

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,
Plaintiff,

Crim. Case No. 19189
*For: Violation of Section 3 (e) of
R.A. No. 3019, as amended*

-versus-

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

Alberto Oñas, et al.,
Accused.

Promulgated:
September 26, 2017

X-----X

RESOLUTION

HERRERA, JR., J:

Before the Court is a ***Motion To Dismiss***¹ dated June 30, 2017, filed by accused Wyson P. Uy (Movant for short), through counsel, praying the Court to issue an order dismissing the instant case as against him. He also prays that his bail in amount of ₱80,000 be cancelled and returned to him, and that the hold-departure order (HDO) against him be lifted. In connection with said ***Motion***, accused Uy also filed a ***Manifestation***² dated July 19, 2017, while the prosecution, through the Office of the Special Prosecutor, Office of the Ombudsman, filed a ***Comment/Opposition (Re: Motion to Dismiss dated 30 June 2017)***³ dated July 27, 2017.

Record shows that on November 17, 2003, the Court promulgated its ***Decision***⁴ in this case, the dispositive portion of which reads:

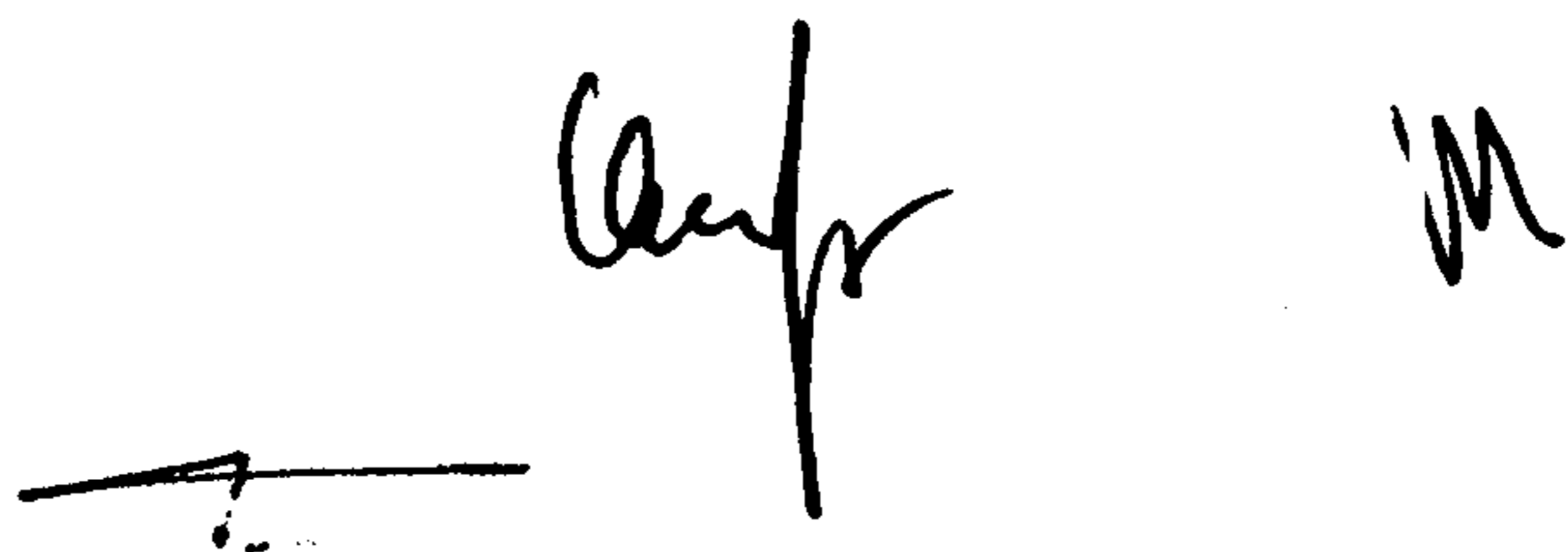
“WHEREFORE, for failure of the prosecution to establish the guilt of the accused beyond reasonable doubt, accused **ALBERTO OÑAS y DERIADA, ROLAND R. PACEÑO** and **WYSON UY y PEÑA** are hereby **ACQUITTED** of the offense charged.

¹ Record, Vol. 3, pp. 1444-1462

² Id, pp. 1470-1479

³ Id, pp. 1484-1488

⁴ Record, Vol. 2, pp. 713-716



However, accused WYSON UY y PEÑA is hereby ordered to reimburse the balance of ₱1,284,409.58 from his total cash advances of ₱2,250,000.00 to the Provincial Government of Aurora.

