



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, **SB-18-CRM-0012**

Plaintiff, For: Malversation of Public Funds
as defined and penalized under
Art. 217, Revised Penal Code

Present

- versus -

FERNANDEZ, SJ, J.,

Chairperson

MIRANDA, J. and

HIDALGO, J.*

YUSOPH B. MAMA,

Accused.

Promulgated:

Nov 7, 2019

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DECISION

FERNANDEZ, SJ, J.

Accused Yusoph B. Mama, then the Regional Director of the Department of Agrarian Reform, Regional Office No. XIII in Butuan City, is charged with Malversation of Public Funds under Art. 217 of the Revised Penal Code (RPC),¹ for allegedly misappropriating or converting for his own personal use, and failing to account for the total amount of ₱184,904.00, which he received as cash advances from August 28, 1997 to February 18, 1999.

The accusatory portion of the Information reads:

That from the period August 1997 to February 1999, or sometime prior or subsequent thereto, in Butuan City, Agusan Del Norte, Philippines, and within the jurisdiction of this Honorable Court, accused **YUSOPH B. MAMA**, a high ranking public officer, being then the Regional Director of the Department of Agrarian Reform, Regional Office No. XIII in Butuan City, while in the performance of

* Sitting as Special Member in lieu of J. Vivero (Per Administrative Order No. 136-2019 dated April 29, 2010)

¹ Act No. 3815 as amended

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his administrative and/or official functions and committing the offense in relation to office, taking advantage of his official position, did then and there willfully, unlawfully and feloniously appropriate, take, misappropriate, embezzle, and/or convert to his own personal use and benefit the total amount of PhP184,904.00, in public funds, representing accused's cash advances from 28 August 1997 up to 18 February 1999 per Commission on Audit's Statement of Cash Advances and Liquidations as of 30 September 2011, which he received and under [sic] his custody and control by reason of the duties of his office, and for which he is accountable, and despite demands made upon him to account for said public funds, accused had failed to do so, to the damage and prejudice of the government and the public interest of the aforesaid sum.

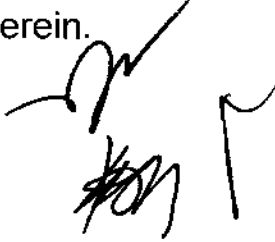
CONTRARY TO LAW.

During his arraignment on December 4, 2018, the accused entered his plea of "Not Guilty" to Information in the present case.²

In the Resolution dated April 3, 2019,³ this Court granted the parties' *Joint Motion to Approve Plea Bargaining Agreement*, and approved their proposed terms for the accused' plea of guilty to the lesser offense of Failure of Accountable Officer to Render Accounts under Art. 218⁴ of the RPC.

On May 7, 2019, the accused withdrew his plea of "Not Guilty." During his re-arraignment on the same date, and upon the reading of the Information in English, a language known and understood by him, the accused entered a plea of "Guilty" to the lesser charge of Failure of Accountable Officer to Render Accounts.⁵

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 said crime. Having pleaded guilty to the lesser charge in the Information, the accused is deemed to have admitted all the material facts alleged therein.



² Record, pp. 415-416

³ Record, pp. 449-450

⁴ **Art. 218.** *Failure of accountable officer to render accounts.* – Any public officer, whether in the service or separated therefrom by resignation or any other cause, who is required by law or regulation to render account to the Insular Auditor, or to a provincial auditor and who fails to do so for a period of two months after such accounts should be rendered, shall be punished by *prisión correccional* in its minimum period, or by a fine ranging from 200 to 6,000 pesos, or both.

⁵ Order dated May 7, 2019

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WHEREFORE, accused YUSOPH B. MAMA is found **GUILTY** beyond reasonable doubt of Failure of Accountable Officer to Render Accounts under Art. 218 of the Revised Penal Code, an offense necessarily included in the offense originally charged,⁶ and is accordingly sentenced to pay a fine in the amount of Six Thousand Pesos (₱6,000.00),⁷ with subsidiary imprisonment in case of insolvency.


It appearing that the accused had already paid in full the subject cash advances in the total amount of ₱184,904.00,⁸ no award of damages is made in this case.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


GEORGINA D. HIDALGO
Associate Justice

⁶ Please see *Daan v. Sandiganbayan*, G.R. Nos. 163972-77, March 28, 2008

⁷ Sec. 41 of Republic Act No. 10951, amending Art. 218 of the Revised Penal Code, and increasing the amount of the fine, will not be applied because the crime was committed prior to the effectivity of R.A. No. 10951.

⁸ Annex A of the parties' *Joint Motion to Approve Plea Bargaining Agreement* dated March 12, 2019; Record, p. 435

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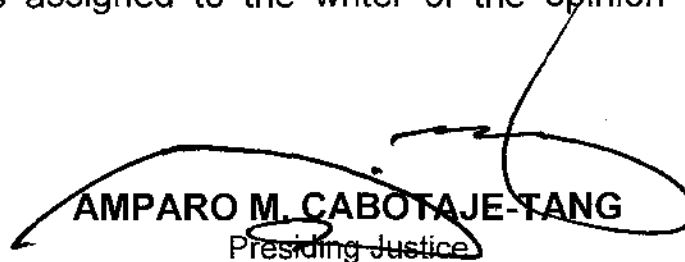
ATTESTATION

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. CABOTAJE-TANG
Presiding Justice

