

**REPUBLIC OF THE PHILIPPINES**  
**SANDIGANBAYAN**  
**Quezon City**

-----

**Seventh Division**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff,

Case No. **SB-13-CRM-0898**

-versus -

Present:

Gomez-Estoesta, J., *Chairperson*  
Trespeses, J. and  
Jacinto, J.

**CARLO G. VILLAVICENCIO,**  
Accused.

Promulgated:

August 22, 2017 *J/A*

X-----X

**D E C I S I O N**

**GOMEZ-ESTOESTA, J.:**

During the time Carlo G. Villavicencio ["accused"] was a member of the Sangguniang Panlungsod of Kabankalan City of Negros Occidental, he found himself charged with a violation of Section 3<sup>1</sup> of Republic Act No. 7877 otherwise known as the "Anti-Sexual Harassment Act of 1995" under an *Information* which alleged, as follows:

---

<sup>1</sup> Sec. 3. Work, Education or Training-related Sexual Harassment Defined. – Work, education or training-related sexual harassment is committed by an employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, or any other person who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.

(a) In a work-related or employment environment, sexual harassment is committed when:

(1) The sexual favor is made as a condition in the hiring or in the employment, reemployment or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions, or privileges; or the refusal to grant the sexual favor results in limiting, segregating or classifying the employee which in a way would discriminate, deprive or diminish employment opportunities or otherwise adversely affect said employee;

XXX

XXX

XXX

XXX.

*1*  
*2.* *M*

That during the period August 2005 to December 2005 or sometime prior or subsequent thereto, in Kabankalan City, Province of Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, accused CARLO G. VILLAVICENCIO, a high ranking public officer, being then a Member of the Sangguniang Panlungsod of the City of Kabankalan, Negros Occidental, in such capacity and committing the offense in relation to office, taking advantage of his official position, with deliberate intent, did then and there willfully, unlawfully and criminally, demand, solicit, request sexual favors from Ian She V. Salon (Salon, for brevity), a Technical Assistant working in his office, by asking Salon to have a date and have sexual encounter/experience with him in exchange of or as a condition of her continued employment or renewal of her appointment, and when Salon refused to accede to accused's request, demand or solicitation, he then refused to renew or favorably endorse Salon's appointment for employment with his office at the Sangguniang Panlungsod for the period January to June 2006, which act resulted in limiting, depriving or diminishing employment opportunity or otherwise adversely affecting the employment of Salon.

CONTRARY TO LAW.

On June 20, 2016, accused, upon arraignment, entered a plea of *not guilty*.<sup>2</sup>

Earlier, a *Manifestation* was filed by the Prosecution disclosing its approval of accused's willingness to enter into a plea of guilty in exchange for the imposition of the lowest imposable penalty which is a fine of ₱10,000.00.<sup>3</sup>

Meantime, accused's willingness to change his plea appeared to have waned. Pre-trial was re-set several times in view of his failure to appear. In anticipation of trial, the prosecution even submitted the Judicial Affidavit of intended witness Ma. Virginia G. Española, Secretary of the Sangguniang Panlungsod of Kabankalan City, Negros Occidental, without prejudice to the submission of the judicial affidavits of its remaining witnesses. Yet again, accused's counsel manifested during the additional preliminary conference that accused may still *change* his plea.

The pre-trial conducted on August 8, 2017 during the Court's session in Cebu City finally proved to be the end-all to accused's vacillation on whether to change his plea or not.

---

<sup>2</sup> Records, p. 139

<sup>3</sup> SECTION 7. Penalties. - Any person who violates the provisions of this Act shall, upon conviction, be penalized by imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Ten thousand pesos (P10,000) nor more than Twenty thousand pesos (P20,000), or both such fine and imprisonment at the discretion of the court. x x x.

1.  
2. MY

At this instance, accused manifested his intention to change his plea from “*not guilty*” to “*guilty*.”

Accused was thus fully apprised of the consequences of his intended plea. In clear terms, he stated in the affirmative that he understood the nature of the change of his plea; that if he pleaded guilty to the charge, he is deemed to have admitted all the accusations alleged in the Information to which a consequent penalty of *imprisonment of not less than one (1) month nor more than six (6) months, or a fine of not less than Ten thousand pesos (P10,000) nor more than Twenty thousand pesos (P20,000), or both such fine and imprisonment at the discretion of the court* may be imposed pursuant to Section 7 of Republic Act 7877.

Accused was likewise informed that the nature of the charge may qualify it as a crime involving moral turpitude, where he may face disqualification if he ran again for public office. Accused understood the same and persisted in his change of plea.

The Court has satisfied itself that the accused has fully understood the nature and consequence of his change of plea. Since the accused would be pleading to the same Information, there was no necessity to subject him to a re-reading of the same.

The motion of the accused to withdraw his earlier plea of *not guilty* is **GRANTED**.

Let a plea of ***guilty*** be entered into the records of the case.

The mitigating circumstance of the plea of *guilty* would be appreciated in favor of the accused as the change of plea was made prior to the presentation of evidence by the prosecution.

WHEREFORE, judgment is hereby rendered finding accused **CARLO G. VILLAVICENCIO** ***guilty*** beyond reasonable doubt of violation of Section 3 of Republic Act No.7877 otherwise known as the “Anti-Sexual Harassment Act of 1995.”

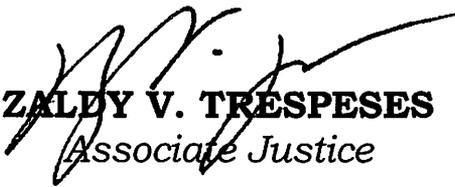
Having appreciated in his favor the mitigating circumstance of the plea of *guilty*, accused is imposed the penalty of **FINE** of **TEN THOUSAND PESOS (P10,000.00)**.

Y. M. H.

SO ORDERED.

  
**MA. THERESA DOLORES C. GOMEZ-ESTOESTA**  
*Associate Justice, Chairperson*

WE CONCUR:

  
**ZALDY V. TRESPESES**  
*Associate Justice*

  
**BAYANI H. JACINTO**  
*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.

  
**MA. THERESA DOLORES C. GOMEZ-ESTOESTA**  
*Associate Justice, Chairperson*

## 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*