



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, **SB-18-CRM-0044 to 0048**
Plaintiff, For: Violation of Section 8
of Republic Act No. 6713

Present

- versus -

FERNANDEZ, SJ, J.,
Chairperson
MUSNGI, J.* and
CRUZ, J.**

ABDUSAKUR M. TAN
Accused.

Promulgated:

SEP 07 2018

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DECISION

FERNANDEZ, SJ, J.

Accused Abdusakur M. Tan, then the Provincial Governor of Sulu, is charged with five (5) counts of violation of Sec. 8 of Republic Act No. 6713¹ (R.A. No. 6713) for his alleged failure to file his Statement of Assets, Liabilities and Net Worth (SALN) for the years 2007 to 2011.

The accusatory portion of the Informations read:

Crim. Case No. SB-18-CRM-0044

That on or about 30 April 2008, or sometime prior or subsequent thereto, in the Province of Sulu, Philippines, and within the jurisdiction of this Honorable Court, accused **ABDUSAKUR M. TAN**, a high-ranking public officer, being then the Provincial Governor of Sulu, in such capacity, while in the performance of his official functions, committing the crime in relation to his office and in

* In lieu of J. Miranda, per Administrative Order No. 203-2018 dated April 12, 2018

** In lieu of J. Mendoza-Arcega, per Administrative Order No. 202-2018 dated April 12, 2018

¹ Code of Conduct and Ethical Standards for Public Officials and Employees

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utter disregard of his official obligation, did then and there willfully, unlawfully and criminally fail to file under oath and/or submit to the Office of the Ombudsman his sworn Statement of Assets, Liabilities, and Net Worth with Disclosure of Business Interest and Financial Connections and Identification of Relatives in the Government Service (SALN) for the year 2007, within thirty days after assumption of office or not later than the 30th day of April every year, thereafter, as required of every public officer under the law, to the damage and prejudice of the public interest.

CONTRARY TO LAW.

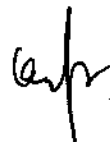
Crim. Case No. SB-18-CRM-0045

That on or about 30 April 2009, or sometime prior or subsequent thereto, in the Province of Sulu, Philippines, and within the jurisdiction of this Honorable Court, accused **ABDUSAKUR M. TAN**, a high-ranking public officer, being then the Provincial Governor of Sulu, in such capacity, while in the performance of his official functions, committing the crime in relation to his office and in utter disregard of his official obligation, did then and there willfully, unlawfully and criminally fail to file under oath and/or submit to the Office of the Ombudsman his sworn Statement of Assets, Liabilities, and Net Worth with Disclosure of Business Interest and Financial Connections and Identification of Relatives in the Government Service (SALN) for the year 2008, within thirty days after assumption of office or not later than the 30th day of April every year, thereafter, as required of every public officer under the law, to the damage and prejudice of the public interest.

CONTRARY TO LAW.

Crim. Case No. SB-18-CRM-0046

That on or about 30 April 2010, or sometime prior or subsequent thereto, in the Province of Sulu, Philippines, and within the jurisdiction of this Honorable Court, accused **ABDUSAKUR M. TAN**, a high-ranking public officer, being then the Provincial Governor of Sulu, in such capacity, while in the performance of his official functions, committing the crime in relation to his office and in utter disregard of his official obligation, did then and there willfully, unlawfully and criminally fail to file under oath and/or submit to the Office of the Ombudsman his sworn Statement of Assets, Liabilities, and Net Worth with Disclosure of Business Interest and Financial Connections and Identification of Relatives in the Government Service (SALN) for the year 2009, within thirty days after assumption of office or not later than the 30th day of April every year, thereafter, as required of every public officer under the law, to the damage and prejudice of the public interest.



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CONTRARY TO LAW.

