

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

SPECIAL THIRD DIVISION

PEOPLE
OF THE
PHILIPPINES,

Plaintiff,

Criminal Cases No. 26172
For: Violation of Section 3(e) of
Republic Act (R. A.) No.
3019

- versus -

JOVITO C. PLAMERAS, JR.,
Accused.

Present:

CABOTAJE-TANG, PJ,
Chairperson
MARTIRES,¹ J. and
FERNANDEZ, J.

Promulgated:

SEPTEMBER 15, 2016

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RESOLUTION

CABOTAJE-TANG, P.J.

For resolution is the prosecution's Manifestation and Compliance dated February 26, 2016² which it submitted pursuant to the Court's Order dated January 8, 2016 which reads:³

In today's proceedings, Dr. Samuel T. Tomogan,
the Chief of the Hospital of Angel Salazar Memorial

¹ The incident was submitted for resolution when J. Martires, now Chairperson of the Second Division, was still a senior member of the Third Division.

² pp. 544-548, Record, Vol. III

³ p. 534, Record, Vol. III

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General Hospital testified regarding the medical condition of the accused Jovito Plameras, Jr. Thereafter, the Court required the prosecution to send a Government Doctor of its own choice to assess the actual medical condition of the said accused and render a report thereon within sixty (60) days from today. Thereafter, the Court shall act on the matter of whether the accused should remain under Hospital Detention or should be remitted to the National Bilibid Prison.

To recall, in its Resolution promulgated on March 17, 2015, the Court ordered the commitment of the accused to the New Bilibid Prison after the judgment against him became final and executory on March 11, 2014.

The accused, however, was not transported to the New Bilibid Prison due to his alleged medical condition. Thus, in its Resolution dated April 22, 2015, the Court allowed the confinement of the accused at the Angel Salazar Memorial General Hospital until further orders from the Court.⁴

The accused's latest Medical Certificate dated September 18, 2015⁵ issued by Dr. Samuel T. Tonogan reads:

This is to certify that Mr. Jovito C. Plameras, Jr., 81 years old, is confined at Angel Salazar Memorial General Hospital, Province of Antique from April 08, 2015 up to the present with admitting diagnosis of Hypertensive Urgency.

Patient is a known case of Cerebro Vascular Accident (Cerebral Infarct right side of the brain) with Left sided Hemiparesis, Cerebral Infarct Left side of the brain (small area) with right sided upper extremity hemiparesis, secondary to Hypertensive Cardiovascular

⁴ p. 462, Record, Vol. III

⁵ This was attached to the letter of the Officer-in-Charge of the San Jose Municipal Police Station informing the Court that the accused is still confined in the hospital; hence, he cannot risk bringing the accused from Antique City to Muntinlupa City, in reference to the Court's resolution promulgated on September [3], 2015 reiterating the Court's order for the commitment of the accused to the New Bilibid Prison at Muntinlupa City.

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Disease and Urinary Incontinence secondary to Old Age, wheelchair dependent.

In response to request of P/Supt. Norby R. Escobar, seeking clearance for travel (mode of transportation not specified) of patient Jovito C. Plameras to New Bilibid Prison in Muntinlupa City, the undersigned attending physical assessed the patient as unfit to travel because of his condition.

