



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-15-CRM-0293

For: Violation of Section 3(e) of
R.A. No. 3019

- versus -

SB-15-CRM-0294

For: Violation of Section 3(h),
R.A. No. 3019

AL SANCHEZ VITANGCOL III,
ET AL.,

Accused.

SB-15-CRM-0295

For: Violation of Section 65 Par.
C(1), in relation to Section 47 of
R.A. No. 9184

Present:

CABOTAJE-TANG, P.J.

Chairperson

FERNANDEZ, J. and

TRESPESES, J.*

Promulgated:

October 26, 2016

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RESOLUTION

FERNANDEZ, J.

For resolution is the prosecution's *Motion to Suspend*¹ Arturo Vallo Soriano, as provincial accountant of Pangasinan, pursuant to Section 13, Republic Act No. 3019,² as amended. Citing *Villaseñor vs. Sandiganbayan*,³ the prosecution contends that suspension

* Per Administrative Order No. 227-2016 dated July 26, 2016.

1 Dated July 27, 2016, filed on July 29, 2016; Record, Vol. III, pp. 274-277.

2 *Anti-Graft and Corrupt Practices Act*

3 547 SCRA 658 [2008].

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pendente lite under Section 13, R.A. No. 3019 is mandatory in nature.⁴

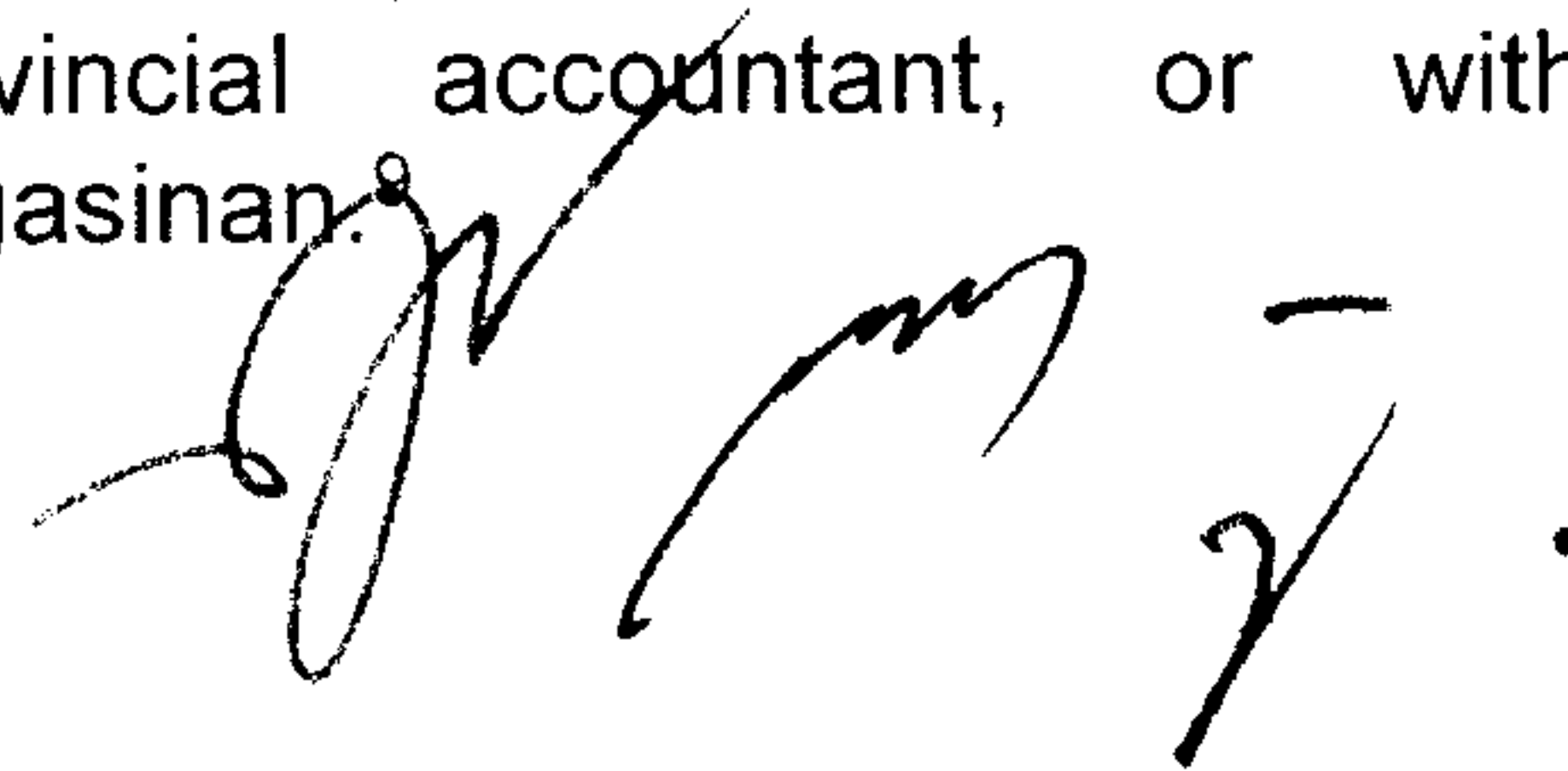
The prosecution's *Motion to Suspend* is granted. The conditions to place accused Soriano under preventive suspension are present, i.e., a) accused Soriano is an incumbent public official; and, b) he is charged under a valid information for violation of R.A. No. 3019.

Accused Soriano is an incumbent public official.

That accused Soriano is the incumbent provincial accountant of Pangasinan is undisputed. Accused Soriano alleged in his *Entry of Appearance with Motion for Reconsideration*⁵ that he is the provincial accountant of Pangasinan and that he was appointed to said position in August 2014.⁶

Accused Soriano, however, claims that the *Motion to Suspend* should be denied because preventive suspension under Section 13, R.A. No. 3019⁷ is not applicable to him.⁸ He argues:

- a. He is not charged in his capacity as the provincial accountant of Pangasinan. He was not involved in the contract for the interim maintenance services between DOTC-MRT3 and PH Trams CB&T Joint Venture. He never served in the DOTC or MRT3. The acts imputed to him, as well as the contract, have no connection with his functions as provincial accountant, or with the Government of Pangasinan.



⁴ Motion to Suspend dated July 27, 2016, pp. 1-2; Record, Vol. III, pp. 274-275.

⁵ Dated January 19, 2016; Record, Vol. II, pp. 48-68.

⁶ Entry of Appearance with Motion for Reconsideration dated January 19, 2016, p. 2; Record, Vol. II, p. 49.

