Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

MARK E. JALANDONI,
Petitioner,

-versus-

THE OFFICE OF THE OMBUDSMAN, ORLANDO C. CASIMIRO, and THE HON. SANDIGANBAYAN, through its THIRD DIVISION,
Respondents.

x----------x

G.R. No. 211751

x----------x

MARK E. JALANDONI,
Petitioner,

-versus-

THE HON. SANDIGANBAYAN through its THIRD DIVISION, THE PEOPLE OF THE PHILIPPINES, represented by THE OFFICE OF THE OMBUDSMAN through the OFFICE OF THE SPECIAL PROSECUTOR,
Respondents.

x----------x

G.R. Nos. 217212–80

x----------x

MARK E. JALANDONI,
Petitioner,

-versus-

x----------x

G.R. Nos. 244467–535

x----------x

THE HON. SANDIGANBAYAN through its THIRD DIVISION, THE PEOPLE OF THE PHILIPPINES, represented by THE OFFICE OF THE OMBUDSMAN through THE OFFICE OF THE SPECIAL PROSECUTOR,
Respondents.

x----------x

NENNETTE M. DE PADUA,
Petitioner,

-versus-

THE HON. SANDIGANBAYAN, through its THIRD DIVISION, THE PEOPLE OF THE PHILIPPINES, represented by THE OFFICE OF THE OMBUDSMAN through the OFFICE OF THE SPECIAL PROSECUTOR,
Respondents.

x----------x

G.R. Nos. 245546–614

Present:

LEONEN, *J., Chairperson,*
INTING,
ZALAMEDA*,
DELOS SANTOS, and
LOPEZ, J., *JJ.*

Promulgated:
May 10, 2021
MISPDCBoard

x----------x

DECISION

LEONEN, *J.*:

As a rule, this Court does not interfere with the Office of the Ombudsman's finding of probable cause. Determining probable cause is a factual matter best left to its expertise as an investigatory and prosecutory body.[1]

Before this Court are four consolidated Petitions for Certiorari, which assail several rulings of the Office of the Ombudsman and the Sandiganbayan as to the charges of falsification of public documents and infidelity in the custody of public documents by way of concealment filed against Mark E. Jalandoni (Jalandoni) and Nennette M. De Padua (De Padua).

---

* Designated additional Member per Raffle dated May 5, 2021.

1 *Dichaves v. Office of the Ombudsman*, 802 Phil. 564 (2016) [Per J. Leonen, Second Division].

Jalandoni was the former Deputy Ombudsman for Luzon, while De Padua was a former Assistant Ombudsman.[2]

Jalandoni was appointed by Ombudsman Ma. Merceditas N. Gutierrez (Ombudsman Gutierrez) as Assistant Ombudsman in 2005. He was tasked to, among others, prepare and review draft resolutions, decisions, and orders from Ombudsman Gutierrez and to oversee the daily operations of the Office of the Ombudsman-Proper.[3]

In 2010, Jalandoni was appointed as Deputy Ombudsman for Luzon. He then learned from De Padua that a substantial number of cases were still pending review and approval in the Office of the Ombudsman-Proper.[4] Allegedly, Ombudsman Gutierrez delegated the final approval of the pending cases to Jalandoni.[5]

The following year, Jalandoni and Ombudsman Gutierrez resigned from office. Then Overall Deputy Ombudsman Orlando C. Casimiro (Ombudsman Casimiro) assumed office as Acting Ombudsman.[6]

Soon after, Ombudsman Casimiro ordered the inventory of pending cases and administrative matters in the Office of the Ombudsman-Proper.[7] He discovered that some cases already approved were not released for unknown reasons, while others were superimposed with a patch of paper indicating Jalandoni as the approving authority.[8]

Fifty-six tampered cases were summarized as follows: *Group A*, consisting of 28 cases, had unsigned patches bearing Jalandoni's name superimposed on Ombudsman Casimiro's signed name; *Group B*, with 15 cases, also had unsigned patches bearing Jalandoni's name on Ombudsman Gutierrez's signed name; and *Group C*, with 13 cases, similarly had unsigned patches bearing Jalandoni's name on Ombudsman Gutierrez's signed name.[9]

For these irregularities, Ombudsman Casimiro filed a Complaint before the Office of the Ombudsman Internal Affairs Board, charging Jalandoni and De Padua, among others, with falsification of public documents under Article 171 and removal, concealment, and destruction of documents under Article 226 of the Revised Penal Code.[10]

---

2 *Rollo* (G.R. No. 211751), p. 62.
3 Id. at 63.
4 Id. at 64.
5 Id.
6 Id.
7 Id.
8 Id. at 65.
9 Id. at 74.
10 Id. at 62–63, 75.

In his defense, Jalandoni argued that he was given the authority to act on the cases. He cited the April 20, 2010 Office Order No. 136 and Memoranda dated June 11, 2010, July 21, 2010, and March 9, 2011, all of which were issued by Ombudsman Gutierrez.[11]

Justifying his actions, Jalandoni explained that some cases already acted upon by Ombudsman Casimiro were not yet approved by Ombudsman Gutierrez, which required him to review the documents first. Meanwhile, other cases had to be put on hold and reviewed further because of questionable patterns of dismissals.[12]

Jalandoni admitted that he instructed his staff to tamper the documents to indicate that he was the new approving authority, but claimed that this was done in the regular course of his authority. He added that he may not be held liable for falsification because it was not shown that his office had actual custody over the documents, and that he altered their meaning.[13]

For her part, De Padua denied participating in the "patching" of the documents[14] or having custody over them.[15]

On the other hand, Ombudsman Casimiro questioned the veracity of the issuances cited by Jalandoni. He called attention to a 2011 Court of Appeals Decision that ruled that the March 9, 2011 Memorandum could not be found despite diligent search. He added that the issuances submitted by Jalandoni were not certified true copies.[16]

In its March 19, 2013 Resolution,[17] the Office of the Ombudsman found probable cause to charge Jalandoni and De Padua, among other respondents, with the two crimes:

> **WHEREFORE**, premises considered, this Board respectfully submits the following findings and recommendations:
>
> (1) Finding probable cause to **CHARGE** respondents [Jalandoni], [De Padua] . . . of falsifying documents pertaining to the "Group C" cases as listed herein, it is respectfully recommended that corresponding **INFORMATIONS for THIRTEEN (13) COUNTS of FALSIFICATION OF PUBLIC DOCUMENTS** defined and penalized under Article 171, paragraph 6 of the Revised Penal Code be **FILED** in the proper court against the said respondents;

---

11 Id. at 75–76.
12 Id. at 76.
13 Id. at 77.
14 Id.
15 Id. at 78.
16 Id. at 80.
17 Id. at 62–99.

> (2) Finding probable cause to **CHARGE** respondents [Jalandoni], [De Padua] . . . of concealing documents pertaining to the "Group A", "Group B" and "Group C" cases as listed herein, it is respectfully recommended that corresponding **INFORMATIONS** for **FIFTY-SIX (56)** counts of **INFIDELITY IN THE CUSTODY OF PUBLIC DOCUMENTS BY WAY OF CONCEALMENT OF DOCUMENTS** defined and penalized under Article 226 of the Revised Penal Code be **FILED** in the proper court against the said respondents; and
>
> . . . .
>
> **SO RESOLVED**.[18] (Emphasis in the original)

The Office of the Ombudsman ruled that all the elements of falsification were present: (1) an alteration or intercalation (insertion) on a document was made; (2) it was made on a genuine document; (3) this changed the meaning of the document; and (4) the changes made the document speak of something false.[19]

First, the Office of the Ombudsman observed from the inventory that 56 cases bore alterations and intercalations on the signature pages. In the cases under Groups A and B, pieces of paper bearing Jalandoni's name were superimposed on the signatures of Ombudsmen Casimiro and Gutierrez. In several cases, liquid eraser was applied on both sides of the document so the outlines of the two ombudsmen's signatures would not be recognized. In the Group C cases, signatures were covered by papers bearing Jalandoni's name and signature to make it appear that he signed the documents.[20]

