

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,
Plaintiff,

Crim. Case No. SB-11-CRM-0048 to
SB-11-CRM-0049

For: Violation of Section 52(g) of
R.A. No. 8291

-versus-

Present:
Herrera, Jr., J. *Chairperson*
Musngi, J. &
Pahimna, J.

Lilia D. De Jesus,
Accused.

Promulgated:

June 6, 2017 *A*

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RESOLUTION

HERRERA, JR., J:

For resolution of the Court are the following:

- 1) ***Very Urgent Motion To Extend Travel Period***¹ dated March 17, 2017 filed by accused Lilia D. De Jesus (Movant for short), through counsel, to which the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, filed a ***Comment/Opposition (To Accused De Jesus' Very Urgent Motion To Extend Travel Period dated 17 February 2017)***² dated March 27, 2017;
- 2) ***Urgent Omnibus Motion 1. To Extend Travel Period; and 2. To Suspend Proceedings Pending Resolution of the Demurrer to Evidence***³ dated May 16, 2017, filed by movant, through counsel, to which the plaintiff filed a ***Comment/Opposition (To Accused De Jesus' Urgent Motion to Extend Travel Period And To Suspend***

¹ Record of Crim. Case No. SB-11-CRM-0048, pp. 392-408

² Id, pp. 411-413

³ Id, pp. 417-420

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Proceedings Pending Resolution of Demurrer to Evidence dated 16 May 2017)⁴ dated May 26, 2017.

Movant stands charged with **Violation of Section 52(g) of Republic Act (R.A.) No. 8291**, also known as the **Government Service Insurance System Act of 1997**, in Criminal Case No. SB-11-CRM-0048, under an **Information**⁵ dated January 19, 2011, and with **Violation of Section 3(e) of R.A. 3019**, also known as the **Anti-Graft and Corrupt Practices Act**, in Criminal Case No. SB-11-CRM-0049, under an **Information**⁶ also dated January 19, 2011.

In a **Resolution**⁷ dated December 16, 2016, the Court granted movant's **Very Urgent Motion For Leave To Travel**⁸ dated November 25, 2016, allowing her to travel to the United States of America on December 20, 2016 to February 18, 2017, or for a period of almost two (2) months. In her **Very Urgent Motion For Leave To Travel**, movant claimed that she is suffering from glaucoma and thyroid mass but she cannot afford the medical expenses here in the Philippines, and she can cheaply, if not freely, avail of medical treatment in the United States being a U.S. citizen.

On February 17, 2017, the day before her authority to travel expired, movant, through counsel, filed a **Very Urgent Motion To Extend Travel Period**,⁹ praying that her travel period to the United States be extended for sixty (60) days, or from February 18, 2017 to April 19, 2017. Essentially, she claimed that such extended period will enable her to further undergo medical examination and likewise invoked the pendency of a **Demurrer To Evidence** she filed with the Court. The Court, in an **Order**¹⁰ dated February 21, 2017, granted movant's **Very Urgent Motion, etc.** and gave her a one-month extension from February 18, 2017 to March 17, 2017.

