

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,
Plaintiff,

Crim. Case No. SB-06-CRM-0509

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

-versus-

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

Ernesto M. De Chavez &
Rolando M. Lontok, Jr.,
Accused.

Promulgated:
August 2, 2017 *J*

X-----X

RESOLUTION

HERRERA, JR., J:

On June 21, 2017, the Court promulgated a **Resolution**¹ in this case, the dispositive portion of which reads, *inter alia*:

“WHEREFORE, premises considered, the Court resolves to direct Atty. Dante I. Gierran, Director of the National Bureau of Investigation:

1) To transfer, or cause the transfer, of custody of the person of Ernesto M. De Chavez to the New Bilibid Prison in Muntinlupa City, Metro Manila, for service of sentence and to submit to this Court a report of compliance with this directive within a non-extendible period of three (3) days from receipt of a copy of this **Resolution**;

-and-

2) To transfer, or cause the transfer, of custody of the person of accused Rolando M. Lontok, Jr. to the Quezon City Jail under the Bureau of Jail Management and Penology (BJMP) for detention there while awaiting and undergoing trial, and to submit to this Court a report of compliance with this directive within a non-extendible period of three (3) days from receipt of a copy of this **Resolution.**”

xxx.”

¹ Record, Vol. 4, pp. 2050-2052

[Handwritten signatures]

The aforementioned **Resolution** was issued because of a letter dated April 12, 2017² of Undersecretary Erickson Balmes of the Department of Justice (DOJ) informing the Court that accused Chavez and Lontok, Jr. voluntarily surrendered on April 11, 2017 and their physical custody was turned over to NBI Director Gierran, so that they are being held at the NBI Detention Center, Taft Ave., Manila. On the other hand, the Court has rendered a **Decision**³ dated March 31, 2016, which has become final and executory, the dispositive portion of which reads:

“WHEREFORE, judgment is rendered as follows:

In Criminal Case No. SB-06-CRM0509, accused ERNESTO M. DE CHAVEZ is found **GUILTY** of Violation of Section 3(e) of R.A. 3019, otherwise known as The Anti-Graft and Corrupt Practices Act, and is hereby sentenced to suffer an Indeterminate penalty of imprisonment of SIX (6) YEARS and ONE (1) MONTH as minimum to TEN (10) YEARS as maximum, with perpetual disqualification to hold public office.

He is directed to indemnify the Batangas State University (BSU) the amount of Ninety-Two Thousand One Hundred Forty Pesos and 27/100 (Php92,140.27).

In Criminal Case No. SB-06-CRM-0511 for Estafa under Article 315, par. 2(a) of the Revised Penal Code, accused ERNESTO M. DE CHAVEZ is hereby **ACQUITTED** for insufficiency of evidence.

Since the Court did not acquire jurisdiction over the person of accused ROLANDO LONTOK, JR., let the cases against him be, in the meantime, **ARCHIVED**, the same to be revived upon his arrest. Let an alias warrant of arrest be issued against the accused.