⁷ Sec. 13. *Suspension and loss of benefits.* – Any incumbent public officer against whom any criminal prosecution under a valid information under this Act or under Title 7, Book II of the Revised Penal Code or for any offense involving fraud upon government or public funds or property whether as a simple or as a complex offense and in whatever stage of execution and mode of participation, is pending in court, **shall be suspended from office.** Should he be convicted by final judgment, he shall lose all retirement or gratuity benefits under any law, but if he is acquitted, he shall be entitled to reinstatement and to the salaries and benefits which he failed to receive during suspension, unless in the meantime administrative proceedings have been filed against him.

⁸ Opposition to Motion to Suspend dated August 17, 2016; Record, Vol. III, pp. 353-360.

⁹ Opposition dated August 17, 2016, p. 2; Record, Vol. III, p. 354.

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- b. It is impossible for him to commit further acts of malfeasance while in office since he is not charged for committing a malfeasance in relation to said office.¹⁰

The Court does not find merit in accused Soriano's contention.

First, it is settled that preventive suspension under Section 13, of R.A. No. 3019 applies to any office the officer might be currently holding and not necessarily to the particular office in relation to which he is charged.¹¹

Second, accused Soriano's claim that it is impossible for him to commit further acts of malfeasance is not novel. In *Talaga vs. Sandiganbayan*,¹² the Supreme Court rejected therein petitioner's plea for the Court "to first look into the circumstances of the case and thereafter determine the propriety of issuing a suspension order." The High Court said that the theory that the "environmental circumstances" of the case should first be explored has no leg to stand on.¹³ The pronouncement of the Supreme Court in *Segovia vs. Sandiganbayan*¹⁴ is likewise apropos:

Indeed that the theory of "discretionary suspension" should still be advocated at this late date, despite the "mass of jurisprudence" relevant to the issue, is little short of amazing, bordering on contumacious disregard of the solemn magisterial pronouncements of the Highest Court of the land.¹⁵

Accused Soriano is charged under a valid Information for violation of R.A. No. 3019 and of R.A. No 9184.

Accused Soriano has been arraigned and the Court has entered a plea of "Not Guilty" for him after he refused to enter his plea.¹⁶ He did not file a Motion to Quash to assail the validity of

¹⁰ Opposition dated August 17, 2016, p. 4; Record, Vol. III, p. 356.

¹¹ *Beroña vs. Sandiganbayan*, 435 SCRA 303, 307-308 [2004], citing *Segovia vs. Sandiganbayan*, 288 SCRA 328 [1998]

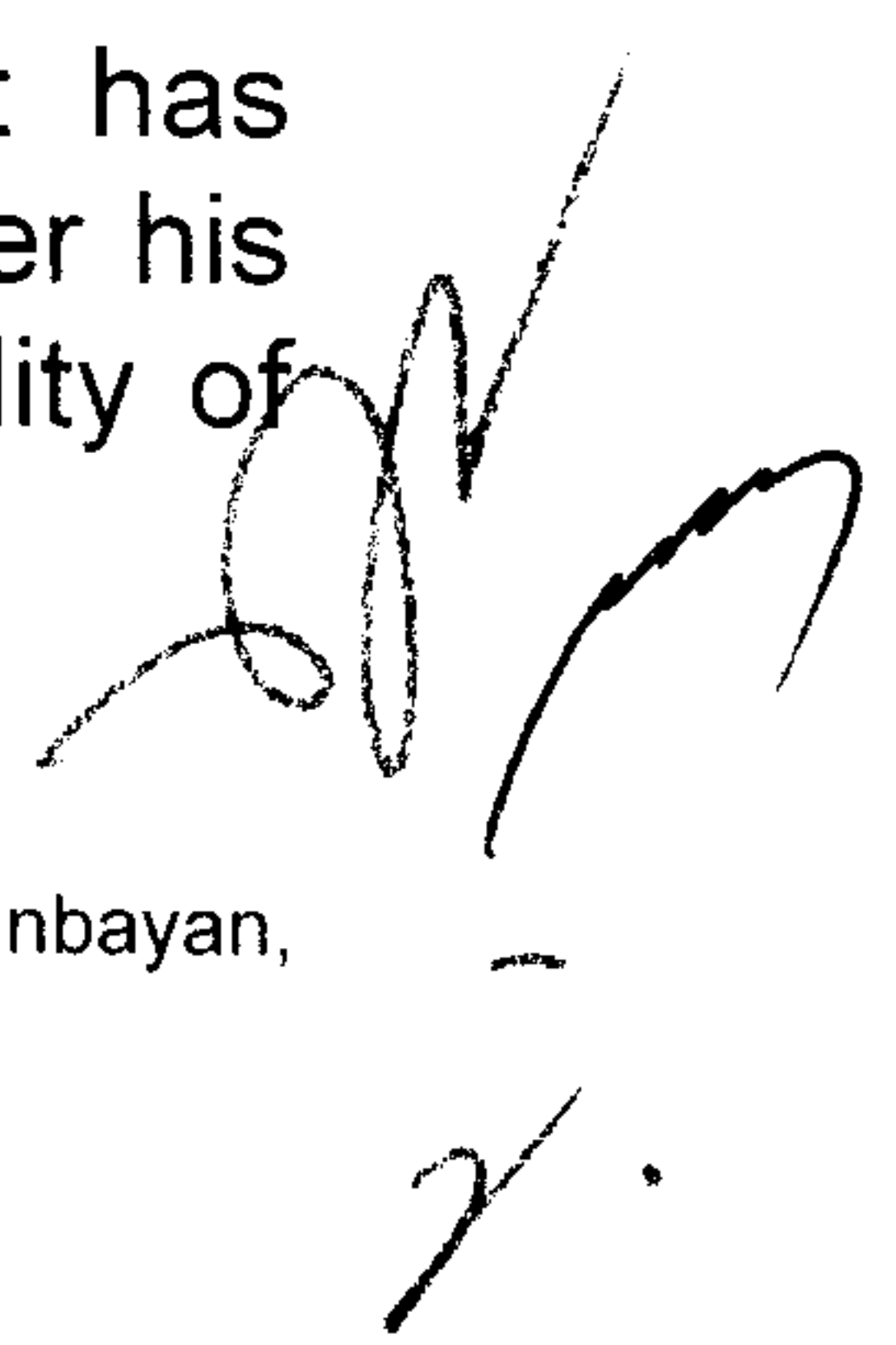
¹² 570 SCRA 622 [2008]

¹³ At pp. 629-630.

¹⁴ *Supra*

¹⁵ At p. 336.

¹⁶ Certificate of Arraignment dated July 18, 2016; Record, Vol. III, p. 261; Order dated July 18, 2016, p. 1; Record, Vol. III, p. 263.



