

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

Seventh Division

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Case No. **SB-17-CRM-1426**

-versus -

Present:

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

JESUS RICO CRUEL
SARMIENTO,

Accused.

Promulgated:

November 10, 2017 *JJ*

X-----X

D E C I S I O N

GOMEZ-ESTOESTA, J.:

The *Joint Complaint-Affidavit* filed by Municipal Councilor Erasmo P. Bombase, Jr. and Mr. Jessie Boy B. Clores of the Garchiterona Multipurpose Cooperative charged Jesus Rico C. Sarmiento ["accused"], then the Municipal Mayor of Garchiterona, Camarines Sur, with having openly and publicly used the luxury vehicles of JM Cofer Construction & Supply which was then a contractor of four (4) projects with the municipality. The *Information* alleged, as follows:

The undersigned Graft Investigation and Prosecution Officer II, Office of the Deputy Ombudsman for Luzon, hereby accuses **JESUS RICO CRUEL SARMIENTO** of violation of Section 7 (d) of Republic Act No. 6713, committed, as follows:

* Per Administrative Order No. 365-2017 dated October 25, 2017

** Per Administrative Order No. 284-2017 dated August 18, 2017

That sometime in January to October 2014, in the Municipality of Garchiterona, Camarines Sur, Philippines, and within the jurisdiction of this Honorable Court, accused **JESUS RICO C. SARMIENTO**, a public officer, being the Municipal Mayor of Garchiterona, Camarines Sur, taking advantage of his official position and in relation thereto, did then and there willfully, unlawfully, and criminally, solicit or accept, directly or indirectly, a gift, gratuity, favor, benefit, by repeatedly using the two vehicles of MARIA CARMELA CONDECION FERNANDO, who is one of the Municipality of Garchitorena's contractors, and who had several on-going projects with the said Municipality at the time material to this case, in the course of accused's official duties, or in connection with any operation being regulated by, or any transaction which may be affected by the functions of the latter's office.

CONTRARY TO LAW.

On October 27, 2017, accused, upon arraignment, voluntarily entered a plea of *guilty*. He was assisted by own counsel, Atty. Amador L. Simando, Jr.¹

Accused was fully apprised of the consequences of his plea in open Court. In clear terms, he stated in the affirmative that he understood the nature 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 not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000.00), or both, and, in the discretion of the court, disqualification to hold public office*, may be imposed pursuant to Sections 7 (d) and 11 (a) of Republic Act 6713.

Accused was found to have fully understood the meaning and consequences of his plea to the satisfaction of the Court, having persisted in his plea.

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

WHEREFORE, judgment is hereby rendered finding accused **JESUS RICO CRUEL SARMIENTO** *guilty* beyond reasonable doubt of violation of Section 7(d) of Republic Act No.6713 otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees."

Having appreciated in his favor the mitigating circumstance of the plea of *guilty*, accused is imposed the penalty of **FINE** of **TWO THOUSAND PESOS (P2,000.00)**.

¹ Records, p. 139



SO ORDERED.


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

WE CONCUR:


LORIFEL L. PAHIMNA
Associate Justice


BAYANI H. JACINTO
Associate Justice

A T T E S T A T I O N

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

C E R T I F I C A T I O N

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