



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated June 14, 2023 which reads as follows:

“G.R. No. 233262 (*People of the Philippines v. Sandiganbayan [First Division], Ariston V. Francisco, Dollie B. Cruz, Veneranda V. Francisco, and Irma Galvez-Salvador*). — This is a Petition for *Certiorari*¹ (Petition) assailing the Decision² dated March 2, 2017 and the Resolution³ dated June 21, 2017 of the Sandiganbayan in Criminal Case No. SB-15-CRM-0066.

Factual Antecedents

The San Ildefonso Water District (SIWD) is a local water district operating in Bulacan.

On July 16, 2009, the Board of Directors (BOD) of SIWD—then composed of respondents Ariston V. Francisco, Dollie B. Cruz, Veneranda V. Francisco (Francisco, et al.), and Amado S. Reyes (Reyes)—issued a board resolution⁴ placing the water district’s General Manager, Galo Antonio O. Violago (Violago), under preventive suspension for 90 days beginning July 20, 2009. The preventive suspension was supposedly issued in connection with charges of dishonesty, grave misconduct and neglect in the performance of duties against Violago.⁵

Violago appealed (first appeal) his preventive suspension before the Civil Service Commission (CSC).⁶

¹ *Rollo*, pp. 66-93.

² *Id.* at 94-112. Penned by Associate Justice Efren N. De La Cruz and concurred in by Associate Justices Reynaldo P. Cruz and Bernelito R. Fernandez.

³ *Id.* at 114-116. Penned by Associate Justice Efren N. De La Cruz and concurred in by Associate Justices Reynaldo P. Cruz and Bernelito R. Fernandez.

⁴ Board Resolution No. 130-2009. Not attached to the Petition, but see *rollo*, p. 103.

⁵ *Rollo*, p. 103.

⁶ *Id.*

On October 13, 2009, the BOD of SIWD issued yet another board resolution,⁷ this time terminating Violago's services effective on even date. The BOD then designated respondent Irma Galvez-Salvador (Galvez-Salvador) as Acting General Manager of SIWD effective November 3, 2009 until further notice.⁸

Violago questioned the termination of his service *via* another appeal (second appeal) before the CSC.

On January 5, 2010, the CSC issued Resolution No. 100048⁹ addressing Violago's first appeal. In the resolution, the CSC directed the BOD of SWID to immediately reinstate Violago with payment of back salaries from the time he was preventively suspended up to his actual reinstatement.¹⁰

On June 1, 2010, the CSC issued Resolution No. 101038¹¹ on Violago's second appeal. In the resolution, the CSC nullified the termination of Violago's services.¹²

Allegedly, Violago made repeated requests on the BOD of SWID for his reinstatement and the payment of his back salaries. Despite such requests, however, the BOD of SIWD still failed to reinstate Violago and pay the latter's back salaries.¹³

Thus, on September 24, 2010, Violago filed a Complaint¹⁴ before the Ombudsman against Francisco et al., Galvez-Salvador, and Reyes for violation of Section 3(f)¹⁵ of Republic Act No. (RA) 3019.¹⁶

In addition to the complaint before the Ombudsman, Violago also filed before the Regional Trial Court (RTC) of Malolos, Bulacan, a Petition for

⁷ Board Resolution No. 160-2009. Not attached to the petition, but see *rollo*, p. 103.

⁸ *Rollo*, p. 103.

⁹ Not attached to the Petition, but see *rollo*, p. 103.

¹⁰ *Rollo*, p. 103.

¹¹ Not attached to the Petition, but see *rollo*, p. 96.

¹² *Rollo*, p. 96.

¹³ *Id.* at 70-71.

¹⁴ Not attached to the Petition, but see *rollo*, p. 72.

¹⁵ RA No. 3019, Sec. 3(f) 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:

x x x x

(f) Neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party.

¹⁶ Entitled "ANTI-GRAFT AND CORRUPT PRACTICES ACT." Approved: August 17, 1960.

