



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, **SB-18-CRM-0054 to 0056**
Plaintiff, For: Violation of Sec. 7, in relation
to Sec. 9 of R.A. No. 3019

SB-18-CRM-0057 to 0059
For: Violation of Sec. 8 of R.A. No. 6713

SB-18-CRM-0060 to 0062
For: Perjury under Art. 183 of the RPC

- versus -

Present

MONTASIR M. SABAL

Accused.

FERNANDEZ, SJ, J.,
Chairperson
MIRANDA, J. and
FERNANDEZ, B, J.*

Promulgated:

January 10, 2019

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DECISION

FERNANDEZ, SJ, J.

Accused Montasir M. Sabal, then the Municipal Mayor of Talitay (Sultan Sumagka), Maguindanao, is charged with three (3) counts of violation of Sec. 7 of Republic Act No. 3019¹ (R.A. No. 3019), three (3) counts of violation of Sec. 8 of Republic Act No. 6713 (R.A. No. 6713),² and three (3) counts of Perjury under Art. 183 of the Revised Penal Code, for his alleged failure to disclose certain assets or properties in his Statements of Assets, Liabilities and Net Worth (SALN) for 2011, 2013 and 2014.

* In lieu of J. Vivero (Per A.O. No. 007-2019 dated January 9, 2019)

¹ Anti-Graft and Corrupt Practices Act

² Code of Conduct and Ethical Standards for Public Officials and Employees

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The accusatory portion of the Informations read:

Crim. Case No. SB-18-CRM-0054

That on 30 April 2012, or sometime prior or subsequent thereto, in Cotabato City, Philippines, and within the jurisdiction of this Honorable Court, accused **MONTASIR MELING SABAL**, a high-ranking public officer, being then the Municipal Mayor of Talitay (Sultan Sumagka), Maguindanao, in such capacity, while in the performance of his official functions, committing the crime in relation to office and in utter disregard of his official obligation to declare under oath his true and detailed/complete assets, did then and there willfully, unlawfully and criminally fail to truthfully and fully declare in his 2011 Sworn Statement of Assets, Liabilities, and Net Worth (SALN) a residential house situated at Lot 22, Block 19, Robinson Highlands, Buhangin, Davao City, which the law requires to be declared therein, thereby making said SALN deficient and false, to the damage and prejudice of the public interest.

CONTRARY TO LAW.

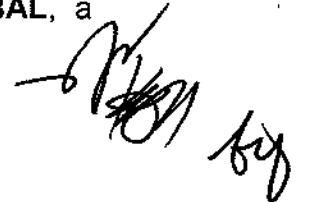
Crim. Case No. SB-18-CRM-0055

That on 23 April 2014, or sometime prior or subsequent thereto, in Cotabato City, Philippines, and within the jurisdiction of this Honorable Court, accused **MONTASIR MELING SABAL**, a high-ranking public officer, being then the Municipal Mayor of Talitay (Sultan Sumagka), Maguindanao, in such capacity, while in the performance of his official functions, committing the crime in relation to office and in utter disregard of his official obligation to declare under oath his true and detailed/complete assets, did then and there willfully, unlawfully and criminally fail to truthfully and fully declare in his 2013 Sworn Statement of Assets, Liabilities, and Net Worth (SALN) the following assets/properties: (1) three residential lots covered by TCT Nos. 146-2013011685, 146-2013011686, 146-2013011687; (2) a residential house situated at Lot 22, Block 19, Robinson Highlands, Buhangin, Davao City; and (3) a parcel of land covered by TCT No. T-53323, known as Lot 245-F-2-V, located in Barrio Biniruan, Cotabato City, which the law requires to be declared therein, thereby making said SALN deficient and false, to the damage and prejudice of the public interest.

CONTRARY TO LAW.

