

Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

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Second Division

People of the Philippines,  
Plaintiff,

Crim. Cases Nos. SB-14-CRM-0054

For: Violation of Section 52(g) of  
R.A. 8291

-versus-

Present:  
Herrera, Jr., J. *Chairperson*  
Musngi, J. &  
Pahimna, J.

Jose Ma. Sarasola, et al.,  
Accused.

Promulgated:

July 27, 2017

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**DECISION**

**HERRERA, JR., J:**

Accused Jose Ma. I. Sarasola II stands charged before this Court with forty-nine (49) counts of **Violation of Section 52(g) of Republic Act (R.A.) No. 8291**, the law that amended the "**Government Service Insurance Act of 1997**", under forty-nine (49) **Informations** all dated January 16, 2012, docketed as Criminal Cases Nos. SB-14-CRM-0054 to 0102.

The accusatory portion of the **Information** in Criminal Case No. SB-14-CRM-0054 reads:

"That on 10 July 2000 or sometime prior or subsequent thereto, in the City of Manila, Philippines, and within the jurisdiction of this Honorable Court, the accused **JOSE MA. I. SARASOLA II**, a high-ranking public officer (Salary Grade 29), being the General Manager of the Philippine National Railways (PNR), PNR Compound, Tondo, Manila, while in the performance of his administrative and official functions as Head of PNR responsible for the collection and remittances of the Government Service Insurance (GSIS) premium contributions of PNR employees, did then and there, willfully, unlawfully and criminally fail or refuse to remit or deliver to the GSIS contribution of Benjamin T. Guinto in the amount of P856.89 for the month of May 2000, which

\_\_\_\_\_ *Chp* *M*

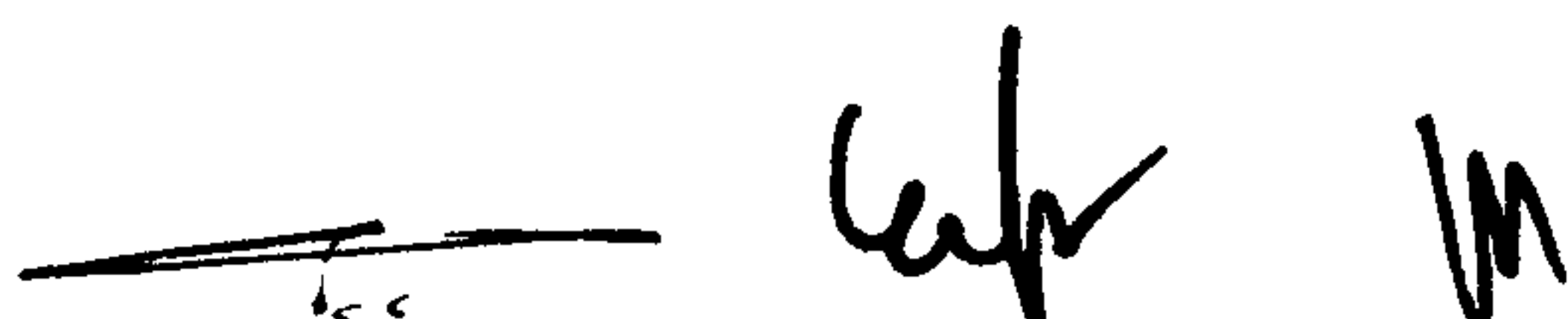
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was deducted and collected from his salary as PIR employee, to the damage and prejudice of the said employee in the aforementioned amount.

**CONTRARY TO LAW."**

The accusatory portion of the *Informations* in the 48 other *Informations* docketed as SB-14-CRM-0055 to 0102 are similarly worded as that in SB-14-CRM-0054 quoted above, except with respect to the alleged date in commission of the crime, amount of GSIS premium contribution, and the month and year covered by said premium contribution. These are contained in a matrix, a copy of which was furnished to the accused and counsel, which reads:

