

Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

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Second Division

People of the Philippines,  
Plaintiff,

Crim. Case No. SB-16-CRM-0254 to  
SB-16-CRM-0263

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

-versus-

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

Arthur Y. Pingoy, et al.,  
Accused.

Promulgated:

August 17, 2017 *A*

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**RESOLUTION**

**HERRERA, JR., J:**

Before the Court is an ***Ex-Parte Motion with Manifestation (Re: Honorable Court's Order dated 20 March 2017)*** dated May 28, 2017, filed by the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, praying for corrections in the ***Order*** dated March 20, 2017 which reads:

"Upon arraignment in Crim. Cases Nos. 0257 and 026 , accused ***Victor Roman Cacal***, with the assistance of counsel, after the Informations were read to him in English, a language known and understood by him, refused to enter a plea in these cases; and therefore, pursuant to Section 1(c) of Rule 116 of the 2000 Rules of Criminal Procedure, let a plea of "NOT GUILTY" be entered for said accused in these cases.

Upon arraignment, accused Francisco B. Figura in Crim. Case No. 0254-0256 and 0258-0260 and Marivic V. Jover in Crim. Case Nos. 0254-0256 and 0258-0260, with the assistance of their respective counsels ***de parte***, after the Informations were read to them in English, a language known and understood by them, entered separate plea of "NOT GUILTY" in said cases.

The parties and their respective counsels are ordered to attend the **preliminary conference** before the Division Clerk of Court on June 19 and 20, 2017, July 5 and 6, 2017, and

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August 9 and 10, 2017, both at 9:30 o'clock in the morning to mark the documents or exhibits to be presented by the parties and copies thereof attached to the records after comparison and to consider other matters as may aid in its prompt disposition. Such pre-marking shall be adopted during the pre-trial.

The parties are reminded that no evidence shall be allowed and offered during the trial other than those identified and pre-marked during the pre-trial, except when allowed by the Court for good cause shown. **As agreed to by the accused and her counsel, the Judicial Affidavit Rule shall apply in the proceedings of these cases.**

The pre-trial of this case is set on September 14, 2017 at 1:30 o'clock in the afternoon.

SO ORDERED." (Emphasis supplied)

The plaintiff avers that the second sentence of the fourth paragraph of the *Order* dated March 20, 2017 quoted above has no basis. Said sentence reads: "As agreed to by accused and her counsel, the **Judicial Affidavit Rule shall apply in the proceedings of these cases.**" The plaintiff contends that said sentence should be deleted because the matter of applicability of the *Judicial Affidavit Rule* was not taken up during the hearing on March 20, 2017.

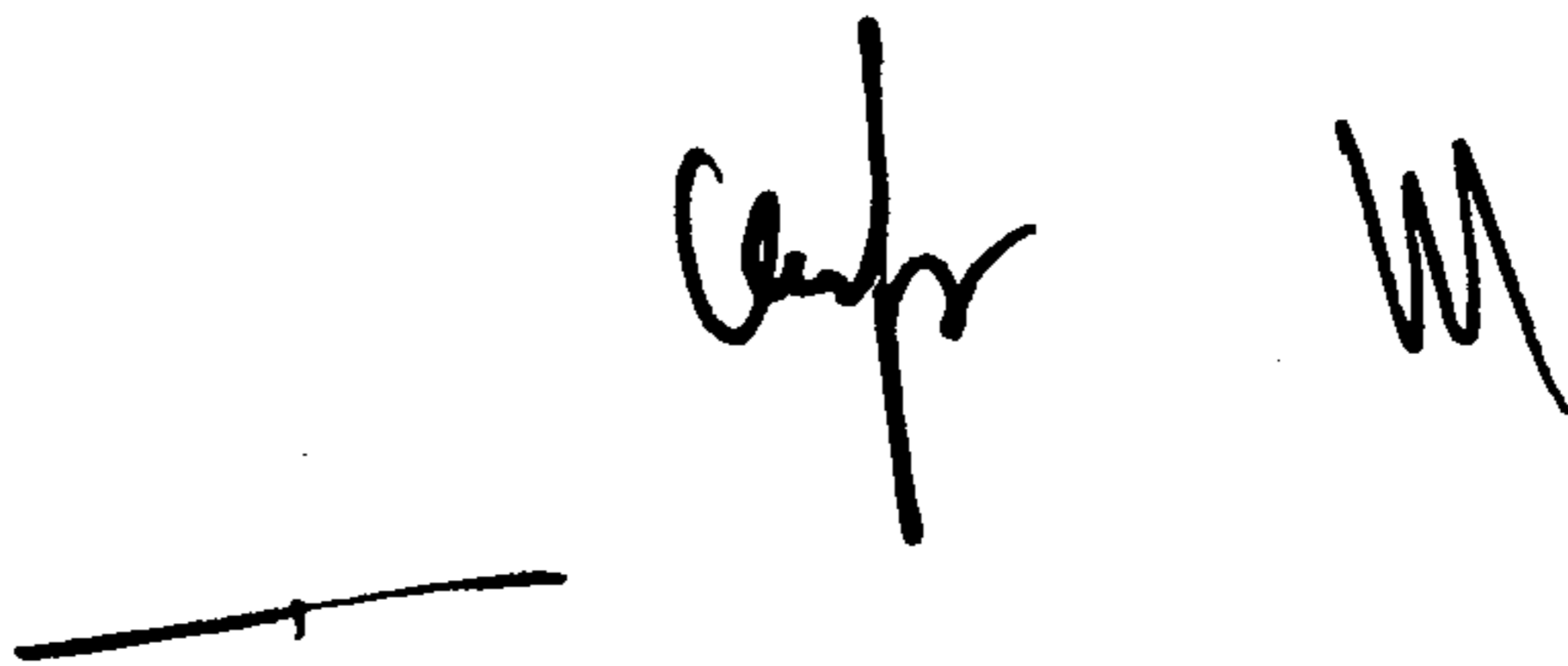
The Court reviewed the transcript stenographic notes (TSN) of the hearing held on March 20, 2017. Indeed, the applicability of the *Judicial Affidavit Rule* to these cases was not taken up. Hence, the deletion from the *Order* dated March 20, 2017 of the sentence referred to is warranted.