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the Informations. He now claims that the Information under which he is charged is not valid.¹⁷ He contends:

- a. Section 3(e), R.A. No. 3019 is not applicable to accused Soriano because he never intervened, participated or performed any official function related to the subject MRT3 interim maintenance contract. He is not part of the DOTC or MRT management. It will only apply to accused Soriano upon alleging conspiracy with public officials in the DOTC. The Ombudsman, however, did not find any probable cause against the concerned public officials; instead, she dismissed the charges against them.
- b. The Information does not allege specific acts that show that he conspired with a public official.¹⁸
- c. Accused Soriano was impleaded in the present cases only on the basis of his relationship by affinity to accused Vitangcol. However, said relationship does not satisfy the element of conspiracy, especially because:
 - i. Existence of conspiracy cannot be presumed from mere companionship or relationship. Here, the Ombudsman failed to cite even a single instance showing that accused Soriano acted in conspiracy with the other accused;
 - ii. Accused Soriano did not execute or sign the Joint Venture Agreement between PH Trams and CB&T, the Affidavit of Disclosure and the Contract for the Interim Maintenance Service Provider for MRT3; and,
 - iii. Accused Soriano divested all his rights, interests and participation in PH Trams on September 12, 2012, long before the negotiated procurement started.¹⁹

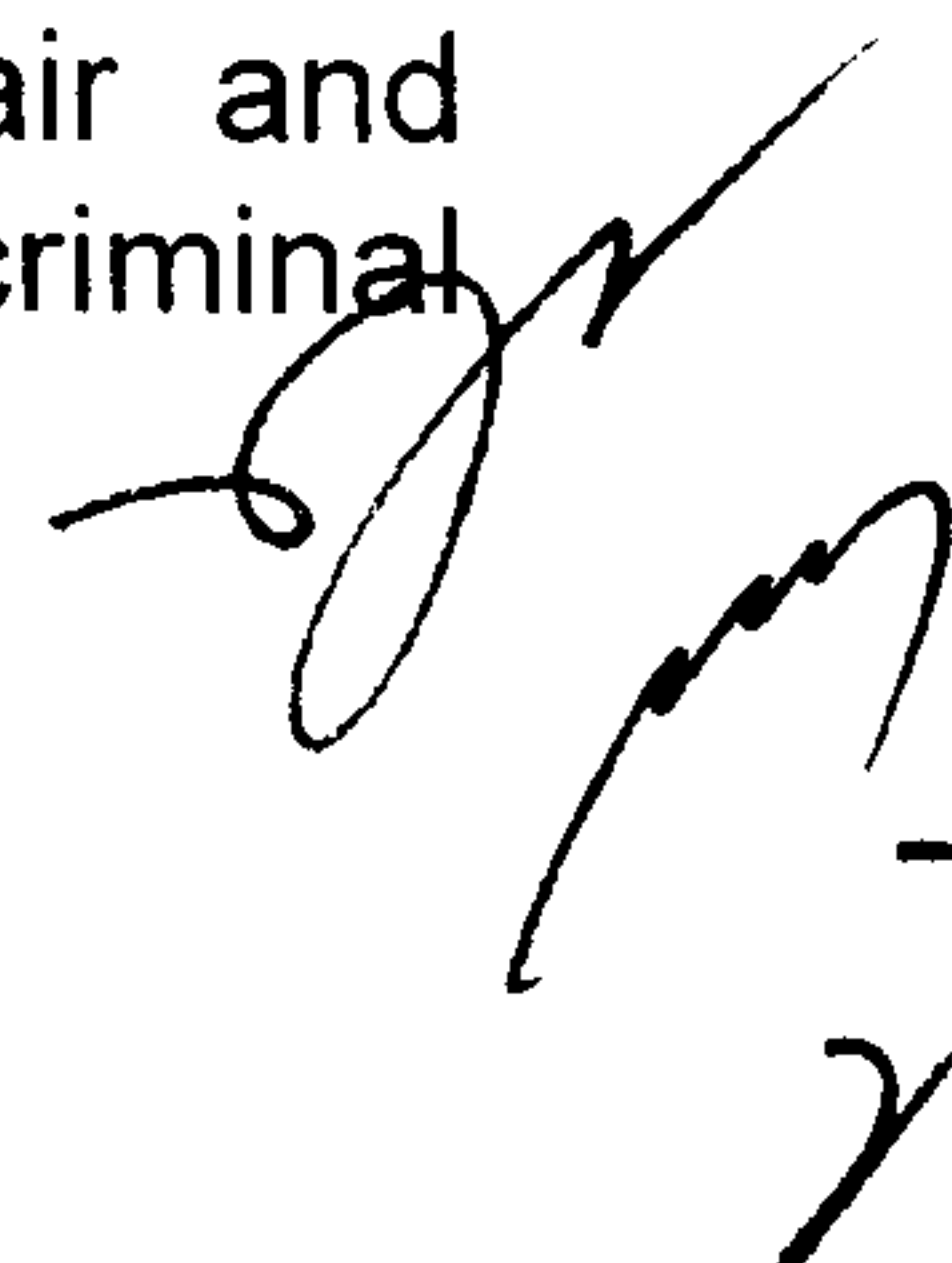
In *Luciano vs. Mariano*,²⁰ the Supreme Court held that in a pre-suspension hearing, the accused should be given fair and adequate opportunity to challenge the validity of the criminal

¹⁷ Opposition dated August 17, 2016, p. 4; Record, Vol. III, p. 356.

¹⁸ Opposition dated August 17, 2016, p. 5, Record, Vol. III, p. 357.

¹⁹ Opposition dated August 17, 2016, p. 6, Record, Vol. III, p. 358.

²⁰ 40 SCRA 187 [1971].