Second, the alterations and intercalations were held to be made on genuine documents—not merely drafts, but final and original copies of official actions already signed by approving authorities.[21]

In finding the third and fourth elements present in the Group C cases, the Office of the Ombudsman saw that Jalandoni's act of superimposing his name and signature erroneously evinced that the certification made by the previous Ombudsmen were set aside.[22] Moreover, by substituting his signature, he arrogated unto himself the authority to give legal effect to the documents. The changes further gave an impression that the documents' execution was put on hold and that Jalandoni was the only final approving authority who evaluated the document. The documents falsely signified that Jalandoni acted on these matters based on a validly delegated authority.[23]

---

18 Id. at 97–98.
19 Id. at 82.
20 Id. at 83.
21 Id. at 84.
22 Id. at 86.
23 Id. at 87.

Jalandoni's contention that this was a common and recognized practice was deemed baseless. The Office of the Ombudsman stated that rubber-stamping of names of new signing authorities was being carried out only to substitute a final authority who has already retired, resigned, or ceased to hold office, only if necessary, and if the rubber-stamped names were placed on the same page as the previous approving authority's name, not superimposed.[24]

As to De Padua, the Office of the Ombudsman held that she knew and actively participated in Jalandoni's scheme. She was deemed to have known a substantial number of pending cases and instructed the staff to carry out the alteration and intercalation of the documents.[25]

The Office of the Ombudsman likewise found that the elements of infidelity in the custody of public documents by means of concealment were present: (1) the offender was a public officer; (2) there was a document abstracted, destroyed, or concealed; (3) the document abstracted, destroyed, or concealed was entrusted to the public officer by reason of their office; and (4) the removal, destruction, or concealment caused damage and prejudice to public interest or a third person.[26]

In holding the first and second elements present, the Office of the Ombudsman found that Jalandoni was a public officer[27] who concealed the documents, which were kept in his office despite being approved by final signing authorities. It likewise deemed that there was concealment when the marks of final approval on the documents were deliberately removed, preventing them from being released.[28]

On the third element, it found that the documents were entrusted to Jalandoni by reason of his office.[29] The fourth element was deemed present as the documents' integrity was destroyed and their meaning distorted,[30] leading to a loss of public trust and inordinate delay in the resolution of cases.[31]

The same circumstances were deemed present for De Padua's case.[32]

---

24 Id. at 88.
25 Id. at 89.
26 Id. at 92.
27 Id.
28 Id. at 93.
29 Id.
30 Id. at 94.
31 Id.
32 Id. at 95.

Jalandoni moved for reconsideration, but this was denied in the Office of the Ombudsman's October 25, 2013 Order.[33]

Consequently, similarly worded Informations were filed before the Sandiganbayan against Jalandoni and De Padua. They were charged with 56 counts of infidelity in the custody of public documents by way of concealment and 13 counts of falsification of public documents.[34]

One of the Informations for infidelity in the custody of public document reads:

> That during the period from March 2010 to April 2011 or thereabouts, in Quezon City, and within the jurisdiction of this Honorable Court, the above named- (sic) accused, MARK E. JALANDONI and NENNETTE M. DE PADUA, both public officers, being then the Deputy Ombudsman for Luzon and Assistant Ombudsman, respectively, of the Office of the Ombudsman, taking advantage of their official position and committing the crime in relation to their office, did then and there willfully, unlawfully, and criminally, while conspiring and confederating with each other, conceal the Order . . ., a genuine and official document entrusted to them by reason of their office and which was already duly signed by then Acting Ombudsman Orlando C. Casimiro, and ready for release, by covering Acting Ombudsman Casimiro's name and signature with a patch of paper bearing the name of accused Jalandoni, making it appear that he, and not Acting Ombudsman Casimiro, was the official authorized to sign and approve the said document, thereby withholding the release of the said document to the proper parties, to the damage and prejudice of public interest.
>
> CONTRARY TO LAW.[35]

One of the Informations for falsification reads:

> That during the period from March 2010 to April 2011 or thereabouts, in Quezon City, and within the jurisdiction of this Honorable Court, the above named-accused, MARK E. JALANDONI and NENNETTE M. DE PADUA, both public officers, being then the Deputy Ombudsman for Luzon and Assistant Ombudsman, respectively, of the Office of the Ombudsman, taking advantage of their official position and committing the crime in relation to their office, did then and there willfully, unlawfully, and criminally, while conspiring and confederating with each other, make alterations and intercalations in the Review Resolution . . . , a genuine and official document already duly signed by then Acting Ombudsman Orlando C. Casimiro, and ready for release, by covering Acting Ombudsman Casimiro's name and signature with a patch of paper

---

33 Id. at 101–111. The Order dated October 25, 2013 was issued by Assistant Ombudsman Marilous A. Mejica, Assistant Ombudsman Rodolfo M. Elman, Officer-in-Charge of Military and Other Law Enforcement Offices Rudiger G. Falcis, II, Assistant Ombudsman Leilanie Bernadette C. Cabras, and Assistant Ombudsman Asryman T. Rafanan and approved by Ombudsman Conchita Carpio Morales of the Office of the Ombudsman Internal Affairs Board.

34 Id. at 6. *See also rollo* (G.R. Nos. 244467-535), p. 5.

35 *Rollo* (G.R. Nos. 217212–80), p. 49.

> bearing the name and signature of the accused Jalandoni, making it appear that he, and not Acting Ombudsman Casimiro, was the official authorized to sign and approve the said document, when in truth and in fact, the document was already signed and approved by Acting Ombudsman Casimiro.
>
> CONTRARY TO LAW.[36]

In 2014, Jalandoni moved to quash the Informations, claiming that the alleged facts failed to constitute the crimes.[37]

On the charge of infidelity in the custody of documents, he argued that the Informations failed to allege that he concealed any document, that it was for an illicit purpose, and that he hid them away from where they were stored. He said the Informations merely alleged that he concealed the name and signature of the approving authority, but not the documents themselves.[38] He added that the concealment must have been made for an illicit purpose, since patching was a recognized practice in the Office of the Ombudsman.[39]

As to falsification, Jalandoni contended that the Informations did not allege that the meaning of the documents was changed due to tampering.[40]

The Sandiganbayan denied Jalandoni's Motion to Quash in its October 31, 2014 Resolution,[41] thus:

> **WHEREFORE**, premises considered, accused Mark E. Jalandoni's Motion to Quash dated April 23, 2014 is DENIED for lack of merit.
>
> SO ORDERED.[42] (Emphasis in the original)

To the Sandiganbayan, the Informations for both crimes charged were valid. On the infidelity charge, it explained that illicit purpose was not an element of the crime and good faith in the removal of the documents is merely a defense; thus, they need not be alleged in the Informations.[43]

Similarly, the Informations pertaining to falsification were not deemed defective.[44] Allegations in an information need not be couched in the terms

---

36 Id. at 52.
37 Id. at 45.
38 Id.
39 Id. at 50.
40 Id. at 45.
41 Id. at 44–56. The October 31, 2014 Resolution was penned by Associate Justice Amparo M. Cabotaje-Tang and concurred in by Associate Justices Samuel R. Martires and Alex L. Quiroz of the Sandiganbayan, Third Division.
42 Id. at 56.
43 Id. at 51.
44 Id. at 53.

of the law defining the offense, the Sandiganbayan pointed out.[45] It explained that while the phrase "changes its meaning" were not written, the allegations sufficiently informed Jalandoni that his act changed the meaning of the documents as if he was authorized to sign and approve them.[46]

Jalandoni moved for reconsideration, but it was denied in a February 23, 2015 Resolution[47] for being *pro forma* and for lack of merit.