Case Number	Alleged Date of Commission	Amount of GSIS Premium Contribution	Month and Year Covered
1) SB-14-CRM-0055	August 9, 2000	₱856.89	June 2000
2) SB-14-CRM-0056	September 9, 2000	₱856.89	July 2000
3) SB-14-CRM-0057	October 10, 2000	₱856.89	August 2000
4) SB-14-CRM-0058	November 9, 2000	₱856.89	September 2000
5) SB-14-CRM-0059	December 10, 2000	₱856.89	October 2000
6) SB-14-CRM-0060	January 9, 2001	₱856.89	November 2000
7) SB-14-CRM-0061	February 9, 2001	₱856.89	December 2000
8) SB-14-CRM-0062	March 12, 2001	₱856.89	January 2001
9) SB-14-CRM-0063	April 9, 2001	₱856.89	February 2001
10) SB-14-CRM-0064	May 10, 2001	₱856.89	March 2001
11) SB-14-CRM-0065	June 9, 2001	₱856.89	April 2001
12) SB-14-CRM-0066	July 10, 2001	₱856.89	May 2001
13) SB-14-CRM-0067	August 9, 2001	₱856.89	June 2001
14) SB-14-CRM-0068	September 9, 2001	₱856.89	July 2001
15) SB-14-CRM-0069	October 10, 2001	₱856.89	August 2001
16) SB-14-CRM-0070	November 9, 2001	₱856.89	September 2001
17) SB-14-CRM-0071	December 10, 2001	₱856.89	October 2001
18) SB-14-CRM-0072	January 9, 2002	₱856.89	November 2001
19) SB-14-CRM-0073	February 9, 2002	₱856.89	December 2001
20) SB-14-CRM-0074	March 12, 2002	₱856.89	January 2002
21) SB-14-CRM-0075	April 9, 2002	₱856.89	February 2002
22) SB-14-CRM-0076	May 10, 2002	₱856.89	March 2002
23) SB-14-CRM-0077	June 9, 2002	₱1,266.30	April 2002
24) SB-14-CRM-0078	July 10, 2002	₱1,266.30	May 2002
25) SB-14-CRM-0079	August 9, 2002	₱1,266.30	June 2002
26) SB-14-CRM-0080	September 9, 2002	₱1,266.30	July 2002
27) SB-14-CRM-0081	October 10, 2002	₱1,266.30	August 2002
28) SB-14-CRM-0082	November 9, 2002	₱1,266.30	September 2002
29) SB-14-CRM-0083	December 10, 2002	₱1,266.30	October 2002
30) SB-14-CRM-0084	January 9, 2003	₱1,266.30	November 2002
31) SB-14-CRM-0085	February 9, 2003	₱1,266.30	December 2002
32) SB-14-CRM-0086	March 12, 2003	₱1,266.30	January 2003
33) SB-14-CRM-0087	April 9, 2003	₱1,266.30	February 2003
34) SB-14-CRM-0088	May 10, 2003	₱1,266.30	March 2003
35) SB-14-CRM-0089	June 9, 2003	₱1,266.30	April 2003



36) SB-14-CRM-0090	July 10, 2003	₱1,266.30	May 2003
37) SB-14-CRM-0091	August 9, 2003	₱1,266.30	June 2003
38) SB-14-CRM-0092	September 9, 2003	₱1,266.30	July 2003
39) SB-14-CRM-0093	October 10, 2003	₱1,266.30	August 2003
40) SB-14-CRM-0094	November 9, 2003	₱1,266.30	September 2003
41) SB-14-CRM-0095	December 10, 2003	₱1,266.30	October 2003
42) SB-14-CRM-0096	January 9, 2004	₱1,266.30	November 2003
43) SB-14-CRM-0097	February 9, 2004	₱1,266.30	December 2003
44) SB-14-CRM-0098	March 12, 2004	₱1,266.30	January 2004
45) SB-14-CRM-0099	April 9, 2004	₱1,266.30	February 2004
46) SB-14-CRM-0100	May 10, 2004	₱1,266.30	March 2004
47) SB-14-CRM-0101	June 9, 2004	₱1,266.30	April 2004
48) SB-14-CRM-0102	July 10, 2004	₱1,266.30	May 2004

When the cases were called today, accused Sarasola, through counsel, moved that he be allowed to withdraw his plea of not guilty to the charges and that he be re-arraigned. The prosecution did not interpose any objection, and presented to the Court a **Memorandum** dated June 16, 2017 containing the consent and approval of the Ombudsman.