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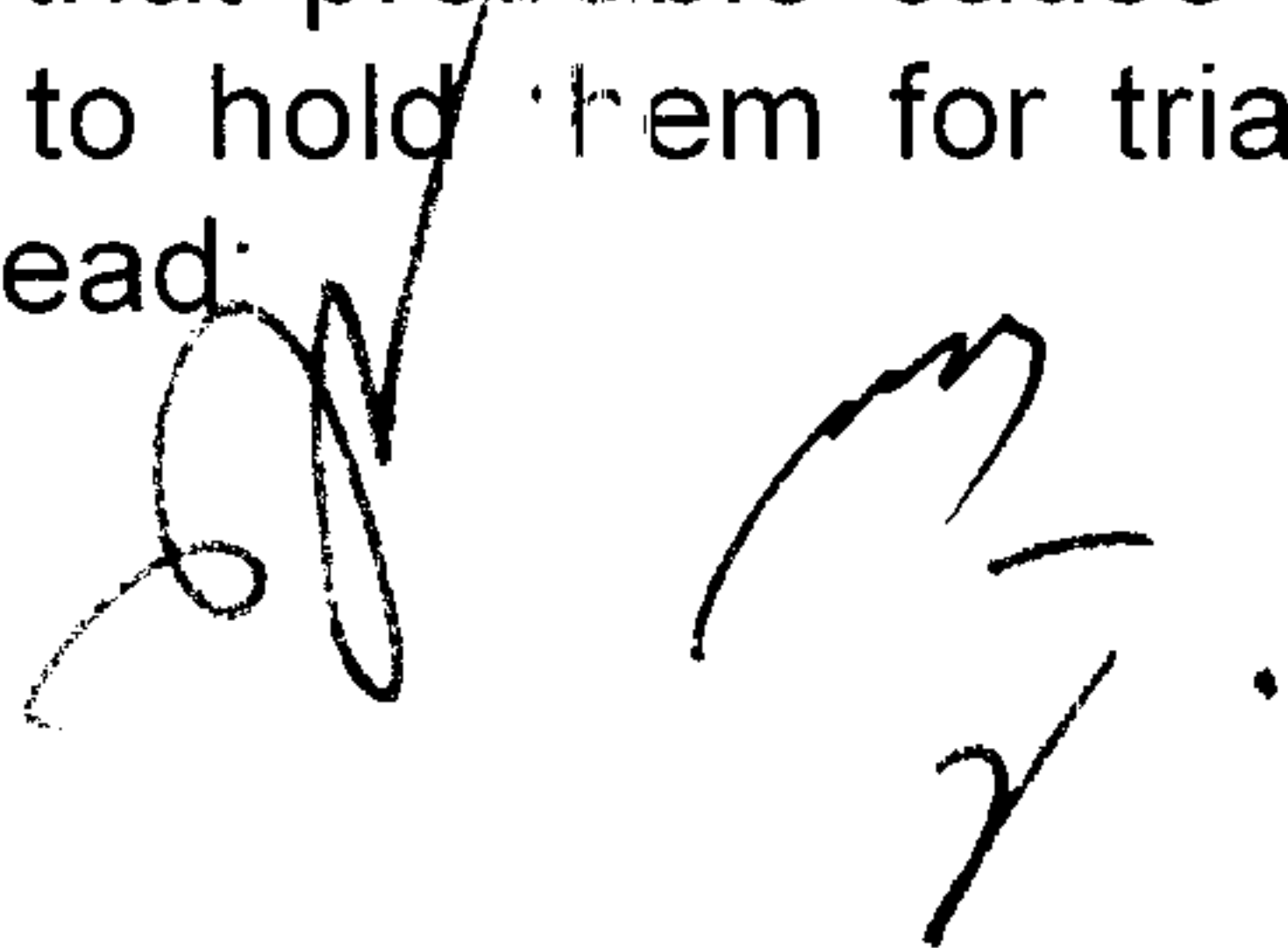
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proceedings against him, e.g., that he has not been afforded the right to due preliminary investigation; that the acts for which he stands charged do not constitute a violation of the provisions of R.A. No. 3019 or the bribery provisions of the Revised Penal Code which would warrant his mandatory suspension from the office under Section 13 of the Act; or he may present a motion to quash the Information on any of the grounds provided for in Rule 117 of the Rules of Court.²¹

In *People vs. Albano*,²² the Supreme Court explained that, “a challenge to the validity of the criminal proceedings on the ground that the acts for which the accused is charged do not constitute a violation of the provisions of R.A. No. 3019, or of the provisions on bribery of the Revised Penal Code, should be treated only in the same manner as a challenge to the criminal proceeding by way of a motion to quash on the ground provided in Paragraph (a), Section 2 of Rule 117 of the Rules of Court, i.e., that the facts charged do not constitute an offense. In other words, a resolution of the challenge to the validity of the criminal proceeding, on such ground, should be limited to an inquiry whether the facts alleged in the Information, if hypothetically admitted, constitute the elements of an offense punishable under R.A. No. 3019 or the provisions on bribery of the RPC.”²³

The facts alleged in the three (3) Information constitute the elements of violation of R.A. No. 3019, Sections 3(e) and 3(h) and of R.A. No. 9184, Section 65, Paragraph (c)(1), respectively. This Court, in its Resolution promulgated on July 4, 2016,²⁴ denied accused Soriano’s Motion for Reconsideration (of the Court’s Order dated December 8, 2015) and explained in length the bases for its conclusion that probable cause exists to place the accused under arrest and to hold them for trial.²⁵ The pertinent portions of the resolution read:

Handwritten signature and initials in black ink, appearing to be 'S. Soriano' and 'M. M.' with a checkmark.

²¹ At p. 203.

²² 163 SCRA 511 [1988].

²³ At p. 519.

²⁴ Record, Vol. III, pp. 14-25.

²⁵ Entry of Appearance with Motion for Reconsideration dated January 19, 2016, Record, Vol. II, 48-68.

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SB-15-CRM-0295: Violation of Section 65, Paragraph C(1) in relation to Section 47, R.A. No. 9184

Section 65, R.A. No. 9184 penalizes the act of submitting eligibility requirements that contain false information or falsified documents calculated to influence the outcome of the eligibility screening process or conceal such information in the eligibility requirements when the information will lead to a declaration of ineligibility from participating in public bidding, viz:

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Since accused Soriano, one of the incorporators, directors and stockholders of PH Trams, is a relative by affinity within the third degree of accused Vitangcol, the Affidavit of Disclosure submitted by PH Trams-CB&T JV appears to be false.

Had PH Trams disclosed that accused Soriano is the uncle-in-law of accused Vitangcol, it would have affected the outcome of the eligibility screening process because PH Trams-CB&T JV would have been automatically disqualified from being considered in the negotiated procurement for the provision of interim maintenance services to MRT3. Instead, the contract for the provision of interim maintenance services between DOTC-MRT3 and PH Trams-CB&T JV was even extended three times subsequent to the expiration of the original contract entered into on October 19, 2012, since the public bidding for a regular maintenance provider was not completed on time.

Hence, the submission of the *Affidavit of Disclosure* violates Section 65, R.A. No. 9184.

Conspiracy

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Here, the acts of accused point to a common criminal design not to reveal the relationship of accused Vitangcol and Soriano, which circumstance would have disqualified PH Trams-CB&T JV from participating in the negotiated procurement for the provision of interim maintenance services to MRT3, to allow PH Trams to secure a contract with DOTC-MRT3 for the MRT's interim maintenance services.

Dela Cruz, who is the authorized representative of PH Trams, expressly stated in the *Affidavit of Disclosure* that "none of the officers, directors and controlling stockholders of PHILIPPINE TRANS RAIL MANAGEMENT AND SERVICE CORPORATION is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of

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the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree." On the other hand, while both accused Vitangcol and Soriano admitted that they are related to each other by affinity within the third civil degree, it appears that neither of them disclosed such fact at any point during the negotiations between the DOTC-MRT3 and PH Trams-CB&T JV. Accused Maralit's participation in the conspiracy is shown by his active participation in the management of PH Trams, including the execution of the Joint Venture Agreement with CB&T.

