



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, SB-17-CRM-1163 to 1170

Plaintiff, For: Violation of Sec. 7, in relation
to Sec. 9 of R.A. No. 3019

SB-17-CRM-1171 to 1178

For: Perjury under Art. 183 of the RPC

Present

- versus -

FERNANDEZ, SJ, J.,

Chairperson


MIRANDA, J. and

VIVERO, J.

CECILIA SEARES-LUNA

Accused.

Promulgated:

April 3, 2019 

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DECISION

FERNANDEZ, SJ, J.

Accused Cecilia Seares-Luna, then the Municipal Mayor of Laayan, Abra, is charged with eight (8) counts of violation of Sec. 7 of Republic Act No. 3019¹ (R.A. No. 3019), and eight (8) counts of Perjury under Art. 183 of the Revised Penal Code, for her alleged failure to disclose certain assets or properties, and the alleged misdeclaration of the amounts of certain properties, in her Statements of Assets, Liabilities and Net Worth (SALN) for 1998, 1999, 2000, 2001, 2002, 2003, 2004 and 2005.

The accusatory portion of the Informations in SB-17-CRM-1163 (violation of Sec. 7 of R.A. No. 3019) and SB-17-CRM-1171 (Perjury) read:


¹ Anti-Graft and Corrupt Practices Act

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Crim. Case No. SB-17-CRM-1163

That sometime in 1999, in Lagayan, Abra, Philippines, and within the jurisdiction of this Honorable Court, accused, CECILIA SEARES LUNA then Mayor of Lagayan, Abra, a high ranking public officer, taking advantage of her official position and committing the offense in relation to office, and being required by law to file a true detailed Statement of Assets Liabilities and Networth, did then and there willfully, unlawfully and criminally, declare under oath in her SALN for the year ending December 31, 1998 executed before an officer authorized to administer an oath, that her real properties amounted to only P3,942,420.00, when in truth and in fact, the value of her real properties then were so much more, having purchased for P5,900,000.00; a residential property at No. 7 Oakland, Ayala Ferndale, Quezon City, covered by TCT No. 242316 which she declared to have been acquired for P1,924,710.00 only, when its true acquisition cost was for P5,900,000.00; which she was legally bound to disclose in her SALN but failed to do so, thereby concealing her true net worth.

CONTRARY TO LAW.

Crim. Case No. SB-17-CRM-1171

That sometime in 1999, in Lagayan, Abra, Philippines, and within the jurisdiction of this Honorable Court, accused, CECILIA SEARES LUNA then Mayor of Lagayan, Abra, a high ranking public officer, taking advantage of her official position and committing the offense in relation to office, and being required by law to file a Statement of Assets Liabilities and Networth (SALN), did then and there willfully, unlawfully and feloniously, declare under oath in her SALN for the year ending December 31, 1998 executed before an officer authorized to administer an oath, that her real properties amounted to only P3,942,420.00, which material statement is untruthful and a deliberate assertion of falsehood, as in truth and in fact, the value of her real properties then were so much more, having purchased from Ayalaland, a residential property at No. 7 Oakland, Ayala Ferndale, Quezon City, covered by TCT No. 242316 which she declared to have been acquired for P1,924,710.00 only, when its true acquisition cost was for P5,900,000.00; which she was legally bound to disclose in her SALN but failed to do so, thereby concealing about her true net worth.

CONTRARY TO LAW.

The Information in SB-17-CRM-1163 to 1170, and those in SB-17-CRM-1171 to 1178, are similarly worded, except for the dates of the alleged commission of the offense and the properties involved. For

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convenience, the particulars of the sixteen (16) Informations are summarized as follows:

SB-17-CRM-	Year of the alleged commission of the crime / SALN as of	Declared amount of real properties	Properties allegedly not disclosed or misdeclared
1163 and 1171	1999 / December 31, 1998	P3,942,420.00	Residential property at No. 7 Oakland, Ayala Ferndale, Quezon City, covered by TCT No. 242316, which she declared to have been acquired for P1,924,710.00 only, when its true acquisition cost was for P5,900,000.00 (Ferndale property)
1164 and 1172	2000 / December 31, 1999	P3,942,420.00	- Ferndale property - Improvement (house) with market value of P267,300.00, introduced in 1999 in her property at Dangdangla, Bangued, Abra, covered by Tax Declaration No. 22949 (House at Dangdangla)
1165 and 1173	2001 / December 31, 2000	P3,942,420.00	- Ferndale property - House at Dangdangla
1166 and 1174	2002 / December 31, 2001	P3,942,420.00	- Ferndale property - House at Dangdangla - Residential property with market value of P32,500.00, located at Lazala, Zone 2, Bangued, Abra, covered by Tax Declaration No. 34804 (Lazala, Zone 2 residential property)