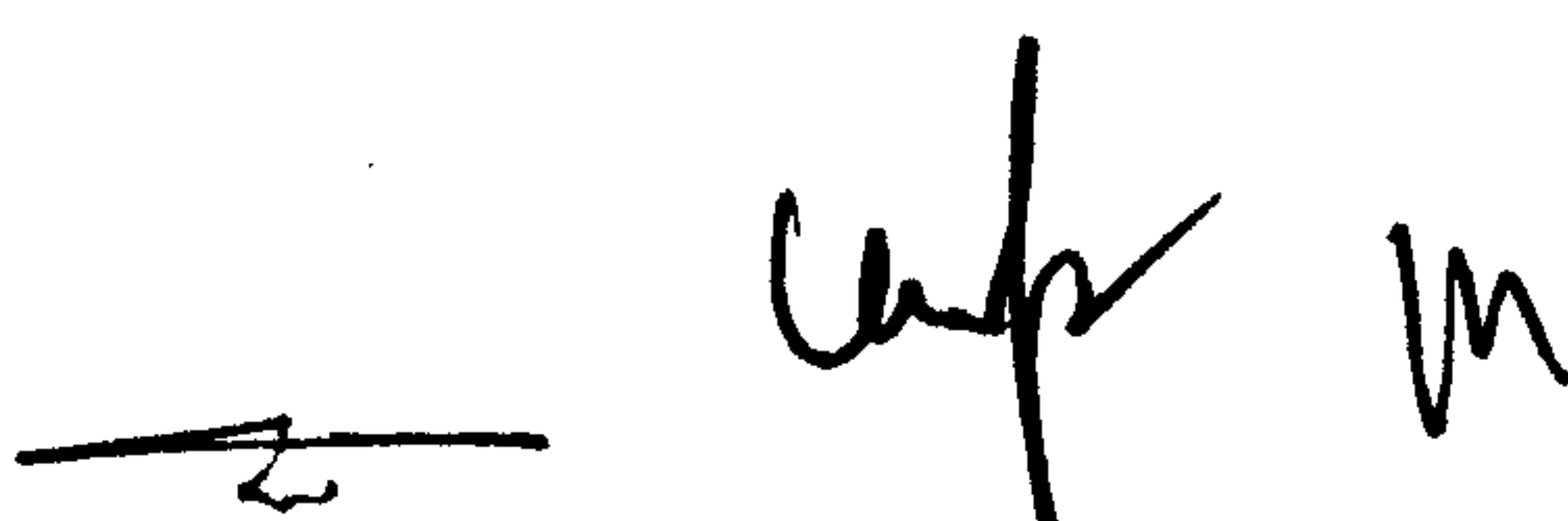
The Court granted the motion.

Upon being re-arraigned today in Criminal Cases Nos. SB-14-CRM-0054 to 0102, accused Sarasola, assisted by counsel, after being informed once again of the nature and cause of the accusations against him, entered a plea of guilty to the lesser offense of **Violation of Section 52(c) of R.A. 8291**, with the consent of the prosecution who informed the Court that the offended party, Benjamin T. Guinto, already passed away.

WHEREFORE, premises considered, the Court finds accused Jose Ma. Sarasola II guilty beyond reasonable doubt of **Violation of Section 52(c) of Republic Act (R.A.) No. 8291** in Criminal Cases Nos. SB-14-CRM-0054 to 0102, or for a total of forty-nine (49) counts. He is hereby sentenced to pay a fine of ₱5,000.00 in each of the 49 counts, or a total of ₱245,000.00, with subsidiary imprisonment in case of insolvency.

SO ORDERED.