Accused Maralit and dela Cruz point to De Vera as the person responsible for including accused Soriano in the Articles of Incorporation of PH Trams and for the submission of the false *Affidavit of Disclosure* to DOTC-MRT3.

There is, thus, probable cause to issue a warrant of arrest against the accused in SB-15-CRM-0295.

SB-15-CRM-0293: Violation of Section 3(e), R.A. No. 3019.

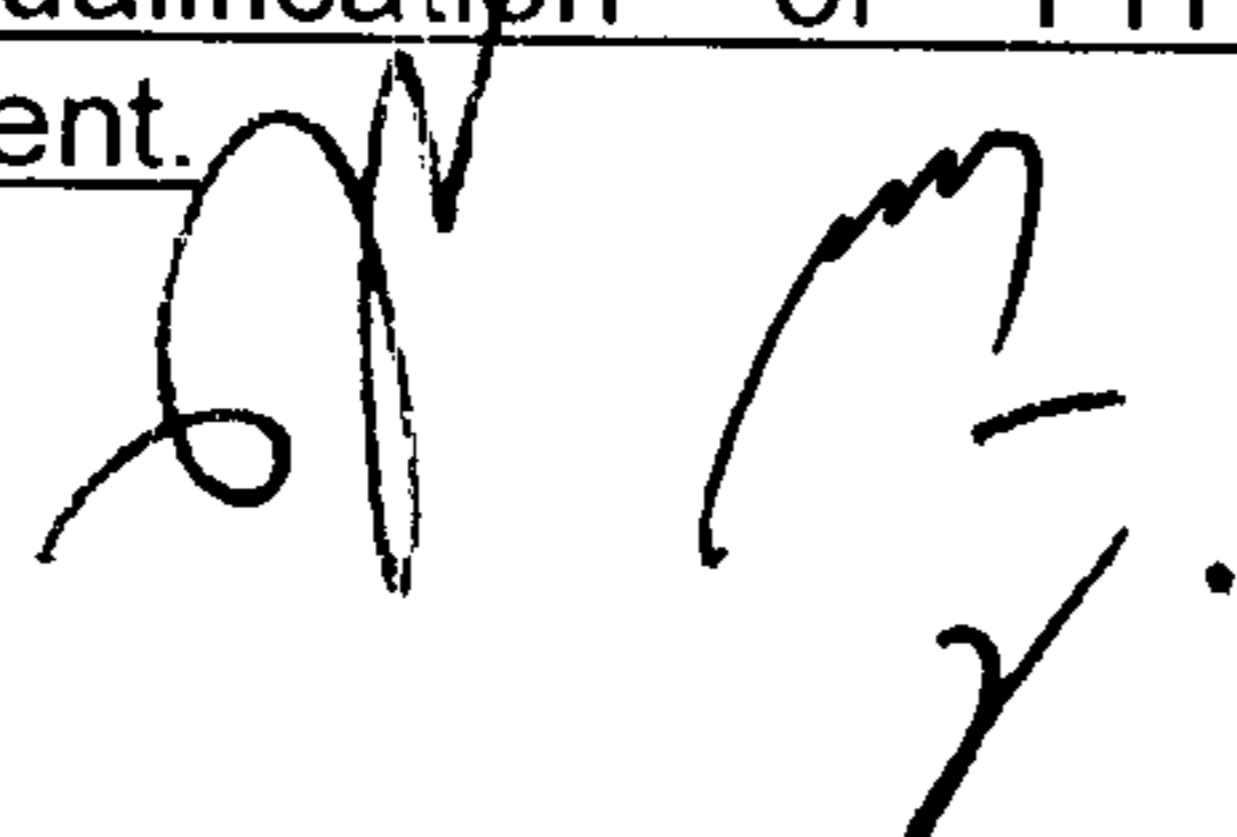
- 1) Accused is a public officer. The private individuals were charged in conspiracy with the public officer.

Accused Vitangcol was a public officer at the time of the alleged commission of the offense. He was then the General Manager of the MRT3. Accused De Vera, Soriano, dela Cruz and Maralit are private individuals charged to have acted in conspiracy with accused Vitangcol.

- 2) He acted with manifest partiality, evident bad faith or inexcusable negligence.

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In the present case, it appears that accused Vitangcol acted in bad faith and with manifest partiality when he, despite his knowledge that his uncle-in-law, accused Soriano, is one of the incorporators, directors and stockholders of record of PH Trams, did not disclose such relationship nor declare that the *Affidavit of Disclosure* submitted by PH Trams is false; when he allowed PH Trams-CB&T JV to participate in the negotiated procurement of interim maintenance services for MRT3 and entered into a contract with said joint venture. Accused Vitangcol's relationship with accused Soriano should have led to the disqualification of PH Trams from the negotiated procurement.



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Accused Vitangcol, in his capacity as General Manager of the MRT3, was head of the Negotiating Team, and member of the BAC in the selection of the interim maintenance provider for the MRT3. In fact, accused Vitangcol was one of the signatories in the contract for the interim service provider awarded to PH Trams-CB&T JV.

- 3) Unwarranted benefit, advantage or preference in the discharge of the public official's functions.

By his failure to disclose that accused Soriano, one of the incorporators, directors and stockholders of PH Trams, is related by affinity within the third civil degree to him and that the *Affidavit of Disclosure* submitted by PH Trams is false; by his failure to disqualify PH Trams from participating in the negotiated procurement; and by his act of awarding and executing the contract of interim maintenance services with PH Trams-CB&T JV, accused Vitangcol gave unwarranted benefit, advantage and preference in favor of a disqualified bidder, PH Trams-CB&T JV.

SB-15-CRM-0294: Violation of Section 3(h), R.A. No. 3019.