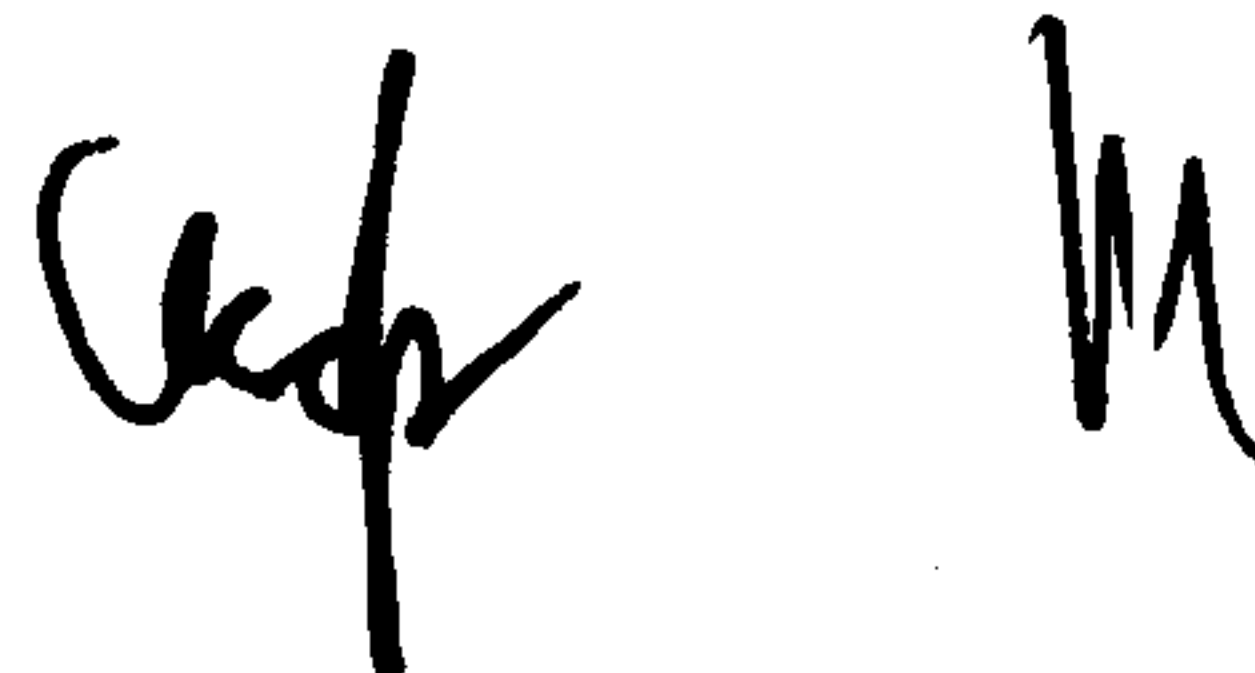
SO ORDERED.”

On July 6, 2017, a letter dated July 4, 2017,⁴ signed by one Rolando L. Lontok, Sr. and addressed to the The Clerk of Court, Second Division, was received, stating, among others, that:

² Record, Vol. 3, pp. 2045-2047

³ Id, pp. 1912-1939

⁴ Record, Vol. 4, pp. 2068-2069



"I am ROLANDO L. LONTOK, SR. and I would like to seek clarification on the Second Division's above mentioned resolution. Allow me to give you a background.

I was an accused in the case entitled "People of the Philippines vs. Ernest M. De Chavez and Rolando L. Lontok, Sr." docketed as Criminal Case No. SB-06-CRM-0507 with the Fifth Division. Eventually, we were convicted on 30 January 2012. On 11 April 2017, I surrendered to the Secretary of the Department of Justice and was turned over to the custody of the National Bureau of Investigation (NBI) pending the issuance of a Commitment Order from the Fifth Division.

On 21 June 2017, the Second Division issued a Resolution together with a Commitment Order in a separate case entitled "People vs. Ernesto M. De Chavez and Rolando M. Lontok, Jr." (Criminal Case No. SB-06-CRM-0509). Rolando M. Lontok, Jr. is my son presently at-large. In the said resolution, my son (Lontok, Jr.) was referred to as the person who surrendered to the Quezon City Jail while awaiting and undergoing trial (see attachment).

This was a mistake because I was the one who surrendered to the DOJ Secretary on 11 April 2017 and not "Rolando M. Lontok, Jr.", my son. I was convicted by the First Division in "People of the Philippines vs. Ernest M. De Chavez and Rolando L. Lontok, Sr." docketed as Criminal Case No. SB-06-CRM-0507, not by the Second Division (see attachment). In short, I was not an accused in Criminal Case No. SB-06-CRM-0509. At present, I am waiting for my commitment order from the Fifth Division."

On July 12, 2017, the NBI, through its Director, Atty. Dante A. Gierran, filed a **Manifestation/Compliance**⁵ dated July 7, 2017, stating, insofar as pertinent, that:

7. On 015 July 2017, the NBI received a letter from CONTI GATCHALIAN VILLANUEVA and RABUCO Law office signed by Atty. FRANCIS U. VILLANUEVA, on behalf of Messrs. ERNESTO M. DE CHAVEZ and **ROLANDO L. LONTOK, Sr.**, contending that the **ROLANDO M. LONTOK, JR.**, who is the co-accused of DE CHAVEZ in Criminal Case No. SB-06-CRM-0509 is not the same person as ROLANDO L. LONTOK, SR., who is presently detained in this Bureau.

xxx.

