

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,
Plaintiff,

Crim. Case No. SB-10-CRM-0001 to
SB-10-CRM-0010

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

-versus-

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

Antonio Domes-Ag, et al.,
Accused.

Promulgated:

August 2, 2017 *J*

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RESOLUTION

HERRERA, JR., J:

Before the Court is an *Ex-Parte Motion 1. To Allow accused Antonio Domes-Ag to use partially his Cash Bond of Twenty Four Thousand (P24,000.00) plus additional cash of Six Thousand (P6,000.00) in the above-entitled cases to pay the penalty of Thirty Thousand Pesos (P30,000.00) imposed on him. 2. To Lift the "Hold Departure Order" issued against Antonio Domes-Ag*¹ dated June 7, 2017, filed by accused Antonio Domes-Ag, through counsel.

Accused Domes-Ag was charged before the Court with six (6) counts of *Violation of Section 52(g) of Republic Act (R.A.) No. 8291, otherwise known as the GSIS Act*, under six (6) separate *Informations* all dated December 8, 2008.

On June 1, 2016, accused Domes-Ag was allowed to plead guilty to the lesser offense of *Violation of Section 52(c) of R.A. 8291* and was sentenced to pay a fine in total amount of P30,000.00, the *Order*² issued on said date reading:

¹ Record, Vol. 2, pp. 643-645

² Id, p. 636

afp *m*

“Upon payment to the GSIS of the civil obligation of Sixty Four Thousand Five Hundred Ninety Four Pesos and Fifty Seven Centavos (₱64,594.57) which was found satisfactory by the prosecution and with the plea of Guilty to the lesser offense under Section 52(c) of RA 8291 or the GSIS Law, the Court hereby imposes upon the accused the penalty of fine in the amount of Five Thousand Pesos (₱5,000.00) for each of the six (6) counts or a total of Thirty Thousand Pesos (₱30,000.00).

The Court grants the accused fifteen (15) days from today within which to make full satisfaction of the fine imposed on him.

SO ORDERED.”

For his provisional liberty, accused Domes-Ag posted bail in the form of cash deposit in the total amount of ₱24,000.00, as per Official Receipt No. 2313334L dated April 30, 2010.³

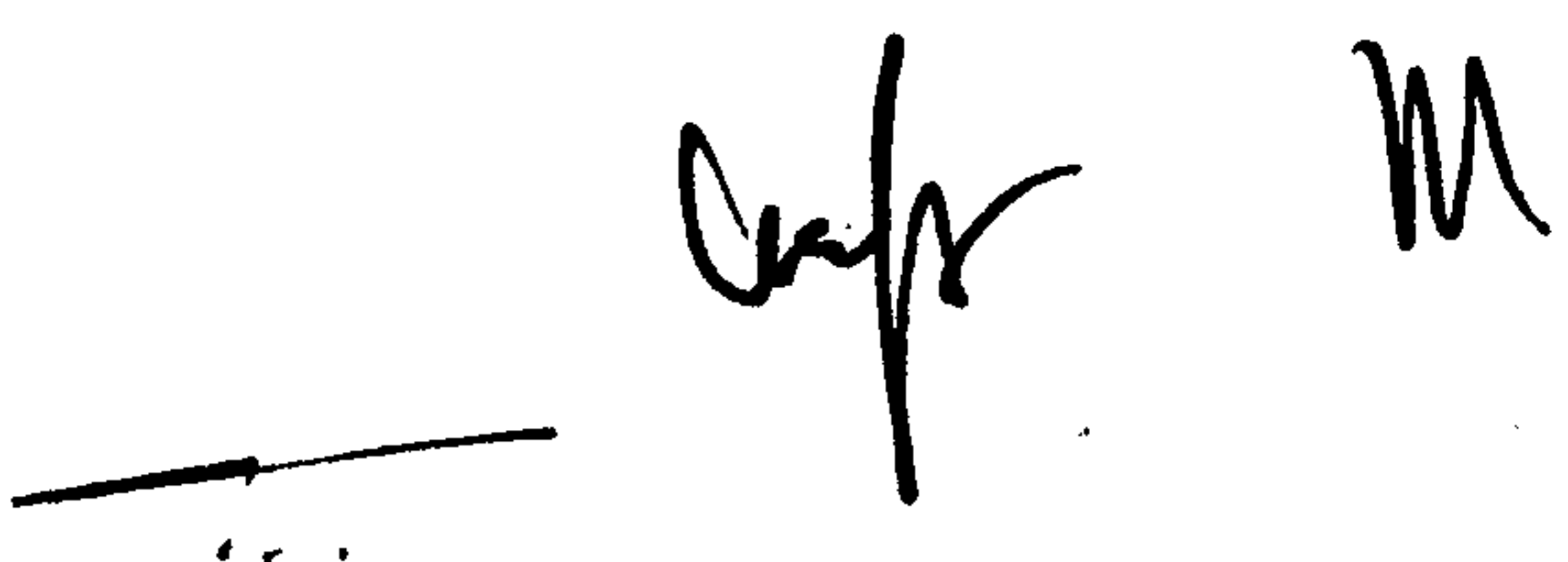
Under **Section 14, Rule 114 of the Rules of Criminal Procedure**, the cash deposit as bail may be applied to the payment of fine. It reads:

