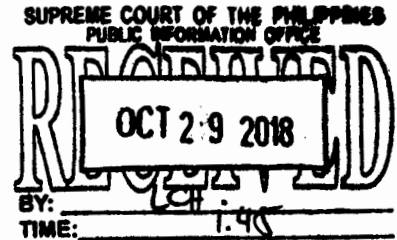




REPUBLIC OF THE PHILIPPINES  
 SUPREME COURT  
 Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **09 July 2018** which reads as follows:

<sup>1</sup>**G.R. Nos. 239794-97 – Casimiro M. Ynares, Jr. and Romulo P. Arcilla, Jr. versus Sandiganbayan (Special Third Division) and Office of the Ombudsman**

X-----X

After reviewing the Petition and its annexes, inclusive of the Resolutions dated November 29, 2017<sup>1</sup> and May 22, 2018<sup>2</sup> of the Sandiganbayan (SB) in SB-17-CRM-0172-0173 and SB-17-CRM-0174-0175, the Court resolves to **DISMISS** the Petition for failure to establish grave abuse of discretion.

A Rule 65 petition for *certiorari*, being an extraordinary remedy, is granted only where there is no appeal or no plain, speedy, and adequate remedy in the ordinary course of law. In numerous occasions, the Court has stressed that the appropriate remedy against the denial of a motion to quash is for the movant to enter a plea, go to trial, and should the decision be adverse, reiterate on appeal from the final judgment and assign as error the denial of the motion to quash.<sup>3</sup> Such denial, therefore, may not be the subject of a petition for *certiorari* because of the availability of other remedies in the ordinary course of law.<sup>4</sup>

Here, the SB’s Resolution dated November 29, 2017 was a denial of herein petitioners’ Motion to Quash dated September 28, 2017. Hence, instead of resorting to the instant Petition, petitioners should have proceeded to trial on the merits before the SB, which constitutes an adequate remedy in the ordinary course of law under Rule 65. On this ground alone, the Petition is already dismissible.

In any case, the Court finds no grave abuse of discretion committed by the SB in denying the Motion to Quash.

In the main, petitioners argue that the Informations against them were defective as they did not contain an allegation that they were “public officers and employees charged with the grant of licenses or permits or other concessions.” Petitioners posit that Section 3(e) of Republic Act No. 3019 only applies to officers charged with the grant of licenses or permits. The provision states:

<sup>1</sup> *Rollo*, pp. 29-40. Penned by Presiding Justice Amparo M. Cabotaje-Tang, with Associate Justices Bernelito R. Fernandez and Sarah Jane T. Fernandez concurring.  
<sup>2</sup> *Id.* at 43-53.  
<sup>3</sup> *Enrile v. Manalastas*, 746 Phil. 43, 48 (2014).  
<sup>4</sup> *Id.*

*mfp*  
10/22

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

(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.

This matter has long been settled in *Mejorada v. Sandiganbayan*,<sup>5</sup> where the Court categorically held that the last sentence of the said provision is not a restrictive requirement which limits the application or extent of its coverage. The Court has since reiterated this interpretation in *Consigna v. People*.<sup>6</sup>

**SO ORDERED.**<sup>))</sup>

Very truly yours,

  
 MARIA LOURDES C. PERFECTO <sup>10/22</sup>  
 Division Clerk of Court  
 22 OCT 2018

By:

TERESITA AQUINO TUAZON  
 Deputy Division Clerk of Court

<sup>5</sup> 235 Phil. 400 (1987).

<sup>6</sup> 731 Phil. 108, 126 (2014).

-PAGE 3-

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GR239794-97. 07/09/18B(215)URES

*mlgpp 10/12*