The Court also notes that the arraignment of Dennis Cunanan, one of the accused in these cases, is not reflected in the *Order* of March 20, 2017. Record shows that accused Cunanan was conditionally arraigned on November 24, 2016, in connection with his *Motion To Travel Abroad*, and he entered a plea of not guilty.<sup>1</sup> During the hearing on March 20, 2017, he agreed to have his conditional arraignment considered as a regular arraignment.<sup>2</sup>

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<sup>1</sup> Record, Vol. 2, p. 510

<sup>2</sup> TSN of March 10, 2017, pp. 8-9

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WHEREFORE, premises considered, the Court resolves as follows:

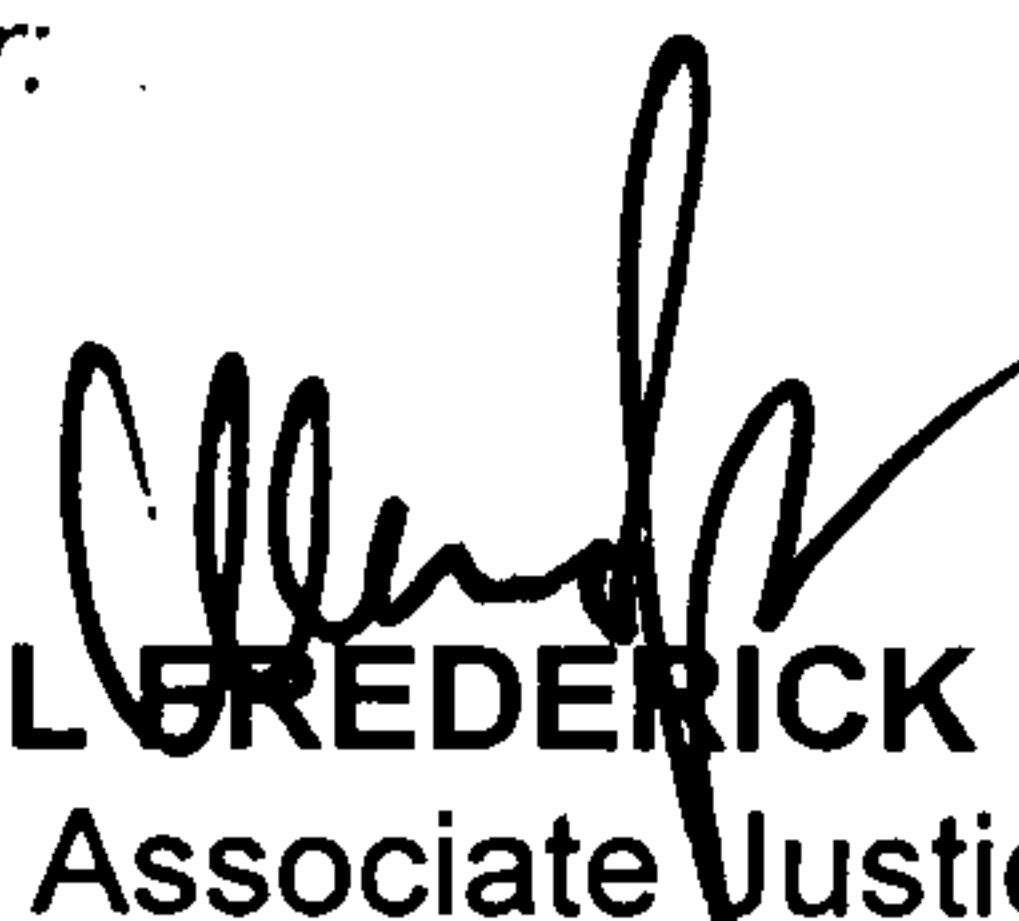
- 1) To hereby consider as deleted from the *Order* dated March 20, 2017 the second sentence of the fourth paragraph therein which reads: "As agreed to by the accused and her counsel, the Judicial Affidavit Rule shall apply in the proceedings of these cases."

