



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

RAUL R. LEE,

Petitioner,

G.R. Nos. 234664-67

Present:

- versus -

PERALTA, C.J., Chairperson,  
CAGUIOA,  
CARANDANG,  
ZALAMEDA, and  
GAERLAN, JJ.

HON. SANDIGANBAYAN FIRST  
DIVISION and PEOPLE OF THE  
PHILIPPINES,

Respondents.

Promulgated:

JAN 12 2021

X-----

DECISION

PERALTA, C.J.:

Before us is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court assailing the Decision<sup>1</sup> of the Sandiganbayan, First Division, in Criminal Case Nos. SB-11-CRM-0036-37 and SB-11-CRM-0038-39, entitled “*People of the Philippines v. Gov. Raul R. Lee, Raul G. Hernandez, and Ofelia D. Velasco.*”

The antecedent facts are summarized as follows:

In 2004, through the initiative of then Governor Raul R. Lee, the Province of Sorsogon was allocated with the amount of ₱5,000,000.00 from the Agriculture and Fisheries Modernization Act (*AFMA*) appropriations to

<sup>1</sup> Penned by Associate Justice Efren N. De La Cruz, with the concurrence of Associate Justices Geraldine Faith A. Econg and Bernelito R. Fernandez.

finance the acquisition of agricultural supplies and inputs for the Province of Sorsogon under the project entitled "*Financial Assistance to Small and Marginal Farmers of the Province of Sorsogon for Agricultural Reinforcement Project.*" Governor Lee was the lead implementer of the said project.

In two occasions, Governor Lee took the lead in purchasing 2,000 liters of liquid fertilizer in the total amount of ₱3,000,000.00 at ₱1,500.00 per liter, and 133 liters of liquid fertilizer in the amount of ₱199,500.00 also at ₱1,500.00 per liter, for distribution to small and marginal farmers in the Province of Sorsogon.

However, in the *Annual Audit Report on the Province of Sorsogon for the Year Ended December 31, 2004* prepared by the Commission on Audit, and which was later on presented as one of the documentary exhibits of the prosecution, it was observed that certain transactions did not comply with the laws, rules and regulations.

This observation pertains to: (1) the establishment of three distance learning centers in the Provincial Capitol of Sorsogon, (2) the procurement and distribution of 2,133 liters of liquid fertilizers by the Province, and (3) poor collection performance of the provincial share of RPT/SET from the municipalities. The audit observation on the procurement and distribution of the 2,133 liters of fertilizers was based on the following documents: *Disbursement Vouchers, checks, Journal Entry Vouchers, Purchase Request, Purchase Orders, invoices, inspection and acceptance reports, certifications from Governor Lee, request and issue slips, Memorandum of Agreement (MOA) between Gov. Lee and Dr. Hector Sales of the Department of Agriculture (DA) Regional Field Unit V.* All these documents were submitted by the Province of Sorsogon to Auditor Binamira.

The Provincial Government received the ₱5,000,000.00 in two tranches. The first tranche was received on April 16, 2004 in the amount of ₱3,250,000.00 per Disbursement Voucher (DV) and OR No. 6175876. The second tranche was received by the Province on December 28, 2004 in the amount of ₱1,750,000.00 per OR No. 5661194.

The subject 2,133 liters of fertilizers were procured in two batches. The first batch of 2,000 liters was purchased on April 16, 2004, as shown by Purchase Request No. 300-04-04-405-A, and the second batch of 133 liters was bought on April 22, 2004, per Purchase Request No. 300-04-04-16.

The said fertilizers were procured through direct contracting. There was no document that would show that a public bidding was conducted. The



documents submitted to the witness were only the Purchase Requests, Abstract of Proposal on Personal Canvass, Purchase Orders, Invoices, Inspection and Acceptance Reports, Letter of Appointment of Bio Nature Technology PTE Ltd. To Feshan Phils., Certifications signed by Governor Lee acknowledging receipt of the 2,000 and 133 liters of fertilizers, and the canvasses showing that the source of the fertilizer was only Feshan Phils. Inc. The procurement was requested and approved by Governor Lee.