In 2018, Jalandoni and De Padua moved for leave to file their respective demurrers to evidence.[48]

In Jalandoni's Motion, he again claimed that the prosecution witnesses admitted that patching was a common practice in the Office of the Ombudsman. He then noted that the prosecution witnesses confirmed that even if a resolution, order, or decision was already signed by the approving authority, the Ombudsman can have it reviewed again. As such, he said he committed no criminal act.[49]

Jalandoni added that his delegated authority was likewise admitted by the prosecution. One of the prosecution witnesses testified that Ombudsman Gutierrez had signed the Office Order and Memoranda delegating to Jalandoni the authority to act on the cases, and that Ombudsman Casimiro also admitted seeing their copies. Jalandoni added that even after the Complaint had been lodged against him, these written authorities were still used and the patched documents were treated as valid.[50]

Jalandoni further maintained that the documents subject of the Informations were found within the premises of the Office of the Ombudsman and none were removed from their official repository.[51] He likewise raised doubt as to the documents' official nature because the documents presented by the records officers differed from the documents described in the Informations. Moreover, he contended that Ombudsman Casimiro himself declared that none of the involved private parties claimed that they were prejudiced by the pendency of the cases.[52]

For De Padua, she said that the prosecution failed to prove the elements of the crimes. She argued that there was no concealment because the patching was done without the intent to conceal or for an illicit purpose. She also said

---

45 Id. at 54.
46 Id. at 53–54.
47 Id. at 57–61B. The February 23, 2015 Resolution was penned by Associate Justice Amparo M. Cabotaje-Tang and concurred in by Associate Justice Samuel R. Martires and Associate Justice Alex L. Quiroz of the Sandiganbayan, Third Division.
48 *Rollo* (G.R. Nos. 244467-535), pp. 41–48; *rollo* (G.R. Nos. 245546-614), pp. 35–39.
49 Rollo (G.R. Nos. 244467-535), p. 43.
50 Id. at 43–44.
51 Id. at 44–45.
52 Id. at 45.

that there is no falsification because the prosecution failed to establish that the alterations and intercalations made the documents speak of something false.[53]

In a November 9, 2018 Minute Resolution, the Sandiganbayan denied the Motions.[54] Jalandoni moved to reconsider, but was denied on December 13, 2018;[55] De Padua did the same, but was also denied on February 4, 2019.[56]

In 2014, Jalandoni filed a Petition for Certiorari[57] (First Petition) assailing the Office of the Ombudsman Resolutions finding probable cause to charge him. The Office of the Ombudsman, through the Office of the Solicitor General, filed its Comment,[58] and Jalandoni soon filed his Reply.[59]

In 2015, Jalandoni filed another Petition for Certiorari (Second Petition).[60] This time, he assails the Sandiganbayan Resolutions that dismissed his Motion to Quash the Informations.[61] The Office of the Special Prosecutor filed a Comment,[62] and Jalandoni later filed his Reply.[63]

Jalandoni later filed another Petition for Certiorari[64] (Third Petition) assailing the Sandiganbayan Resolutions dismissing the Motions for Leave to File Demurrer to Evidence.[65] The Office of the Special Prosecutor filed its Comment.[66]

De Padua likewise filed a Petition for Certiorari[67] (Fourth Petition) assailing the same Sandiganbayan Resolutions. The Office of the Special Prosecutor filed a Comment.[68]

The four Petitions for Certiorari were eventually consolidated.

---

53 *Rollo* (G.R. Nos. 245546-614), pp. 37.

54 *Rollo* (G.R. Nos. 244467-535), pp. 28–29. The November 9, 2018 Resolution was approved by Associate Justices Amparo M. Cabotaje-Tang, Bernelito R. Fernandez, and Sarah Jane T. Fernandez of the Sandiganbayan, Third Division.

55 Id. at 8.

56 *Rollo* (G.R. Nos. 245546-614), p. 28. The February 4, 2019 Resolution was approved by Associate Justices Amparo M. Cabotaje-Tang, Bernelito R. Fernandez, and Sarah Jane T. Fernandez of the Sandiganbayan, Third Division.

57 *Rollo* (G.R. No. 211751), pp. 3–57.

58 Id. at 1002–1031.

59 Id. at 1119–1142.

60 *Rollo* (G.R. Nos. 217212-80), pp. 2–37.

61 Id.

62 *Rollo* (G.R. No. 211751), pp. 1146–1172.

63 Id. at 1213–1243.

64 *Rollo* (G.R. Nos. 244467-525), pp. 3–22.

65 Id.

66 *Rollo* (G.R. No. 211751), pp. 1264–1292.

67 *Rollo* (G.R. Nos. 245546-614), pp. 3–20.

68 *Rollo* (G.R. No. 211751), pp. 1295–1309.

In the First Petition, petitioner Jalandoni contends that the Office of the Ombudsman gravely abused its discretion for violating his right to due process.[69]

He claims that he was not allowed to reproduce and fully inspect the documents alleged in the Informations.[70] As he narrates, he had earlier moved for Ombudsman Casimiro to produce or permit inspection and copying of the originals, but this motion was denied.[71] He was later permitted to inspect them but only for a day, which he says was not enough.[72] Another date was scheduled, but he says some documents had allegedly been forwarded to other offices already.[73] Jalandoni further notes that six of these documents were never mentioned in the Complaint.[74]

Jalandoni maintains that he acted within the bounds of his official duties because the patching was done pursuant to Ombudsman Gutierrez's verbal instructions,[75] as formalized in the Office Order and three Memoranda.[76] He avers that Ombudsman Gutierrez has the power to delegate this authority under Republic Act No. 6770.[77] He says that the authority to sign an entirely new resolution necessarily allows the modification of a previously signed resolution.[78] It is absurd to expect a deputy delegated with authority to merely release the resolution without reviewing it; otherwise, the resolution should have just been simply released.[79]

Jalandoni further argues that the Office Order and three Memoranda he cited ought to enjoy a presumption of regularity.[80]

Jalandoni questions Ombudsman Casimiro's reliance on the Court of Appeals decision, which raised doubts on the authenticity of the Office Order and Memoranda.[81] He says that while the decision assails the March 9, 2011

---

69 Id. at 23.

70 Id. at 24 citing RULES OF COURT, Rule 112, sec. 3(b), par. 2 and 3 which provides:
SECTION 3. *Procedure* – The preliminary investigation shall be conducted in the following manner:
. . . .
The respondent shall have the right to examine the evidence submitted by the complainant which he may not have been furnished and to copy them at his expense. If the evidence is voluminous, the complainant may be required to specify those which he intends to present against the respondent, and these shall be made available for examination or copying by the respondent at his expense.
Objects as evidence need not be furnished a party but shall be made available for examination, copying, or photographing at the expense of the requesting party.

71 Id. at 27.

72 Id. at 27.

73 Id. at 28.

74 Id. at 29.

75 Id. at 30.

76 Id. at 31.

77 Id. at 34. The Ombudsman Act of 1989.

78 Id. at 35–36.

79 Id. at 37.

80 Id. at 36 and 40. For the June 11, 2010 Memorandum, in particular, petitioner cites a March 21, 2012 Office of the Ombudsman Order in *Sumiller, et al. v. Montelibano, et al.*, docketed as OMB-V-C-08-0340-H which accorded the presumption of regularity.

81 Id. at 38.

Memorandum, it does not do the same for the rest.[82] He adds that in the decision, no evidence was offered to prove the Memorandum's existence, while he did so in his case.[83] In any event, he says that the Court of Appeals decision was issued for an unrelated case.[84]

Jalandoni claims that he acted in good faith when he ordered the tampering of the documents.[85] He points out how the patching was so patent that it negates any malicious intent on his part.[86] He then maintains that tampering is a common and recognized practice, which was not denied by Ombudsman Casimiro or the Office of the Ombudsman.[87]

He reiterates that he cannot be held liable for falsification because the tampering neither affected the resolutions' integrity nor changed their effects.[88] The patching did not change how the cases were resolved, as it did not change the body and dispositive portion. There is also nothing falsified by the superimposition, as he was the new approving authority by then.[89]

Likewise, Jalandoni asserts that his acts cannot constitute concealment or removal because there was no illicit purpose or breach of trust.[90] Moreover, there is no evidence that he put 56 cases on hold. The mere act of patching the documents is not tantamount to concealment, he says.[91]

In their Comment, respondents Office of the Ombudsman and Ombudsman Casimiro contend that this Court's policy of non-interference with the investigatory and prosecutorial functions of the Office of the Ombudsman should be upheld.[92]

Respondents say that Jalandoni was not denied of his right to due process.[93] They aver that under the applicable rules, the documents that must be furnished were only those submitted by the complainant,[94] which were given to Jalandoni. In any case, they note that Jalandoni has already been granted the right to inspect the documents on two separate occasions.[95]

---

82 Id.
83 Id. at 38–39.
84 Id. at 39.
85 Id. at 41–42.
86 Id. at 42.
87 Id. at 42–44.
88 Id. at 44–45.
89 Id. at 48.
90 Id. at 49–50.
91 Id.
92 Id. at 1008.
93 Id. at 1011.
94 Id. at 1011–1016.
95 Id. at 1016–1017.