10. On 06 July 2017, the NBI implemented the Honorable Court's Commitment Order against accused ERNESTO

⁵ Id, pp. 2078-2082

M. DE CHAVEZ, whose custody was eventually turned over to the Bureau of Corrections, New Bilibid Prison Reservation, Muntinlupa City for DE CHAVEZ' service of sentence.

11. This office however deemed it prudent to seek clarification as regards the NBI's compliance to the Honorable Court's directive on the transfer of custody of accused ROLANDO L. LONTOK, SR., to the Quezon City Jail for the reasons as earlier raised.
12. The NBI however commits to exert efforts to validate the claim of the accused as to his real identity in order not frustrate the ends of justice."

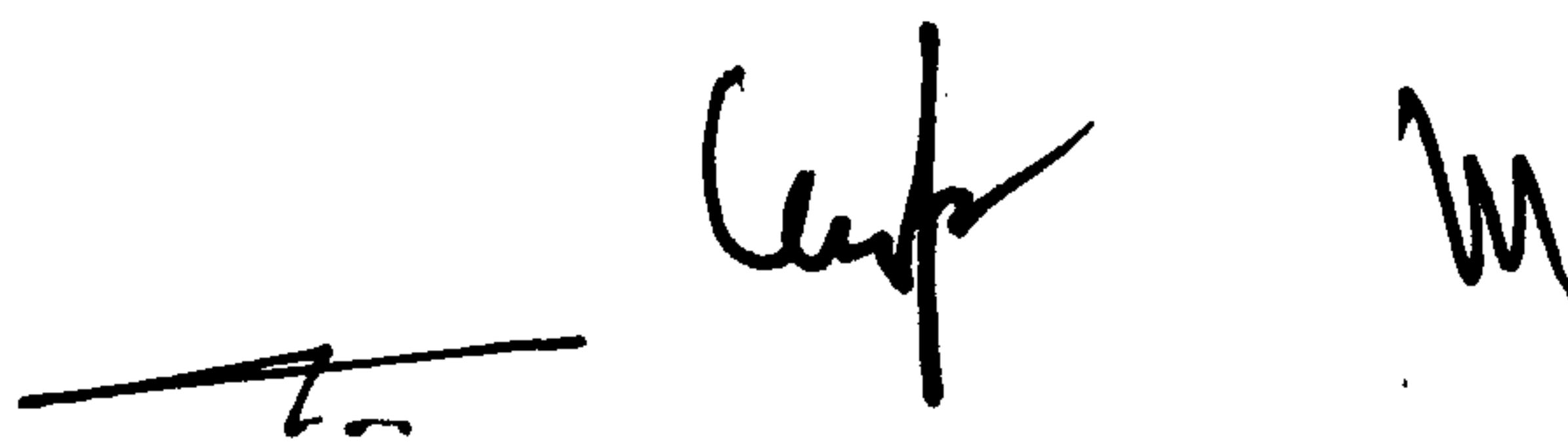
It is DOJ Undersecretary Balmes who, in his letter dated April 12, 2017, informed the Court that the ones who surrendered and whose custody was turned over to the NBI were Ernesto M. De Chavez and Rolando M. Lontok, Jr. Considering the issue regarding the real identity of said Rolando M. Lontok, Jr., the Court, while taking note of the compliance with respect to the transfer of custody of accused De Chavez to the Bureau of Corrections, New Bilibid Prison Reservation, finds it necessary to authorize the NBI to conduct a complete, credible and thorough verification on the identity of the Rolando M. Lontok, Jr. now under its custody.