The COA Auditor observed that the Purchase Requests specified the brand name *Bio Nature Organic Fertilizer*, in violation of the law mandating that procurement of goods shall be based on relevant characteristics, and reference to brand names shall not be allowed.

The COA Auditor explained that in procurement procedure, the purchase request must be submitted to the Bids and Awards Committee (*BAC*) of the procuring entity which must make a determination of the appropriate mode of procurement. The decision must be embodied in a BAC resolution. If the mode of procurement chosen is not public bidding, the reason must be stated in the BAC resolution. The BAC resolution should have been referred to the Governor as the head of the procuring entity, and the Governor should approve the issuance of a notice of award and notice to proceed, to be followed by the delivery and inspection of the fertilizer and then payment thereof.

The COA Auditor noted, however, that in this case, there was no BAC resolution, notice of award and notice to proceed. The BAC issued Abstracts of Proposal on Personal Canvass instead of a resolution, and awarded the procurement of 2,000 liters and 133 liters of fertilizer to Feshan Phils. Inc. at ₱1,500.00 per liter through direct contracting. Invoices No. 5751 and No. 5731 were issued on the very day the deliveries were made. The inspection and acceptance reports bore the same date as that of the invoices.

To justify the resort to direct contracting, the Provincial Government submitted a Letter of Appointment dated January 5, 2004 from Derek G. Glass, Managing Director of Bio Nature Technology Pte. Ltd. (*BNTPT*), addressed to Feshan Phils. Inc. However, records show that there were other suppliers in the market selling the same product at a much lower price. Moreover, there were other suitable substitutes available in the market for the liquid fertilizers purchased from Feshan Phils. Inc. This was shown by the price canvass dated November 24, 2004 from JL Trading in San Vicente, Camarines Sur, price canvass dated November 24, 2004 from Unibest Enterprises in Pili, Camarines Sur, and Sales Invoice dated February 9, 2004 from JL Trading.

It was also noted that the office addresses of Feshan Phils. Inc. are located in Metro Manila while the other possible suppliers are located in Camarines Sur, which is about 150 kilometers away from Sorsogon.

The payment of the purchase of 2,000 liters from Feshan Phils. Inc. was evidenced by DV No. 8220, LBP Check No. 311701, and OR No. 1541; while the payment for the purchase of 133 liters was evidenced by DV No. 200, LBP Check No. 311702, and OR NO. 1543.

It was likewise discovered that Feshan Phils. Inc. was not granted a license in 2004 by the Fertilizer and Pesticide Authority (FPA). Likewise, the purchase price paid by the Province of Sorsogon for the fertilizers was way higher than the prices listed in the *Average Prices of Fertilizers and Pesticides* prepared by FPA.

Following a finding of probable cause by the Office of the Ombudsman with respect to the purchase of 2,133 liters of fertilizer, four Informations were filed against Governor Lee, Hernandez, and Velasco before the Sandiganbayan – two Informations for violation of Section 3(e) of Republic Act (R.A.) No. 3019, docketed as SB-11-CRM-0036 and 0037, and two Informations for violation of Section 3(g), docketed as SB-11-CRM-0038 and 0039. Subsequently, the Informations in SB-11-CRM-0036 and 0037 were amended and, after such amendments, the accusatory portions of all the Informations read as follows:

SB-11-CRM-0036

That on 01 June 2004, or sometime prior or subsequent thereto, in the Province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the accused, **Raul R. Lee**, Governor, **Raul G. Hernandez**, Provincial Chief Accountant, and **Ofelia D. Velasco**, Provincial Treasurer, all public officers of the Provincial Government of Sorsogon, committing the crime in the discharge of their official functions, acting together, conspiring and confederating with one another, with **manifest partiality**, evidence bad faith, **or gross inexcusable negligence**, did then and there willfully, unlawfully, and criminally cause undue injury to the Government in the amount of One Hundred Seventy-Five Thousand, Five Hundred Sixty Pesos (Php175,560.00), by then and there deliberately giving **unwarranted benefit, advantage** or preference to Bio Nature Liquid Fertilizer purportedly distributed exclusively by FESHAN PHIL. INC., thereby dispensing with the conduct of public bidding, and by then and there purchasing from FESHAN PHIL. INC. through exclusive distributorship albeit without an appropriate exclusive agency or distributorship certificate required under Rule 11, Section 105, COA Circular 92-386, and Section 50, Rule XVI, Republic Act No. 9184, in relation to Section 50, Rule XVI of its Implementing Rules and Regulations, **despite the existence of suitable market substitutes**, 133 liters of Bio Nature Liquid Fertilizer in the amount of One Hundred Ninety-Nine Thousand, Five Hundred Pesos inclusive of taxes (Php199,500.00), when



in truth and in fact, said quantity of fertilizer costs only Twenty-Three Thousand Nine Hundred Forty Pesos (Php23,940.00), thereby causing the Government to pay the excess amount of Php175,560.00 to the damage thereof in the afore-stated amount.

CONTRARY TO LAW.

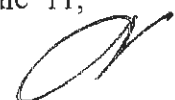
SB-11-CRM-0037

That on 06 May 2004, or sometime prior or subsequent thereto, in the Province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the accused, **Raul R. Lee**, Governor, **Raul G. Hernandez**, Provincial Chief Accountant, and **Ofelia D. Velasco**, Provincial Treasurer, all public officers of the Provincial Government of Sorsogon, committing the crime in the discharge of their official functions, acting together, conspiring and confederating with one another, with manifest partiality, evidence bad faith, or gross inexcusable negligence, did then and there willfully, unlawfully, and criminally cause undue injury to the Government in the amount of Two Million, Six Hundred Forty Thousand Pesos (Php2,640,000.00), by then and there deliberately giving unwarranted benefit, advantage or preference to Bio Nature Liquid Fertilizer purportedly distributed exclusively by FESHAN PHIL. INC., thereby dispensing with the conduct of public bidding, and by then and there purchasing from FESHAN PHIL. INC. through exclusive distributorship albeit without an appropriate exclusive agency or distributorship certificate required under Rule 11, Section 105, COA Circular 92-386, and Section 50, Rule XVI, Republic Act No. 9184, in relation to Section 50, Rule XVI of its Implementing Rules and Regulations, despite the existence of suitable market substitutes, 2,000 liters of Bio Nature Liquid Fertilizer in the amount of Three Million Pesos inclusive of taxes (Php3,000,000.00), when in truth and in fact, said quantity of fertilizer costs only Three Hundred Sixty Thousand Pesos (Php360,000.00), thereby causing the Government to pay the excess amount of Php2,640,000.00 to the damage thereof in the afore-stated amount.

CONTRARY TO LAW.

SB-11-CRM-0038

That on 01 June 2004, or sometime prior or subsequent thereto, in the Province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the accused, **Raul R. Lee**, Governor, **Raul G. Hernandez**, Provincial Chief Accountant, and **Ofelia D. Velasco**, Provincial Treasurer, all public officers of the Provincial Government of Sorsogon, committing the crime in the discharge of their official functions, and in grave abuse thereof, acting together, conspiring and confederating with one another did then and there willfully, unlawfully, and criminally enter on behalf of the Provincial Government of Sorsogon into a contract with FESHAN PHIL. INC. which is manifestly and grossly disadvantageous to the Government, by then and there deliberately giving preference to Bio Nature Liquid Fertilizer purportedly distributed exclusively by FESHAN PHIL. INC., thereby dispensing with the conduct of public bidding, and by then and there purchasing from FESHAN PHIL. INC. through exclusive distributorship albeit without an appropriate exclusive agency or distributorship certificate required under Rule 11,



Section 105, COA Circular 92-386, and Section 50, Rule XVI, Republic Act No. 9184, in relation to Section 50, Rule XVI of its Implementing Rules and Regulations, 133 liters of Bio Nature Liquid Fertilizer in the amount of One Hundred Ninety-Nine Thousand, Five Hundred Pesos inclusive of taxes (Php199,500.00), when in truth and in fact, said quantity of fertilizer costs only Twenty-Three Thousand Nine Hundred Forty Pesos (Php23,940.00), thereby causing the Government to pay the excess amount of Php175,560.00 to the damage thereof in the afore-stated amount.