Crim. Case No. SB-18-CRM-0056

That on 30 April 2015, or sometime prior or subsequent thereto, in Cotabato City, Philippines, and within the jurisdiction of this Honorable Court, accused **MONTASIR MELING SABAL**, a



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high-ranking public officer, being then the Municipal Mayor of Talitay (Sultan Sumagka), Maguindanao, in such capacity, while in the performance of his official functions, committing the crime in relation to office and in utter disregard of his official obligation to declare under oath his true and detailed/complete assets, did then and there willfully, unlawfully and criminally fail to truthfully and fully declare in his 2014 Sworn Statement of Assets, Liabilities, and Net Worth (SALN) the following assets/properties: (1) three residential lots covered by TCT Nos. 146-2013011685, 146-2013011686, 146-2013011687; (2) a residential house situated at Lot 22, Block 19, Robinson Highlands, Buhangin, Davao City; and (3) a parcel of land covered by TCT No. T-53323, known as Lot 245-F-2-V, located in Barrio Biniruan, Cotabato City, which the law requires to be declared therein, thereby making said SALN deficient and false, to the damage and prejudice of the public interest.

CONTRARY TO LAW.

Crim. Case No. SB-18-CRM-0057

That on 30 April 2012, or sometime prior or subsequent thereto, in Cotabato City, Philippines, and within the jurisdiction of this Honorable Court, accused **MONTASIR MELING SABAL**, a high-ranking public officer, being then the Municipal Mayor of Talitay (Sultan Sumagka), Maguindanao, in such capacity, while in the performance of his official functions, committing the crime in relation to office and in utter disregard of his official obligation to declare under oath his true and complete assets and business interests, including those of his spouse and unmarried children under 18 years of age living in his household, did then and there willfully, unlawfully and criminally fail to truthfully and fully declare in his 2011 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) a residential house situated at Lot 22, Block 19, Robinson Highlands, Buhangin, Davao City, which the law requires to be declared therein, thereby making said SALN deficient and false, to the damage and prejudice of the public interest.

Crim. Case No. SB-18-CRM-0058

That on 23 April 2014, or sometime prior or subsequent thereto, in Cotabato City, Philippines, and within the jurisdiction of this Honorable Court, accused **MONTASIR MELING SABAL**, a high-ranking public officer, being then the Municipal Mayor of Talitay (Sultan Sumagka), Maguindanao, in such capacity, while in the performance of his official functions, committing the crime in relation to office and in utter disregard of his official obligation to declare under oath his true and complete assets and business interests,

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including those of his spouse and unmarried children under 18 years of age living in his household, did then and there willfully, unlawfully and criminally fail to truthfully and fully declare in his 2013 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) the following assets/properties: (1) three residential lots covered by TCT Nos. 146-2013011685, 146-2013011686, 146-2013011687; (2) a residential house situated at Lot 22, Block 19, Robinson Highlands, Buhangin, Davao City; and (3) a parcel of land covered by TCT No. T-53323, known as Lot 245-F-2-V, located in Barrio Biniruan, Cotabato City, which the law requires to be declared therein, thereby making said SALN deficient and false, to the damage and prejudice of the public interest.

CONTRARY TO LAW.

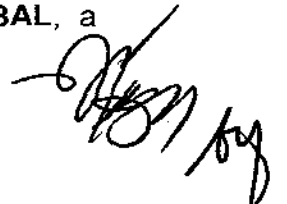
Crim. Case No. SB-18-CRM-0059

That on 30 April 2015, or sometime prior or subsequent thereto, in Cotabato City, Philippines, and within the jurisdiction of this Honorable Court, accused **MONTASIR MELING SABAL**, a high-ranking public officer, being then the Municipal Mayor of Talitay (Sultan Sumagka), Maguindanao, in such capacity, while in the performance of his official functions, committing the crime in relation to office and in utter disregard of his official obligation to declare under oath his true and complete assets and business interests, including those of his spouse and unmarried children under 18 years of age living in his household, did then and there willfully, unlawfully and criminally fail to truthfully and fully declare in his 2014 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) the following assets/properties: (1) three residential lots covered by TCT Nos. 146-2013011685, 146-2013011686, 146-2013011687; (2) a residential house situated at Lot 22, Block 19, Robinson Highlands, Buhangin, Davao City; and (3) a parcel of land covered by TCT No. T-53323, known as Lot 245-F-2-V, located in Barrio Biniruan, Cotabato City, which the law requires to be declared therein, thereby making said SALN deficient and false, to the damage and prejudice of the public interest.

