

## FIRST DIVISION

[ G.R. NO. 155574, November 20, 2006 ]

**TIMOTEO A. GARCIA, PETITIONER, VS. SANDIGANBAYAN,  
RESPONDENT.**

### D E C I S I O N

**CHICO-NAZARIO, J.:**

Before Us is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court which seeks to set aside and nullify the Decision<sup>[1]</sup> of the Sandiganbayan dated 6 May 2002 which convicted petitioner Timoteo A. Garcia of 56 counts of violation of Section 3(b) of Republic Act No. 3019, as amended, otherwise known as the "Anti-Graft and Corrupt Practices Act," in Criminal Cases Nos. 24042 to 24098 (except 24078), and its Resolution<sup>[2]</sup> dated 2 October 2002 denying petitioner's Motion for Reconsideration.

The instant case stemmed from the Complaint of Maria Lourdes Miranda against petitioner, then Regional Director, Land Transportation Office (LTO), Region X, Gilbert G. Nabo and Nery Tagupa, employees of the same office, for violation of the Anti-Graft and Corrupt Practices Act for their alleged frequent borrowing of motor vehicles from Oro Asian Automotive Center Corporation (Company). Finding probable cause for violation thereof, Graft Investigation Officer II Gay Maggie F. Balajadia-Violan recommended that petitioner, Gilbert G. Nabo and Nery Tagupa be indicted for violation of Section 3(b) of Republic Act No. 3019, as amended.

On 14 August 1997, 57 Informations were filed with the Sandiganbayan against petitioner, Gilbert G. Nabo and Nery Tagupa for violation of Section 3(b) of Republic Act No. 3019, as amended. The Information in Criminal Case No. 24042 reads:

That on or about the period covering January 9, 1993 to January 10, 1993 or sometime prior thereto, in Cagayan de Oro City, Philippines, within the jurisdiction of this Honorable Court, the said accused, TIMOTEO A. GARCIA, GILBERT G. NABO and NERY TAGUPA, being then public officers or employees of the Land Transportation Office (LTO), Cagayan de Oro City, taking advantage of their respective official positions, and conspiring, confederating and mutually helping one another and with intent to gain personal use or benefit, did then and there willfully, unlawfully and feloniously borrow One (1) unit Asian Automotive Center's Service Vehicle – Fiera Blue KBK-732, in good running condition, spare tire, tools from Oro Asian Automotive Corporation, which is engaged in the business of vehicle assembly and dealership in Cagayan de Oro City, knowing that said corporation regularly transacts with the accused's LTO Office for the registration of its motor vehicles, in the reporting of its engine and chassis numbers as well as the submission of its vehicle dealer's report and other similar

transactions which require the prior approval and/or intervention of the said accused Regional Director and employees and/or their said LTO office in Cagayan de Oro City, to the damage and prejudice of and undue injury to said Oro Asian Automotive Corporation, including complainant Maria Lourdes Miranda.<sup>[3]</sup>

The fifty-six other Informations are similarly worded except for the alleged dates of commission of the offense, and the types/descriptions of the vehicles allegedly borrowed by them. The pertinent data in the other informations are as follows:12345

<b>CASE NUMBER</b>	<b>DATE OF COMMISSION</b>	<b>TYPE/DESCRIPTION OF VEHICLE</b>
24043	January 16, 1993 to January 17, 1993	One (1) unit FIERA BLUE
24044	January 23, 1993 to January 24, 1993	One (1) unit FIERA BLUE KBK-732, service vehicle of Asian Automotive Center, in good running condition with tools, spare tire
24045	February 6, 1993 to February 7, 1993	One (1) unit FIERA BLUE KBK-732, in good running condition with tools
24046	February 13, 1993 to February 14, 1993	One (1) unit FIERA BLUE KBK-732, in good running condition
24047	March 13, 1993 to March 14, 1993	One (1) unit TOYOTA TAMARAW yellow, KBN-156, in good running condition, with tools and spare tire
24048	Morning of March 20, 1993 to afternoon of March 20, 1993	One (1) unit TOYOTA HSPUR YELLOW KBN-156, with spare tools, in good condition
24049	Morning of March 27, 1993 to afternoon of March 27, 1993	One (1) unit TAMARAW HSPUR, yellow in color, KBN-156, in good condition, with spare