⁴ Id, pp. 421-423

⁵ Id, pp. 1-3

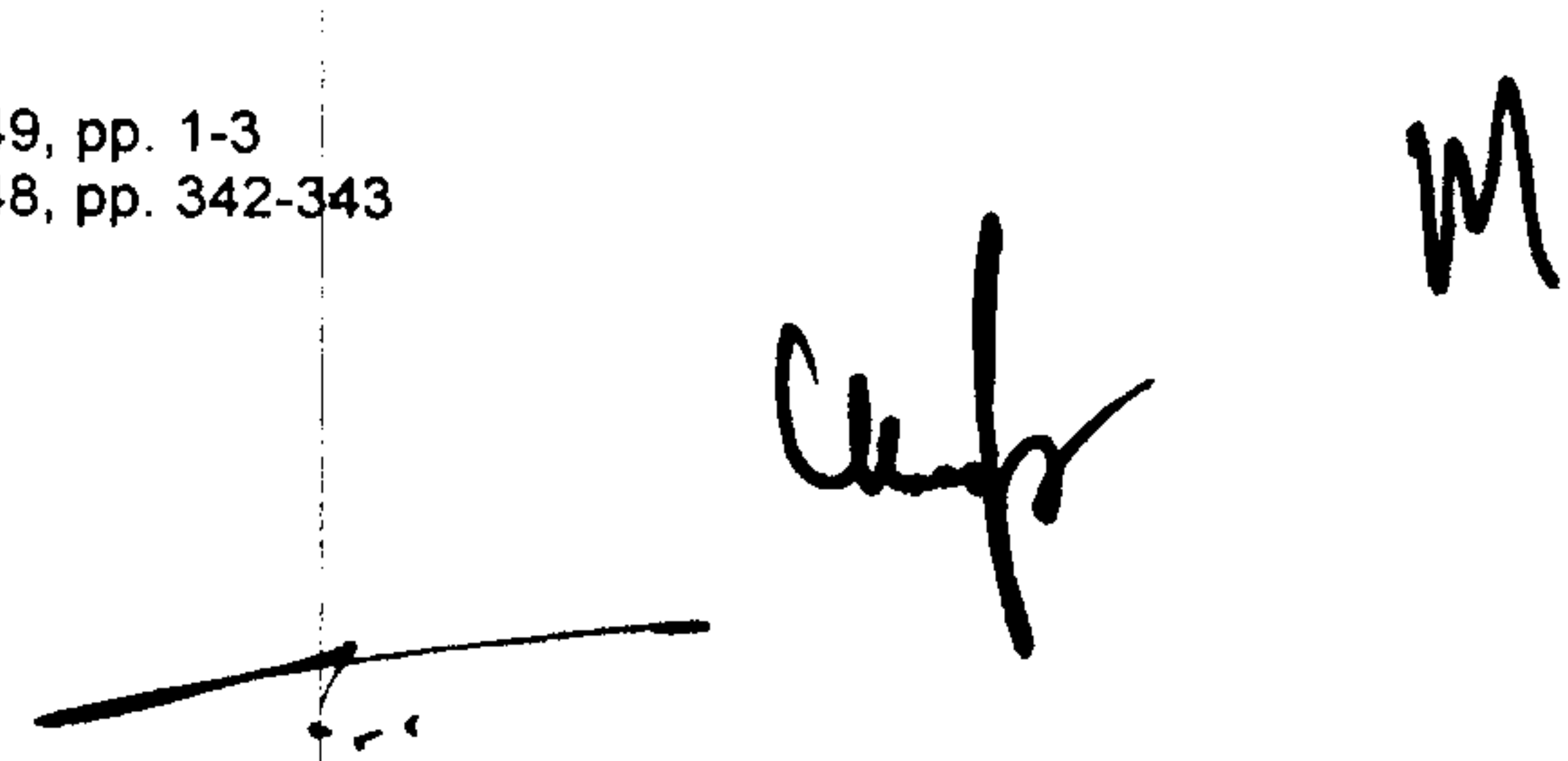
⁶ Record of Crim. Case No. SB-11-CRM-0049, pp. 1-3

⁷ Record of Crim. Case No. SB-11-CRM-0048, pp. 342-343

⁸ Id, pp. 317-332

⁹ Id, pp. 367-383

¹⁰ Id, p. 388

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Movant did not return to the Philippines inspite of the expiration of the extended travel period granted her by the Court. Instead, on March 17, 2017, movant, through counsel, filed the **Very Urgent Motion To Extend Travel Period**¹¹ also dated March 17, 2017, praying that she be allowed to stay in the U.S. for an additional sixty (60) days from March 17, 2017 to May 17, 2017, so that she can further undergo medical examination and procedures regarding her alleged afflictions. Movant's counsel set the **Very Urgent Motion, etc.** for hearing on March 24, 2017 and, on said date, the prosecution was given a period of five (5) days within which to file its comment or opposition. The prosecution filed its **Comment/Opposition, etc.**¹² on March 28, 2017.

