



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
QUEZON CITY

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**SEVENTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff,

Case No. **SB-14-CRM-0430**

-versus -

Present:

**AGUSTIN SARDIDO y TAMPIPI**  
and **NORMANDIE INES** y  
**ARBRAJANO, SR.,<sup>1</sup>**

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

Accused.

Promulgated:

August 24, 2019 *Jp*

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**DECISION**

**GOMEZ-ESTOESTA, J.:**

For having collected various cash bailbonds posted by several accused within his jurisdiction but which he failed to transmit in due course to the Supreme Court under the *Court Fiduciary Fund*, accused **AGUSTIN SARDIDO y TAMPIPI** ["accused"], in his capacity as former Presiding Judge of the Municipal Trial Court in Cities of Koronadal City, was charged with *Malversation of Public Funds* under Article 217 of the Revised Penal Code in an *Information* which alleged:

That in the years 1993-2001, or sometime prior and/or subsequent thereto, in Koronadal City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused **AGUSTIN TAMPIPI SARDIDO** and **NORMANDIE ABRAJANO INES**, then Presiding Judge and then Clerk of Court of Municipal Trial Court in Cities, Koronadal City, respectively, both accountable officers of the posted cash bailbonds as Court Fiduciary Fund by reason of the duties of their respective offices, the latter, having the responsibility for the receipts, deposits, custody, withdrawals and releases of all collections from bailbonds as Court Fiduciary Fund, and the former, having the authority to approve, release and withdraw the posted cash bailbonds, were the authorized signatories of the bank

<sup>1</sup> deceased; cases against him were ordered dismissed pursuant to Article 89 of the Revised Penal Code per Minute Resolution dated March 29, 2017; Records, Volume 2, p. 82

*Jp*

deposits and withdrawals of all collections from bailbonds as Court Fiduciary Fund pursuant to Supreme Court Circular No. 50-95 dated October 11, 1995, taking advantage of their positions, with grave abuse of authority and committing the offense in the performance of their duties and/or in relation thereto, conspiring with and mutually helping one another, did then and there, willfully, unlawfully, feloniously and criminally appropriate, take and misappropriate, or consent or permit each other and other persons to take the posted cash bailbonds in different cases from September 21, 1993 to September 30, 2001 in the sum of NINE HUNDRED FIFTY FIVE THOUSAND TWENTY SIX PESOS (₱955,026.00), in the following manner - - -

Accused INES fraudulently did not issue for several times Official Receipts (ORs) of the collected cash bailbonds in different cases and despite the absence of ORs, accused SARDIDO willfully approved such cash bailbonds, and accused INES and accused SARDIDO intentionally did not deposit in the bank the posted cash bailbonds, with or without the ORs, until 1997, to facilitate and in fact facilitated the use, taking, appropriation and misappropriation of cash bailbonds by accused INES, for his own personal benefit and/or for the benefit of others, the sum of Three Hundred Seventy Two Thousand Five Hundred Twenty Six Pesos (₱372,526.00), and by accused SARDIDO, for his own personal benefit and/or for the benefit of others, the sum of Five Hundred Eighty Two Thousand Five Hundred Pesos (₱582,500.00).

CONTRARY TO LAW.

On January 25, 2016, accused, upon arraignment, entered a plea of *not guilty*.<sup>2</sup>

During pre-trial on April 3, 2017 held at the Court's provincial hearing in the Regional Trial Court of Davao City, the accused disclosed of his pending proposal to plea bargain to the lesser offense of *Failure of Accountable Officer to Render Accounts* under Article 218 of the Revised Penal Code, which was endorsed for favorable action by then handling Prosecutor Ryan Rey Quilala.<sup>3</sup> Upon resumption of pre-trial on July 3, 2017, however, no action was yet taken by the Office of the Ombudsman on accused's proposal to plea bargain. Pre-trial was thus declared terminated.

It was only during the hearing of March 5, 2018 that the Prosecution manifested in open Court of the Ombudsman's approval of accused's plea bargaining in the present charge.