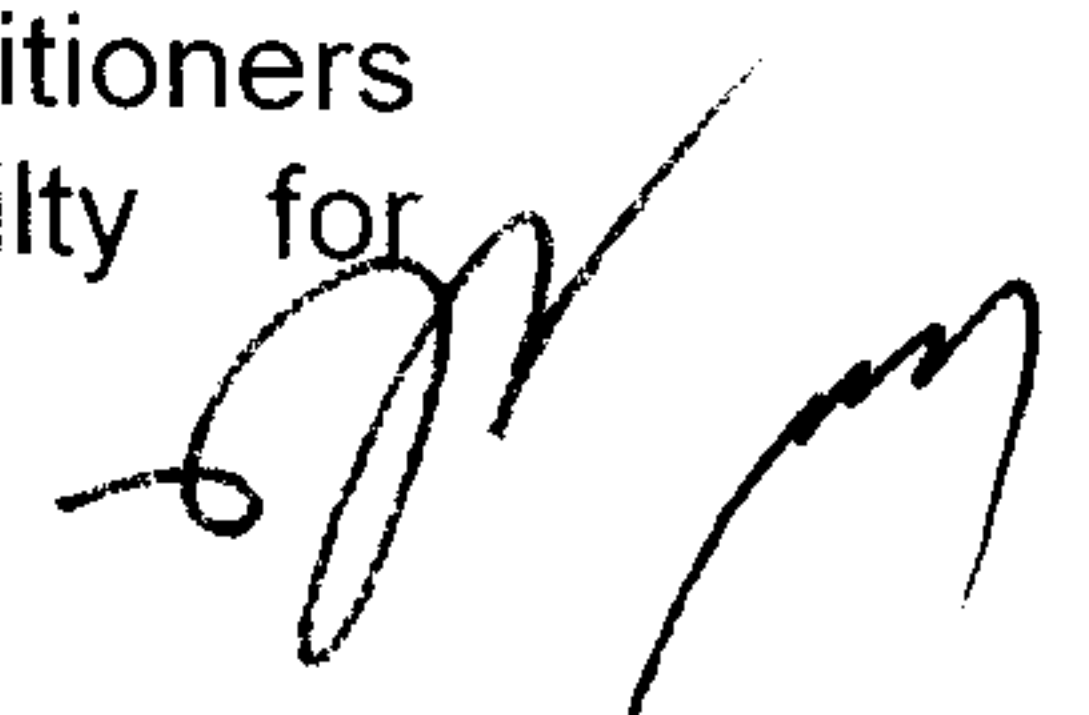
- 1) Accused is a public officer. The private individuals acted in conspiracy with the public officer.

As discussed above, accused Vitangcol was a public officer at the time of the alleged commission of the offense. Accused De Vera, Soriano, dela Cruz and Maralit are private individuals charged to have acted in conspiracy with accused Vitangcol.

- 2) He has direct or indirect financial or pecuniary interest in any business, contract or transaction.

In *Republic vs. Tuvera*, the Supreme Court held that the fact that the principal stockholder of Twin Peaks was the son of Presidential Executive Assistant Juan Tuvera establishes Juan Tuvera's indirect pecuniary interest in the transaction he appears to have intervened in. The Supreme Court said that the circumstance of kinship alone may not be enough to disqualify Juan Tuvera's son, Victor, from seeking a timber license agreement. However, the legal principle of *delicadeza* embodied in the provisions of R.A. No. 3019, specifically in paragraphs (a) and (h), should have dissuaded Juan Tuvera from any official or unofficial participation or intervention in behalf of Twin Peaks' request for a timber license.

In *Domingo vs. Sandiganbayan*, the Supreme Court upheld the Sandiganbayan's decision finding petitioners Domingo (Mayor) and Garcia (private person) guilty for



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conspiring to commit violation of Section 3(h), R.A. No. 3019. The Supreme Court affirmed the findings of the Sandiganbayan that several circumstances, *i.e.*, Domingo fabricated documents in order to conceal his business transactions with his municipality; he was the co-drawer of the two questioned checks for which he was also the payee; Domingo owned the trucks used to deliver the gravel and sand to the different barangays; Garcia was asked to sign the affidavit admitting that he was the contractor for the supply and delivery of gravel and sand to the barangays, etc., pointed to Domingo's pecuniary interest in the assailed transaction; and that Garcia was a mere dummy for Domingo. The Supreme Court incidentally noted that Garcia is the godson of Domingo in marriage.

Here, accused Vitangcol and accused Soriano are related to each other by affinity within the third civil degree. Accused Soriano is accused Vitangcol's uncle-in-law being the brother of Vitangcol's mother-in-law. The failure to disclose this relationship and the statement of Ambassador of Czechoslovakia Josef Rychtar that "They [accused Vitangcol and Mr. Rodriguez] were openly talking about Inekon having no chance to get the deal since the maintenance contract was already given to the CB&T PH Trams joint venture (where Mr. Rodriguez was the president) and they would also strive for the supply contract for the new coaches. They said openly that their connection and partnership (Mr. Vitangcol and Mr. Rodriguez) cannot be broken and they are acting as one unity," point to accused Vitangcol's direct or indirect financial or pecuniary interest in PH Trams and in the transaction.

- 3) Accused either: a) intervenes or takes part in his official capacity in connection with such interest, or b) is prohibited from having such interest by the Constitution or by law.

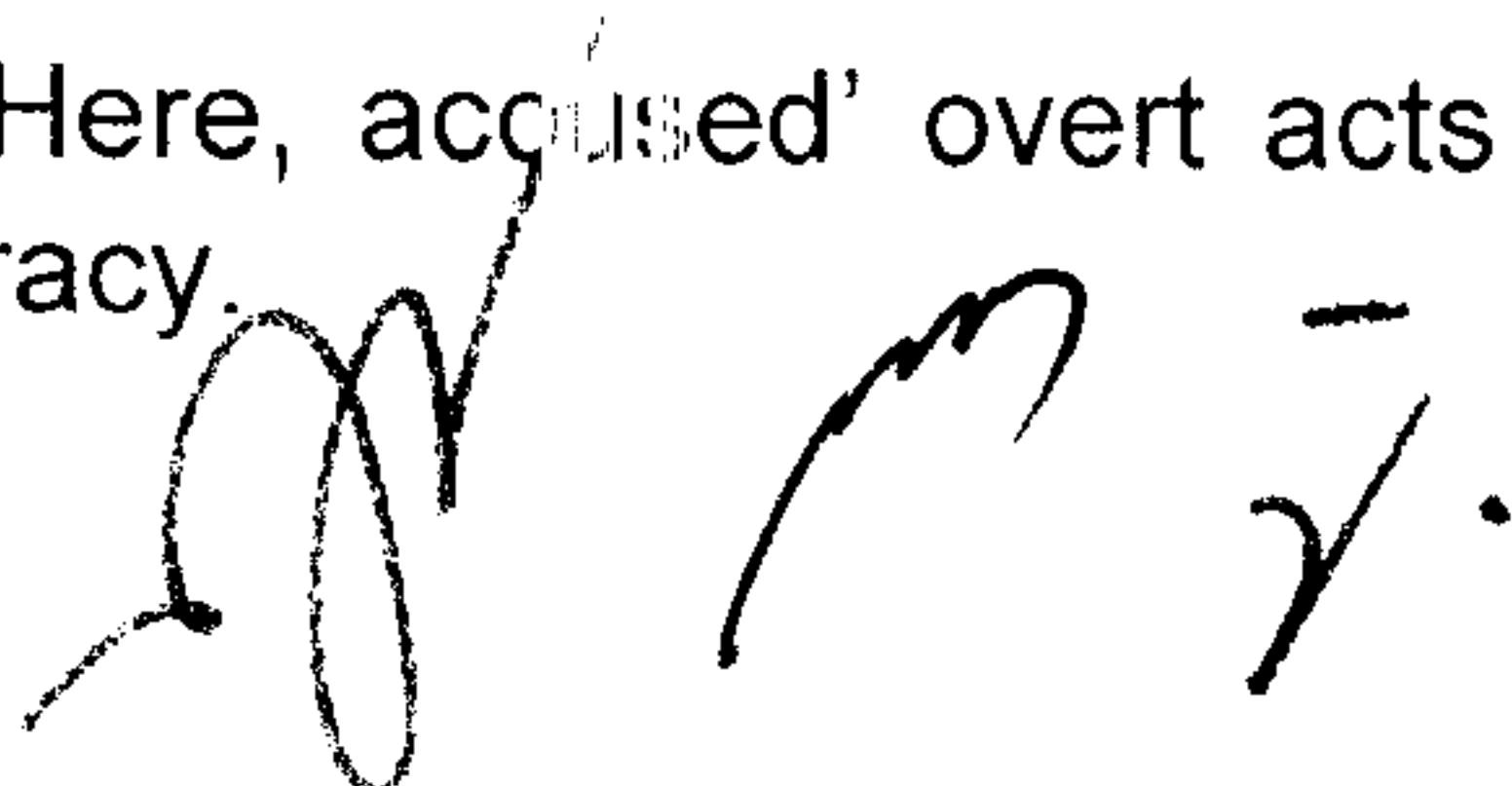
Accused Vitangcol actively took part in the negotiation and awarding of contract in favor of PH Trams-CB&T JV for the interim maintenance service of the MRT3.