WHEREFORE, premises considered, the Court hereby resolves, as follows:

- (1) To NOTE the National Bureau of Investigation's (NBI) manifestation of compliance on the turn-over of custody of accused Ernesto M. De Chavez to the Bureau of Corrections, New Bilibid Prison Reservation, Muntinlupa City, for service of sentence;

-and-

- (2) To DIRECT the NBI to conduct a complete, credible and thorough verification regarding the real identity of the person identified in the letter dated April 12, 2017 of DOJ Undersecretary Balmes as Rolando M. Lontok, Jr. who is presently under NBI custody, and

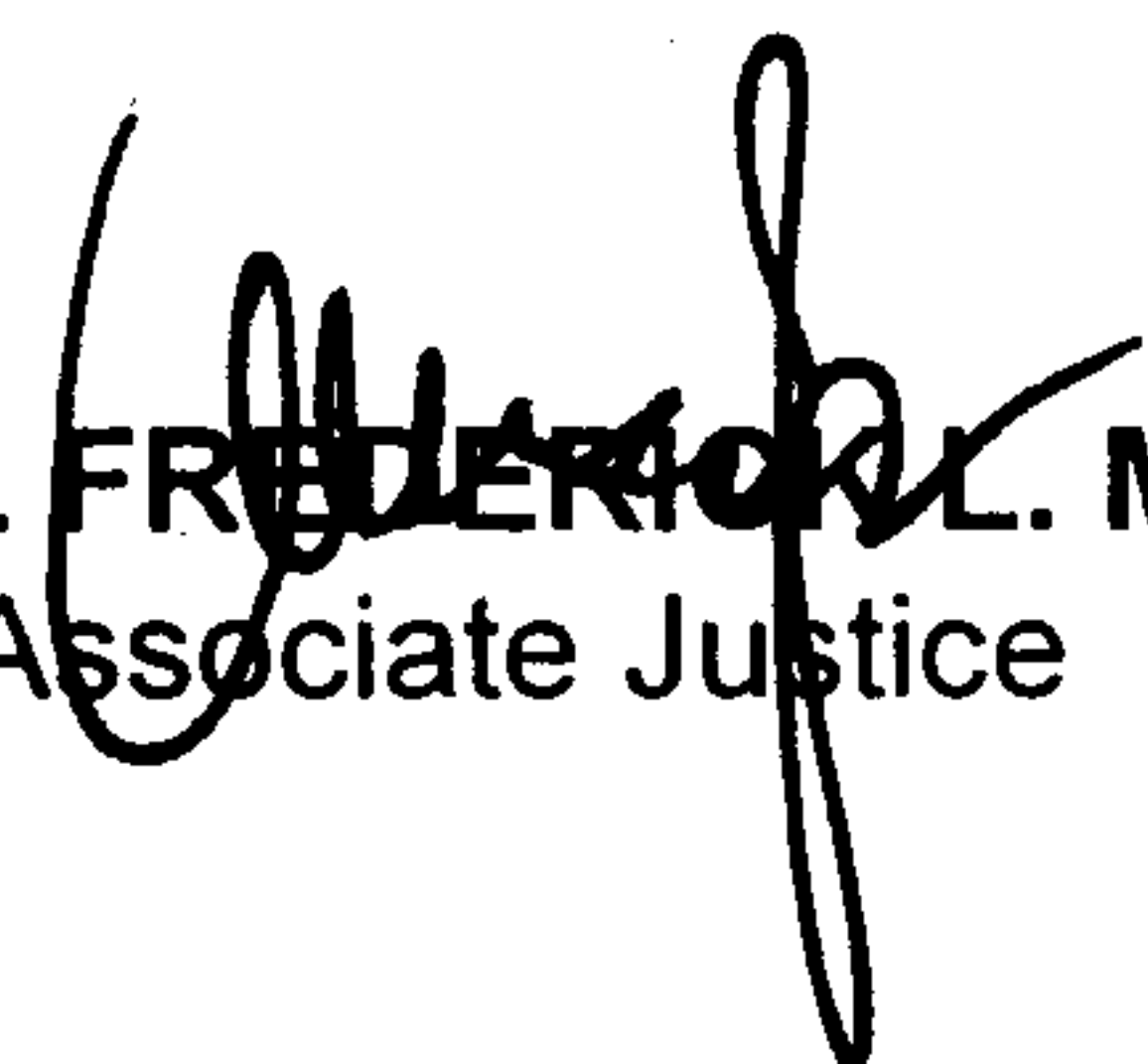
The block contains three handwritten marks at the bottom of the page. From left to right: a horizontal line with a small mark underneath, a signature that appears to be 'Carp', and a stylized initial 'M'.