Moreover, they say that Jalandoni's right to due process had been respected, as when he participated in the preliminary investigation, filed his counter-affidavit, and submitted evidence.[96]

Respondents further argue that Jalandoni has no authority to substitute his name as the approving authority. They say he did not offer any evidence to prove it, adding that the Office Order and Memoranda's due execution is still suspect as they are mere photocopies.[97] These documents supposedly do not appear in the official records of the Office of the Ombudsman.[98] They again cite the 2011 Court of Appeals decision which declared the March 9, 2011 Memorandum void.[99]

As to Jalandoni's claim of good faith, respondents say that this is an evidentiary matter that must be ventilated during trial, not during preliminary investigation.[100] They then refute Jalandoni's allegation that the tampering of documents is a common and recognized practice.[101]

Respondents further maintain no grave abuse of discretion in finding probable cause against Jalandoni.[102] Contrary to his claim, the integrity of the document was affected due to the patching of the signatures. A signature is a signatory's certification of having reviewed the document and concurred with the findings, and is personal in nature.[103]

They add that by patching the signatures, Jalandoni altered the import of the documents: (1) the approval or dissent of the authorities were set aside; (2) the documents' execution was put on hold; (3) it falsely appeared that Jalandoni was the final approving authority who evaluated the document; and (4) the documents were acted upon on a different date.[104]

On the infidelity in the custody of public documents, respondents assert that there was concealment because the documents were withheld in Jalandoni's office despite prior approval, and not immediately forwarded to their destination. It is not necessary, respondents say, that the documents were physically stolen or hidden.[105]

In his Reply, Jalandoni insists that he should have been furnished copies of the documents subject of the charges, as these are crucial in preparing his defense. He avers that pursuant to Rule 112 of the Rules of Court, he should

---

96 Id. at 1017.
97 Id. at 1019.
98 Id. at 1020.
99 Id. at 1020–1021.
100 Id. at 1022–1023.
101 Id. at 1023.
102 Id. at 1023–1024.
103 Id. at 1025.
104 Id. at 1026.
105 Id. at 1027.

have been furnished these before he filed his counter-affidavit. He argues that if the Ombudsman really did not consider these as supporting documents, it would not have allowed him to examine them on two separate occasions.[106]

Jalandoni insists that the authenticity of the Ombudsman's signatures on the Office Order and Memoranda was never disputed.[107] The best evidence rule does not apply in administrative investigations before the Office of the Ombudsman, he says,[108] adding that their original copies are in his custody, and he is not bound to attach them in his counter-affidavit.

He further contends that the Office Order is on file with the Office of the Ombudsman because it bears an official bar-coded sticker. On the other hand, the Memoranda are not in the office records because these were meant to be issued only to him.[109]

In his Second Petition, petitioner Jalandoni assails the Sandiganbayan Resolutions which dismissed his Motion to Quash the Informations.[110]

Jalandoni assails the denial of his Motion for Reconsideration for being *pro forma*. He contends that he did not just rehash his arguments in the Motion to Quash, but raised a new one: that the court may consider evidence *aliunde* in resolving the motion.[111]

He repeats that the Informations pertaining to the concealment of documents are defective because they did not allege that he concealed or hid the public documents,[112] but only patched the name and signature of the approving authority. He notes that even the Office of the Special Prosecutor took note that he did not physically take or hide the documents.[113] In any case, he says that this crime only applies in cases where the public officer *hides, steals,* or *removes* the documents from where they were kept,[114] and not when the documents were merely altered or intercalated.[115]

Jalandoni adds that the Informations failed to allege that the concealment was done for an illicit purpose, which is an essential element of the crime.[116] Patching was not in itself a criminal act, as allegedly admitted

---

106 Id. at 1121.
107 Id. at 1132–1133.
108 Id. at 1133.
109 Id.
110 *Rollo* (G.R. Nos. 217212-80), pp. 2–37.
111 Id. at 14
112 Id. at 18–19.
113 Id. at 19.
114 Id. at 20–22.
115 Id. at 22.
116 Id. at 22–23.

by the Office of the Special Prosecutor.[117] He then reiterates that this is a recognized practice in the Office of the Ombudsman.[118]

The Informations on falsification are likewise defective, Jalandoni insists.[119] He says an indispensable element—a change in the documents' import—is absent,[120] since the Informations merely stated that he signed his name on patches over the documents.[121]

In its Comment, respondent People of the Philippines, through the Office of the Special Prosecutor, asserts that Jalandoni failed to show that the Sandiganbayan gravely abused its discretion in denying the Motion to Quash.[122]

It first maintains that the Sandiganbayan correctly denied Jalandoni's motion for reconsideration for being *pro forma*. It says that Jalandoni did not raise any new argument,[123] and even if he did, this supposedly new argument failed to convince the court that the initial ruling was erroneous.[124]

Second, respondent says that the Informations for both crimes have no defect.[125] On the infidelity in custody of documents, it argues that the Informations clearly alleged the crime[126] by stating that Jalandoni "did then and there willfully, unlawfully, and criminally . . . *conceal* the Order[.]"[127] It adds that the concealment was done on the documents themselves, and not merely on the names and signatures. It points out that this crime is not confined to the physical taking,[128] but broadly refers to acts that prevent public documents from being sent to their destination.[129]

Respondent further points out that illicit purpose is not an element of this crime.[130] In any case, it says Jalandoni's act of patching the documents is illegal per se as it falsified the content of the documents.[131] It notes that the prosecution never admitted that the act was "not per se illegal."[132]

---

117 Id. at 25.
118 Id. at 25–26.
119 Id. at 29.
120 Id. at 29–31.
121 Id. at 31.
122 *Rollo* (G.R. No. 211751), pp. 1149–1150.
123 Id. at 1150.
124 Id. at 1151–1152.
125 Id. at 1154.
126 Id. at 1155.
127 Id. at 1156.
128 Id.
129 Id. at 1156–1158 citing *U.S. v. Mariño*, 10 Phil. 652 (1908) [Per J. Torres, First Division].
130 Id. at 1159–1160.
131 Id. at 1163.
132 Id. at 1162–1164.