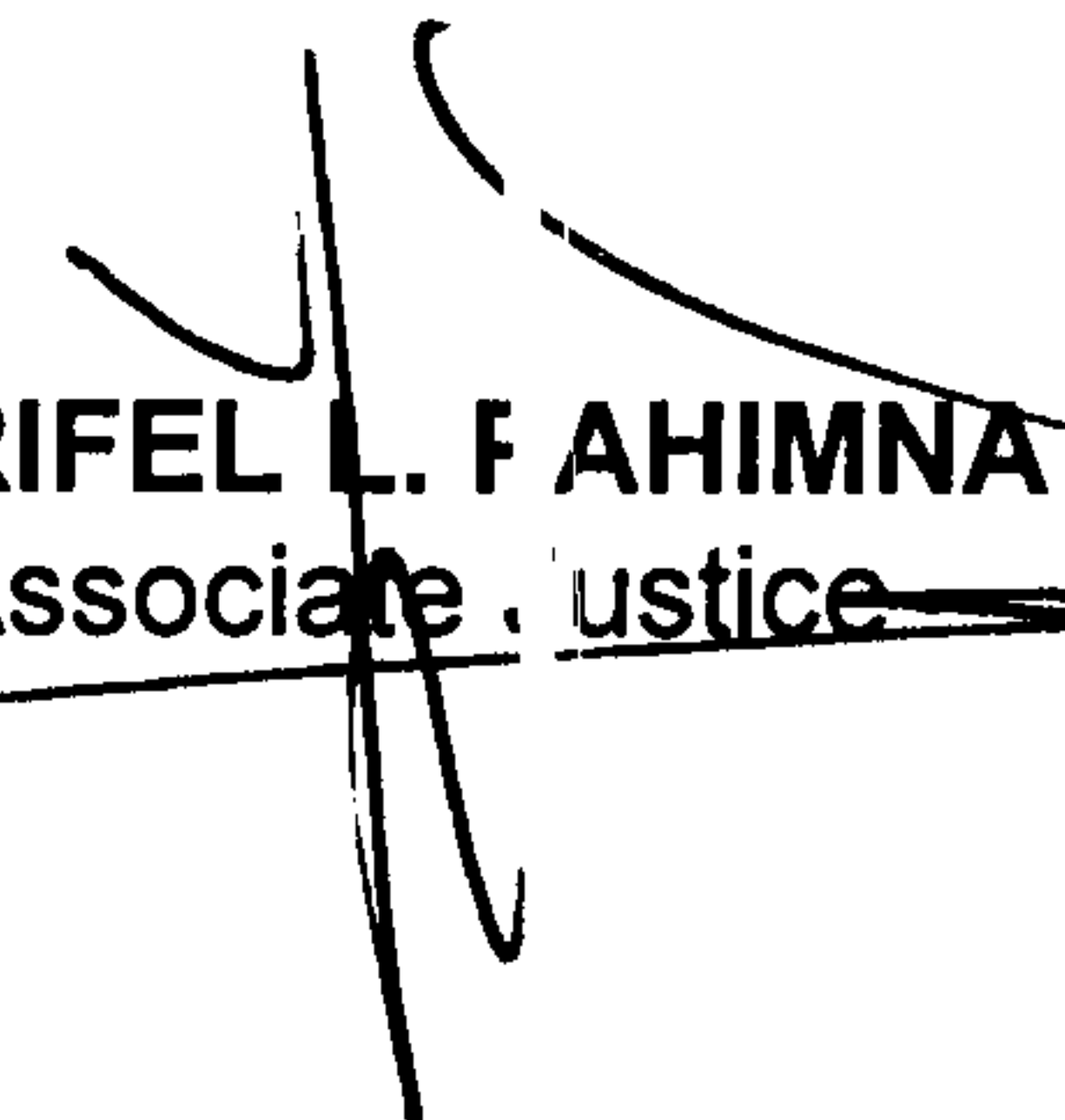
-and-

- 2) To hereby formally make it of record that accused Dennis L. Cunanan has agreed to consider his conditional arraignment conducted on November 24, 2016 as his regular arraignment.

  
OSCAR D. HERRERA, JR.  
Chairperson

*We concur:*

  
MICHAEL FREDERICK L. MUSNGI  
Associate Justice

  
LORIFEL L. FAHIMNA  
Associate Justice