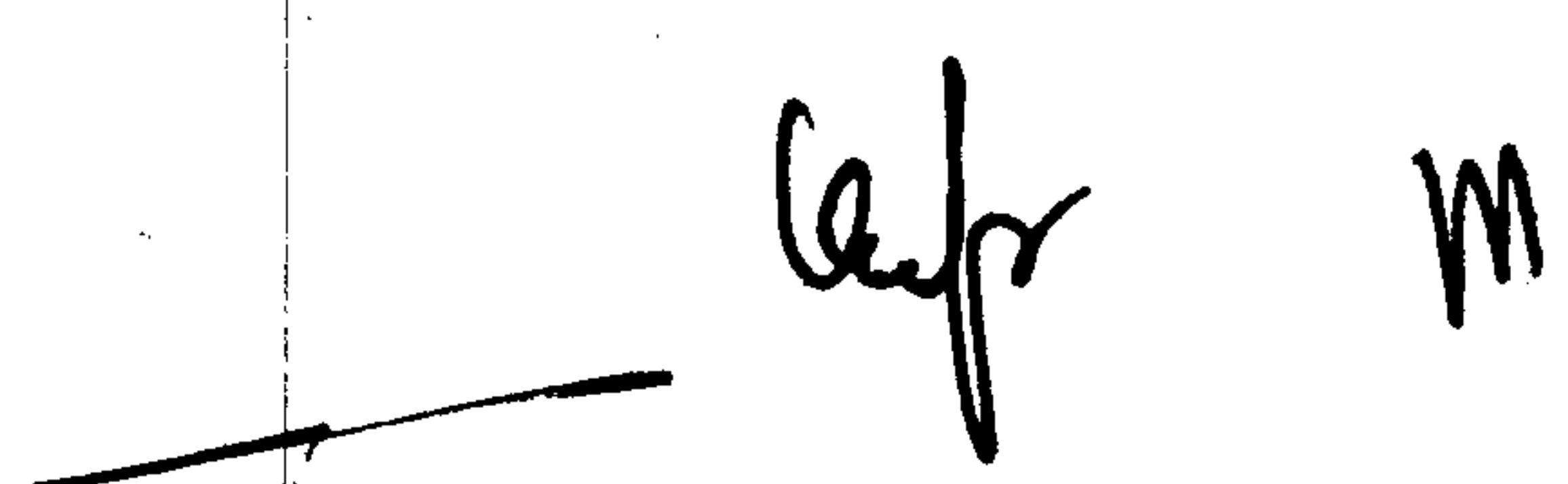
As it is, while her **Very Urgent Motion, etc.** filed on March 17, 2017 has not been resolved, and therefore fully aware that there is no authority granted by the Court to extend her travel period beyond March 17, 2017, movant, through counsel, filed on May 26, 2017 the **Urgent Omnibus Motion 1. To Extend Travel Period; and 2. To Suspend Proceedings Pending Resolution of the Demurrer To Evidence**¹³ dated May 16, 2017, this time praying that "she be allowed to stay in the United States until such time that her Demurrer to Evidence is resolved."

It is quite clear that movant and counsel are making a mockery of the processes and proceedings of this Court. The filing of the **Very Urgent Motion To Extend Travel Period** dated March 17, 2017 on the very last day of the extended travel period granted in the **Order** of February 21, 2017 is a manifest indication that movant had no intention to comply with said **Order** of the Court. This was compounded by the fact that although the aforesaid **Very Urgent Motion, etc.** of March 17, 2017 has not been resolved, movant, through counsel, who has no right to assume that it will be granted, filed on May 26, 2017 the **Urgent Omnibus Motion, etc.**, praying that movant "be allowed to stay in the United States until such time that her Demurrer to Evidence is resolved." Suffice it to stress that the pendency of a demurrer to evidence is not a reason to grant an

¹¹ Id, pp. 392-408

¹² Id, pp. 411-413

¹³ Id, pp. 417-420

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accused authority to travel abroad or violate an order of the Court. In any event, the fact remains that up to now, movant has not returned to the Philippines despite the expiration of her period to travel on March 17, 2017.

Among the conditions of the travel authority earlier granted to and violated by accused reads:

"6. Should accused fail to comply with the conditions imposed by the Court on the accused's authority to travel, trial against the accused shall proceed in **absentia**; the travel cash bond shall be forfeited and any future Motion for Leave to Travel which may be filed by the accused may be denied."¹⁴

WHEREFORE, premises considered, the Court resolves to deny the ***Very Urgent Motion To Extend Travel Period*** dated February 17, 2017 and the ***Urgent Omnibus Motion 1. To Extend Travel Period; and 2. To Suspend Proceedings Pending Resolution of the Demurrer to Evidence*** dated May 16, 2017, both filed by accused Lilian D. De Jesus, through counsel.