As to the falsification, respondent maintains that the Informations sufficiently alleged that Jalandoni changed the meaning of the documents.[133] It lists the following significant changes: "(1) from being 'signed' and 'ready for release,' they were withheld and signed anew; (2) the 'patching' made it appear that the previous official acts of signing/approving authorities have been reversed, set aside or repudiated; (3) the 'patching' changed the identity of the approving official, without clear supporting authority; (4) the belated approval of the documents by [Jalandoni], without a corresponding change in the dates thereof, brought to question his authority to sign the same."[134]

Respondent says that these changes are "substantial, significant and extremely prejudicial."[135] The signatures in the final page ultimately give full meaning and effect to the document. Thus, while the discussion and dispositive portions of the documents were spared, the alterations in the signature page effectively changed the import of the entire document.[136] While the exact phrase "changed the meaning" cannot be found in the Informations, respondent says that the averments sufficiently provide that the meaning of the documents was changed.[137]

In his Reply, Jalandoni reiterates that the Informations on concealment are defective. He argues that the broad interpretation of "concealment" submitted by respondent has no basis. Respondent relied on the pronouncement in *United States v. Mariño*,[138] which Jalandoni says is merely an *obiter dictum*,[139] and in any case, does not apply here.[140]

In his Third Petition, petitioner Jalandoni submits that a Petition for Certiorari is the correct remedy to assail the denial of his Motion for Leave to File Demurrer to Evidence.[141] He argues that his Motion's denial was issued with grave abuse of discretion because the Sandiganbayan did not state its reasons in so ruling.[142] Jalandoni says such a motion may only be denied for being dilatory.[143] As this was not the case, he says he was left clueless and could not properly address the denial when he moved for reconsideration.[144]

As such, Jalandoni says that the Sandiganbayan also gravely abused its discretion in denying his Motion for Reconsideration for purportedly raising the same arguments. He submits that he raised new crucial arguments.[145] He

---

133 Id. at 1165.
134 Id. at 1168.
135 Id.
136 Id.
137 Id. at 1169.
138 10 Phil. 652 (1908) [Per J. Torres, First Division].
139 *Rollo* (G.R. No. 211751), pp. 1219–1223.
140 Id. at 1221–1223.
141 *Rollo* (G.R. Nos. 244467-535), pp. 9–12.
142 Id. at 13.
143 Id.
144 Id. at 16.
145 Id. at 16–17.

says he stressed there that the prosecution has rested its case, that there is a joinder on the core issue of whether his guilt was proven beyond reasonable doubt, and that a full-blown discussion through a demurrer and an opposition to the demurrer should be allowed.[146]

Jalandoni also raises suspicion on why the Sandiganbayan Resolution was issued merely a day after the prosecution had filed its Opposition, and why his Motion was denied for the same reason as De Padua's.[147]

In the Fourth Petition, petitioner De Padua raises the same arguments as Jalandoni. She argues that a Petition for Certiorari is the proper vehicle to assail the denial of her Motion for Leave,[148] and that the denial was done with grave abuse of discretion because the Sandiganbayan did not elaborate on its reasons.[149] She also points out that her Motion for Reconsideration is not merely a rehash of her prior Motion for Leave,[150] because she raised that the denial violates her right to due process.[151]

In its Comment, respondent People of the Philippines, through the Office of the Special Prosecutor, argues that a denial of a motion for leave is not reviewable by certiorari, as provided in Rule 119, Section 23 of the Rules of Criminal Procedure.[152]

In any case, respondent says that the Petitions must still fail,[153] as the Motions are unmeritorious.[154] Jalandoni and De Padua submit that their acts are not criminal because there was no ill motive, but respondent says this is not an element of the crime. It argues that the crux of the crime of concealment is the separation of the documents from their ordinary and legal course, and not concealment of the contents.[155]

Moreover, respondent again belies the claim that the prosecution admitted that Jalandoni has authority to act on the cases,[156] and in fact consistently rejected this supposed authority.[157] It notes that the Office of the

---

146 Id. at 17.
147 Id. at 18.
148 *Rollo* (G.R. Nos. 245546-614), pp. 8–11.
149 Id. at 12–15.
150 Id. at 15–16.
151 Id. at 16.
152 *Rollo* (G.R. No. 211751), pp. 1266–1268 and 1297–1299 citing RULES OF COURT, Rule 119, sec. 23(5) which provides:
SECTION 23. *Demurrer to evidence.* —
. . . .
The order denying the motion for leave of court to file demurrer to evidence or the demurrer itself shall not be reviewable by appeal or by certiorari before judgment.
153 Id. at 1268 and 1299.
154 Id. at 1269–1271 and 1299–1300.
155 Id. at 1269 and 1300.
156 Id. at 1269.
157 Id. at 1269–1270.

Ombudsman also did not recognize the validity of the tampered documents, and precisely ordered their review due to Jalandoni's patching scheme.[158]

Respondent then maintains that the Resolutions, being interlocutory orders, are not required to "express clearly and distinctly the facts and law on which it is based."[159] It says that though a minute resolution, the Sandiganbayan ruled after considering the parties' sides, and did not need to belabor the point.[160] Thus, it says, the form and manner by which the Sandiganbayan resolved the Motions conform to the law.[161]

Finally, respondent says that courts can deny demurrers on grounds other than being dilatory,[162] such as lack of merit when the prosecution presented a *prima facie* case to convict the accused, or when the motion fails to justify the demurrer.[163]

The issues for this Court's resolution are the following:

First, whether or not respondent Office of the Ombudsman acted with grave abuse of discretion in finding probable cause against petitioner Mark E. Jalandoni;

Second, whether or not respondent Sandiganbayan acted with grave abuse of discretion in denying petitioner Mark E. Jalandoni's Motion to Quash the Informations; and

Finally, whether or not respondent Sandiganbayan acted with grave abuse of discretion in denying the Motions for Leave to File Demurrer to Evidence.

I

Under the Constitution[164] and Republic Act No. 6770,[165] the Office of the Ombudsman has a "wide latitude to act on criminal complaints against public officials and government employees."[166] It is granted the "sole power

---

158 Id. at 1270.
159 Id. at 1272 and 1301–1303.
160 Id.
161 Id. at 1274 and 1301–1303.
162 Id.
163 Id. at 1275 and 1303–1305.
164 CONST., art. XI, sec. 12 provides:
SECTION 12. The Ombudsman and his Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against public officials or employees of the Government, or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and shall, in appropriate cases, notify the complainants of the action taken and the result thereof.
165 An Act Providing for the Functional and Structural Organization of the Office of the Ombudsman, and for Other Purposes (1989).
166 *Dichaves v. Office of the Ombudsman*, 802 Phil. 564, 589 (2016) [Per J. Leonen, Second Division].

to determine whether there is probable cause to warrant the filing of a criminal case against an accused."[167]

As a rule, this Court does not interfere with the Office of the Ombudsman's findings.[168] This policy of non-interference is grounded on the "respect for the investigatory and prosecutory powers granted by the Constitution to the Office of the Ombudsman[.]"[169] The determination of probable cause is a factual matter that is best left to the expertise of the Office of the Ombudsman.[170]

In *Dichaves v. Office of the Ombudsman*,[171] this Court explained:

> An independent constitutional body, the Office of the Ombudsman is "beholden to no one, acts as the champion of the people[,] and [is] the preserver of the integrity of the public service." Thus, it has the sole power to determine whether there is probable cause to warrant the filing of a criminal case against an accused. This function is executive in nature.
>
> The executive determination of probable cause is a highly factual matter. It requires probing into the "existence of such facts and circumstances as would excite the belief, in a reasonable mind, acting on the facts within the knowledge of the prosecutor, that the person charged was guilty of the crime for which he [or she] was prosecuted."
>
> The Office of the Ombudsman is armed with the power to investigate. It is, therefore, in a better position to assess the strengths or weaknesses of the evidence on hand needed to make a finding of probable cause. As this Court is not a trier of facts, we defer to the sound judgment of the Ombudsman.[172] (Citations omitted)

This policy is likewise impelled by practical considerations. In *Ciron v. Gutierrez*:[173]

> [T]he functions of the Court will be seriously hampered by innumerable petitions assailing the dismissal of investigatory proceedings conducted by the Office of the Ombudsman with regard to complaints filed before it, in much the same way that the courts would be extremely swamped with cases if they could be compelled to review the exercise of discretion on the part of the fiscals or prosecuting attorneys each time they decide to file an information in court or dismiss a complaint by a private complainant.[174] (Citation omitted)

---

167 Id. at 590.
168 Id.
169 Id. at 589.
170 Id. at 590.
171 802 Phil. 564 (2016) [Per J. Leonen, Second Division].
172 Id. at 589–590.
173 758 Phil. 354 (2015) [Per J. Perlas-Bernabe, First Division].
174 Id. at 363.

Nevertheless, this Court may exercise judicial scrutiny and review the Office of the Ombudsman's findings when there is a clear showing of grave abuse of discretion.[175] To do so, however, it must be proven that the Office of the Ombudsman "conducted the preliminary investigation 'in such a way that amounted to a virtual refusal to perform a duty under the law.'"[176] Mere disagreement with its findings is not enough to say that there is grave abuse of discretion.[177]

Here, petitioner Jalandoni invokes exceptions to the policy of non-interference, claiming that there was no probable cause to charge him and that his right to due process was violated.

