

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,
Plaintiff,

Crim. Case No. SB-11-CRM-0230

*For: Violation of Republic Act 3019
as amended, Section 3(e)*

-versus-

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

Jose L. Montelibano, et al.,
Accused.

Promulgated:
October 25, 2017

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RESOLUTION

HERRERA, JR., J.:

Before the Court is a ***Manifestation With Motion To Forfeit Travel Abroad***¹ dated May 31, 2017, filed by the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, praying that the travel bond of accused Jose L. Montelibano be forfeited, to which accused Montelibano, through counsel, filed a ***Comment/Opposition (to Manifestation With Motion To Forfeit Travel Bond***² ***dated May 31, 2017)*** dated June 27, 2017.

In a ***Resolution***³ dated April 4, 2017, the Court, upon motion, granted accused Montelibano authority to travel to the United States from April 20, 2017 to May 23, 2017, subject to terms and conditions that included the following:

¹ Record, Vol. 8, pp. 4147-4150

² Id, pp. 4155-4157

³ Id, pp. 4109-4110

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[Signature]

“4. After completion of the authorized travel of the accused and immediately upon return to the Philippines, the accused shall, within five (5) days from arrival, personally appear before the Clerk of Court of this Division and submit proof of date of return to the Philippines.

xxx.




6. Should the accused fail to comply with the conditions imposed by the Court on an accused’s authority to travel, trial against the accused shall proceed *in absentia*; the travel cash bond shall be cancelled and forfeited in favor of the government and any future Motion for Leave to Travel which may be filed by the accused shall be denied.”

It appears that accused Montelibano returned to the Philippines on May 23, 2017 but did not personally appear before the Division Clerk of Court, as required in the *Resolution* of April 4, 2017. In his *Comment/Opposition, etc.*, accused Montelibano explains that:

“4. Immediately the day after his arrival, or on May 24, 2017, Accused Montelibano travelled to Silay City, Bacolod (as shown by the electronic ticket attached as **Annex B**) to arrange for the release of his Comprehensive Agrarian Reform Program (CARP) proceeds and treasury bonds from LANDBANK of the Philippines (LANDBANK).

5. As certified by the Head of the Agrarian Operations Center of LANDBANK-Bacolod City (**Annex C**), Accused Montelibano personally went to the LANDBANK Office in Bacolod City on May 25 and 29, 2017 to receive the CARP proceeds on his properties. Furthermore, the acknowledgement receipts (**Annexes D and E**) show that the bank officer witnessed and verified the signature of Accused Montelibano when he acknowledged receipt of the bonds and proceeds on May 25, 2017.

6. Inasmuch as Accused Montelibano was in Bacolod City and was physically unable to appear before the Clerk of Court, the undersigned dutifully filed a Manifestation on May 25, 2017 (**Annex F**) – squarely within the five-day period from arrival, indicating that Accused Montelibano had already returned to the country within the permitted duration of his travel. The undersigned likewise presented the original

passport of Accused Montelibano showing the immigration stamps evidencing his arrival in Manila on May 23, 2017.”⁴

Indeed, accused Montelibano violated a condition embodied in the **Resolution** dated April 4, 2017 granting him authority to travel abroad. In fact, up to now, he has not personally appeared before the Division Clerk of Court, taking lightly the condition imposed by the Court.

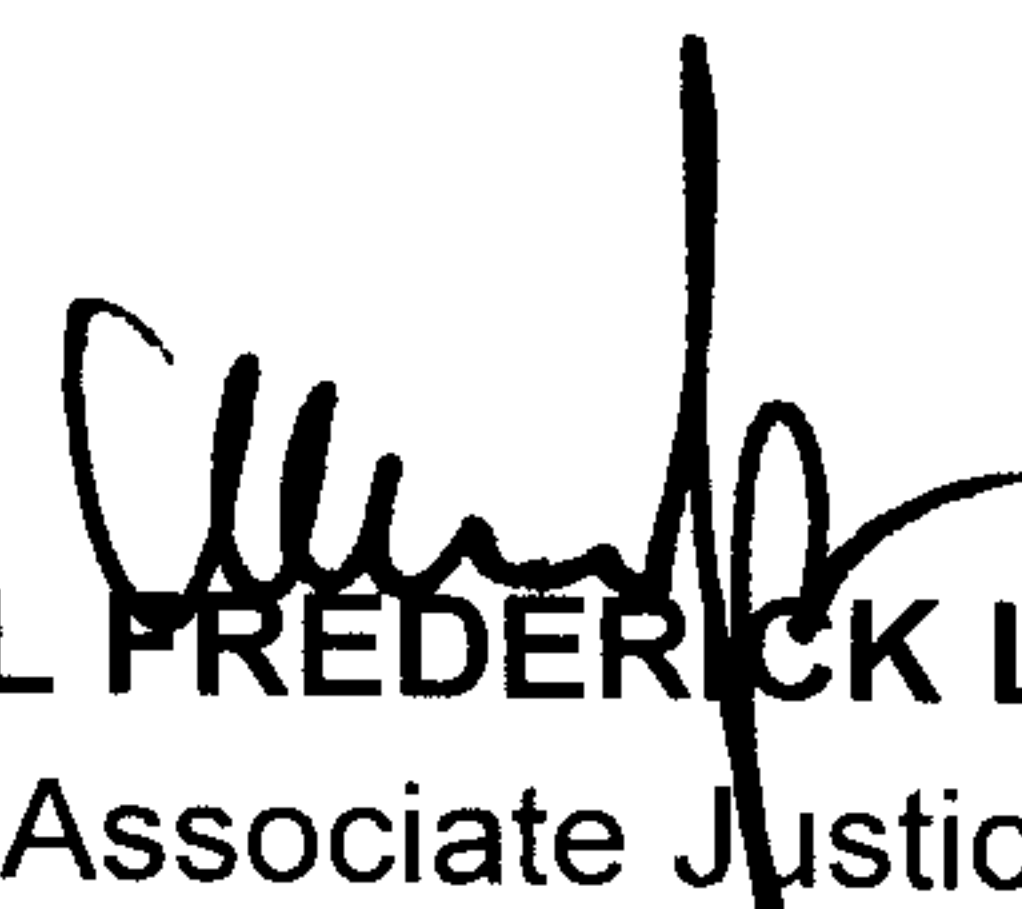
However, applying the principle of liberality, the Court will not grant the prayer for the forfeiture of the travel bond of accused Montelibano. Instead, a warning against a repetition thereof is warranted.

