial enough and not merely negligible.

In this case, the Court finds that the four (4) Informations allege the essential elements of violation of Section 3(e) of Rep. Act No. 3019. The Information in Criminal Case No. 27555 specifically alleges that petitioners Librado Cabrera and Leonor, being then the Municipal Mayor and Municipal Councilor, respectively, of the Municipality of Taal, Batangas, conspired and connived with each other and, in relation to their office, through manifest partiality, evident bad faith or inexcusable negligence, gave unwarranted benefits to Diamond Laboratories, Inc., a corporation owned by the relatives of petitioner Librado Cabrera. The petitioners' felonious act consisted of directly purchasing medicines on several occasions for the total price of P503,920.35 only from the said corporation, without the benefit of public bidding or canvass from a duly-licensed manufacturer; in consummating the crime, petitioner Leonor acted as the duly-authorized representative of Diamond Laboratories, Inc. and received the payments for the purchases for and in behalf of the corporation. On the other hand, the Information in Criminal Case No. 27557 alleges that petitioners Fe Cabrera and Leonor, being then the Municipal Mayor and Municipal Councilor, respectively, of the Municipality of Taal, Batangas, conspired and connived with each other and, in relation to their office, took advantage of their official positions; and through patently evident bad faith or gross inexcusable negligence, gave unwarranted benefits to Diamond Laboratories, Inc., a corporation owned by relatives of petitioner Fe Cabrera, by directly purchasing medicines on several occasions for the total amount of P1,042,902.46 only from the Diamond Laboratories, Inc. without the benefit of public bidding or canvass from different licensed manufacturers. In consummating the crime, petitioner Leonor acted as the duly-authorized representative of said corporation, and received the said amount for and in behalf of said corporation. By the collective acts of the petitioners, the Municipality of Taal was deprived of its opportunity to avail of a better price for the same quantity and quality of medicine from other suppliers.

In Criminal Cases Nos. 27556 and 27558, the Informations contain factual averments showing that the Municipality of Taal, Batangas, suffered undue injury when petitioners Librado and Fe Cabrera collected and appropriated P27,651.83 and P170,987.66, respectively, based on their unauthorized and illegal travels.

The petitioners' contention that, under Section 366 of the Local Government Code, procurement of supplies by direct purchase from manufacturers or exclusive distributors may be made without the benefit of any public bidding is a matter of defense. The petitioners may adduce evidence during the trial that the Diamond Laboratories, Inc. is a manufacturer or exclusive distributor of the subject supplies.

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED. The assailed Resolutions of the Sandiganbayan are AFFIRMED. No costs.

SO ORDERED.

Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Tinga, Chico-Nazario, and Garcia, JJ., concur.
Azcuna, J., on leave.

[1] Penned by Associate Justice Norberto Y. Galdes with Associate Justices Rodolfo G. Palattao (retired) and Gregory S. Ong (penned a separate concurring opinion), concurring.

[2] Rollo, pp. 68-69.

[3] Id. at 74-75.

[4] Id. at 71-72.

[5] Id. at 77-78.

[6] 380 SCRA 325 (2002).

[7] 287 SCRA 382 (1998).

[8] 365 SCRA 456 (2001).

[9] 178 SCRA 254 (1989).

[10] 228 SCRA 214 (1993).

[11] Supra.

[12] Supra.

[13] 407 SCRA 201 (2003).

[14] Supra.

[15] Rollo, p. 14.

[16] *United States v. Karelsen*, 3 Phil. 223 (1904), cited in *Lacson v. Executive Secretary*, 301 SCRA 298 (1999).

[17] *Gallego v. Sandiganbayan*, 115 SCRA 793 (1982).

[18] *Ingco v. Sandiganbayan*, 272 SCRA 563 (1997).

[19] Id. at 573.

[20] Supra.

[21] Id. at 259.

[22] 244 SCRA 224 (1995).

[23] 332 SCRA 126 (2000).

[24] Id. at 135-137. (Underscoring ours)

[25] 337 SCRA 671 (2000).

[26] Id. at 677.

[27] *Pecho v. Sandiganbayan*, 238 SCRA 116 (1994); *Ingco v. Sandiganbayan*, 272 SCRA 563 (1997); *Bunye v. Sandiganbayan*, 306 SCRA 663 (1999); *Domingo v. Sandiganbayan*, 322 SCRA 655 (2000); *General Bank and*

Trust Company v. Office of the Ombudsman, 324 SCRA 113 (2000); Garcia v. Office of the Ombudsman, 325 SCRA 667 (2000); Garcia-Rueda v. Amor, 365 SCRA 456 (2001); Olarez v. Desierto, 365 SCRA 587 (2001); Mendoza-Arce v. Office of the Ombudsman (Visayas), 380 SCRA 325 (2002).

[28] Rollo, p. 16.

[29] Supra.

[30] Webster's Third New International Dictionary (Unabridged), p. 30.

[31] Id. at 1787.

[32] Velasquez New Revised Spanish and English Dictionary, p. 511.

[33] See note 30 at 1788.

[34] Id. at 1442.

[35] See note 32 at 398.

[36] Supra.

[37] Jacinto v. Sandiganbayan, supra.

[38] Llorente v. Sandiganbayan, supra.

[39] Ibid.

[40] 238 SCRA 655 (1994).

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