“**SEC. 14. Deposit of cash as bail.**—The accused or any person acting in his behalf may deposit in cash with the nearest collector of internal revenue or provincial, city, or municipal treasurer or the clerk of court where the case is pending the amount of bail fixed by the court, or recommended by the prosecutor who investigated or filed the case. Upon submission of a proper certificate of deposit and a written undertaking of section 2 of this Rule, the warden or person having custody of the accused shall release him without necessity of a further order from the court.

The money deposited shall be considered as bail and applied to the payment of fine and costs while the excess, if any, shall be returned to the accused or to whoever made the deposit.”

WHEREFORE, premises considered, the **Ex-Parte Motion, etc.** filed by accused Antonio Domes-Ag, through counsel, is partially granted and the Court resolves, as follows:

³ Id, pp. 130-135

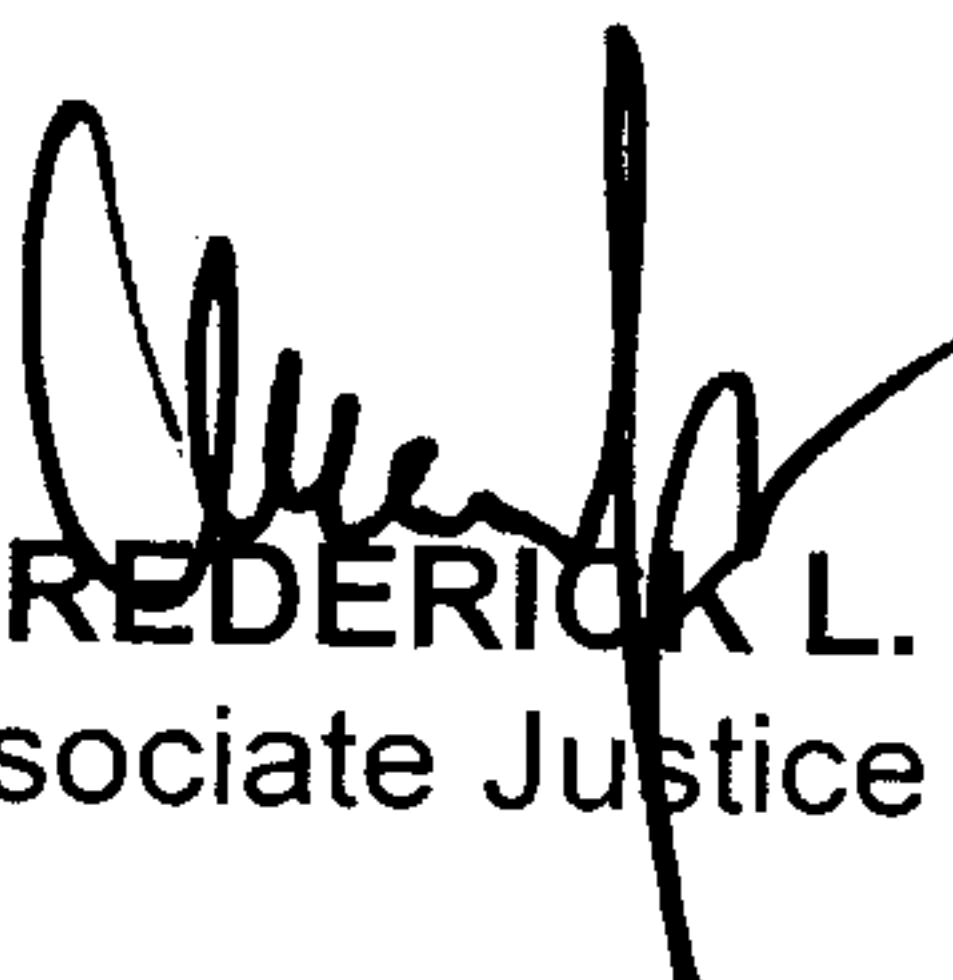