The Bail Bonds posted by all the accused are hereby ordered cancelled and returned to them after the usual accounting and auditing procedures.

SO ORDERED."

On December 2, 2003, movant filed a **Partial Motion For Reconsideration**⁵ dated November 28, 2003, where he prayed, as follows:

"WHEREFORE, it is respectfully prayed that this Honorable Court reconsider its Decision promulgated on November 17, 2003, partially, insofar as Wyson Uy is required to reimburse the government the alleged amount of ₱1,284,409.58, and in lieu thereof, render another, remanding the issue on the liquidation of the said amount to the Provincial Auditor of Baler, Aurora for proper adjudication."⁶

Acting on the aforementioned **Partial Motion For Reconsideration**, the Court promulgated a **Resolution**⁷ on June 15, 2007, the dispositive portion of which reads:

"Accordingly, the portion of the Decision of this Court promulgated on November 17, 2003 ordering Accused Wyson Uy to reimburse the amount of ₱1,284,409.25 is SET ASIDE and the Provincial Auditor of the province of Aurora is DIRECTED to IMMEDIATELY RESOLVE the Accused Uy's Request for Reconsideration of the Notice of Disallowance issued by the Provincial Auditor Atenie F. Padilla, and to report to this Court his compliance to our directive within fifteen (15) days thereof.

SO ORDERED."⁸

It appears that the Commission on Audit (COA), in **COA Decision No. 2015-328**⁹ rendered on November 25, 2015, in the case entitled "**Automatic review of Commission on Audit Regional Office No. III Decision No. 2011-25 dated September 13, 2011, which reduced the**

