

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,
Plaintiff,

Crim. Cases Nos. SB-16-CRM-0849 to
SB-16-CRM-1050

For: Violation of Section 3 (e) of
R.A. 3019

-versus-

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

Crisostomo T. Eguia, Jr.,
Accused.

Promulgated:
23 June 2017 /M

X-----X

RESOLUTION




HERRERA, JR., J.:

This resolves the ***Motion To Suspend Accused Pendente Lite (As Regards Accused Crisostomo Taclap Eguia, Jr.)***¹ dated April 3, 2017, filed by the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, to which accused Eguia, Jr., through counsel, filed a ***Comment/Opposition***² dated April 21, 2017.

Accused Eguia, Jr. is charged before this Court with sixty (60) counts of ***Violation of Section 3(e) of Republic Act (R.A.) No 3019***, also known as the ***Anti-Graft and Corrupt Practices Act***, in Criminal Cases Nos. SB-16-CRM-0849 to 0908; thirty-one (31) counts of ***Malversation of Public Funds under Article 217 of the Revised Penal Code (RPC)*** in Criminal Cases Nos. SB-16-CRM-0909 to 0939; sixty-one (61) counts of the offense of ***Failure to Render Accounts under Article 118 of the RPC***, in Criminal Cases Nos. SB-16-CRM-0940 to 1000; and sixty (60) counts of ***Violation of Section 89, in relation to Section 128, of***

¹ Record, pp. 417-420

² Id, pp. 421-423

Presidential Decree (P.D.) No. 1445, in Criminal Cases Nos. SB-16-CRM-1001 to 1060.

On March 30, 2017, accused Eguia, Jr. was arraigned in all the aforementioned cases, and, with the assistance of counsel, he pleaded not guilty to the charges against him.

It appears that accused Eguia, Jr. is the incumbent Vice-Mayor of the Municipality of Katipunan, Zamboanga del Norte. The prosecution, in its **Motion To Suspend, etc.**, is praying that accused Eguia, Jr. be suspended from office, pursuant to **Section 13 of R.A. 3019**. Accused Eguia, Jr., in his **Comment/Opposition**, contends that he has a valid and meritorious defense to prove that he did not commit any crime; that he was voted into office with a staggering number of votes and, therefore, has the mandate to hold the office of Vice-Mayor of the Municipality of Katipunan; and that to suspend him will defeat the mandate of the people and violate the constitutional presumption of innocence in his favor.

The **Motion To Suspend Accused Pendente Lite, etc.** is meritorious.

Section 13 of R.A. 3019, as amended, provides:

“Section 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 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 or execution and mode or 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.”

Here, accused Eguia, Jr. has been properly arraigned and he voluntarily entered his pleas. There is no issue with respect to the validity

_____ *[Signature]* *[Signature]*

of the informations filed against him making his preventive suspension mandatory.

In ***Bolastig v. Sandiganbayan***,³ the Supreme Court stressed:

“xxx. It is now settled that Sec. 13 of Republic Act No. 3019 makes it mandatory for the Sandiganbayan to suspend any public official against whom a valid information charging violation of that law, Book II, Title 7 of the Revised Penal Code, or any offense involving fraud upon government or public funds or property is filed.⁵ **The court trying a case has neither discretion nor duty to determine whether preventive suspension is required to prevent the accused from using his office to intimidate witnesses or frustrate his prosecution or continue committing malfeasance in office.** The presumption is that unless the accused is suspended he may frustrate his prosecution or commit further acts of malfeasance or do both, in the same way that upon a finding that there is probable cause to believe that a crime has been committed and that the accused is probably guilty thereof, the law requires the judge to issue a warrant for the arrest of the accused. **The law does not require the court to determine whether the accused is likely to escape or evade the jurisdiction of the court.**”

