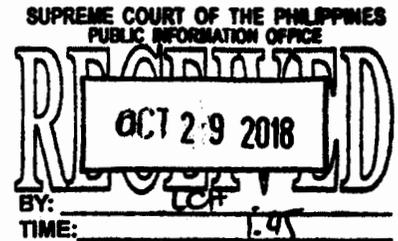




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE



Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **01 October 2018** which reads as follows:

“G.R. Nos. 241103-04 (People of the Philippines v. Honorable Sandiganbayan [First Division], Enrico R. Echiverri, Edna V. Centeno, and Jesusa C. Garcia)

After a judicious study of the case, the Court resolves to **DISMISS** the instant petition¹ and **AFFIRM** the April 16, 2018 Decision² and the June 13, 2018 Resolution³ of the Sandiganbayan (SB) in SB-17-CRM-1389 and SB-17-CRM-1390 for failure of the petitioner People of the Philippines, represented by the Office of the Ombudsman, through the Office of the Special Prosecutor, to sufficiently show that public respondent SB gravely abused its discretion in granting the Demurrer to Evidence⁴ filed by private respondents Enrico R. Echiverri (Echiverri), Edna V. Centeno (Centeno), and Jesusa C. Garcia (Garcia; collectively, respondents).

As correctly ruled by the SB, the grant of respondents’ demurrer to evidence⁵ was warranted as the prosecution’s evidence had shown that: (a) Echiverri, as then the Mayor of Caloocan City, was authorized by the *Sangguniang Panlungsod* (SP), through Ordinance No. 0464,⁶ series of 2010, enacting Supplemental Budget No. 1 for 2010 to enter into various city development projects, including the subject infrastructure project,⁷ all of which were subsequently ratified by the SP, through Resolution Nos. 1980⁸ and 1992,⁹ series of 2012;¹⁰ and (b) the subject infrastructure project strictly underwent the required procurement process,¹¹ thereby eliminating the possibility that it was entered into by respondents with manifest partiality or

¹ *Rollo*, pp. 8-37.

² *Id.* at 47-86. Penned by Associate Justice Edgardo M. Caldoná with Associate Justices Efrén N. De La Cruz and Geraldine Faith A. Econg, concurring.

³ *Id.* at 97-108.

⁴ Dated February 5, 2018; *Id.* at 171-231.

⁵ “Demurrer to the evidence is ‘an objection by one of the parties in an action, to the effect that the evidence which his adversary produced is insufficient in point of law, whether true or not, to make out a case or sustain the issue. The party demurring challenges the sufficiency of the whole evidence to sustain a verdict. The court, in passing upon the sufficiency of the evidence raised in a demurrer, is merely required to ascertain whether there is competent or sufficient evidence to sustain the indictment or to support a verdict of guilt. x x x Sufficient evidence for purposes of frustrating a demurrer thereto is such evidence in character, weight or amount as will legally justify the judicial or official action demanded according to the circumstances. To be considered sufficient therefore, the evidence must prove: (a) the commission of the crime, and (b) the precise degree of participation therein by the accused.’ Thus, when the accused files a demurrer, the court must evaluate whether the prosecution evidence is sufficient enough to warrant the conviction of the accused beyond reasonable doubt.” (*People v. Go*, 740 Phil. 583, 601-602 [2014]; citations omitted.)

⁶ See *rollo*, pp. 50 and 66.

⁷ See *id.* at 77-78.

⁸ See *id.* at 68.

⁹ See *id.* at 69.

¹⁰ See *id.* at 76.

¹¹ See *id.* at 79.

10/16

with gross inexcusable negligence,¹² and/or that it resulted in undue injury or actual damage to the Caloocan City Local Government Unit.¹³ In this light, the SB also correctly ruled that Centeno and Garcia did not commit any falsification in certifying that funds were available for the subject infrastructure project under Allotment and Obligation Slip No. 100-11-10-5708.¹⁴

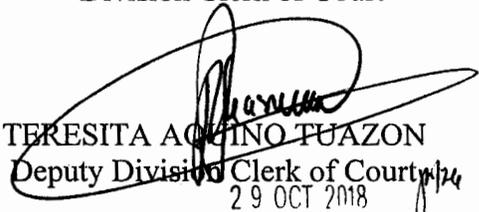
At this juncture, the Court emphasizes that the grant of respondents' Demurrer to Evidence operates as an acquittal,¹⁵ thus, a reopening of the case will subject them to double jeopardy.¹⁶ Notably, while the rule against double jeopardy is not without exceptions, namely: (a) where there has been a deprivation of due process and a finding of mistrial; or (b) where there has been a grave abuse of discretion under exceptional circumstances,¹⁷ none of the foregoing circumstances are present in this case. As such, respondents' acquittal can no longer be overturned.

SO ORDERED."(CAGUIOA, J., on official business; REYES, J., JR., J., designated as Additional Member per Special Order No. 2587 dated August 28, 2018.)

Very truly yours,

MARIA LOURDES C. PERFECTO
Division Clerk of Court

By:


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court
29 OCT 2018

¹² See id.

¹³ See id. at 79-80.

¹⁴ See id. at 81.

¹⁵ See id. at 84.

¹⁶ See *Macapagal-Arroyo v. People*, G.R. No. 220598 & 220953, April 18, 2017, 823 SCRA 370, 402-403, citing *People v. Tan*, 639 Phil. 402, 409-410 (2010), further citing *People v. SB*, 488 Phil. 293, 309-310 (2004).

¹⁷ *Villareal v. Aliga*, 724 Phil. 47, 64 (2014).

-PAGE 3-

OFFICE OF THE SPECIAL PROSECUTOR (reg)
4th Floor, Ombudsman Building
Agham Road, Diliman, Quezon City

FORTUN NARVASA & SALAZAR (reg)
Counsel for Private Respondents
23rd Floor, Multinational Bancorporation Center
6805 Ayala Avenue, 1226 Makati City

SANDIGANBAYAN (reg)
5/F Sandiganbayan Centennial Building
COA Compound, Commonwealth Avenue
Cor. Batasan Road, 1126 Quezon City
SB-17-CRM-1389-90

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-1-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
Supreme Court, Manila

Please notify the Court of any change in your address.
GR241103-04. 10/01/18(158[b]) URES *for*