

**REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY**

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-14-CRM-0231
For: Violation of Article 218 of
the Revised Penal Code

- versus -

HANAFI ABDULLATIP IBRAHIM,
Accused.

Present:

FERNANDEZ, SJ, J,
Chairperson
MIRANDA, J., and
VIVERO, J.

Promulgated:

SEP 12 2018

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DECISION

FERNANDEZ, SJ, J.

On May 22, 2014, an Information¹ charging accused Hanafi Abdullatip Ibrahim for violation of Article 218 of the Revised Penal Code was filed before the Sandiganbayan. The accusatory portion of the Information dated September 25, 2013 reads:

That on March 25, 2008 or sometime prior or subsequent thereto, in Alabel, Sarangani, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused **HANAFI IBRAHIM y ABDULLATIP**, a high ranking public officer, being then a Member of Sangguniang Panlalawigan of Sarangani and President of the Philippine Councilors League-Sarangani Provincial Federation (PCL-SPF), having received on January 23, 2007 in his capacity as President of PCL-SPF the cash advance

¹ Dated September 25, 2013, SB-14-CRM-0231; Record, pp. 1-2.

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amounting to Two Hundred Thousand Pesos (P200,000.00) from the Provincial Government of Sarangani, as financial assistance to PCI-SPF, evidenced by Disbursement Voucher 100-07-01-1475, its supporting documents and Official Receipt No. 119700, which sum was intended to defray expenses for the PCL-SPF's Provincial Assembly scheduled on January 24-26, 2007, at Royal Mandaya Hotel, Davao City, which public funds he was accountable by reason of his office or his position as President of PCL-SPF, committing the offense in relation to office and while in the performance of his official functions, taking advantage of the public office, did then and there willfully, unlawfully and feloniously fail to render account on the said public funds to the Commission on Audit (COA), or to the Provincial Auditor as required by law and COA rules and regulations, and within the period prescribed therein, despite demand, to the prejudice of the government and of public interest.

CONTRARY TO LAW.

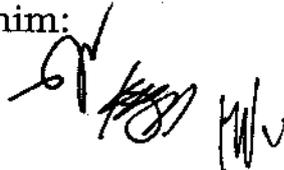
When arraigned on October 13, 2017, accused Ibrahim, assisted by his counsel, Atty. Dexter A. Francisco, entered a plea of *Not Guilty* to the crime charged.²

Pre-trial was terminated on November 10, 2017.³

On February 1, 2018, Atty. Francisco orally informed the Court of his intention to file a motion to allow accused Ibrahim to plea bargain with the prosecution.⁴

On February 12, 2018, accused Ibrahim filed a *Motion to Enter into a Plea Bargaining*,⁵ manifesting his willingness to plead guilty to the offense of Section 89 of Presidential Decree No. 1445.⁶

On April 4, 2018, the prosecution filed its *Comment (To Accused's Motion to Enter into a Plea Bargaining)*,⁷ interposing no objection to accused Ibrahim's proposal to plead guilty to the lesser offense of *Violation of Section 89 of P.D. 1445*, provided that accused Ibrahim:



² Order Dated October 13, 2017, Record, p. 281; Certificate of Arraignment dated October 13, 2017, Record, p. 280.

³ Order dated November 10, 2017; Record, p. 314-A.

⁴ Record, p. 345.

⁵ Record, pp. 350-351.

⁶ *Government Auditing Code of the Philippines*

⁷ Dated April 4, 2018; Record, pp. 360-363.

- (i) Liquidate the cash advance in the amount of PhP200,000.00, which he received from the Provincial Government of Sarangani on January 23, 2007 in his capacity as President of the Philippine Councilors League-Sarangani Provincial Federation, or,
- (ii) Return, restore, or refund the said unliquidated amount of PhP200,000.00 to the Provincial Government of Sarangani.

The prosecution also manifested that they have obtained the approval of the Office of the Ombudsman for Mindanao, *viz.*

4. Moreover, the Prosecution sought for and has obtained the approval or consent of the Office of the Deputy Ombudsman for Mindanao, being the complainant in the present case, as well as the Honorable Ombudsman, in accordance with Section 2, Rule 116 of the Rules of Court;⁸

On April 25, 2018, accused Ibrahim informed the Court that he has liquidated the cash advances with the Provincial Treasurer of Sarangani, and that it would take a week for the relevant documents to be transmitted to the Office of the Ombudsman.⁹

In a Certification dated May 2, 2018,¹⁰ the Hon. Special Prosecutor Edilberto G. Sandoval, and, the Hon. Ombudsman Conchita Carpio-Morales signified their consent for the handling Prosecutors to enter into a plea bargaining agreement with accused Hanafi A. Ibrahim, and for the said accused to plead guilty to the lesser offense of violation of *Section 89 of Presidential Decree No. 1445*, thus:

CERTIFICATION

This is to certify that the Office of the Special Prosecutor and the Office of the Ombudsman have given their consent to the handling Prosecutors to enter into a plea bargaining agreement with accused Hanafi A. Ibrahim, and for the said accused to plead guilty to the lesser offense of violation of Section 89 of Presidential Decree No. 1445, otherwise known as the "Government Auditing Code of the Philippines," in connection with the case entitled

⁸ Comment dated April 4, 2018, p. 2; Record, p. 361.