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1167 and 1175	2003 / December 31, 2002	₱4,253,923.00	- Ferndale property - House at Dangdangla - Lazala, Zone 2 residential property - Cornland purchased for ₱20,000.00 from Rogelio Blasé, situated at Cabaroan, Tayum, Abra, covered by Tax Declaration No. 14423
1168 and 1176	2004 / December 31, 2003	₱4,253,923.00	- Ferndale property - House at Dangdangla - Lazala, Zone 2 residential property - Commercial land with market value of ₱21,250.00, situated at Zone 4, Bangued, Abra, covered by Tax Declaration No. 37921 (Zone 4, Bangued commercial land)
1169 and 1177	2005 / December 31, 2004	₱4,253,923.00	- Ferndale property - House at Dangdangla - Lazala, Zone 2 residential property - Zone 4, Bangued commercial land
1170 and 1178	2006 / December 31, 2005	₱4,253,923.00	- Ferndale property - House at Dangdangla - Lazala, Zone 2 residential property - Zone 4, Bangued commercial land

During her arraignment on January 9, 2019, the accused entered her plea of "Not Guilty" to the sixteen (16) Informations in the present cases.²

² Record, pp. 499-502

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In the Resolution dated March 27, 2019, this Court granted the parties' *Joint Motion to Approve Plea-Bargaining Agreement*,³ and approved their proposed terms for the accused' plea of guilty in SB-17-CRM-1163 to 1170, and the withdrawal of the Information in SB-17-CRM-1171 to 1178.

On April 3, 2019, pursuant to the aforementioned proposed terms and upon motion of the prosecution, this Court, after examining the evidence attached to the Office of the Ombudsman's *Joint Resolution* dated November 14, 2011, and in the light of the Supreme Court's Decision in *Tumbocon v. Sandiganbayan*,⁴ ordered the withdrawal of the Information in SB-17-CRM-1171 to 1178. The accused also withdrew her plea of "Not Guilty" in these cases.⁵

During her re-arraignment on the same date, upon motion of the accused, after personal examination, and after explaining to her in English, a language known and understood by her, the consequences of her waiver, the Court allowed a waiver of the reading of the Information in SB-17-CRM-1164 to 1170. Thereafter, the accused, assisted by counsel, expressed her full understanding and consent to the said waiver in writing. The accused also confirmed that her counsel explained to her the nature and cause of the accusations against her in said cases.

Upon re-arraignment and reading of the information in SB-17-CRM-1163 in English, a language known and understood by her, the accused entered a plea of "Guilty." She likewise entered a plea of "Guilty" in SB-17-CRM-1164 to 1170.⁶

When queried, the accused and her counsel informed the Court that the accused fully understood the nature and consequences of her 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, In SB-17-CRM-1163 to 1170, accused CECILIA SEARES-LUNA is found **GUILTY** beyond reasonable doubt of violation of Sec. 7 of R.A. No. 3019, and is accordingly sentenced to pay a fine

³ Dated March 1, 2019

⁴ G.R. Nos. 235412-15, November 5, 2018

⁵ Order dated April 3, 2019

⁶ *Ibid.*

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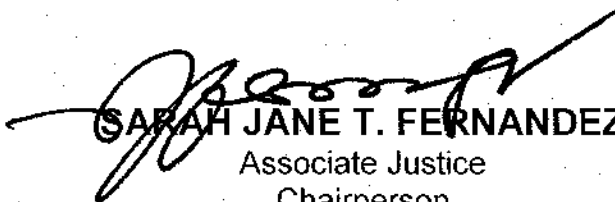
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in the amount of Five Thousand Pesos (₱5,000.00) for each of the cases, or the total amount of Forty Thousand Pesos (₱40,000.00) for all eight (8) charges.

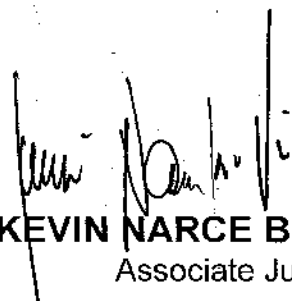
There being no civil liability involved, no award of damages is made in these cases.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice

DECISION

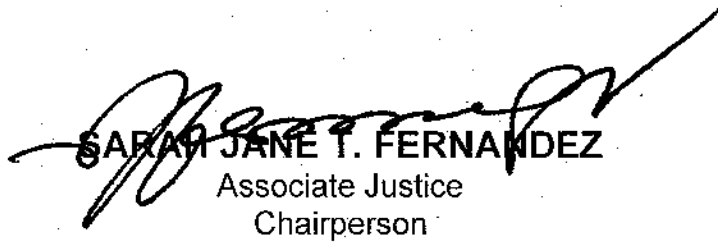
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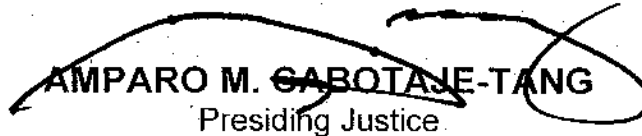
ATTESTATION

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.


AMPARO M. GABOTAJE-TANG
Presiding Justice