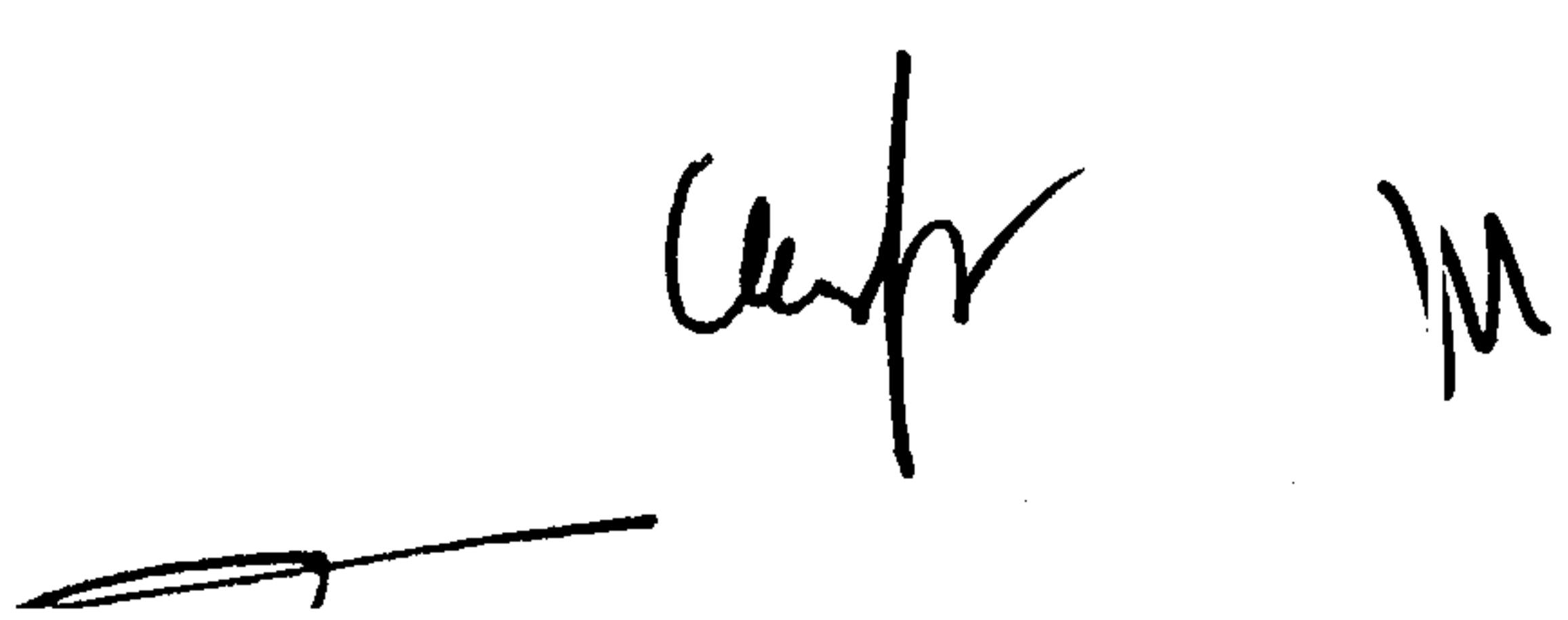
⁵ Id, pp. 760-775

⁶ Id, p. 774

⁷ Id, pp. 90-907

⁸ Id, p. 907

⁹ Record, Vol. 3, pp. 1331-1339



disallowed amount under Notice of Disallowance No. 95-001-211-(90) dated April 29, 1995 from ₱2,019,342.00 to ₱623,302.35, on the unliquidated cash advances of Mr. Wyson P. Uy, former member, Sangguniang Panlalawigan, Province of Aurora”, affirmed the reduction of the disallowed amount of ₱1,396,039.65 to ₱623,302.35, the dispositive portion of the *Decision* reading:

“**WHEREFORE**, foregoing premises considered, Commission on Audit Regional Office No. III Decision No. 2011-25 dated September 13, 2011, which reduced the disallowed amount under Notice of Disallowance No. 95-011-211-(90) dated April 29, 1995 from ₱2,019,342.00 to ₱623,302.35, is hereby **APPROVED**. Accordingly, the amount of P1,396,039.65 is hereby **LIFTED** while the disallowance in the amount of ₱623,302.35 is hereby **AFFIRMED**.”¹⁰

It also appears that the liability of movant in the reduced amount aforestated has already been settled, as per *Memorandum*¹¹ dated November 14, 2016 of State Auditor IV Emilia M. Dukha of the Office of the Auditor – Team I, Baler, Aurora as well as the latter’s *Notice of Settlement, etc.*¹² dated April 28, 2017.

The *Memorandum* dated November 14, 2016 reads in part:

“**SUBJECT** : Full Settlement of COA Order of Execution (COE) No. 2016-059 dated July 18, 2016 on the Unliquidated Cash Advances of Mr. Wyson P. Uy, former Member of Sangguniang Panlalawigan, Province of Aurora, in the amount of P623,302.35