⁹ Order dated April 25, 2018; Record, p. 367.

¹⁰ Record, p. 372.



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“People of the Philippines, Plaintiff, vs. Hanafi Ibrahim y Abdullatip, Accused,” docketed as SB-14-CRM-0231.

In its Resolution dated May 23, 2018, the Court granted accused Ibrahim’s *Motion to Enter into a Plea Bargaining*, and approved the parties’ proposed terms and conditions for accused Ibrahim’s plea of guilty to the lesser offense of violation of *Section 89, P.D. No. 1445*, to wit:

It appearing that the conditions given by the prosecution have been complied with, and that the Special Prosecutor and the Ombudsman have given their consent, this Court resolves to **GRANT** the accused’ *Motion to Enter into a Plea Bargaining*. As prayed for, this Court hereby **APPROVES** the parties’ proposed terms and conditions for the accused’ plea of guilty to the lesser offense of violation of Section 89 of P.D. No. 1445.¹¹

On June 29, 2018, accused Ibrahim, with the assistance of his counsel, Atty. Dexter A. Francisco, withdrew his plea of *Not Guilty* to the crime of violation of *Article 218, Revised Penal Code*.

Thereafter, when accused Ibrahim was arraigned for violation of *Section 89, P.D. No. 1445*, by reading to him the Information in English, a language known and understood by him, accused Ibrahim entered a plea of *Guilty* to said crime.¹² When queried, accused Ibrahim confirmed that he fully understood the nature and gravity of his guilty plea.

Having pleaded guilty to the offense of violation of Section 89 of P.D. No. 1445, for the acts alleged in the Information, accused Ibrahim is deemed to have admitted all the material facts alleged therein.

WHEREFORE, accused HANAFI ABDULLATIP IBRAHIM is found GUILTY beyond reasonable doubt of violation of Section 89 of Presidential Decree No. 1445, and is sentenced to pay a penalty of fine in the amount of One Thousand Pesos (PhP1,000.00). In case of insolvency, the accused shall be required to undergo subsidiary imprisonment. No award of damages is made, in view of the prosecution’s admission that

¹¹ Resolution dated May 23, 2018, p. 2; Record, p. 374.

¹² Order dated June 29, 2018; Certificate of Arraignment dated June 29, 2018; Record, p. 379.

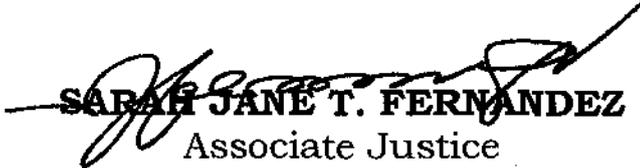
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accused Ibrahim has satisfactorily liquidated the amount subject of the instant case.

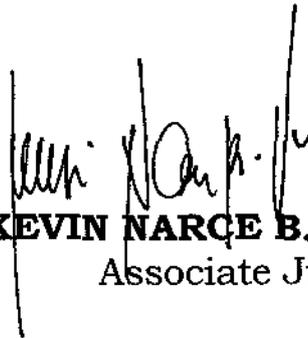
SO ORDERED.

Quezon City, Metro Manila.


SARAH JANE T. FERNANDEZ
Associate Justice

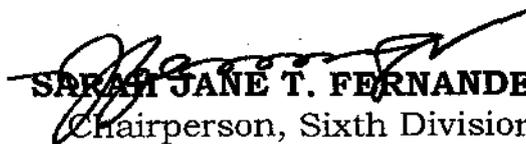
WE CONCUR:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice

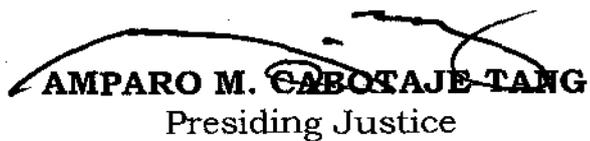
ATTESTATION

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.


SARAH JANE T. FERNANDEZ
Chairperson, Sixth 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