Mandamus and Damages¹⁷ against SIWD, Francisco, et al., Galvez-Salvador, and Reyes.¹⁸

On May 20, 2011, the RTC issued a Decision¹⁹ granting Violago's *mandamus* petition. Thereafter, the RTC issued a writ of preliminary mandatory injunction directing the BOD of SIWD to reinstate Violago and to pay the latter his back salaries. On August 12, 2011, the sheriff of the RTC made several attempts to serve the said writ on SIWD. However, the attempts failed as the premises of the SIWD were then padlocked.²⁰

On August 18, 2011, a new set of BOD of SIWD reinstated Violago as General Manager.²¹

On December 20, 2013, the new set of BOD of SIWD approved the release of Violago's back salaries pertaining to the period of his suspension, *i.e.*, from July 20, 2009 to October 15, 2009.²²

The Ruling of the Ombudsman

On June 19, 2014, the Ombudsman issued a Resolution²³ finding probable cause to indict Francisco et al., Galvez-Salvador, and Reyes for violation of Sec. 3(f) of RA 3019. Consequently, a corresponding Information²⁴ was filed before the Sandiganbayan, to wit:

That during the period January to September 2010, or sometime prior or subsequent thereto, in San Ildefonso, Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, [FRANCISCO ET AL.] and [REYES], public officers, being then the [BOD] of the [SIWD], San Ildefonso, Bulacan, with the position as Chairman, Vice-Chairman, Secretary and Treasurer, respectively, conspiring, conniving, confederating with one another and with accused [GALVEZ-SALVADOR], then the Acting Manager of SIWD, committing the offense while in the discharge of their respective official functions though in abuse thereof, taking advantage of the public office, did then and there willfully, unlawfully, and criminally refuse to act on the repeated requests and or demand of [Violago] for the release of his back salaries from the time of his unlawful preventive suspension, even after a reasonable time has elapsed, and despite the directive or order of the Civil Service Commission, the refusal being done without sufficient justification and for the purpose of discriminating [Violago].

CONTRARY TO LAW.²⁵

¹⁷ Not attached to the Petition, but see *rollo*, p. 71.

¹⁸ *Rollo*, p. 12. The petition was filed on October 6, 2010.

¹⁹ Not attached to the Petition, but see *rollo*, 71.

²⁰ *Rollo*, p. 71.

²¹ *Id.* at 105.

²² *Id.*

²³ Not attached to the Petition, but see *rollo*, p. 72.

²⁴ *Rollo*, pp. 94-95.

²⁵ *Id.*

Except for Reyes, Francisco, et al. and Galvez-Salvador were arraigned and entered pleas of not guilty. Trial then ensued.²⁶

On March 2, 2017, the Sandiganbayan rendered a Decision²⁷ of acquittal in favor of Francisco, et al. and Galvez-Salvador. The anti-graft court held that the prosecution had not been able to prove with moral certainty that Francisco, et al. and Galvez-Salvador's inaction on Violago's requests constitutes discrimination against the latter.²⁸ As the Sandiganbayan further ratiocinated:

To warrant conviction for violation of [Sec.] 3(f) of [RA No. 3019], the law itself additionally requires that the accused's dereliction or refusal, besides being without justification, must be for the purpose of (a) obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage in favor of an interested party, or (b) discriminating against another. The severity of the penalty imposed by the law leaves no doubt that the legislative intent is to consider this element to be indispensable.

The evidence of the prosecution failed to prove beyond reasonable doubt that the inaction of [Francisco et al. and Galvez-Salvador] was prompted by gain or benefit for themselves or deliberately for the purpose of extending advantage to an interested party or discriminating against Violago.

The prosecution avers that [Francisco et al. and Galvez-Salvador] were motivated by ill will, animosity and personal spite against Violago as manifested by the following circumstances:

1. When the members of the CSC-Regional Office went to the SIWD office to implement its resolution, they claimed that [Francisco et al. and Galvez-Salvador] closed the SIWD gate and refused them entry.
2. Per report of the sheriff of RTC Malolos-Branch 7, the writ of mandamus was not implemented because the SIWD office was padlocked.
3. [Francisco et al. and Galvez-Salvador] repeatedly refused to grant Violago's request despite three letters from him and the CSC orders.