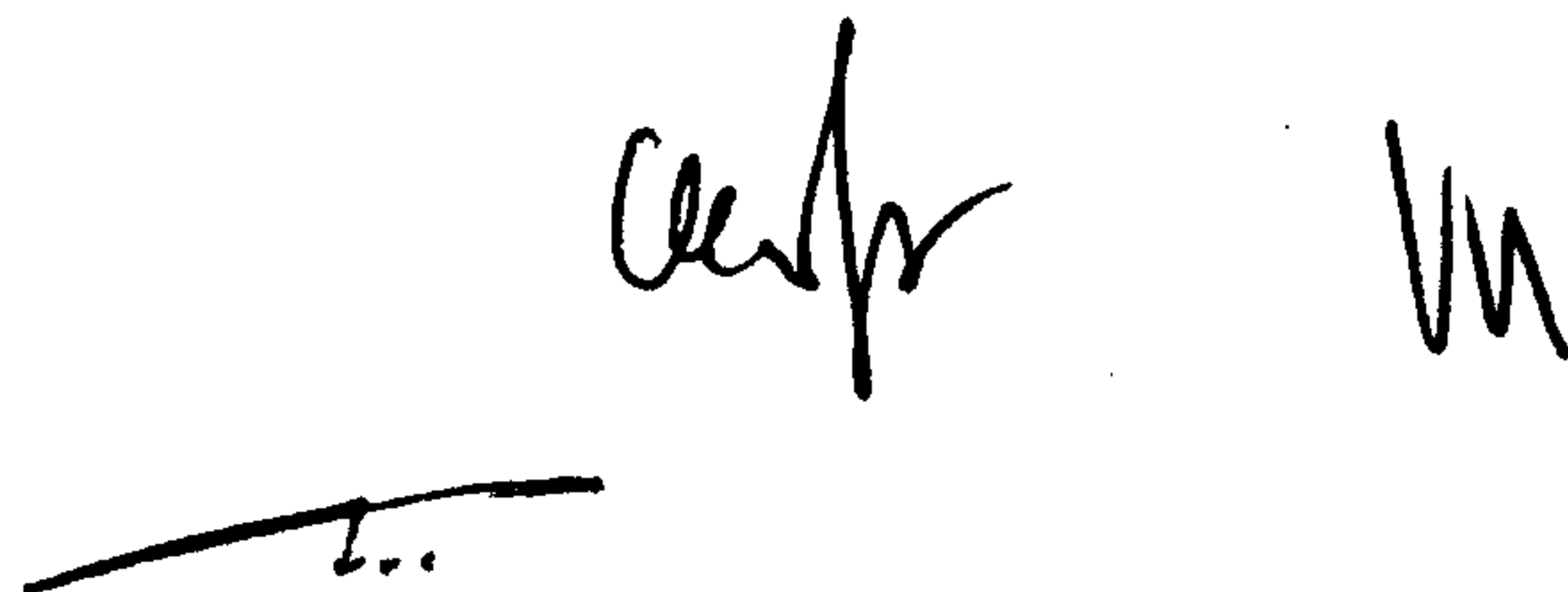
Date : November 14, 2016

In compliance with Section 23.4 of Rules and Regulations on Settlement of Accounts (RRSA), please be informed that full settlement of the above subject has been made by the above-named person liable as per attached authenticated copy of Official Receipt No. 0180679 dated November 9, 2016 as proof for the said settlement.

¹⁰ Id, p. 1338

¹¹ Id, p. 1456

¹² Id, p. 1459



EMILIA M. DUKHA
State Auditor IV
Audit Team Leader”

On the other hand, the *Notice of Settlement, etc.* reads:

“NSSDC No. 17-10
April 28, 2017

Hon. Gerardo A. Noveras
Governor
Province of Aurora

Attention: **Mr. Wilfredo C. Saturno**
Provincial Accountant

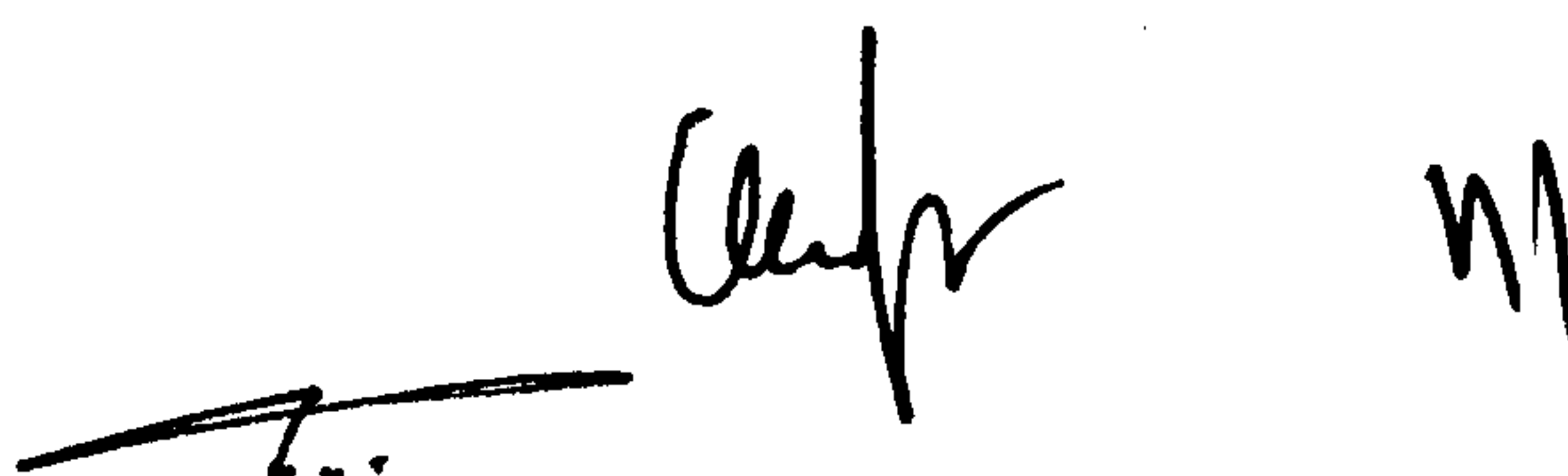
Reference: ND No.: 95-001-211-(90)
Date: April 29, 1995
Amount: ₱623,302.35
Nature of transaction: Unliquidated cash advances of
Mr. Wyson P. Uy, former
member, Sangguniang
Panlalawigan, Province of
Aurora
Persons liable/responsible: Wyson P. Uy

In view of the payment by Wyson P. Uy of the amount of
₱623,302.35 under OR No. 0180679 dated November 9,
2016, the above disallowance is hereby settled.

