

Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

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Second Division

People of the Philippines,  
Plaintiff,

Crim. Cases Nos. 25742 to 25743

*For: Malversation of Public Funds*

-versus-

Present:

Herrera, Jr., J. *Chairperson*

Musngi, J. &

Pahimna, J.

Leonardo B. Leria,  
Accused.

Promulgated:

*November 8, 2017*

X-----X

**RESOLUTION**

**HERRERA, JR., J.:**

Record shows that in a ***Decision***<sup>1</sup> promulgated on June 15, 2011, the Court found accused Leonardo B. Leria (Leria for short) guilty of ***Violation of Section 3(e) of Republic Act (R.A.) No. 3019***, or the ***Anti-Graft and Corrupt Practices Act***, the dispositive portion of which reads:

“WHEREFORE, premises considered, the Court hereby resolves the following:

For Criminal Case No. 25742, judgment is hereby rendered finding the accused, LEONARDO LERIA y BALAGA, **NOT GUILTY** of malversation of public funds for failure of the prosecution to prove beyond reasonable doubt the charge of malversation of public funds, defined and penalized under Article 217 (4) of the Revised Penal Code.

The bail bond posted by the accused, Leonardo Leria, in Criminal Case No. 25742 is hereby cancelled and the same is ordered released to the said accused, subject to the usual accounting and auditing procedures.

For Criminal Case No. 25743, judgment is hereby rendered finding the accused, LEONARDO LERIA y

<sup>1</sup> Record, Vol. 5, pp. 2101-2120



BALAGA, **GUILTY** beyond reasonable doubt of violation of Sec. 3(e) of R.A. No. 3019, as amended, and after appreciating the mitigating circumstance of voluntary surrender hereby sentences him to suffer the indeterminate penalty of SIX (6) YEARS and ONE (1) DAY as minimum to NINE (9) YEARS as maximum, to further suffer perpetual disqualification from public office, to indemnify the Government of the Republic of the Philippines in the amount of TWO HUNDRED TEN THOUSAND PESOS (P210,000.00) representing the undue injury that it suffered.

As to the accused Nelinda Cabusao, the case against her shall remain **ARCHIVED** subject to its **REVIVAL** upon her apprehension.

Let a warrant of arrest be issued for the apprehension of accused Nelinda B. Cabusao.

**SO ORDERED.”**

The aforementioned decision had long attained finality but the execution of judgment has been deferred due to the alleged medical condition of accused Leria.

In an ***Urgent Omnibus Motion, etc.***<sup>2</sup> dated March 4, 2016, accused Leria, through counsel, prayed that the execution of judgment be suspended for a period of four (4) months, or until June 30, 2016. In the meantime, on March 11, 2016, a warrant of arrest<sup>3</sup> was issued against accused Leria. However, in a ***Resolution***<sup>4</sup> promulgated on July 21, 2016, the warrant of arrest was held in abeyance pending medical examination of the accused at the Provincial Health Office of Leyte.

On September 2, 2016, the Court was furnished by the Provincial Health Office, Leyte Provincial Hospital in Candahug, Polo, Leyte with the result<sup>5</sup> of the physical examination of the accused on August 26, 2016, containing the following impression and recommendations, to wit

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<sup>2</sup> Record, Vol. 6, pp. 2631-2634

<sup>3</sup> Id, p. 2666

<sup>4</sup> Id, pp. 2703-2707

<sup>5</sup> Id, pp. 2716-2717



“Impression: Diabetes Milletus Type 2  
Hypertensive Vascular Disease  
Pulmonary Tuberculosis, New Case  
Depressive Mood

Recommendations:

Suggest further cardiopulmonary work up at  
higher center for recurrent chest pains.  
Suggest Psychological / Psychiatric consult /  
advice for non-conversant state.