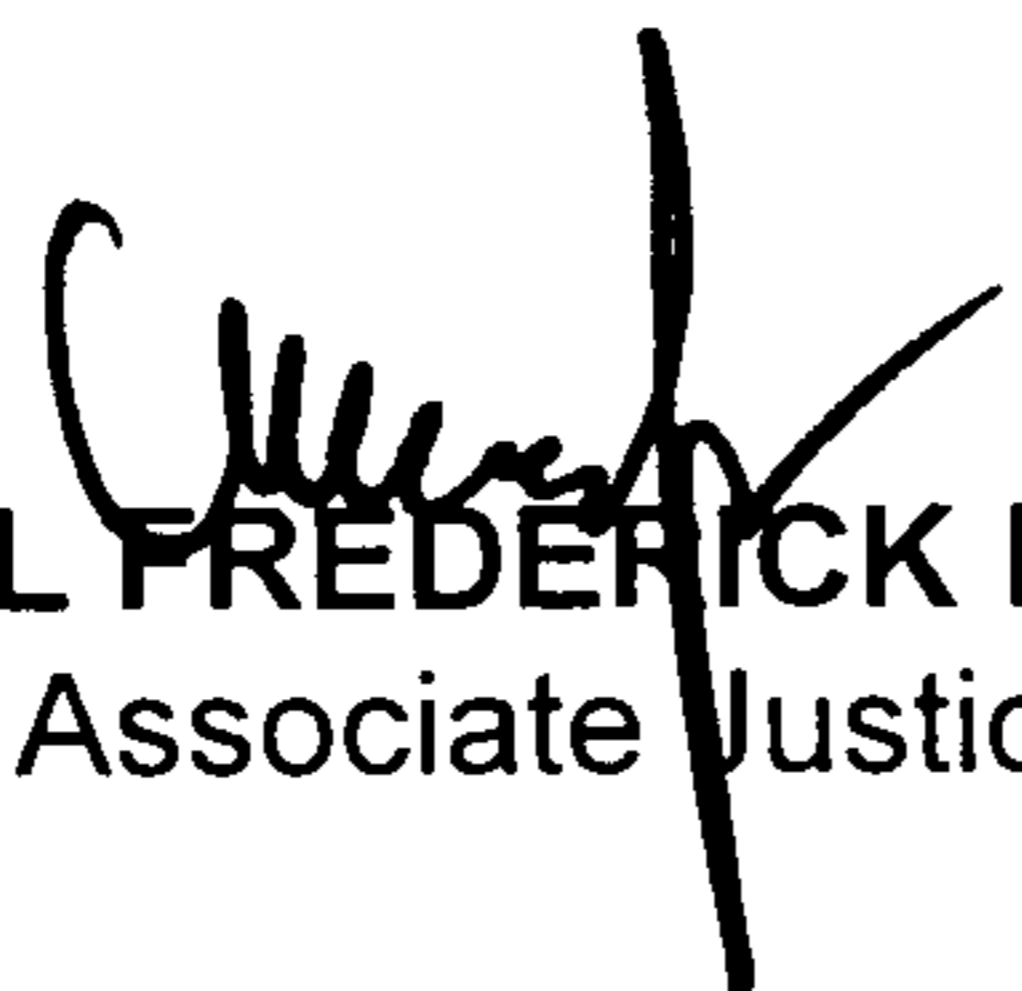
Given this 27<sup>th</sup> day of July 2017 at Quezon City, Philippines.