CONTRARY TO LAW.

Crim. Case No. SB-18-CRM-0060

That on 30 April 2012, or sometime prior or subsequent thereto, in Cotabato City, Philippines, and within the jurisdiction of this Honorable Court, accused **MONTASIR MELING SABAL**, a



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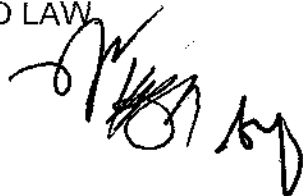
high-ranking public officer, being then the Municipal Mayor of Talitay (Sultan Sumagka), Maguindanao, in such capacity, committing the offense in relation to office and taking advantage thereof, with deliberate intent, did then and there willfully, unlawfully and feloniously make a false statement upon a material matter in his Sworn Joint 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, subscribed under oath before a competent person authorized to administer oaths, when he made it appear therein that he did not own the residential house situated at Lot 22, Block 19, Robinson Highlands, Buhangin, Davao City, when in truth and in fact, as accused very well knew, that the said statement was false since the same property was legally owned by him, thereby making a willful and deliberate assertion of a falsehood in a sworn statement required to be filed under Section 7 of Republic Act No. 3019 and Section 8 of Republic Act No. 6713, to the damage and prejudice of the public interest.

CONTRARY TO LAW.

Crim. Case No. SB-18-CRM-0061

That on 23 April 2014, or sometime prior or subsequent thereto, in Cotabato City, Philippines, and within the jurisdiction of this Honorable Court, accused **MONTASIR MELING SABAL**, a high-ranking public officer, being then the Municipal Mayor of Talitay (Sultan Sumagka), Maguindanao, in such capacity, committing the offense in relation to office and taking advantage thereof, with deliberate intent, did then and there willfully, unlawfully and feloniously make a false statement upon a material matter in his Sworn Joint 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 2013, subscribed under oath before a competent person authorized to administer oaths, when he made it appear therein that he did not own the following assets/properties: (1) three residential lots covered by TCT Nos. 146-2013011685, 146-2013011686, 146-2013011687; (2) a residential house situated at Lot 22, Block 19, Robinson Highlands, Buhangin, Davao City; and (3) a parcel of land covered by TCT No. T-53323, known as Lot 245-F-2-V, located in Barrio Biniruan, Cotabato City; when in truth and in fact, as accused very well knew, that the said statement was false since the same properties were legally owned by him, thereby making a willful and deliberate assertion of a falsehood in a sworn statement required to be filed under Section 7 of Republic Act No. 3019 and Section 8 of Republic Act No. 6713, to the damage and prejudice of the public interest.

CONTRARY TO LAW



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Crim. Case No. SB-18-CRM-0062

That on 30 April 2015, or sometime prior or subsequent thereto, in Cotabato City, Philippines, and within the jurisdiction of this Honorable Court, accused **MONTASIR MELING SABAL**, a high-ranking public officer, being then the Municipal Mayor of Talitay (Sultan Sumagka), Maguindanao, in such capacity, committing the offense in relation to office and taking advantage thereof, with deliberate intent, did then and there willfully, unlawfully and feloniously make a false statement upon a material matter in his Sworn Joint 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 2014, subscribed under oath before a competent person authorized to administer oaths, when he made it appear therein that he did not own the following assets/properties: (1) three residential lots covered by TCT Nos. 146-2013011685, 146-2013011686, 146-2013011687; (2) a residential house situated at Lot 22, Block 19, Robinson Highlands, Buhangin, Davao City; and (3) a parcel of land covered by TCT No. T-53323, known as Lot 245-F-2-V, located in Barrio Biniruan, Cotabato City; when in truth and in fact, as accused very well knew, that the said statement was false since the same properties were legally owned by him, thereby making a willful and deliberate assertion of a falsehood in a sworn statement required to be filed under Section 7 of Republic Act No. 3019 and Section 8 of Republic Act No. 6713, to the damage and prejudice of the public interest.

CONTRARY TO LAW.