EMILIA M. DUKHA
Audit Team Leader

ATTY. ANTONIO F. MARZAN
Supervising Auditor”

The Court’s *Resolution* promulgated on June 15, 2007 removed the
civil liability of movant from the coverage of the *Decision* in this case, as it
explicitly declared that “the portion of the Decision of this Court
promulgated on November 17, 2003 ordering Accused Wyson Uy to
reimburse the amount of ₱1,284,409.25 is SET ASIDE.” Upon the other
hand, the Court can only take note of COA Decision No. 2015-323, as well
as the *Memorandum and Notice of Settlement, etc.* issued by COA
State Auditor IV Emilia M. Dukha.

Handwritten signatures and initials at the bottom of the page. There are three distinct marks: a horizontal line with a small mark below it, a cursive signature, and the letters 'M'.

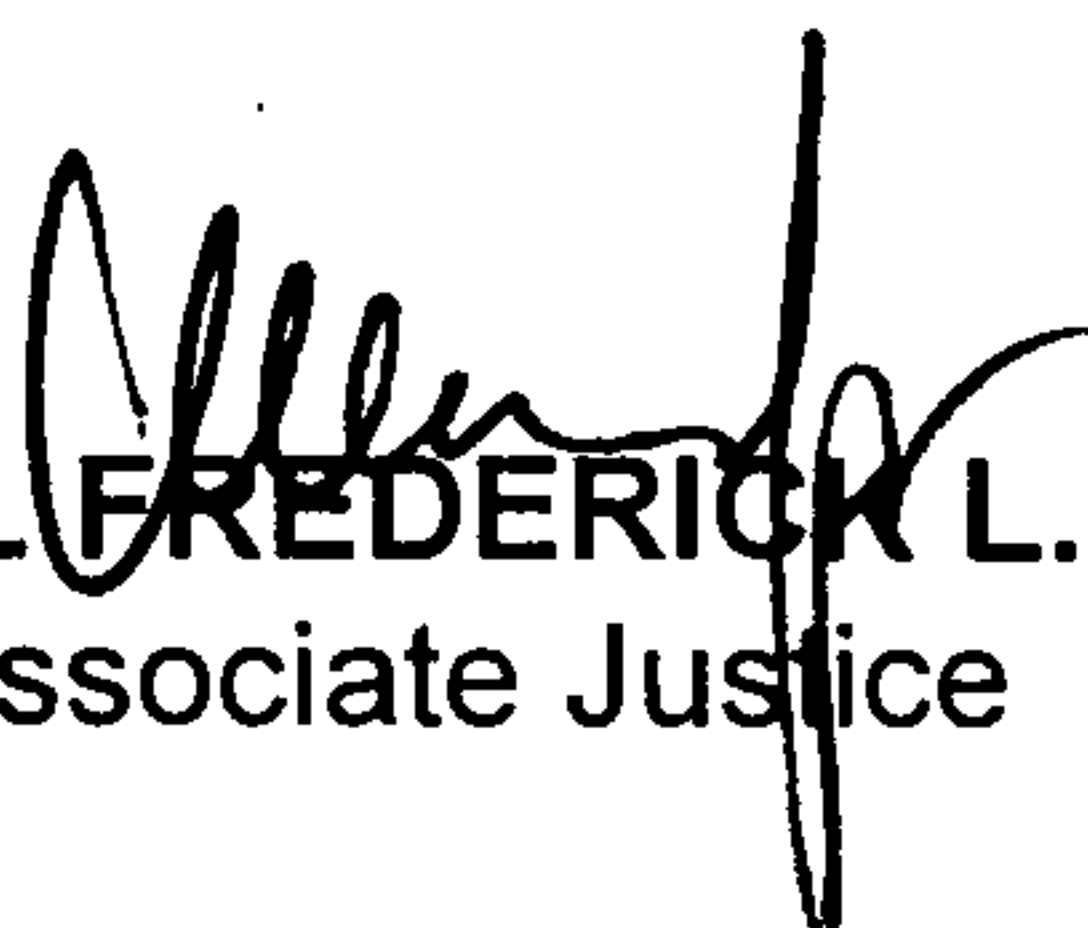
WHEREFORE, premises considered, this case is considered closed and terminated. The Court notes the *Memorandum* dated November 14, 2016 and the *Notice of Settlement of Suspension/Disallowance/Charge* dated April 28, 2017, both issued by State Auditor Emilia M. Dukha of the Office of the Provincial Auditor, Baler, Aurora.