Conspiracy

In Criminal Case Nos. SB-15-CRM-0293 and SB-15-CRM-0294, accused private individuals De Vera, Soriano, dela Cruz and Maralit are charged for conspiring with accused Vitangcol in committing violation of Sections 3(e) and (h), respectively.

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Here, accused' overt acts showed their complicity to the conspiracy.



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Accused Vitangcol, despite knowing that his relationship with accused Soriano is a ground for disqualification of PH Trams-CB&T JV, concealed said fact and allowed the joint venture, wherein his uncle-in-law (accused Soriano) is an incorporator, director and stockholder of record, to participate in the negotiated procurement.

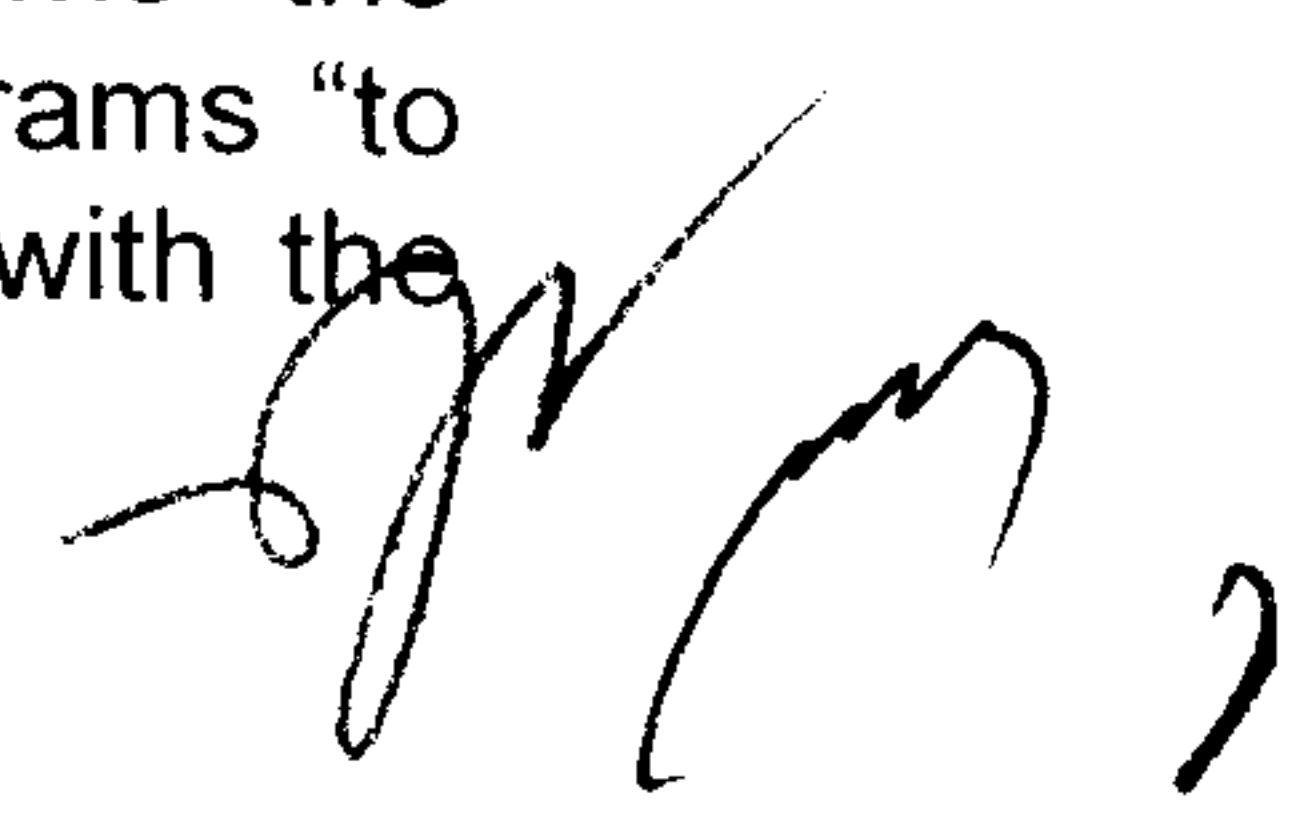
On the other hand, PH Trams, through its incorporators, directors and stockholders (accused Soriano, De Vera, Maralit and dela Cruz) did not disclose the fact that one of its incorporators, directors and stockholders is a relative by affinity of accused Vitangcol. Due to said non-disclosure, PH Trams-CB&T JV benefitted from accused Vitangcol's preferential treatment, and award of the contract for the provision of interim maintenance services.

Accused dela Cruz, the authorized representative of PH Trams, executed an *Affidavit of Disclosure* expressly stating that "none of the officers, directors and controlling stockholders of PHILIPPINE TRANS RAIL MANAGEMENT AND SERVICE CORPORATION is related to the Head of the Procuring Entity, members of the Bids and Awards Committee (BAC), the Technical Working Group, and the BAC Secretariat, the head of the Project Management Office or the end-user unit, and the project consultants by consanguinity or affinity up to the third civil degree." Said affidavit was submitted as part of the bid documents of the PH Tram-CB&T JV.

Bad faith attended dela Cruz' execution of the *Affidavit of Disclosure* and submission of the same as it contained a patent misrepresentation on the absence of relations between the persons enumerated in R.A. No. 9184 and in its IRR.

Accused Maralit also appears to be part of the conspiracy to ensure that the contract for the provision of interim maintenance services be awarded to PH Trams despite PH Trams's disqualification as he actively took part in the management of PH Trams.