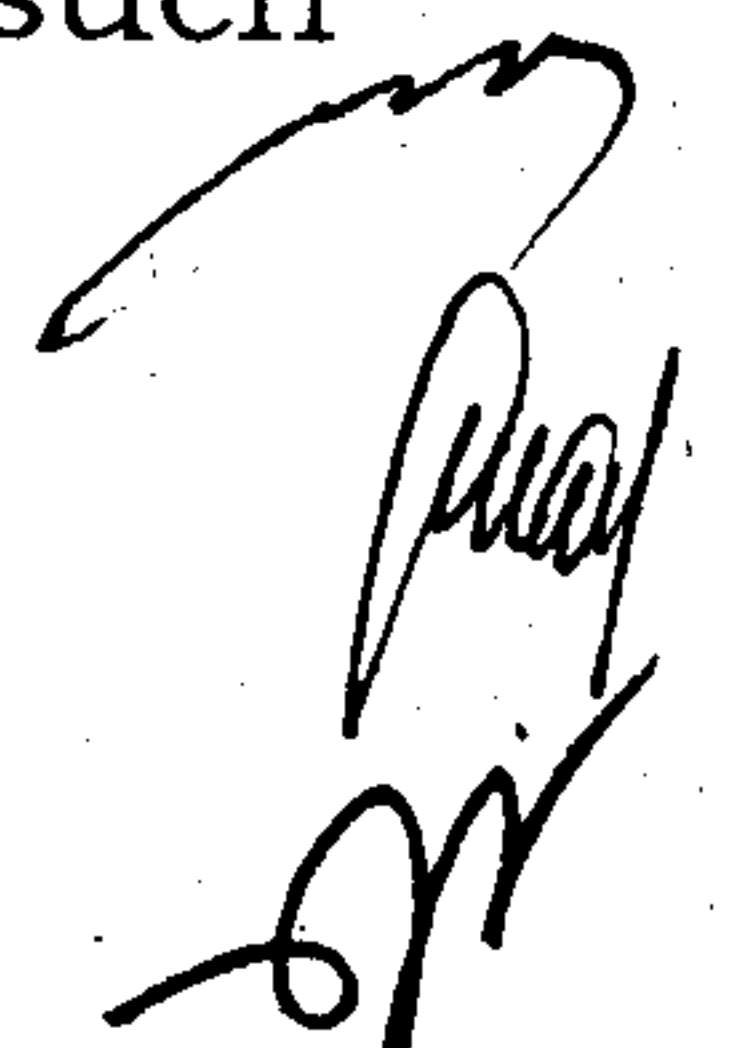
Considering the accused's latest medical certificate, the Court deemed it best to set the case for hearing anew to determine the current actual physical and medical condition of the accused in the interest of substantial justice.

Thus, on January 8, 2016, Dr. Tonogan testified regarding the medical condition of the accused. According to Dr. Tonogan, the travel stress that the accused will endure if he will be transported from Antique to Manila might cause his blood pressure to shoot up causing hypertensive urgency which may cause his untimely demise.⁶ Moreover, this Court allowed the prosecution to independently validate the reported medical condition of the accused.

In his medical report attached to the subject manifestation and compliance, Dr. Lester Dizmon of the Western Visayas Medical Center stated that the accused, 80 years old, had a history of stroke with a left sided weakness, Thus, he recommended "further evaluation and additional diagnostics prior to clearance for air travel. In the said manifestation and compliance, the prosecution suggests transporting the accused by ambulance to the Leyte Regional Prison in Abuyog, Leyte or in Sablayan prison in Mindoro.

In view of the medical condition of the accused, on June 2, 2016, the Court requested authority from the Supreme Court to allow the commitment of the accused to the Antique Provincial Jail, instead of the New Bilibid Prison pursuant to OCA Circular No. 63-97 dated October 6, 2007, until such

⁶ p. 11, TSN, January 8, 2016



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time that the accused's medical condition shall allow his travel from Antique to Manila.

Considering the testimony of Dr. Tonogan and the medical report of Dr. Dizmon, however, there is no more imperative need for the continued hospital detention of the accused. The medical findings merely show that the accused is not fit to travel by air and that more examinations are needed before the accused can be cleared for air travel.

WHEREFORE, the Court hereby orders the commitment of the accused Jovito C. Plameras, Jr. to the Provincial Jail of Antique subject to the outcome of this Court's aforesaid request to the Supreme Court.