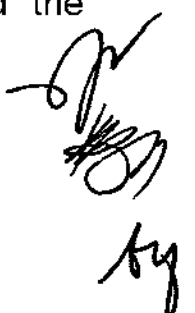
During his arraignment on May 30, 2018, the accused entered a plea of "Not Guilty."³ His counsel subsequently manifested that he has expressed to the prosecution the accused' intention to enter into a plea bargaining agreement.

In the Resolution dated October 11, 2018,⁴ this Court granted the parties' *Joint Motion to Approve Plea-Bargaining Agreement*, and approved their proposed terms for the accused' plea of guilty in SB-18-CRM-0054 to 0059, and the withdrawal of the Information in SB-18-CRM-0060 to 0062.

On January 10, 2019, pursuant to the aforementioned proposed terms, this Court, upon motion of the prosecution, ordered the

³ Record, pp. 85 to 85-A

⁴ Record, pp. 133-134

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withdrawal of the Information in SB-18-CRM-0060 to 0062. The accused also withdrew his plea of "Not Guilty" in SB-18-CRM-0054 to 0059.⁵

During his re-arraignment on the same date, 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 SB-18-CRM-0055, 0056, 0058 and 0059. Thereafter, the accused, assisted by counsel, expressed his full understanding and consent to the said waiver in writing. The accused also confirmed that his counsel explained to him the nature and cause of the accusations against him in said cases.

Upon re-arraignment and reading of the information in SB-18-CRM-0054 and 0057 in English, a language known and understood by him, the accused entered a plea of "Guilty." He likewise entered a plea of "Guilty" in SB-18-CRM-0055, 0056, 0058 and 0059.⁶

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 crimes 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, judgment is hereby rendered as follows:

1. In SB-18-CRM-0054, accused MONTASIR M. SABAL is found **GUILTY** beyond reasonable doubt of violation of Sec. 7 of R.A. No. 3019, and is accordingly sentenced to pay a fine in the amount of Five Thousand Pesos (P5,000.00).
2. In SB-18-CRM-0055, accused MONTASIR M. SABAL is found **GUILTY** beyond reasonable doubt of violation of Sec. 7 of R.A. No. 3019, and is accordingly sentenced to pay a fine in the amount of Five Thousand Pesos (P5,000.00).
3. In SB-18-CRM-0056, accused MONTASIR M. SABAL is found **GUILTY** beyond reasonable doubt of violation of Sec. 7 of R.A. No. 3019, and is accordingly sentenced to pay a fine in the amount of Five Thousand Pesos (P5,000.00).

⁵ Order dated January 10, 2019

⁶ *Ibid.*

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4. In SB-18-CRM-0057, accused MONTASIR M. SABAL is found **GUILTY** beyond reasonable doubt of violation of Sec. 8 of R.A. No. 6713, and is accordingly sentenced to pay a fine in the amount of Five Thousand Pesos (P5,000.00).
5. In SB-18-CRM-0058, accused MONTASIR M. SABAL is found **GUILTY** beyond reasonable doubt of violation of Sec. 8 of R.A. No. 6713, and is accordingly sentenced to pay a fine in the amount of Five Thousand Pesos (P5,000.00).
6. In SB-18-CRM-0059, accused MONTASIR M. SABAL is found **GUILTY** beyond reasonable doubt of violation of Sec. 8 of R.A. No. 6713, and is accordingly sentenced to pay a fine in the amount of Five Thousand Pesos (P5,000.00).

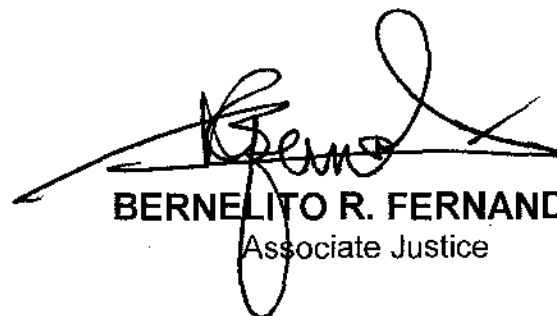
There being no civil liability involved, no award of damages is made in these cases.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


BERNELITO R. FERNANDEZ
Associate Justice

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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.


AMPAROM M. CABOTAJE-TANG
Presiding Justice