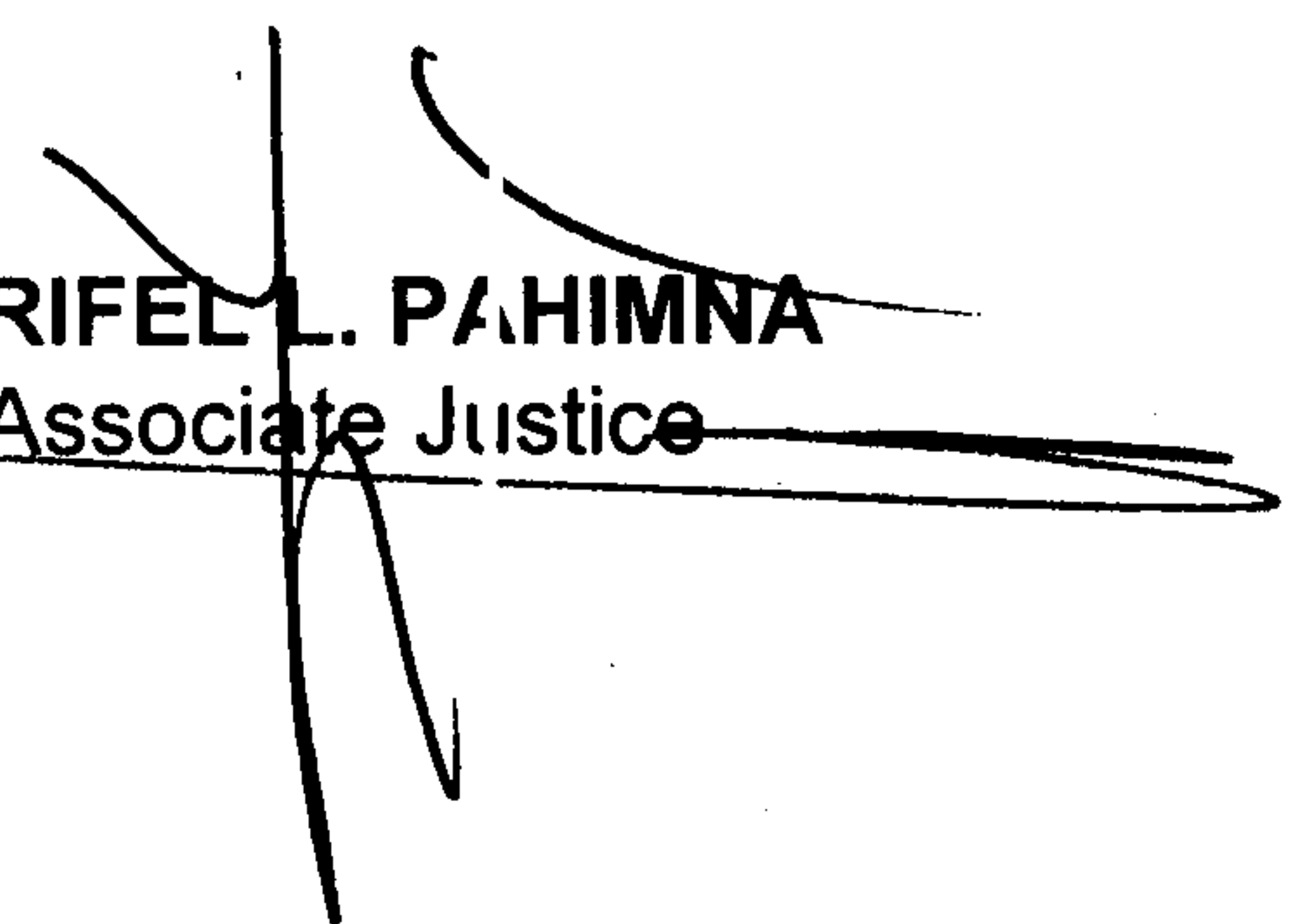
submit to the Court a report thereon within ten (10) days from receipt of a copy of this Resolution.

SO ORDERED.


OSCAR S. HERRERA, JR.
Chairperson

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


LORIFEL L. PAHIMNA
Associate Justice