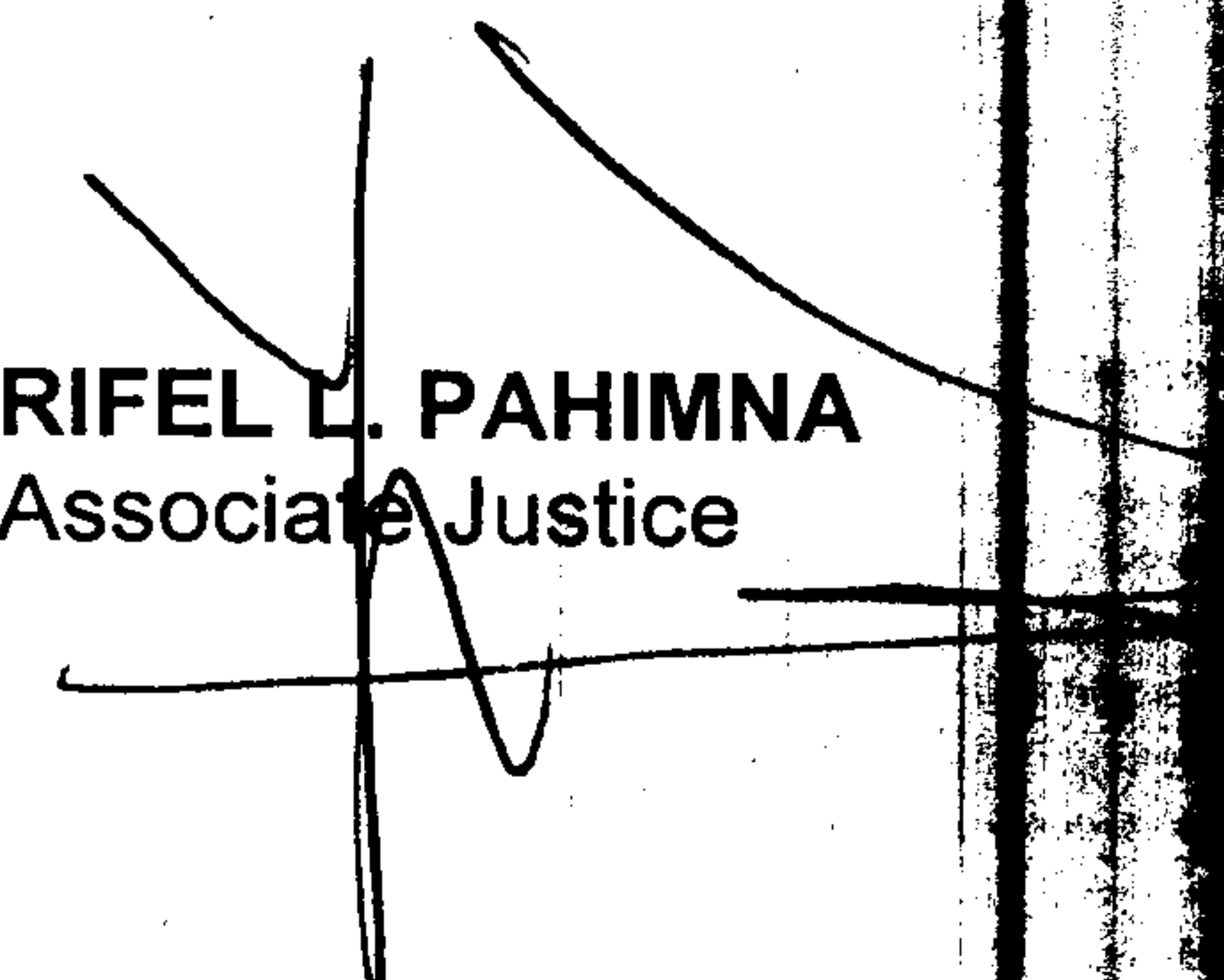
The travel bond of ₱60,000.00 in cash deposited by accused De Jesus is hereby ordered forfeited.

SO ORDERED.


OSCAR O. HERRERA, JR.
Chairperson

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


LORIFEL L. PAHIMNA
Associate Justice

¹⁴ Id, p. 343