Crim. Case No. SB-18-CRM-0047

That on or about 30 April 2011, or sometime prior or subsequent thereto, in the Province of Sulu, Philippines, and within the jurisdiction of this Honorable Court, accused **ABDUSAKUR M. TAN**, a high-ranking public officer, being then the Provincial Governor of Sulu, in such capacity, while in the performance of his official functions, committing the crime in relation to his office and in utter disregard of his official obligation, did then and there willfully, unlawfully and criminally fail to file under oath and/or submit to the Office of the Ombudsman his sworn Statement of Assets, Liabilities, and Net Worth with Disclosure of Business Interest and Financial Connections and Identification of Relatives in the Government Service (SALN) for the year 2010, within thirty days after assumption of office or not later than the 30th day of April every year, thereafter, as required of every public officer under the law, to the damage and prejudice of the public interest.

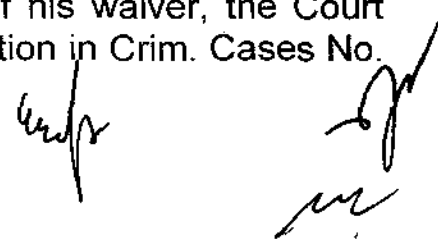
CONTRARY TO LAW.

Crim. Case No. SB-18-CRM-0048

That on or about 30 April 2012, or sometime prior or subsequent thereto, in the Province of Sulu, Philippines, and within the jurisdiction of this Honorable Court, accused **ABDUSAKUR M. TAN**, a high-ranking public officer, being then the Provincial Governor of Sulu, in such capacity, while in the performance of his official functions, committing the crime in relation to his office and in utter disregard of his official obligation, did then and there willfully, unlawfully and criminally fail to file under oath and/or submit to the Office of the Ombudsman his sworn Statement of Assets, Liabilities, and Net Worth with Disclosure of Business Interest and Financial Connections and Identification of Relatives in the Government Service (SALN) for the year 2011, within thirty days after assumption of office or not later than the 30th day of April every year, thereafter, as required of every public officer under the law, to the damage and prejudice of the public interest.

CONTRARY TO LAW.

During arraignment, upon motion of the accused, after personal examination, and after explaining to him, in English, a language known and understood by him, the consequences of his waiver, the Court allowed a waiver of the reading of the Information in Crim. Cases No.



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SB-18-CRM-0045 to 0048. Thereafter, the accused, assisted by counsel, expressed his full understanding and consent to the said waiver in writing.² The accused also confirmed that his counsel explained to him the nature and cause of the accusation against him in Crim. Cases No. SB-18-CRM-0045 to 0048.

Upon arraignment and reading of the information in Crim. Case No. SB-18-CRM-0044 in English, a language known and understood by him, the accused entered a plea of "Guilty." He likewise entered a plea of "Guilty" in Crim. Cases No. SB-18-CRM-0045 to 0048.³

When queried, the accused and his counsel informed the Court that the accused fully understood the nature and consequences of his entering a plea of guilty to the crime charged in the Informations. Having pleaded guilty to the charges in the Informations, the accused is deemed to have admitted all the material facts alleged therein.

WHEREFORE, accused ABDUSAKUR M. TAN is found **GUILTY** beyond reasonable doubt of five (5) counts of violation of Sec. 8 of Republic Act No. 6713. He is hereby sentenced to pay a penalty of fine in the amount of Five Thousand Pesos (₱5,000.00) for each of the cases or a total amount of Twenty-Five Thousand Pesos (₱25,000.00) for all five (5) charges.

In case of insolvency, he shall be required to undergo subsidiary imprisonment. There being no civil liability involved, no award of damages is made in these cases.

SO ORDERED.



² Record, p. 127

³ Record, p. 128 (Certificate of Arraignment dated April 12, 2018); pp. 128-A and 128-B (Order dated April 12, 2018)



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SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


REYNALDO P. CRUZ
Associate Justice

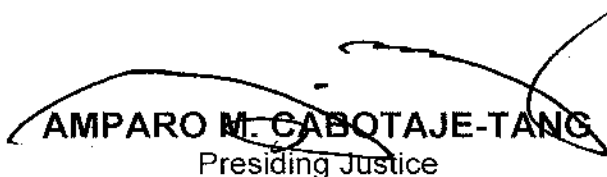
ATTESTATION

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
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13, of the Constitution, and the Division Chairperson'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. GABOTAJE-TANG
Presiding Justice