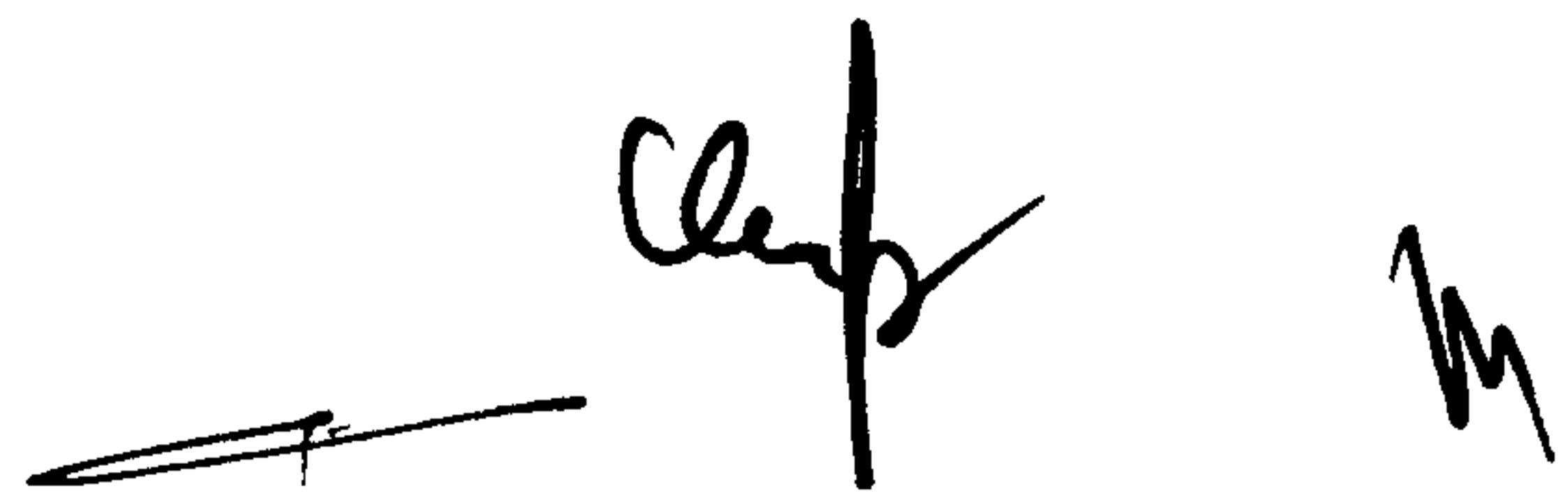
In ***Santiago v. Sandiganbayan***,⁴ the Supreme Court explained:

“The authority of the Sandiganbayan to order the preventive suspension of an incumbent public official charged with violation of the provisions of Republic Act No. 3019 has both legal and jurisprudential support. It would appear, indeed, to be a ministerial duty of the court to issue an order of suspension upon determination of the validity of the information filed before it. **Once the information is found to be sufficient in form and substance, the court is bound to issue an order of suspension as a matter of course, and there seems to be “no ifs and buts about it.”**”

WHEREFORE, premises considered, the plaintiff’s ***Motion To Suspend Accused Pendente Lite (As Regards Accused Crisostomo Taclap Eguia, Jr.)*** is hereby granted.

Accused Crisostomo Taclap Eguia, Jr. is hereby directed to cease and desist from further performing and/or exercising the functions, duties

³ 235 SCRA 103
⁴ 356 SCRA636



and privileges of the position of Vice-Mayor of the Municipality of Katipunan, Zamboanga del Norte, or any other position he may now be holding, effective immediately upon receipt of this **Resolution** and continuing for a period of ninety (90) days, unless the suspension is revoked or earlier terminated.

The Department of the Interior and Local Government (DILG) is hereby ordered to enforce the suspension aforementioned.

Accordingly, let a copy of the **Resolution** be served on the Secretary of the DILG. Said official, or through his duly authorized representative, is hereby directed, as follows:

- 1) To implement the suspension and inform the Court of the action taken in connection thereto, within five (5) days from receipt hereof;