CONTRARY TO LAW.

SB-11-CRM-0039

That on 06 May 2004, or sometime prior or subsequent thereto, in the Province of Sorsogon, Philippines, and within the jurisdiction of this Honorable Court, the accused, **Raul R. Lee**, Governor, **Raul G. Hernandez**, Provincial Chief Accountant, and **Ofelia D. Velasco**, Provincial Treasurer, all public officers of the Provincial Government of Sorsogon, committing the crime in the discharge of their official functions, and in grave abuse thereof, acting together, conspiring and confederating with one another did then and there willfully, unlawfully, and criminally enter on behalf of the Provincial Government of Sorsogon into a contract with FESHAN PHIL. INC. which is manifestly and grossly disadvantageous to the Government, by then and there deliberately giving preference to Bio Nature Liquid Fertilizer purportedly distributed exclusively by FESHAN PHIL. INC., thereby dispensing with the conduct of public bidding, and by then and there purchasing from FESHAN PHIL. INC. through exclusive distributorship albeit without an appropriate exclusive agency or distributorship certificate required under Rule 11, Section 105, COA Circular 92-386, and Section 50, Rule XVI, Republic Act No. 9184, in relation to Section 50, Rule XVI of its Implementing Rules and Regulations, 2,000 liters of Bio Nature Liquid Fertilizer in the amount of Three Million Pesos inclusive of taxes (Php3,000,000.00), when in truth and in fact, said quantity of fertilizer costs only Three Hundred Sixty Thousand Pesos (Php360,000.00), thereby causing the Government to pay the excess amount of Php2,640,000.00 to the damage thereof in the afore-stated amount.

CONTRARY TO LAW.<sup>2</sup>

On March 6, 2012, Governor Lee and Velasco filed a motion to quash (*first motion to quash*) dated September 23, 2013, arguing that their right to speedy disposition of cases were violated, and that there is no probable cause to charge them with violations of R.A. No. 3019.

This was denied by the Sandiganbayan in a Resolution dated June 18, 2012, citing *Dela Peña v. Sandiganbayan*<sup>3</sup> where it was ruled that the failure of the petitioners to earlier invoke the right to speedy disposition of cases

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<sup>2</sup> Rollo, pp. 30-32.

<sup>3</sup> 412 Phil. 921 (2001).

during the preliminary investigation constitutes laches or his waiver of the said right.

On July 18, 2012, with the exception of the other accused, Governor Lee moved for the reconsideration of the June 18, 2012 Resolution.

In the meantime, Velasco and Hernandez were arraigned on September 6, 2012.

In its Resolution dated October 8, 2012, the Sandiganbayan denied Lee's motion for reconsideration. This prompted Lee to file a Petition for *Certiorari* dated December 20, 2012 before us to assail the June 18, 2012 and October 8, 2012 Resolutions of the Sandiganbayan, ascribing to the latter grave abuse of discretion in denying the first motion to quash wherein he involved a violation of his right to speedy disposition of cases. The petition was docketed as G.R. Nos. 204784-87.

Subsequently, in a Resolution dated January 23, 2013, this Court dismissed Lee's December 20, 2012 Petition for *Certiorari* as it failed to show any grave abuse of discretion on the part of the Sandiganbayan when it denied Lee's first motion to quash. Lee moved for reconsideration but it was denied with finality in a Resolution dated June 19, 2013.

Lee was eventually arraigned on February 26, 2013.