The Court is not morally certain that the foregoing instances have patently established the discrimination contemplated by [Sec.] 3 (f) of RA [No.] 3019. Considering the reasons of [Francisco et al. and Galvez-Salvador] for preventively suspending Violago and the fact that [Francisco et al. and Galvez-Salvador] had contested the decisions of the CSC, the RTC and the [CA] up to the Supreme Court, alongside the doctrine of presumption of innocence, the Court is not prepared to conclude that the

²⁶ Id. at 95.

²⁷ Id. at 94-112.

²⁸ Id. at 108.

aforecited instances are indications of discrimination against Violago. In fact, there was no clear and solid link between the padlocked SIWD premises and the refusal of [Francisco et al. and Galvez-Salvador] to abide by the writ of mandamus. The sheriff's report simply showed that the sheriff was unable to serve the writ because the SIWD premises were padlocked. Indeed, the prosecution has failed to show that the padlocking of the SIWD premises was purposely to defeat the service of the writ.

Instead, the Court will take the instances laid by the prosecution as they plainly suggest [Francisco et al. and Galvez-Salvador] refused to reinstate and pay his back salaries despite the resolutions of the CSC and the RTC. Now, the reason for such refusal is another matter. And between the interpretation of the prosecution and the justification of [Francisco et al. and Galvez-Salvador], the Court hereby sustains that of [Francisco et al. and Galvez-Salvador].

Other than the allegations of dishonesty, grave misconduct and neglect in the performance of duties which triggered the Board resolution of [Francisco et al. and Galvez-Salvador] to preventively suspend Violago and withhold his back salaries, there is no evidence of personal grudges or issues of disagreements between [Francisco et al. and Galvez-Salvador on one hand] and Violago [on the other] for the Court to entertain the idea that the refusal or the inaction of [Francisco et al. and Galvez-Salvador] may have been prompted by ulterior motive. Thus, the Court will accord weight to the point of the defense that there was nothing to be acted upon yet until the Supreme Court's decision on the petition of the accused became final and executory on October 16, 2013.²⁹ Whether [Francisco et al. and Galvez-Salvador] are right or wrong in their interpretation is a different concern. What is material is their motive or purpose for not releasing Violago's salaries. And as previously discussed, the Court is not convinced beyond reasonable doubt that [Francisco et al. and Galvez-Salvador] were driven by self-interest or discrimination against Violago. It is well to note that even the new set of SIWD BOD only released Violago's accrued salaries and benefits on December 20, 2013, about two months after the finality of the decision of the Supreme Court, notwithstanding that the new Board already took over in 2011.²⁹ (Citations omitted)

The State³⁰ moved for reconsideration, but the Sandiganbayan remained steadfast.³¹

The Petition Before the Court

Hence, this Petition. Here, the State argues that the Decision of acquittal in favor of Francisco, et al. and Galvez-Salvador is void for having been rendered by the Sandiganbayan with grave abuse of discretion. To support its argument, the State cites the anti-graft court's supposed "gross misapprehension of facts" when it failed to consider certain "circumstances and evidence" that would have showed that Francisco, et al. and Galvez-

²⁹ Id. at 108-110.

³⁰ As represented by the Office of the Special Prosecutor of the Office of the Ombudsman.

³¹ See Resolution denying the State's Motion for Reconsideration, *rollo*, pp. 114-116.

Salvador intended to discriminate against Violago.³² Specifically, the State submits:

51. In this case, the circumstances and evidence prove that [the BOD] unlawfully and willfully denied Violago's right to be reinstated and be paid his back salaries as provided for by law, despite lawful orders of authority for them to do so. Instead, [the BOD] appointed x x x Galvez-Salvador to the position and she held the said position even after the CSC had already ordered the reinstatement of Violago. The series of events that transpired in this case clearly show the impunity with which [the BOD] committed the act of discrimination.