Further, this Court notes that, even though dela Cruz was the lone signatory in the *Affidavit of Disclosure* which contained the false information, the Affidavit expressly states that: 1) dela Cruz is the duly authorized and designated representative of Philippine Trans Rail Management and Service Corporation; and, 2) he is granted full power and authority to do, execute and perform any and all acts necessary and/or to represent Philippine Trans Rail Management and Service Corporation. The Secretary's Certificate dated August 20, 2012 confirms the authority given to him by the Board of Directors of PH Trams "to execute, sign bid documents and to transact business with the



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METRO RAIL TRANSIT CORPORATION (MRTC) relative to the bidding and perform any and all acts necessary and/or to represent Philippines Transit Rail Management And Services Corp. in the bidding xxx.” While accused De Vera denies knowledge of the *Affidavit of Disclosure* executed by accused dela Cruz in behalf of PH Trams, dela Cruz and Maralit claim that De Vera was the one who submitted the assailed Affidavit to MRT3 in compliance with the requirements for the negotiated procurement.

This Court sees no reason to depart from its Resolution dated December 8, 2015 finding that probable cause exists for the issuance of warrants of arrest against the accused De Vera, Soriano, dela Cruz and Maralit for violation of Sections 3(e) and 3(h), R.A. No. 3019 and of Section 65, Paragraph c(1) in relation to Section 47, R.A. No. 9184.²⁶

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This Court finds without merit accused Soriano’s insistence that the Information are invalid because of the absence of specific acts attributable to him in furtherance of the conspiracy. In *Inocentes vs. People*,²⁷ the Supreme Court explained that if conspiracy is alleged as a mode of committing the crime, there is less necessity of reciting its particularities in the Information, because conspiracy is not the gravamen of the offense, *viz*:

Inocentes is unyielding in his position that the informations filed against him should be quashed based on the following grounds: (1) that all the information alleged is that Inocentes conspired and confederated with his co-accused without specifying how his specific acts contributed to the alleged crime; and (2) that the Sandiganbayan has no jurisdiction over Inocentes because he was occupying a position with a salary grade less than 27.

On the contention that the informations did not detail Inocentes’ individual participation in the conspiracy, we have underscored before the fact that under our laws conspiracy should be understood on two levels, *i.e.*, a mode of committing a crime or a crime in itself.

In *Estrada v. Sandiganbayan*, we explained that when conspiracy is charged as a crime, the act of conspiring and all the elements must be set forth in the information, but when it is

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Resolution promulgated on July 4, 2016, pp. 11-21; Record, Vol. III, pp. 19-24.

²⁷

G.R. Nos. 205963-64, July 7, 2016.

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not and conspiracy is considered as a mode of committing the crime, there is less necessity of reciting its particularities in the information because conspiracy is not the gravamen of the offense to wit:

To reiterate, when conspiracy is charged as a crime, the act of conspiring and all the elements of said crime must be set forth in the complaint or information.

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The requirements on sufficiency of allegations are different when conspiracy is not charged as a crime in itself but only as the mode of committing the crime as in the case at bar. There is less necessity of reciting its particularities in the Information because conspiracy is not the gravamen of the offense charged. The conspiracy is significant only because it changes the criminal liability of all the accused in the conspiracy and makes them answerable as co-principals regardless of the degree of their participation in the crime. The liability of the conspirators is collective and each participant will be equally responsible for the acts of others, for the act of one is the act of all. In People v. Quitlong, we ruled on how conspiracy as the mode of committing the offense should be alleged in the Information, viz:

A conspiracy indictment need not, of course, aver all the components of conspiracy or allege all the details thereof, like the part that each of the parties therein have performed, the evidence proving the common design or the facts connecting all the accused with one another in the web of the conspiracy. Neither is it necessary to describe conspiracy with the same degree of particularity required in describing a substantive offense. It is enough that the indictment contains a statement of facts relied upon to be constitutive of the offense in ordinary and concise language, with as much certainty as the nature of the case will admit, in a manner that can enable a person of common understanding to know what is intended, and with such precision that the accused may plead his acquittal or conviction to a subsequent indictment based on the same facts.

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Again, following the stream of our own jurisprudence, it is enough to allege conspiracy as a mode in the commission of an offense in either of the

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following manner: (1) by use of the word "conspire," or its derivatives or synonyms, such as confederate, connive, collude, etc. or (2) by allegations of basic facts constituting the conspiracy in a manner that a person of common understanding would know what is intended, and with such precision as would enable the accused to competently enter a plea to a subsequent indictment based on the same facts.

With these guidelines in mind, Inocentes' challenge with respect to the informations filed against him necessarily fails as he could gather that he is one of those GSIS officials who conspired in approving the anomalous transactions. Accordingly, the informations filed against Inocentes in this case are valid because they adequately provide the material allegations to apprise him of the nature and cause of the charge.²⁸

Finally, the Court finds no basis to agree with accused Soriano's claim that his suspension *pendente lite* is meant to be a penalty because the prosecution wants him suspended just to see him suffer the burden, stigma and inconvenience of facing prosecution in the present criminal case.²⁹

The Supreme Court has repeatedly held that preventive suspension under Section 13, R.A. No. 3019 is mandatory, and there are no 'ifs' and 'buts' about it. The Supreme Court said that Section 13, R.A. No. 3019 is so clear and explicit that there is hardly room for any extended court rationalization of the law. It unequivocally mandates the suspension of a public official from office pending a criminal prosecution under R.A. No. 3019 or Title 7, Book II of the Revised Penal Code or for any offense involving public funds or property or fraud on government.³⁰

WHEREFORE, the *Motion to Suspend* accused Arturo V. Soriano is GRANTED. The Court orders the suspension *pendente lite* of accused Arturo V. Soriano as provincial accountant of Pangasinan and from any other public position he may now or hereafter hold for a period of ninety (90) days. Accused Soriano shall immediately cease and desist from performing the functions

²⁸ Italics in the original retained; citations omitted; emphasis and underscoring supplied.
²⁹ Opposition dated August 17, 2016, pp. 1-2; Record, Vol. III, p. 353-354.
³⁰ Beroña vs. Sandiganbayan, *Supra*, at p. 307.

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of his office upon the implementation of this Order of Preventive Suspension. The suspension of the accused shall automatically be lifted upon the expiration of the 90-day period from the implementation of this resolution.

Let a copy of this Resolution be furnished the Provincial Governor of Pangasinan for the implementation of this order of suspension. The Provincial Governor of Pangasinan is ordered to inform the Court of the action taken thereon within fifteen (15) days from receipt hereof.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice

WE CONCUR:


AMPARO M. CABOTAJE-TANG
Presiding Justice
Chairperson


ZALDY V. TRESPESES
Associate Justice