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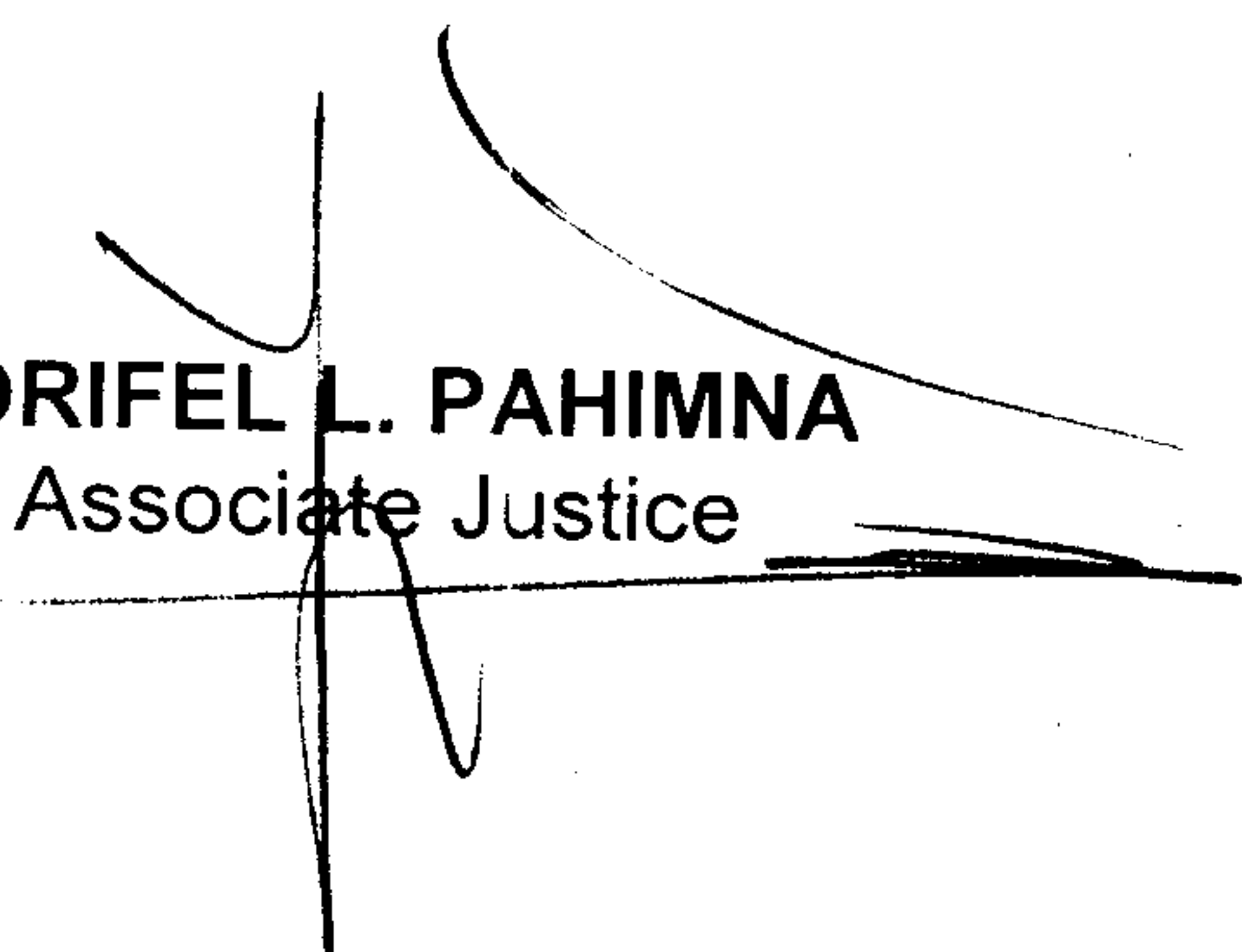
- 1) To hereby DIRECT that the cash deposit of ₱24,000.00 as bail for the provisional liberty of accused Antonio Domes-Ag, covered by Official Receipt No. 2313334L dated April 30, 2010, be applied to the penalty of fine of ₱30,000.00 imposed upon said accused in the **Order** dated June 1, 2016. The Clerk of Court, Second Division is directed to oversee compliance with this directive;
- 2) To hereby DIRECT accused Domes-Ag to pay the balance of ₱6,000.00 within five (5) days from receipt of a copy of this Resolution. In case of failure to do so, the Court shall issue a writ of execution against said accused; and
- 3) To HOLD IN ABEYANCE action on accused Domes-Ag's prayer for the lifting of the hold-departure order issued against him, until the penalty of fine of ₱30,000.00 has been fully satisfied.

SO ORDERED.


OSCAR B. HERRERA, JR.
Chairperson

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


LORIFEL L. PAHIMNA
Associate Justice