51.1 *First*, without due process of law, [the BOD] preventively suspended Violago for a period of 90 days on allegations of dishonesty, grave misconduct, neglect in the performance of duties, and unauthorized disbursement of SIWD funds. The said suspension was appealed by Violago to the CSC.

51.2 *Second*, prior to the expiration of the 90-day period and while Violago's appeal was pending, [the BOD] hastily and despotically terminated the services of the former and appointed Galvez-Salvador as Acting General Manager of the SIWD.

51.3 *Third*, the [BOD], even after the CSC invalidated the preventive suspension of, and ordered, Violago's immediate reinstatement and the payment of his back salaries – in clear and obstinate defiance of the CSC's lawful order – ignored Violago's letter-request for the implementation of the said *Order*. Meanwhile, Galvez-Salvador continued her unlawful hold on the position of [SIWD] General Manager.

51.4 *Fourth*, after the denial of the [BOD's] Motion for Reconsideration to the CSC's order of reinstatement and payment of back salaries of Violago and the [BOD's] failure to appeal the same, the order became final and executory. Its finality, notwithstanding, [the BOD] continued to ignore – and worse, violate – the CSC's express directive.

51.5 *Fifth*, due to [the BOD's] continuing inaction to reinstate Violago and pay his back salaries, the latter was compelled to file a Motion for Execution before the CSC. He also wrote his second letter-request to [the BOD], which was duly received by the latter. At about this time, the CSC has also annulled the order of dismissal of Violago and issued a *Writ of Execution* directing [the BOD] to reinstate Violago and pay his back salaries. **Despite the letter-request and the writ issued by the CSC, [the BOD] continued to discriminate against Violago by unlawfully refusing to reinstate him and thereupon pay his back salaries.**

51.6 *Sixth*, with unwavering determination, Violago then wrote his third letter-request to [the BOD] grounded on the same premises as his earlier two letters. **[The BOD] received this third letter, but persisted in discriminating against Violago as they arrogantly defied the CSC order and utterly disregarded Violago's pleas.**

³² Rollo, pp. 74-76.

51.7 *Seventh*, after the lapse of a considerable period of time, and after becoming apparent that [the BOD] will neither heed his requests nor respect the CSC orders and resolutions, Violago decided to file a petition for *mandamus* before the RTC hoping that the court can finally compel [the BOD] to reinstate him and pay his back salaries. By this time, the CSC Resolution ordering his reinstatement and payment of back salaries had become final and executory. **However, instead of complying with the writ of *mandamus* that was later on issued by the RTC, [the BOD] questioned the issuance thereof before the [CA]. When the same was denied, they also brought the matter up to the Supreme Court. This Honorable Court correctly sustained the appellate court.**

52. Such deliberate and malicious inaction on the part of the [BOD] speaks volumes of their flagrant intention to discriminate against Violago, and to violate the very law they have all sworn to obey, observe, uphold and protect.³³ (Emphasis, italics, and underscoring in the original)

Ultimately, the State prays that the decision of acquittal be replaced with one finding Francisco, et al. and Galvez-Salvador guilty of violation of Sec. 3(f) of RA 3019.³⁴

The Ruling of the Court

We dismiss the Petition.

The decision of acquittal in favor of Francisco, et al. and Galvez-Salvador may not be subjected to review, much less be reversed, on the ground that the Sandiganbayan may have erred in its appreciation of facts and the evidence. To do so would violate the finality-of-acquittal rule and, thus, would also infringe Francisco, et al. and Galvez-Salvador's constitutional right against being placed in double jeopardy.

In criminal cases, no rule is more settled than that a judgment of acquittal, whether ordered by the trial or the appellate court, is final, unappealable, and immediately executory upon its promulgation.³⁵ This rule, which is known as the *finality-of-acquittal rule*,³⁶ proceeds from the constitutionally guaranteed right against *double jeopardy* which prohibits the State from putting any person twice in jeopardy of being punished for the same offense.³⁷ In *People v. Velasco*,³⁸ We dissected the philosophy behind this rule:

The fundamental philosophy highlighting the finality of an acquittal by the trial court cuts deep into "the humanity of the laws and in a jealous

³³ Id. at 76-78.