We disagree.

Probable cause is defined as "the existence of such facts and circumstances as would excite the belief, in a reasonable mind, acting on the facts within the knowledge of the prosecutor, that the person charged was guilty of the crime for which he was prosecuted."[178] In *Galario v. Office of the Ombudsman*,[179] this Court expounded:

> [A] finding of probable cause needs only to rest on evidence showing that more likely than not a crime has been committed and there is enough reason to believe that it was committed by the accused. It need not be based on clear and convincing evidence of guilt, neither on evidence establishing absolute certainty of guilt. A finding of probable cause merely binds over the suspect to stand trial. It is not a pronouncement of guilt.
>
> > The term does not mean "actual and positive cause" nor does it import absolute certainty. It is merely based on opinion and reasonable belief[.] Probable cause does not require an inquiry into whether there is sufficient evidence to procure a conviction[.][180] (Citation omitted)

The Office of the Ombudsman's determination of probable cause "does not rule on the issue of guilt or innocence of the accused."[181] It is only bound to "evaluate the evidence presented by the prosecution and the accused, and then determine if there is enough reason to believe that a crime has been committed and that the accused is probably guilty of committing the crime."[182]

---

175 *Casing v. Ombudsman*, 687 Phil. 468 (2012) [Per J. Brion, Second Division].

176 *Republic v. Ombudsman*, G.R. No. 198366, June 26, 2019, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65315> [Per J. Leonen, Third Division].

177 Id.

178 *De Chavez v. Office of the Ombudsman*, 543 Phil. 600, 617 (2007) [Per J. Chico-Nazario, Third Division].

179 554 Phil. 86 (2007) [Per J. Chico-Nazario, Third Division].

180 Id. at 101.

181 *Arroyo v. Sandigandayan Fifth Division*, G.R. No. 210488, January 27, 2020, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66176> [Per J. Leonen, Third Division].

182 Id.

The determination of probable cause is "made in reference to the elements of the crime charged."[183] However, considering the nature and purpose of a preliminary investigation, the elements of the crime are not required to be definitively established. It is sufficient that the elements are reasonably apparent. Whether they are present is a matter of evidence, which may only be passed upon in a full-blown trial on the merits.[184] There is no full and exhaustive display of the prosecution's evidence in a preliminary investigation. Instead, "the validity and merits of a party's defense or accusation, as well as the admissibility of testimonies and evidence," are better threshed out during trial.[185]

Here, nothing was arbitrary in the Office of the Ombudsman's finding of probable cause against Jalandoni. The evidence on record engenders reasonable belief that he is probably guilty of the crimes charged.

On the charge of falsification of public documents, the Office of the Ombudsman found that Jalandoni's act of tampering the decisions, resolutions, and orders is an alteration or intercalation that changed the meaning of the documents.

The elements of this crime under Article 171, paragraph 6 of the Revised Penal Code are the following:

1. An alteration (change) or intercalation (insertion) on a document;
2. It was made on a genuine document;
3. The alteration or intercalation has changed the meaning of the document; and
4. The change made the document speak something false.[186]

These elements are reasonably apparent in Jalandoni's case.

First, Jalandoni caused the alteration and intercalation on the issuances of the Office of the Ombudsman. These were carried out by tampering the names and signatures of the approving authorities with patches of paper that bear Jalandoni's name and signature.[187] Second, the tampering was made on genuine documents.[188]

---

183 *Tupaz v. Office of the Deputy Ombudsman for the Visayas,* G.R. Nos. 212491-92, March 6, 2019 <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65150> [Per J. Leonen, Third Division].

184 *Reyes v. Ombudsman*, 783 Phil. 304 (2016) [Per J. Perlas-Bernabe, En Banc].

185 Id. at 337.

186 *Tadena v. People*, G.R. No. 228610, March 20, 2019, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65085> [Per J. J.C. Reyes, Jr., Second Division].

187 *Rollo* (G.R. No. 211751), p. 84.

188 Id.

As to the third and fourth elements, the Office of the Ombudsman reasoned that the tampering changed the documents' meaning to express something false.[189] Jalandoni submits that the tampering did not change their meaning because they did not alter the body and dispositive portion. However, as the Office of the Ombudsman explained, the mere alteration and intercalation of the signatures changed the documents.[190] The approving authority's signature bears its own import apart from the body and dispositive portion of an issuance.[191]

Concomitantly, changing the signatory of a document alters the import of the issuance, making it express something false and different from its initial form. As the Office of the Ombudsman listed, the tampering of signatures evinced falsities, such as the following: (1) the previous signing authority's decision was set aside; (2) the execution of the issuance was put on hold; and (3) it appeared that Jalandoni was the only final approving authority who reviewed and resolved the issuance.[192]

The charges of infidelity in the custody of public documents committed by means of concealment also have reasonable basis. The elements of this crime are the following:

> 1. The offender must be a public officer;
> 2. There must be a document abstracted, destroyed or concealed;
> 3. The document destroyed or abstracted must be entrusted to such public officer by reason of his office; and
> 4. Damage or prejudice to the public interest or to that of a third person must be caused by the removal, destruction or concealment of such document.[193] (Citation omitted)

The Office of the Ombudsman found these elements present. First, Jalandoni is a public officer, and second, the documents were entrusted to him by reason of his office. As to the other elements, it explained that the act of patching the documents led to their concealment because they were essentially put on hold despite being ready for release.[194] This delay was prejudicial to public interest and to third persons.[195]

Upon finding a reasonable ground for each of the elements of the crimes, the Office of the Ombudsman is duty bound to file charges against Jalandoni. Accordingly, it was not in grave abuse of discretion when it found probable cause, because it carefully laid out a probability of guilt based on substantial evidence.

---

189 Id.
190 Id. at 85–86.
191 Id. at 86.
192 Id. at 87.
193 *Zapanta v. People*, 759 Phil. 156, 171 (2015) [Per J. Mendoza, Second Division].
194 *Rollo* (G.R. No. 211751), p. 93.
195 Id. at 94.

Jalandoni mainly contends that he cannot be charged with the crimes because he only acted within the bounds of delegated authority, with him having been made as the new approving authority based on an Office Order and the Memoranda. However, this defense is a factual and evidentiary matter that must be threshed out in a full-blown trial.[196] The probative value of the verbal and documentary evidence of Jalandoni's authority and his claim of good faith can be best passed upon in a trial on the merits.

Further, there is no violation of Jalandoni's right to due process.

Under Rule 112, Section 3(b)[197] of the Revised Rules of Criminal Procedure, the respondent during a preliminary investigation has the right to examine the evidence submitted by the complainant and to copy them at their expense.

When Jalandoni was given a copy of the Complaint and its annexes, his right to examine the documents was respected. In any case, he was also allowed to inspect the documents subject of the charges. While his motion for the production and inspection of the documents had initially been denied, he was later allowed to do so on two occasions, as he himself admitted in his Petition.[198] Thus, there was no violation of his right to due process.

To underscore, in a preliminary investigation, a person's rights are subject to the limitations of procedural law. At this stage, an information that will put into play the accused's constitutional rights is yet to be filed.[199] This is consistent with the nature and purpose of a preliminary investigation, which "is merely to present such evidence 'as may engender a well-grounded belief that an offense has been committed and that [the respondent in a criminal complaint] is probably guilty thereof.'"[200] It does not involve the "full and exhaustive display of the parties' evidence[.]"[201]

---

196 *De Chavez v. Office of the Ombudsman*, 543 Phil. 600 (2007) [Per J. Chico-Nazario, Third Division].