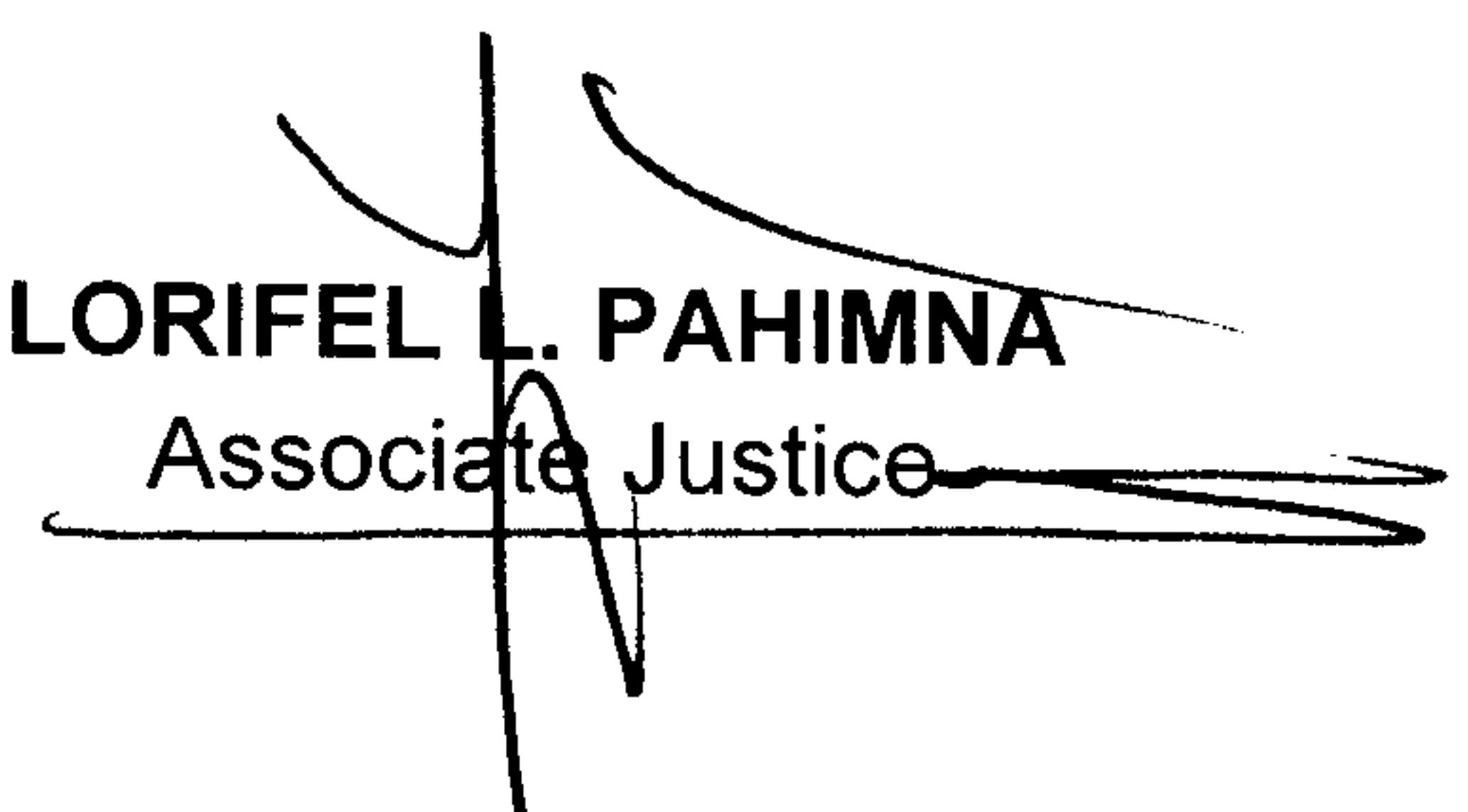
WHEREFORE, premises considered, the Court resolves, as follows:

- 1) To hereby deny the prayer for the forfeiture of the travel bond of accused Jose L. Montelibano; and
- 2) To hereby warn accused Montelibano that any further violation of any condition imposed by the Court will merit the appropriate sanction.


OSCAR C. HERRERA, JR.
Chairperson

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


LORIFEL L. PAHIMNA
Associate Justice

⁴ Id, pp. 4156-4157