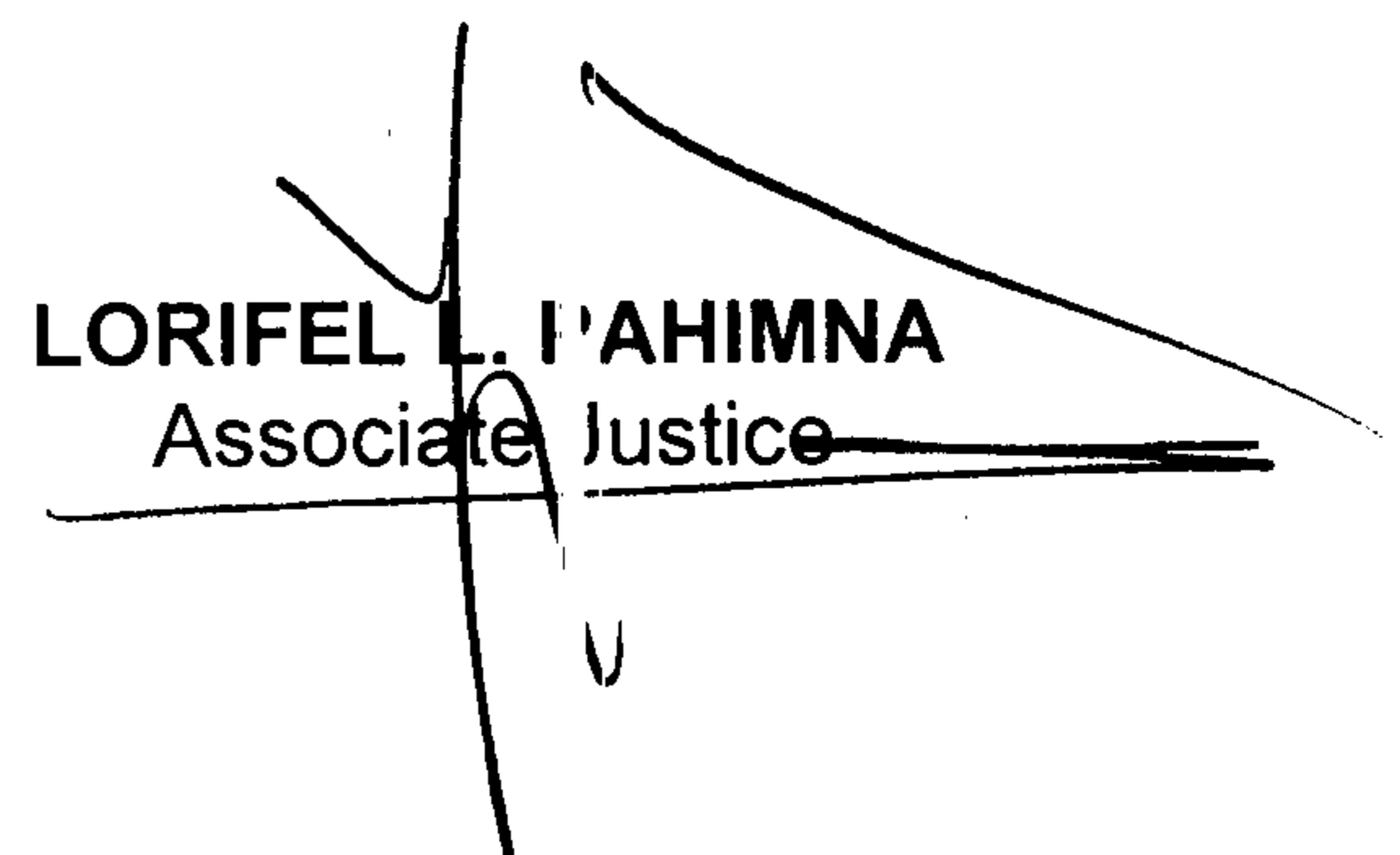


OSCAR C. HERRERA, JR.  
Chairperson

We concur:



MICHAEL FREDERICK L. MUSNGI  
Associate Justice



LORIFEL L. P'AHIMNA  
Associate Justice

### ATTESTATION

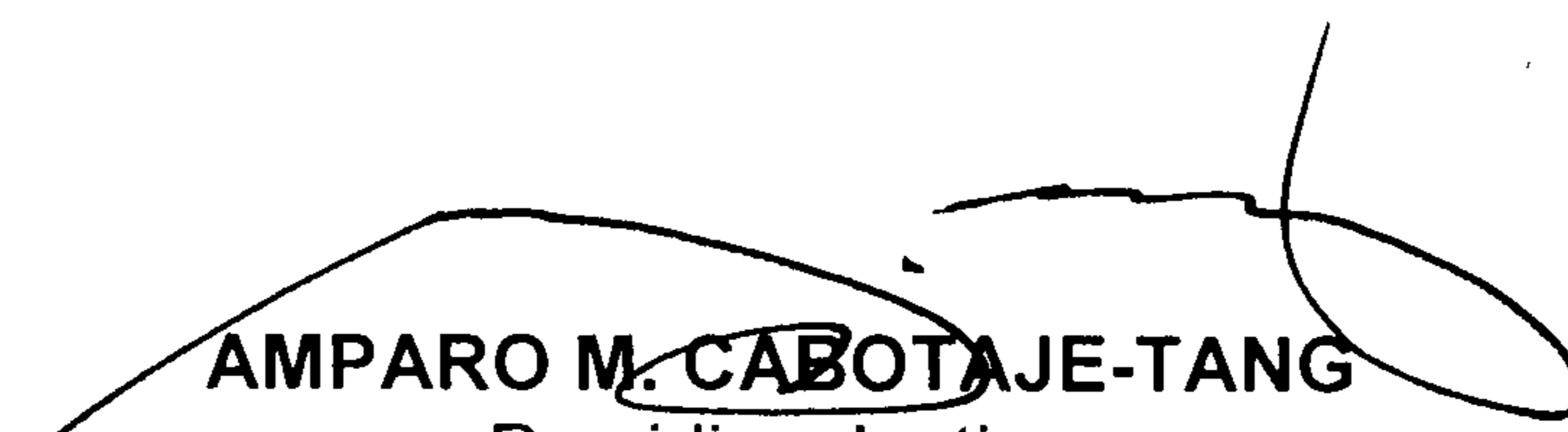
I attest that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



OSCAR C. HERRERA, JR.  
Chairperson  
Second Division

### CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairman's Attestation, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



AMPARO M. CABOTAJE-TANG  
Presiding Justice