³⁴ Id. at 83.

³⁵ Separate Opinion of Associate Justice Alfred Benjamin S. Caguioa in *People v. Arcega*, G.R. No. 237489, August 27, 2020, citing *Chiok v. People*, 774 Phil. 230, 248 (2015).

³⁶ Id.

³⁷ CONSTITUTION, Article III, Sec. 21.

³⁸ 394 Phil. 517 (2000).

watchfulness over the rights of the citizen, when brought in unequal contest with the State. x x x” Thus Green expressed the concern that **“(t)he underlying idea, one that is deeply ingrained in at least the Anglo-American system of jurisprudence, is that the State with all its resources and power should not be allowed to make repeated attempts to convict an individual for an alleged offense, thereby subjecting him to embarrassment, expense and ordeal and compelling him to live in a continuing state of anxiety and insecurity, as well as enhancing the possibility that even though innocent, he may be found guilty.”**

It is axiomatic that on the basis of humanity, fairness and justice, an acquitted defendant is entitled to the right of repose as a direct consequence of the finality of his acquittal. The philosophy underlying this rule establishing the absolute nature of acquittals is “part of the paramount importance criminal justice system attaches to the protection of the innocent against wrongful conviction.” The interest in the finality-of-acquittal rule, confined exclusively to verdicts of not guilty, is easy to understand: it is a need for “repose,” a desire to know the exact extent of one’s liability. With this right of repose, the criminal justice system has built in a protection to insure that the innocent, even those whose innocence rests upon a jury’s leniency, will not be found guilty in a subsequent proceeding.

Related to his right of repose is the defendant’s interest in his right to have his trial completed by a particular tribunal. This interest encompasses his right to have his guilt or innocence determined in a single proceeding by the initial jury empanelled to try him, for society’s awareness of the heavy personal strain which the criminal trial represents for the individual defendant is manifested in the willingness to limit Government to a single criminal proceeding to vindicate its very vital interest in enforcement of criminal laws. **The ultimate goal is prevention of government oppression; the goal finds its voice in the finality of the initial proceeding. As observed in *Lockhart v. Nelson*, “(t)he fundamental tenet animating the Double Jeopardy Clause is that the State should not be able to oppress individuals through the abuse of the criminal process.” Because the innocence of the accused has been confirmed by a final judgment, the Constitution conclusively presumes that a second trial would be unfair.**³⁹ (Emphases supplied, citations omitted)

The finality-of-acquittal rule, however, is admittedly not absolute. It is subject to one exception, *i.e.*, when the court that rendered the acquittal did so with—

grave abuse of discretion that is strictly limited whenever there is a violation of the prosecution’s right to due process such as when it is denied the opportunity to present evidence or where the trial is sham or when there is a mistrial, rendering the judgment of acquittal void.⁴⁰ (Emphasis in the original)

³⁹ Id. at 555-557.

⁴⁰ *Torres v. AAA*, G.R. No. 248567, November 10, 2020.

In such instance, a judgment of acquittal may then rightly be assailed through a *certiorari* petition under Rule 65 of the Rules of Court.

Such exception, however, does not obtain in this case. Here, the Petition is devoid of any allegation that the prosecution had been deprived of due process, or that the trial *a quo* had been a sham. To the contrary, the State's very argument in the instant petition implicitly concedes that both the prosecution and the defense had been afforded full opportunity to present their respective evidence. Moreover, the fact that the Sandiganbayan's judgment of acquittal had been preceded by a *bona fide* trial is clearly supported by the records and was never denied in this Petition.