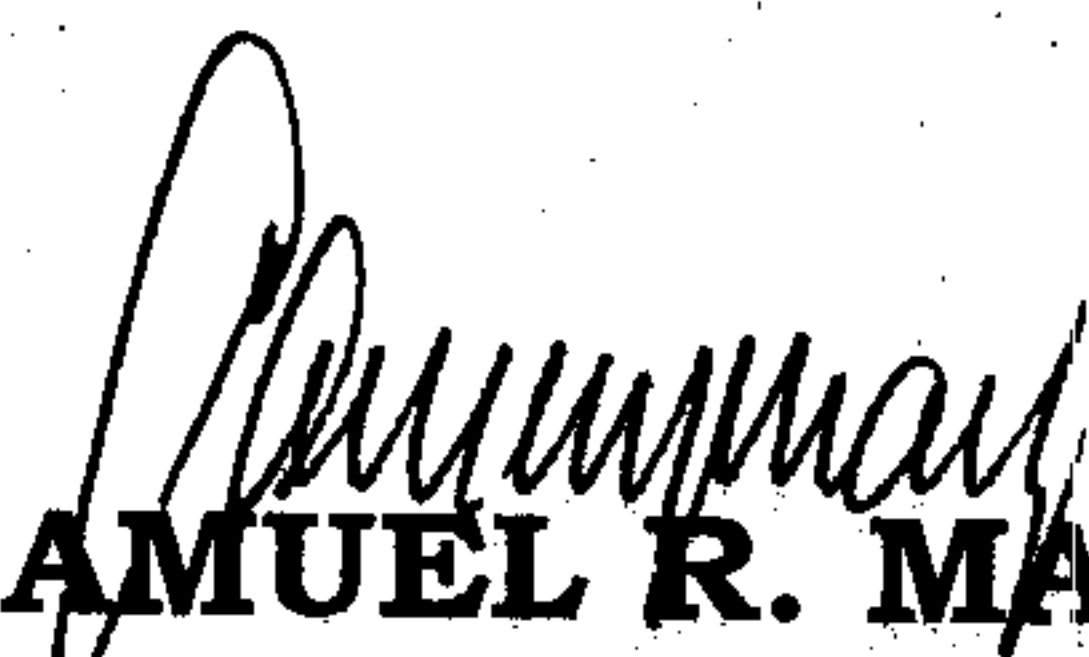
The prosecution's Manifestation and Compliance dated February 26, 2016 is NOTED.

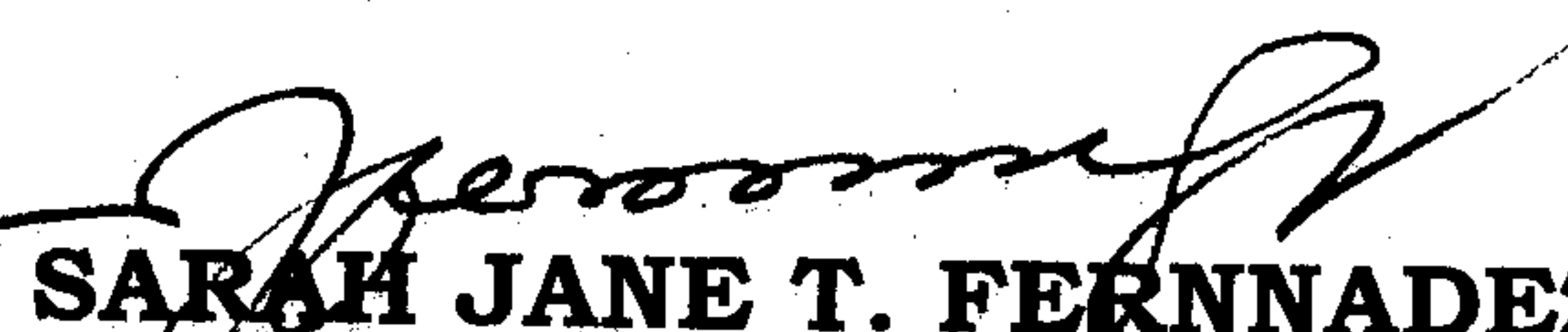
SO ORDERED.

Quezon City, Metro Manila


AMPARO M. CABOTAJE-TANG
Presiding Justice
Chairperson

WE CONCUR:


SAMUEL R. MARTIRES
Associate Justice


SARAH JANE T. FERNNADEZ
Associate Justice