		tire, with jack and tire wrench
24050	April 24, 1993 to April 25, 1993	One (1) unit TAMARAW HSPUR, Yellow in color, KBN-156, in good condition, with spare tire, jack and tire wrench
24051	April 25, 1993 and have been returned after use	One (1) unit AERO D VAN KBN-865, maroon in color Asian Automotive Center's Vehicle, in good running condition, with spare tire, tools, jack and tire wrench
24052	May 15, 1993 to May 16, 1993	One (1) unit TOYOTA Fierra, yellow in color, engine no. 4k-0907126, chassis no. CMCI-109247-C, in good condition, jack, spare tire, tire wrench
24053	May 29, 1993 to May 30, 1993	One (1) unit TAMARAW HSPUR, KBN-156, yellow in color, in good running condition, w/ spare tire, jack and tire wrench
24054	June 5, 1993 to June 6, 1993	One (1) unit TAMARAW HSPUR, KBN-156, yellow in color, in good running condition, w/ spare tire, jack and tire wrench
24055	June 19, 1993 to June 20, 1993	One (1) unit TAMARAW HSPUR, KBN-156, yellow in color, in good running condition, w/ spare tire, jack and tire wrench
24056	June 26, 1993 to	One (1) unit

	morning of June 26, 1993	TAMARAW HSPUR, KBN-156, yellow in color, in good running condition, w/ spare tire, jack and tire wrench
24057	July 17, 1993 to July 18, 1993	One (1) unit TAMARAW HSPUR, KBN-156, yellow in color, in good running condition, w/ spare tire, jack and tire wrench
24058	July 31, 1993 to August 1, 1993	One (1) unit TAMARAW HSPUR, KBN-156, yellow in color, in good running condition, w/ spare tire, jack and tire wrench
24059	July 24, 1993 to July 25, 1993	One (1) unit TAMARAW HSPUR, KBN-156, yellow in color, in good running condition, w/ spare tire, jack and tire wrench
24060	August 7, 1993 to August 8, 1993	One (1) unit TAMARAW HSPUR, KBN-156, yellow in color, in good running condition, w/ spare tire, jack and tire wrench
24061	August 14, 1993 to August 15, 1993	One (1) unit TAMARAW HSPUR, KBN-156, yellow in color, in good running condition, w/ spare tire, jack and tire wrench
24062	August 21, 1993 to August 22, 1993	One (1) unit TAMARAW HSPUR, KBN-156, yellow in color, in good running condition, w/ spare

		tire, jack and tire wrench
24063	September 4, 1993 to September 5, 1993	One (1) unit AERO D HSPUR, KBP-375, white in color, with engine no. C190-484232, Chassis no. SMM90-6787-C, in good running condition upholstered seats
24064	Morning of September 11, 1993 to evening of September 11, 1993	One (1) unit AERO D HSPUR, KBP-375, white in color, in good running condition, upholstered seats, jack, tire wrench, spare tire
24065	September 18, 1993 to September 19, 1993	One (1) unit AERO D HSPUR, KBP-375, in good running condition, upholstered seats, side view mirrors, rear view mirror, jack w/ handle, tire wrench, seats
24066	September 25, 1993 to September 26, 1993	One (1) unit AERO D HSPUR, KBP-375, good running condition, upholstered seats, side view mirrors, rear view mirror, jack w/ handle, tire wrench, seats
24067	October 23, 1993 to October 24, 1993	One (1) unit AERO D HSPUR, KBP-375, good running condition, upholstered seats, side view mirrors, rear view mirror, jack w/ handle, tire wrench, seats
24068	October 30, 1993 to October 31, 1993	One (1) unit ISUZU, NNJ-917, white in color, in good running condition, side view