Upon arraignment, the accused separately pleaded not guilty to the charges against them. During the pre-trial, the parties agreed that the lone issue to be resolved is whether or not the accused are liable for violation of Section 3(e) and Section 3(g) of R.A. No. 3019 in the purchase of 133 liters and 2,000 liters of Bio Nature Liquid Fertilizer from Feshan Phils. Inc. through direct contracting.

On September 26, 2013, however, accused Lee and Velasco filed another motion to quash (*second motion to quash*) arguing that the Sandiganbayan was dislodged of jurisdiction to try the instant because of our ruling in *Coscolluela v. Sandiganbayan, et al.*,<sup>4</sup> where it was held that it was not the duty of a respondent in a preliminary investigation to follow up the prosecution of his case; instead it was the duty of the Ombudsman or prosecutor to expedite the same within the bounds of timeliness in view of its mandate to promptly act on all complaints lodged before it.

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<sup>4</sup> 714 Phil. 55, 64 (2013).



They likewise cited the case of *People v. Cabredo*<sup>5</sup> and *People v. Carlos*,<sup>6</sup> wherein the Sandiganbayan dismissed the said cases based on the *Coscolluela* ruling.

In a Resolution dated January 14, 2014, the Sandiganbayan denied the second motion to quash, ratiocinating that *res judicata* has already set since its ruling on the first motion to quash had been affirmed by this Court with finality.

On February 5, 2014, Lee filed a motion for reconsideration contending, among other things, that *Coscolluela* should have been retroactively applied in his favor, and that his right to equal protection of law was violated by the Sandiganbayan.

On 29 April 2014, the Sandiganbayan denied his motion for reconsideration, and ruled that *res judicata* applies also in criminal cases, specifically on the matter of conclusiveness of judgment; that once a decision attained finality, it becomes the law of the case that can no longer be annulled by a special civil action of *certiorari*. This was again raised before this Court and was eventually dismissed. Trial of the case then ensued.

In its Decision dated August 18, 2017, the Sandiganbayan found Lee and Hernandez guilty beyond reasonable doubt of violation of Section 3(e) and (g) of R.A. No. 3019, but acquitted Velasco.

Lee moved for the reconsideration but the same was denied by the Sandiganbayan in a Resolution dated October 10, 2017.

Hence, this petition wherein the issues raised by Lee may be summarized as follows:

I. WHETHER OR NOT THE SANDIGANBAYAN ERRED IN CONVICTING PETITIONER LEE BASED ON A FINDING OF FACT NOT ALLEGED IN THE INFORMATION, AND THEREBY VIOLATED HIS CONSTITUTIONAL RIGHT TO BE INFORMED OF THE NATURE OF ACCUSATIONS AGAINST HIM

II. WHETHER OR NOT THE SANDIGANBAYAN ERRED IN NOT APPLYING THE OUR RULING IN *COSCOLLUELA*, AND THUS

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<sup>5</sup> SB-12-CRM-0223.

<sup>6</sup> SB-13-CRM-0795-0805.



VIOLATED HIS RIGHT TO SPEEDY DISPOSITION OF CASES AND HIS RIGHT TO EQUAL PROTECTION OF LAW

III. WHETHER OR NOT THE SANDIGANBAYAN ERRED WHEN IT DISREGARDED *CAUNAN* AND *MARQUEZ* IN RULING ON THE ALLEGED OVERPRICING

The petition is unmeritorious.

The Rules of Court require that only questions of law should be raised in petitions filed under Rule 45.<sup>7</sup> This court is not a trier of facts. It will not entertain questions of fact as the factual findings of the Sandiganbayan are generally conclusive upon this Court,<sup>8</sup> especially so if they are supported by substantial evidence.