197 RULES OF COURT, Rule 112, sec. 3(b) provides:
SECTION 3. *Procedure.* — The preliminary investigation shall be conducted in the following manner:
. . . .
(b) Within ten (10) days after the filing of the complaint, the investigating officer shall either dismiss it if he finds no ground to continue with the investigation, or issue a subpoena to the respondent attaching to it a copy of the complaint and its supporting affidavits and documents.
The respondent shall have the right to examine the evidence submitted by the complainant which he may not have been furnished and to copy them at his expense. If the evidence is voluminous, the complainant may be required to specify those which he intends to present against the respondent, and these shall be made available for examination or copying by the respondent at his expense.
Objects as evidence need not be furnished a party but shall be made available for examination, copying, or photographing at the expense of the requesting party.

198 *Rollo* (G.R. No. 211751), pp. 27–28.

199 *Dichaves v. Office of the Ombudsman*, 802 Phil. 564 (2016) [Per J. Leonen, Second Division].

200 Id. at 592.

201 Id.

In *Kara-an v. Office of the Ombudsman*:[202]

> Petitioner cannot also compel the Ombudsman to order the production of certain documents, if in the Ombudsman's judgment such documents are not necessary to establish probable cause against respondents. The Court cannot interfere with the Ombudsman's discretion in determining the adequacy or inadequacy of the evidence before him. The investigation is advisedly called preliminary, as it is yet to be followed by the trial proper. The occasion is not for the full and exhaustive display of the parties' evidence but for the presentation of such evidence only as may engender a well-founded belief that an offense has been committed and that the accused is probably guilty of the offense.[203] (Citations omitted)

Ultimately, Jalandoni cannot claim that he was deprived of due process. This Court has consistently held that "the essence of due process is simply an opportunity to be heard, or an opportunity to explain one's side or an opportunity to seek for a reconsideration of the action or ruling complained of."[204] If the party has been able to form and present their defense and their interest, due process is not violated.[205]

Hence, the Office of the Ombudsman committed no grave abuse of discretion in the preliminary investigation and subsequent finding of probable cause against Jalandoni.

II

As a rule, the denial of a motion to quash cannot be appealed because it is merely interlocutory.[206] An appeal from interlocutory orders is proscribed to avoid multiplicity of appeals in a single action, which inevitably results in delay.[207] In *Miranda v. Sandiganbayan*:[208]

> The reason of the law in permitting appeal only from a final order or judgment, and not from interlocutory or incidental one, is to avoid multiplicity of appeals in a single action, which must necessarily suspend the hearing and decision on the merits of the case during the pendency of the appeal. If such appeal were allowed, the trial on the merits of the case should necessarily be delayed for a considerable length of time, and compel the adverse party to incur unnecessary expenses; for one of the parties may interpose as many appeals as incidental questions may be raised by him and

---

202 476 Phil. 536 (2004) [Per J. Carpio, First Division].
203 Id. at 549–550.
204 *Reyes v. Office of the Ombudsman*, 810 Phil. 106, 122 (2017) [Per J. Leonen, Second Division] citing *Resurreccion v. People,* 738 Phil. 704 (2014) [Per J. Brion, Second Division].
205 Id.
206 *Cagang v. Sandiganbayan, Fifth Division*, G.R. Nos. 206438, 206458 & 210141-42, July 31, 2018, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64581> [Per J. Leonen, En Banc].
207 *Miranda v. Sandiganbayan*, 815 Phil. 123 (2017) [Per J. Martires, Second Division].
208 815 Phil. 123 (2017) [Per J. Martires, Second Division].

> interlocutory orders rendered or issued by the lower court.[209] (Citation omitted)

The remedy for a denial of a motion to quash is for the accused to proceed to trial and, if convicted, raise the motion's denial as an error of the court. Thus, a denial of a motion to quash cannot be assailed in a petition for certiorari, which only operates if there is no other adequate, plain, or speedy remedy.[210] In *Cagang v. Sandiganbayan*:[211]

> In the usual course of procedure, a denial of a motion to quash filed by the accused results in the continuation of the trial and the determination of the guilt or innocence of the accused. If a judgment of conviction is rendered and the lower court's decision of conviction is appealed, the accused can then raise the denial of his motion to quash not only as an error committed by the trial court but as an added ground to overturn the latter's ruling.
>
> In this case, the petitioner did not proceed to trial but opted to immediately question the denial of his motion to quash via a special civil action for certiorari under Rule 65 of the Rules of Court.
>
> As a rule, the denial of a motion to quash is an interlocutory order and is not appealable; an appeal from an interlocutory order is not allowed under Section 1 (b), Rule 41 of the Rules of Court. Neither can it be a proper subject of a petition for certiorari which can be used only in the absence of an appeal or any other adequate, plain and speedy remedy. The plain and speedy remedy upon denial of an interlocutory order is to proceed to trial as discussed above.[212] (Citation omitted)

However, if the denial was rendered with grave abuse of discretion, the accused may assail it in a petition for certiorari.[213] It would be unfair for the accused to undergo trial "if the court has no jurisdiction over the subject matter or offense, or is not the court of proper venue, or if the denial of the motion to dismiss or motion to quash is made with grave abuse of discretion or a whimsical and capricious exercise of judgment."[214] In these cases, the ordinary remedy of appeal is not plain and adequate.[215]

In a motion to quash an information, "an accused assails the validity of a criminal complaint or Information filed against [them] for insufficiency on its face in point of law, or for defects which are apparent in the face of the Information."[216]

---

209 Id. at 139.
210 *Cagang v. Sandiganbayan, Fifth Division*, G.R. Nos. 206438, 206458 & 210141-42, July 31, 2018, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64581> [Per J. Leonen, En Banc].
211 Id.
212 Id.
213 Id.
214 *Javier v. Sandiganbayan*, 615 Phil. 393, 405 (2009) [Per J. Peralta, Third Division].
215 Id.
216 Id. at 404–405.

To test the viability of a motion to quash, it must be settled "whether the facts alleged, if hypothetically admitted, would establish the essential elements of the offense charged as defined by law."[217] Matters *aliunde* or those beyond what is alleged in the information are not considered.[218]

Under Rule 110, Section 6 of the Revised Rules of Criminal Procedure:

> SECTION 6. *Sufficiency of complaint or information.* — A complaint or information is sufficient if it states the name of the accused; the designation of the offense given by the statute; the acts or omissions complained of as constituting the offense; the name of the offended party; the approximate date of the commission of the offense; and the place where the offense was committed.
>
> When an offense is committed by more than one person, all of them shall be included in the complaint or information.

An information is deemed sufficient if the acts or omissions complained of are alleged in a way that enables "a person of common understanding to know what offense is intended to be charged[,]" allows them to prepare their defense, and equips the court to render proper judgment.[219] Thus, an information must clearly and accurately allege the elements of the crime and the circumstances constituting the charge.[220]

In alleging the acts or omissions, the wording of the information need not be an exact reproduction of the law. Rule 110, Section 9 of the Revised Rules of Criminal Procedure provides guidance:

> SECTION 9. *Cause of the accusation.* — The acts or omissions complained of as constituting the offense and the qualifying and aggravating circumstances must be stated in ordinary and concise language and not necessarily in the language used in the statute but in terms sufficient to enable a person of common understanding to know what offense is being charged as well as its qualifying and aggravating circumstances and for the court to pronounce judgment.

Derivatives, synonyms, or allegations of facts constituting the crime suffice as long as they are framed in intelligible terms. In *Lazarte, Jr. v. Sandiganbayan*:[221]

> The test is whether the crime is described in intelligible terms with such particularity as to apprise the accused, with reasonable certainty, of the offense charged. The *raison d'etre* of the rule is to enable the accused to

---

217 *Caballero v. Sandiganbayan*, 560 Phil. 302, 316 (2007) [Per J. Garcia, First Division].
218 *Domingo v. Sandiganbayan*, 379 Phil. 708 (2000) [Per C.J. Davide, Jr., First Division].
219 *Lazarte, Jr. v. Sandiganbayan*, 600 Phil. 475, 491 (2009) [Per J. Tinga, En Banc].
220 Id.
221 600 Phil. 475 (2009) [Per J. Tinga, En Banc].

> suitably prepare his defense. Another purpose is to enable accused, if found guilty, to plead his conviction in a subsequent prosecution for the same offense. The use of derivatives or synonyms or allegations of basic facts constituting the offense charged is sufficient.[222] (Citations omitted)

Here, the alleged facts in the Informations constitute the crimes charged.