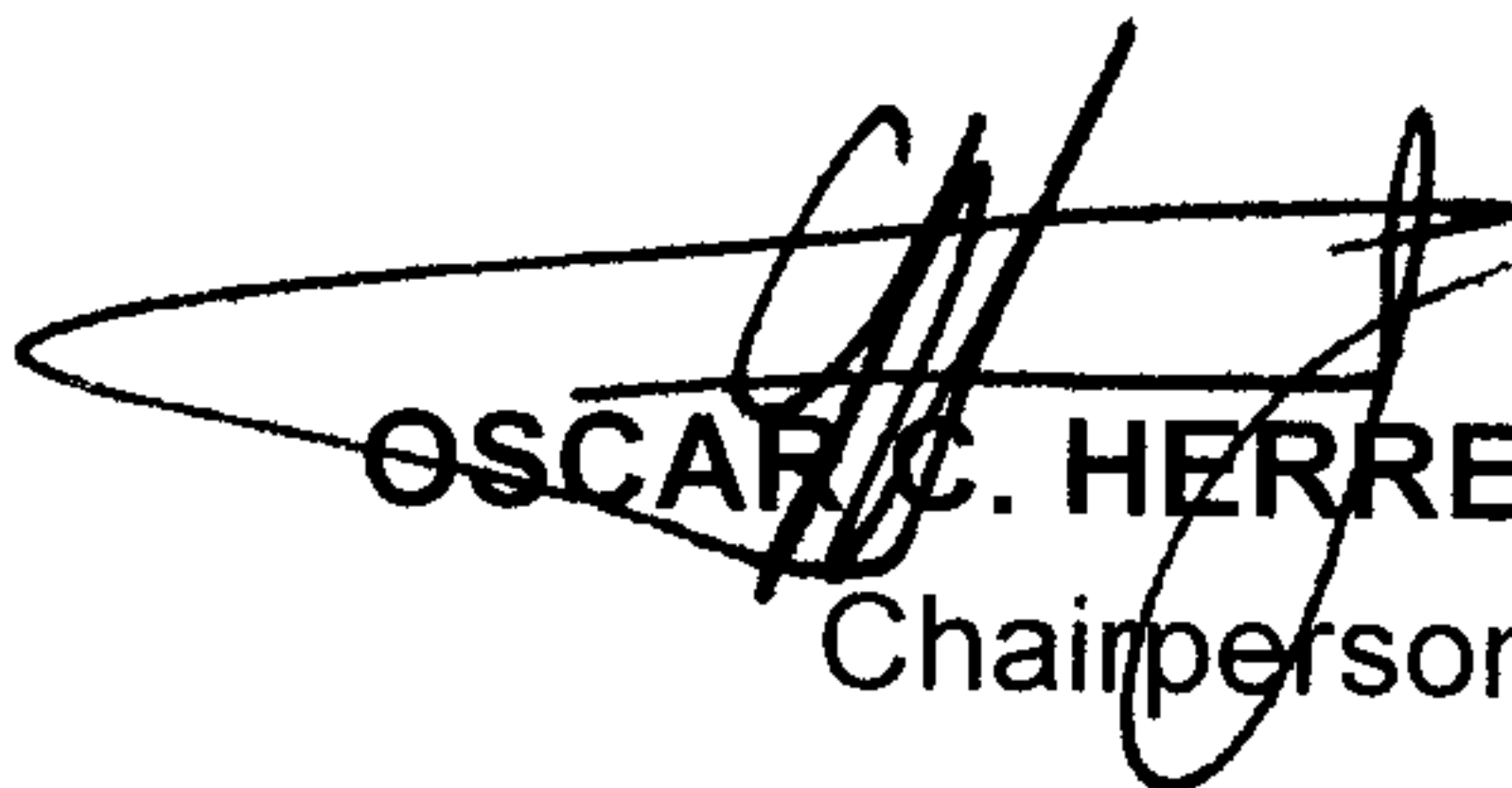
Prepared by:

**OFELIA C. ABSIN MD, DPAFP**  
Acting Provincial Health Officer II”

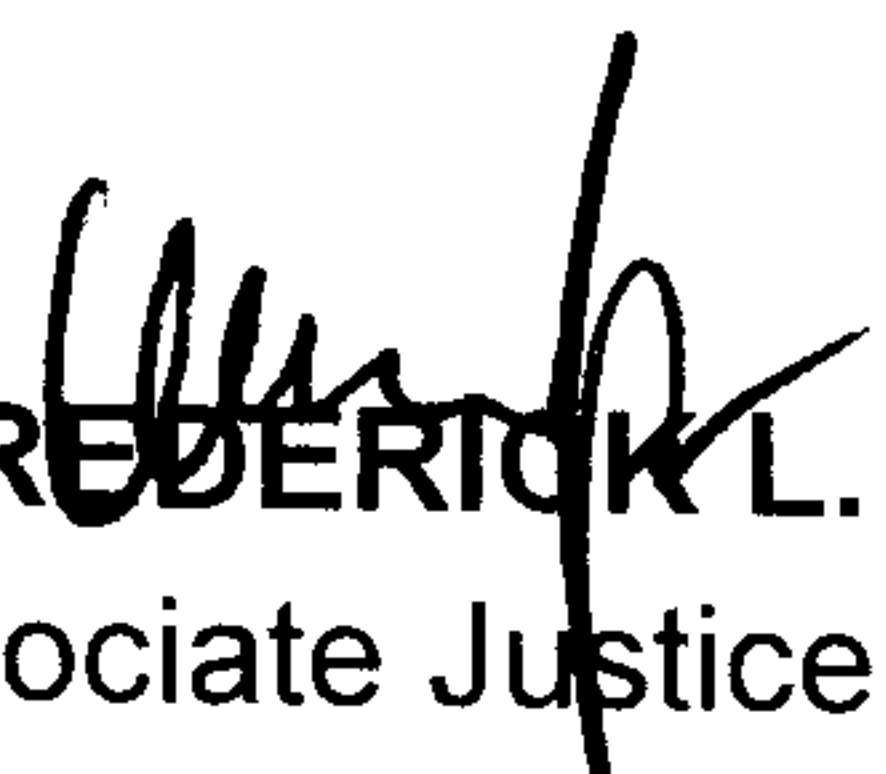
On September 14, 2016, the Philippine National Police (PNP) returned to the Court the warrant of arrest issued on March 11, 2016.<sup>6</sup> In the meantime, the Court has not received any word regarding accused Leria since then, or for a period of one year.

Considering that the *Decision* dated June 15, 2011 has long attained finality, the execution of judgment appears to be in order.

WHEREFORE, let an alias warrant of arrest be issued against accused Leonardo A. Leria.

  
**OSCAR C. HERRERA, JR.**  
Chairperson

*We concur:*

  
**MICHAEL FREDERICK L. MUSNGI**  
Associate Justice

  
**LORIFEL L. PAHIMNA**  
Associate Justice

<sup>6</sup> Id, pp. 2719-2726