This rule, however, admits of exceptions, such as where: (1) the conclusion is a finding grounded entirely on speculation, surmise and conjectures; (2) the inference made is manifestly mistaken; (3) there is grave abuse of discretion; (4) the judgment is based on misapprehension of facts; and (5) the findings of fact of the Sandiganbayan are premised on a want of evidence and are contradicted by evidence on record.<sup>9</sup>

These exceptions similarly apply in petitions for review filed before this Court involving civil,<sup>10</sup> labor,<sup>11</sup> tax,<sup>12</sup> or criminal cases.<sup>13</sup>

A question of fact requires this Court to review the truthfulness or falsity of the allegations of the parties.<sup>14</sup> This review includes assessment of the “probative value of the evidence presented.”<sup>15</sup>

There is also a question of fact when the issue presented before this Court is the correctness of the lower courts' appreciation of the evidence presented by the parties.<sup>16</sup>

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<sup>7</sup> Rules of Court, Rule 45, Sec. 1.

<sup>8</sup> *Agullo v. Sandiganbayan*, 414 Phil. 86, 99 (2001).

<sup>9</sup> *Id.*

<sup>10</sup> *Dichoso, Jr., et al. v. Marcos*, 663 Phil. 48 (2011); and *Spouses Caoili v. Court of Appeals*, 373 Phil. 122, 132 (1999).

<sup>11</sup> *Court of Appeals*, 474 Phil. 404, 411 (2004); and *Arriola v. Pilipino Star Ngayon, Inc., et al.*, 741 Phil. 171 (2014).

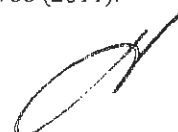
<sup>12</sup> *Commissioner of Internal Revenue v. Embroidery and Garments Industries (Phil), Inc.*, 364 Phil. 541, 546-547 (1999).

<sup>13</sup> *Macayan, Jr. v. People*, 756 Phil. 202 (2015); and *Benito v. People*, 753 Phil. 616 (2015).

<sup>14</sup> *Republic v. Ortigas and Company Limited Partnership*, 728 Phil. 277, 287-288 (2014); and *Cirtek Employees Labor Union-Federation of Free Workers v. Cirtek Electronics, Inc.*, 665 Phil. 784, 788 (2011).

<sup>15</sup> *Republic v. Ortigas and Company Limited Partnership, id.* at 287.

<sup>16</sup> *Pascual v. Burgos, et al.*, 776 Phil. 167, 183 (2016).



Nevertheless, the Sandiganbayan did not err in ruling that petitioner Lee is guilty beyond reasonable doubt of violation of Section 3(e) and (g) of R.A. No. 3019. As aptly ruled by the Sandiganbayan, before direct contracting under Section 50(c) of R.A. No. 9184 can be resorted to, it is required that:

1. The goods must be sold by an exclusive dealer or manufacturer;
2. The exclusive dealer or manufacturer does not have sub-dealers selling at lower prices; and
3. No suitable substitute can be obtained from the market at more advantageous terms to the Government.

Here, the prosecution established that there were other suppliers in the market selling the same product at a much lower price. Likewise, it was established there were liquid fertilizers available in the market which were suitable substitutes of Bio Nature Liquid Fertilizer.

Considering that the same Bio Nature Liquid Fertilizer by Feshan Phils. Inc. and suitable substitutes available in the market at a very much lower price compared to the ones procured by the Province of Sorsogon, the Provincial Government of Sorsogon indeed extended unwarranted benefit to Feshan Phils. Inc.

The term “unwarranted” means lacking adequate or official support; unjustified; unauthorized; or without justification or adequate reasons. Advantage means a more favorable or improved position or condition; benefit or gain of any kind; benefit from course of action. Preference signifies priority or higher evaluation or desirability; choice or estimation above another.<sup>17</sup>

As aptly ruled by the Sandiganbayan, there is no showing that the Province’s direct purchase from Feshan Phils. Inc. at an unconscionable price of more than 500% of the same product, or at least 900% more of the suitable substitutes is justified. Thus, the procurement resulted to the undue injury to the government.

**Petitioner was fully aware of the nature and cause of the accusations against him.**

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<sup>17</sup> *Cabrera v. Sandiganbayan*, 484 Phil. 350, 364 (2004); citation omitted.