Instead, the State hinges its plea for review exclusively on what it perceives to be as a "gross misapprehension of facts" on the part of the Sandiganbayan—which, essentially, is merely a challenge on how the graft court weighed the evidence presented during the trial. Such kind of challenge, however, clearly does not fall within the limited exception to the finality-of-acquittal rule.⁴¹ Our discussion in *People v. Sandiganbayan*⁴² on this exact point is instructive:

[The State] relies on this singular limited exception in its prayer for the reversal of the Sandiganbayan's Assailed Decision and Assailed Resolution. It anchors the nullity of [the accused's] acquittal on the Sandiganbayan's supposed partiality exhibited by its "gross misapprehension of facts" and its refusal to "consider [the accused's] act of attending meetings and golf games with ZTE officials as proof that he has financial and pecuniary interest in the subject transaction." Due to these, [the State] argues, the Sandiganbayan violated its right to due process.

[The State] is mistaken.

As already discussed, the Sandiganbayan committed no grave abuse of discretion which stripped it of jurisdiction to decide the criminal case against [the accused]. In the conduct of trial, [the State], through the prosecution, was able to present and formally offer evidence in support of its case. The Sandiganbayan noted, evaluated, and considered each and every piece of evidence, and the Assailed Decision painstakingly discussed the same before making conclusions which are far from being offensive to reason or logic. This is not the sham trial sought to be avoided by the limited exception to the "finality-of-acquittal" rule. **Just because [the State] disagrees with how the Sandiganbayan weighed the prosecution's evidence does not mean that it was deprived of due process. No party to litigation has a vested right in a favorable decision.**

There being no grave abuse of discretion by the Sandiganbayan and no violation of [the State's] right to due process, the Court must uphold [the

⁴¹ *People v. Sandiganbayan*, G.R. No. 228281, June 14, 2021.

⁴² *Id.*

accused's] acquittal, lest he be unjustly subjected to double jeopardy.⁴³
(Emphases supplied, citations omitted)

Moreover, in *Villareal v. Aliga*,⁴⁴ We emphasized that an allegation that the court *a quo* "gravely erred in [its] evaluation and assessment of evidence" is merely an assignment of an "error of judgment" and, thus, cannot be the basis of a *certiorari* petition assailing an acquittal, to wit:

And *second*, no grave abuse of discretion could be attributed to the CA. It could not be said that its judgment was issued without jurisdiction, and, for this reason, void. Again, petitioner did not even allege that the CA gravely abused its discretion. **Instead, what he asserted was that the CA "gravely erred" in the evaluation and assessment of the evidence presented by the parties. Certainly, what he questioned was the purported errors of judgment or those involving misappreciation of evidence or errors of law, which, as aforesaid, cannot be raised and be reviewed in a Rule 65 petition. To repeat, a writ of *certiorari* can only correct errors of jurisdiction or those involving the commission of grave abuse of discretion, not those which call for the evaluation of evidence and factual findings.**

x x x 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 in 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 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. Since no error of jurisdiction can be attributed to public respondent in her assessment of the evidence, *certiorari* will not lie.⁴⁵
(Emphasis supplied, citations omitted)

Verily, it is clear that the Sandiganbayan cannot be considered to have lost its jurisdiction to decide the criminal case against Francisco, et al. and Galvez-Salvador. The anti-graft court did not engage in any grave abuse of discretion that could have denied the prosecution of its right to due process. As borne by the records and by the exhaustive discussions in its decision, the Sandiganbayan's finding to acquit Francisco, et al. and Galvez-Salvador had been the product of the anti-graft court's careful consideration of the facts and evidence presented during trial. Under such circumstances, the possibility that the Sandiganbayan may have committed an error somewhere in its appreciation of the evidence would not be enough to warrant a review, much

⁴³ Id.

⁴⁴ 724 Phil. 47 (2014).



⁴⁵ Id. at 64-65.

less a reversal, of the said acquittal.⁴⁶ To hold otherwise would not only contradict settled case law, but also sanction a patent violation of the constitutional right of Francisco, et al. and Galvez-Salvador to be protected from double jeopardy. That, the Court simply cannot countenance.

WHEREFORE, the instant Petition is **DISMISSED**.

SO ORDERED.” *Gesmundo, C.J., and Hernando, J., both on official leave.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court 

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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⁴⁶ See *People v. Court of Appeals*, 368 Phil. 169, 182-185 (1999).