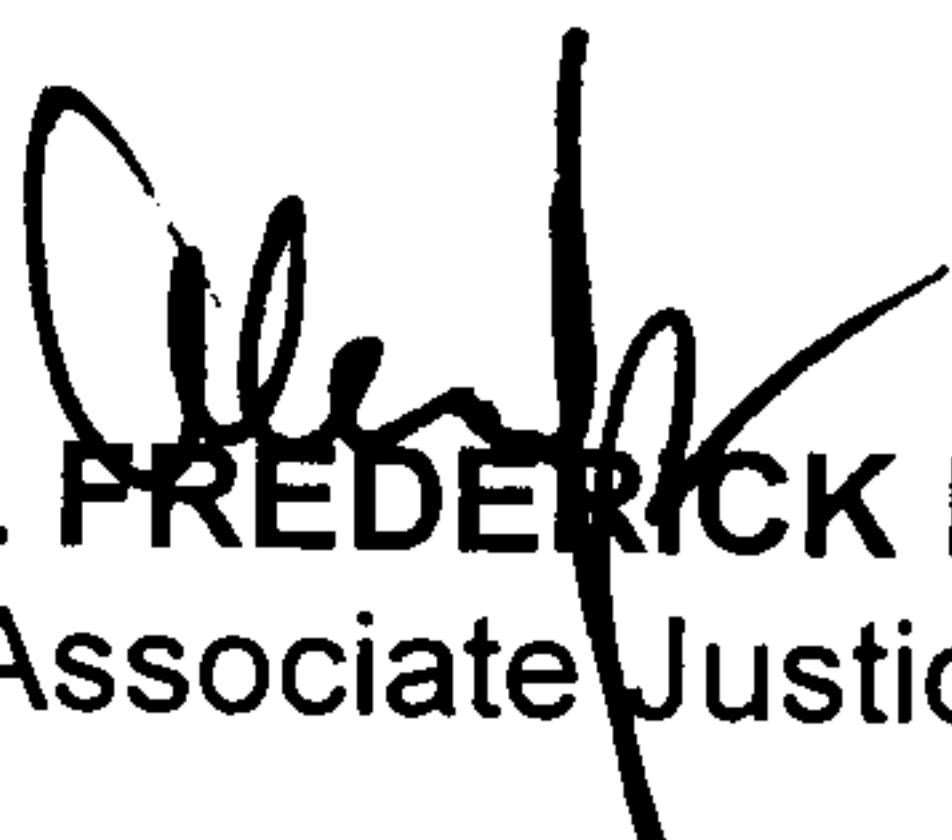
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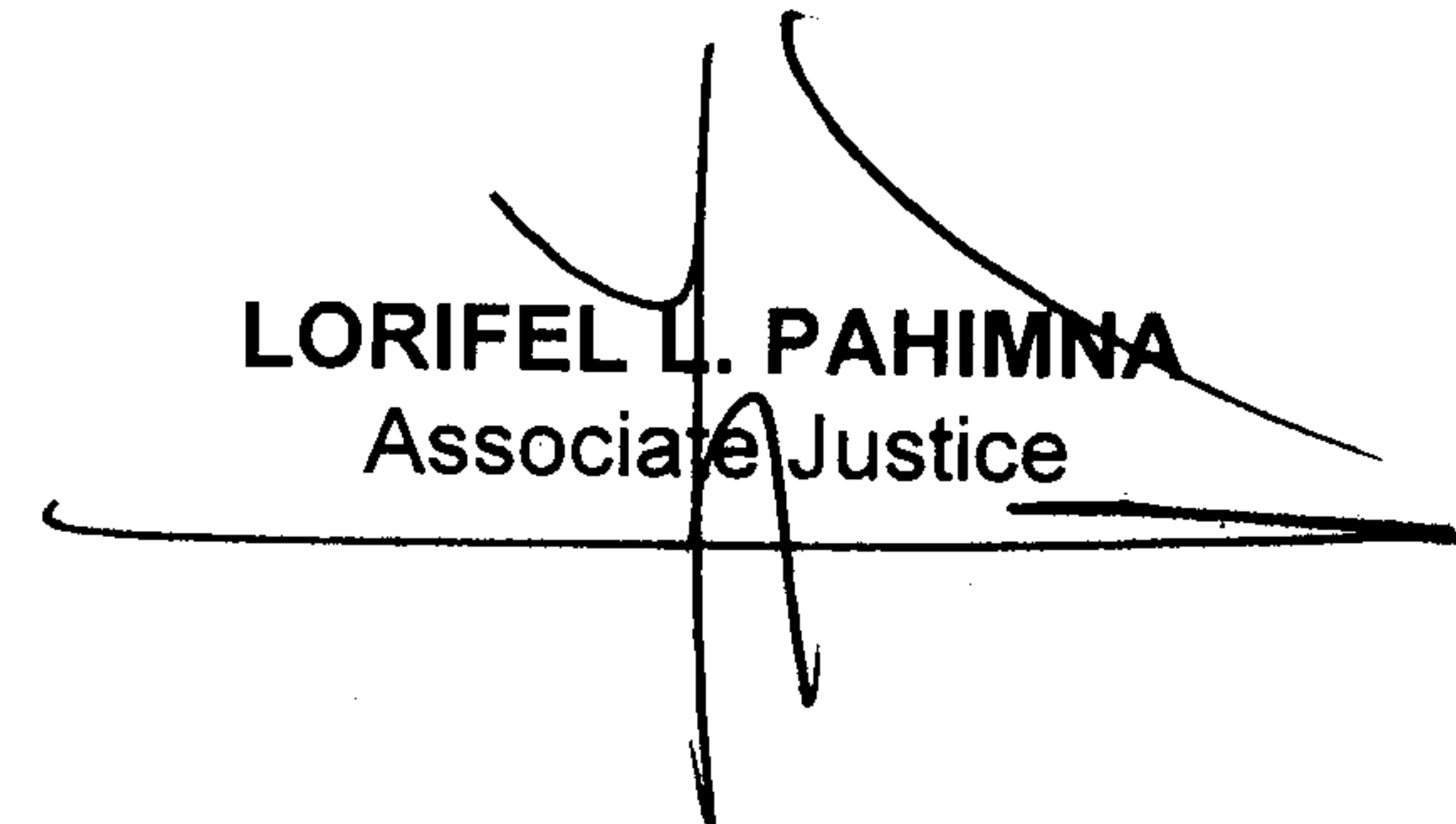
- 2) To inform the Court of the actual date of implementation of the suspension and the expiry of the ninety (90) day period.

SO ORDERED.


OSCAR C. HERRERA, JR.
Chairperson

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


LORIFEL L. PAHIMNA
Associate Justice