Lee alleged that “there was variance between the allegations from that which were proven during the trial, for while the allegation in the four Informations points to the procurement of Bio Nature **Liquid** Fertilizer, the findings of facts in the assailed Decision showed that what were actually procured are Bio Nature **Organic** Fertilizer.”<sup>18</sup>

As held by the Sandiganbayan, Bio Nature Liquid Fertilizer and Bio Nature Organic Fertilizer refer to the same product. This fact is supported by the documentary evidence, which shows that the two were used interchangeably.

Records show that he was fully aware of the documents and other evidence presented against him, and he was likewise accorded all the opportunity to confront the evidence and subject the prosecution’s witnesses to cross-examination.

Thus, petitioner Lee was apprised of the nature and causes of the accusation against him.

**The case of *Coscolluela vs. Sandiganbayan* is not applicable. The circumstances therein are not on all fours with those of the case at bar.**

In *Coscolluela*, the accused therein filed a motion to quash shortly after learning the filing of the Information against them in court, and before they could be arraigned. The said motion to quash was the first of such motion that assailed the validity of the Information as well as the jurisdiction of the Sandiganbayan.

Here, it has been held with finality – when the motions to quash filed by Lee were denied – that the Sandiganbayan has the jurisdiction to try the case.

Likewise, in *Coscolluela*, the inquiry therein involved a simple transaction – the anomalous purchase of medical and agricultural equipment for the Province of Negros Occidental in the amount of ₱20,000,000.00

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<sup>18</sup> Emphasis and underscoring supplied.



Here, the inquiries involved three separate transactions and are more intricate. In fact, this captured national attention prompting the conduct of several investigations for different purposes by different government entities.

In *People v. Tampal*,<sup>19</sup> this Court held that “[a]s significant as the right of an accused to speedy trial is the right of the State to prosecute people who violate its penal laws and who constitute a threat to the tranquility of the community. When the postponements of the trial of an accused have not reached the point of oppression, the State's right to prosecute **should not be curtailed.**”<sup>20</sup>

Here, petitioner Lee failed to show that the delay on the disposition of his cases have reached the point of oppression. He merely cited the case of *Coscolluela*, which, as discussed, is not applicable as the circumstances therein are not on all fours with those of the case at bar.

Thus, his contention that his right to the speedy disposition of cases and his right to equal protection of law were violated is without merit.

**Petitioner's invocation  
of *Caunan and Marquez*  
is misplaced.**

The circumstances obtaining in *Caunan v. People, et al.*,<sup>21</sup> which involved the procurement of *walis tingting*, are different from the case at bar, which involved the procurement of fertilizers.

The manufacture, production, sale, distribution, and importation of fertilizer is regulated by law.<sup>22</sup> The Fertilizer and Pesticides Authority is mandated to implement such regulation. As such, FPA maintains a list of license fertilizer handlers and registered fertilizers that can be sold and distributed in the market. It likewise regularly conducts price monitoring of fertilizers in the market and prepares a list of average fertilizer prices. Thus, data required in the determination of the existence of other fertilizers in the market as suitable substitutes are readily available.

There is no such regulation with respect to a *walis tingting*. There is no such agency that prepares and keeps relevant data for a *walis tingting*. Thus,

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<sup>19</sup> 314 Phil. 35 (1995).

<sup>20</sup> *Id.* at 38; emphasis supplied.

<sup>21</sup> 614 Phil. 179 (2009).

<sup>22</sup> Presidential Decree No. 1144 – Creating the Fertilizer and Pesticide Authority and Abolishing the Fertilizer Industry Authority.

data with which to determine the prevailing prices of a *walis tingting* is not available and must be supplanted by competent evidence.

Here, the purchases of the fertilizer were made sometime in May and June 2004. COA made several price canvasses in the same year and at the approximate time when the purchases were made (November 2004 and February 2005). Further, the FPA Price Monitor in September and October 2004 is approximate in time with May and June 2004. Thus, the COA canvasses as well as the FPA data that were presented and admitted in evidence by the Sandiganbayan are reasonable representations of the actual prices of fertilizers at the time the purchases were made.