On August 24, 2018, accused Sardido appeared in Court and persisted with his intention to plead guilty in SB-14-CRM-0430 to the lesser offense of *Failure of Accountable Officer to Render Accounts*.

In open court, accused was 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

<sup>2</sup> Records, p. 184

<sup>3</sup> Ibid., p. 193

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is deemed to have admitted all the accusations alleged in the Information to which a consequent penalty of *prision correccional in its minimum period*, or a fine ranging from 200 to 6,000 pesos, or both may be imposed pursuant to Article 218 of the Revised Penal Code.

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.

The prosecution and the defense are conceded that the crime of *Failure of Accountable Officer to Render Accounts* defined and penalized under Article 218 of the Revised Penal Code is an offense necessarily included in the charge of *Malversation* defined and penalized under the same Code, as the following elements show:

Malversation	Failure of Accountable Officer to Render Accounts
(a) the offender is a public officer;	(a) the offender is a public officer;
(b) he has custody or control of the funds or property by reason of the duties of his office;	(b) the offender must be an accountable officer for public funds or property;
(c) the funds or property are public funds or property for which he is accountable, and, most importantly;	
(d) he has appropriated, taken, misappropriated or consented, or, through abandonment or negligence, permitted another person to take them.	(c) the offender is required by law or regulation to render accounts to the COA or to a provincial auditor; and, (d) the offender fails to render an account for a period of two months after such accounts should be rendered.

Pursuant to Section 2 of Rule 116<sup>4</sup> of the Revised Rules on Criminal Procedure, no amendment of the *Information* is thus necessary.

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

Upon re-arraignment of the Information for the lesser offense of *Failure of Accountable Officer to Render Accounts* in English, a language known and understood by the accused, accused entered a plea of *guilty*. Accused was assisted by his daughter and counsel *de parte*, Atty. Flor H. Sardido.

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

<sup>4</sup> Sec. 2. Plea of guilty to a lesser offense. – At arraignment, the accused, with the consent of the offended party and prosecutor, may be allowed by the trial court to plead guilty to a lesser offense which is necessarily included in the offense charged. After arraignment but before trial, the accused may still be allowed to plead guilty to said lesser offense after withdrawing his plea of not guilty. No amendment of the complaint or information is necessary.

121

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 **AGUSTIN SARIDO y TAMPIPI** *guilty* beyond reasonable doubt of the lesser offense of *Failure of Accountable Officer to Render Accounts* defined and penalized under Article 218 of the Revised Penal Code.

Having appreciated in his favor the mitigating circumstance of the plea of *guilty*, accused is imposed the penalty of **FINE** of **SIX THOUSAND PESOS (P6,000.00)**.

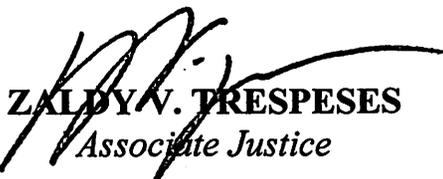
While every person criminally liable for a felony is also civilly liable,<sup>5</sup> no civil liability of the offense charged shall be imposed in view of accused's full restitution of the unliquidated amount of Five Hundred Eighty Two Thousand Five Hundred Pesos (P582,500.00) to the Office of the Court Administrator of the Supreme Court.<sup>6</sup>

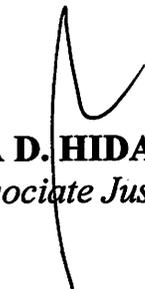
Let it be noted that accused has another charge for *Violation of Section 3(e) of R.A. No. 3019* under **SB-14-CRM-0429** where a withdrawal of the Information was manifested to be filed by the Prosecution. Pending such action, no further setting shall be made until further notice.

SO ORDERED.

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

WE CONCUR:

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

  
**GINA D. HIDALGO**  
*Associate Justice*

<sup>5</sup> Article 100, Revised Penal Code

<sup>6</sup> Certification dated November 24, 2015 issued by SC Chief Judicial Staff Officer Verina F. Yap

## 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*

2.7