The facts constituting all the elements of infidelity in the custody of public documents through concealment are clearly averred in the Informations. They state the following: (1) that Jalandoni was a public officer, being the then Deputy Ombudsman for Luzon; (2) that he concealed an order; (3) that the order was a genuine and official document entrusted to him by reason of his office; and (4) that the concealment was done to the damage and prejudice of public interest.

Similarly, the Informations on the charge of falsification are sufficient. They clearly allege all the elements: (1) that Jalandoni made alterations and intercalations in a resolution by covering Ombudsman Casimiro's name and signature with a patch of paper bearing his own name and signature; (2) that the resolution was a genuine and official document; (3) that the alterations and intercalations changed the meaning of the resolution by making it appear that Jalandoni, and not Ombudsman Casimiro, was the official authorized to sign and approve it; and (4) that these changes made the resolution speak something false, because in truth, the document was already signed and approved by Ombudsman Casimiro.

Jalandoni argues that the Informations on infidelity in the custody of documents are defective because there is no allegation that he hid, stole, or removed the documents, and that the act was done for an illicit purpose. Similarly, he contends that the Informations for falsification are insufficient because they fail to allege that the meaning of the documents changed.

Jalandoni is mistaken.

The Informations are sufficient because they alleged all material facts pertaining to the elements of the crimes. Hiding, stealing, or removing the documents and illicit purpose are not elements of the crime, and thus, need not be reflected in the Informations.

Similarly, the Informations on falsification sufficiently allege that the alterations and intercalations changed the meaning of the documents. As gleaned from their wording, the changes made it appear that Jalandoni was the official authorized to sign and approve the document, when an approving

---

[222] Id. at 491–492.

authority has already done so. This is sufficient; the absence of the exact phrase "changed the meaning" does not nullify the Informations.

Again, a verbatim reiteration of the law is not required in averments in an information. The allegations of basic facts that constitute the crimes will suffice. That is the case here. The assailed Informations sufficiently enable Jalandoni to understand the crimes charged. There is no ambiguity as to preclude him from formulating his defense.

The Sandiganbayan, therefore, committed no grave abuse of discretion in denying the Motion to Quash the Informations.

III

A demurrer to evidence is filed by a party "in an action to the effect that the evidence his adversary produced is insufficient in point of law, whether true or not, to make out a case or sustain the issue."[223] The party filing the demurrer "challenges the sufficiency of the whole evidence to sustain a verdict."[224]

When a demurrer to evidence is filed, the trial court ascertains whether there is competent or sufficient evidence to issue a judgment. Thus, a demurrer's resolution belongs to the court's sound discretion.[225] In *People v. Sandiganbayan*:[226]

> Under Section 23, Rule 119 of the Revised Rules of Criminal Procedure, as amended, the trial court may dismiss the action on the ground of insufficiency of evidence upon a demurrer to evidence filed by the accused with or without leave of court. Thus, in resolving the accused's demurrer to evidence, the court is merely required to ascertain whether there is competent or sufficient evidence to sustain the indictment or support a verdict of guilt. The grant or denial of a demurrer to evidence is left to the sound discretion of the trial court, and its ruling on the matter shall not be disturbed in the absence of a grave abuse of discretion.[227] (Citations omitted)

A denial of a demurrer to evidence cannot be reviewed in a petition for certiorari, which is not the procedural remedy "to correct mistakes in the judge's findings and conclusions or to cure erroneous conclusions of law and fact."[228] Certiorari does not contemplate "the correction of evaluation of evidence."[229] Moreover, the denial of a demurrer to evidence is an

---

223 *Katigbak v. Sandiganbayan*, 453 Phil. 515, 535 (2003) [Per J. Corona, Third Division].
224 Id.
225 Id.
226 426 Phil. 453 (2002) [Per J. Sandoval-Gutierrez, Third Division].
227 Id. at 457.
228 *Resoso v. Sandiganbayan*, 377 Phil. 249, 256 (1999) [Per J. Gonzaga-Reyes, Third Division].
229 Id.

interlocutory order; thus, it is not appealable. The party's recourse is to proceed to trial and appeal the judgment later on.[230]

In *Espinosa v. Sandiganbayan*,[231] this Court held:

> Regarding the denial of the demurrer to evidence, we have likewise ruled that the question of whether the evidence presented by the prosecution is sufficient to convince the court that the defendant is guilty beyond reasonable doubt rests entirely within the sound discretion of the trial court. The error, if any, in the denial of the demurrer to evidence may be corrected only by appeal. The appellate court will not review in such special civil action the prosecution's evidence and decide in advance that such evidence has or has not established the guilt of the accused beyond reasonable doubt. The orderly procedure prescribed by the Revised Rules of Court is for the accused to present his evidence, after which the trial court, on its own assessment of the evidence submitted, will then properly render its judgment of acquittal or conviction. If judgment is rendered adversely against the accused, he may appeal the judgment and raise the same defenses and objections for review by the appellate court.[232] (Citation omitted)

Here, the Petitions assailing the denial of demurrers have no merit.

The denial of the Motions for Leave to File Demurrer to Evidence is not reviewable by certiorari. Resolving these Motions is best left to the trial court's sound discretion. As their Motions have been denied, petitioners' recourse is to proceed to trial and there raise their claims and contentions on the prosecution's evidence—not in these Petitions.

Petitioners insist that they may assail the denial of their demurrers in a petition for certiorari because the Sandiganbayan acted with grave abuse of discretion. They assert that their due process rights were violated because the denials were issued in a minute resolution.

Their argument fails.

The constitutional requirement that the court must clearly and distinctly express the basis of its ruling in fact and in law only refers to decisions.[233] The requirement does not apply to incidental matters.[234] In any case, minute resolutions are "adjudication on the merits of the controversy" and are as valid

---

230 *Katigbak v. Sandiganbayan*, 453 Phil. 515 (2003) [Per J. Corona, Third Division].

231 G.R. Nos. 191834, 191900 & 191951, March 4, 2020, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/66185> [Per J. Leonen, Third Division].

232 Id.

233 *Borromeo v. Court of Appeals*, 264 Phil. 388 (1990) [Per Curiam, En Banc]; CONST., art. VIII, sec. 14.

234 *Pablo-Gualberto v. Gualberto*, 500 Phil. 226 (2005) [Per J. Panganiban, Third Division]. *See also* RULES OF COURT, Rule 36, sec. 1.

and effective as a full-length decision.[235] Courts are not obligated to follow a definite and stringent rule on how its judgment must be framed.[236]

Here, the Minute Resolution denying the Motions is merely an interlocutory order. The Sandiganbayan was not required to issue a full-blown decision distinctly explaining the facts and the law on which the denial was based. Thus, it did not gravely abuse its discretion in issuing the summary denial.

All told, petitioners failed to show grave abuse of discretion in the issuances of the Office of the Ombudsman and the Sandiganbayan. Their contentions and claims must be raised before the Sandiganbayan, the proper forum to thresh out and settle the factual issues.

WHEREFORE, the Petitions for Certiorari are **DISMISSED.** The March 19, 2013 Resolution and October 25, 2013 Order of the Office of the Ombudsman in OMB-C-C-11-0359-F (IAB-11-0029), and the October 31, 2014, February 23, 2015, November 9, 2018, December 13, 2018, and February 4, 2019 Resolutions of the Sandiganbayan in Criminal Case Nos. SB-14-0124 to 0179 and SB-14-CRM-0180 to 0192 are **AFFIRMED.**

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:

HENRI JEAN PAUL B. INTING
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

EDGARDO L. DELOS SANTOS
Associate Justice

---

235 *Komatsu Industries (Phils.), Inc. v. Court of Appeals*, 352 Phil. 440, 448 (1998) [Per J. Regalado, Second Division].

236 Id.

JHOSEP Y. LOPEZ
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

MARVIC M.V.F. LEONEN
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ALEXANDER G. GESMUNDO
Chief Justice