These competent pieces of evidence show that the contract entered by the Province of Sorsogon was grossly and manifestly disadvantageous to the Government.

Again, this Court respects the factual findings of the Sandiganbayan. The Sandiganbayan must have gravely abused its discretion in its appreciation of the evidence presented by the parties and in its factual findings to warrant a review of factual issues by this Court. Grave abuse of discretion is defined, thus:

By grave abuse of discretion is meant such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction. The abuse of discretion must be grave as where the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility and must be so patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform the duty enjoined by or to act at all in contemplation of law.

Grave abuse of discretion refers not merely to palpable errors of jurisdiction; or to violations of the Constitution, the law and jurisprudence. It refers also to cases in which, for various reasons, there has been a gross misapprehension of facts.<sup>23</sup>

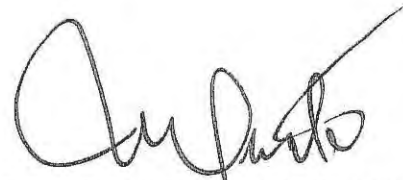
A careful review of the records would show that the Sandiganbayan did not commit any grave abuse of discretion in the appreciation of the evidence presented by the parties. Thus, this Court finds no merit to reverse its decision and resolution.

**WHEREFORE**, premises considered, the petition is hereby **DENIED**. The Decision and Resolution of the Sandiganbayan dated August 18, 2017 and October 10, 2017, respectively, in Criminal Cases Nos. SB-11-CRM-0036 to 0039 are hereby **AFFIRMED**.

<sup>23</sup>

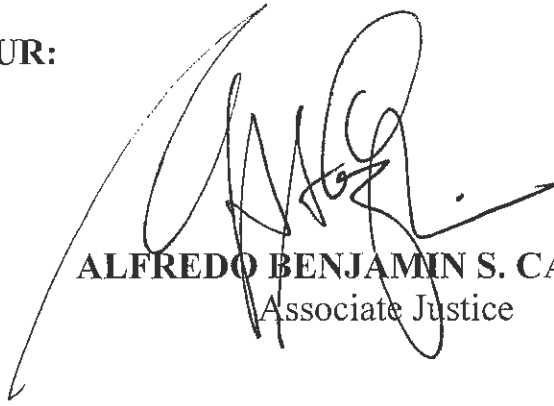
*United Coconut Planters Bank v. Looyuko*, 560 Phil. 581, 591-592 (2007).

**SO ORDERED.**

A handwritten signature in black ink, appearing to read 'Diosdado M. Peralta', written in a cursive style.

**DIOSDADO M. PERALTA**  
Chief Justice

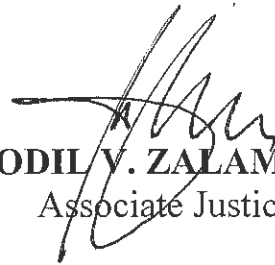
**WE CONCUR:**



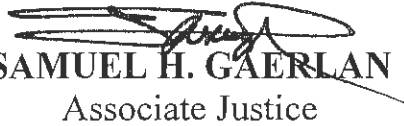
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**ROS-MARI D. CARANDANG**  
Associate Justice



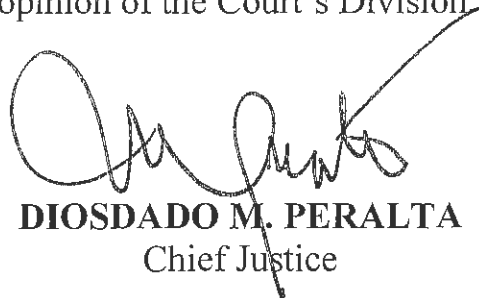
**RODIL V. ZALAMEDA**  
Associate Justice



**SAMUEL H. GAERLAN**  
Associate Justice

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, 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.



**DIOSDADO M. PERALTA**  
Chief Justice