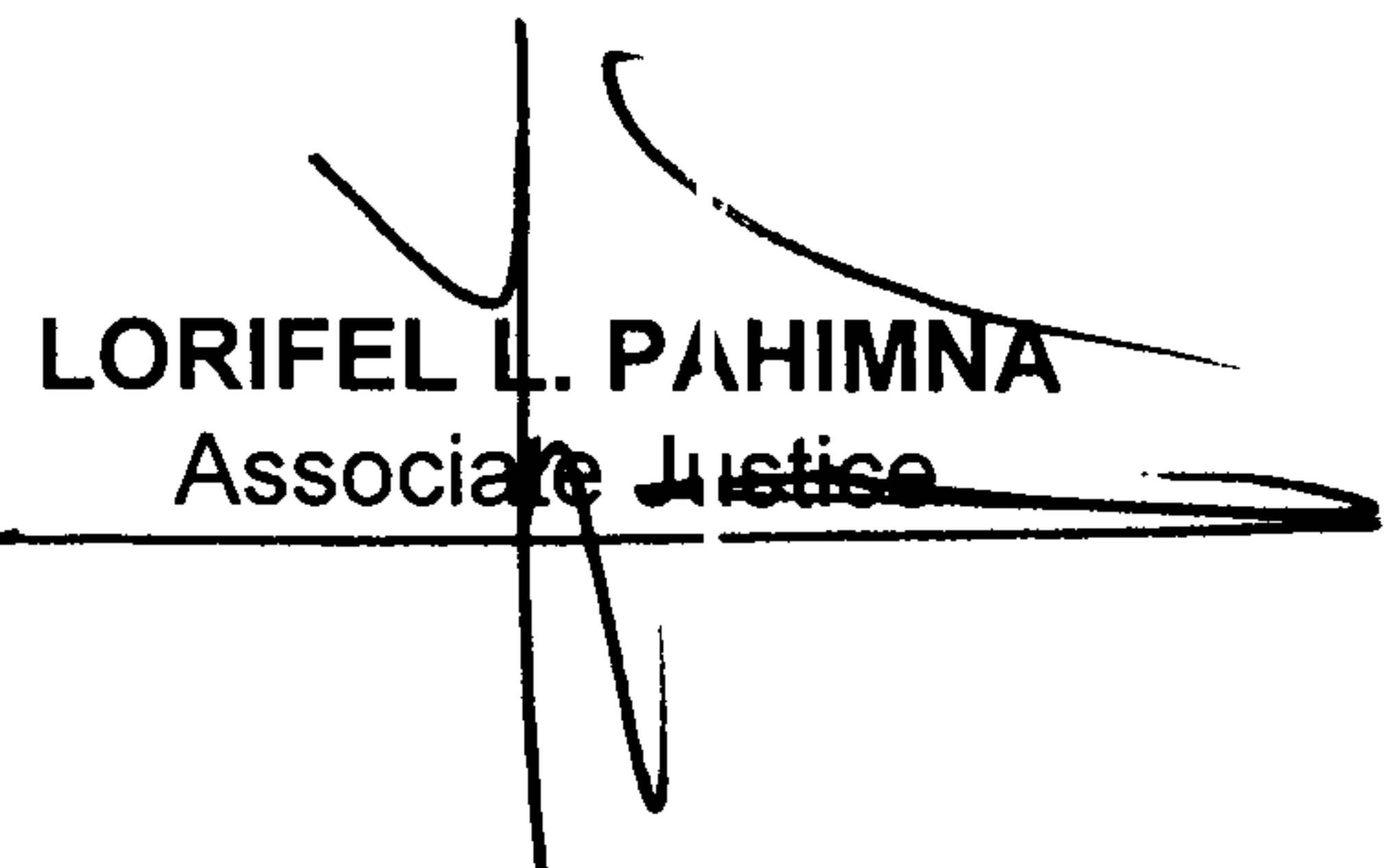
The Court authorizes the release to Wyson Uy of the cash deposited as bail for his provisional liberty. The Court also orders the Bureau of Immigration and Deportation (BID) to remove the name of Wyson Uy from its Hold Departure Order list, as regards this case.

SO ORDERED.


OSCAR C. HERRERA, JR.
Chairperson

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


LORIFEL L. PAHIMNA
Associate Justice