



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on April 17, 2018

PRESENT:

HON. SARAH JANE T. FERNANDEZ.....Chairperson
HON. KARL B. MIRANDA.....Associate Justice
HON. MICHAEL FREDERICK L. MUSNGI*Associate Justice

The following resolution was adopted in the following cases:

CRIM. CASES NO. SB-18-CRM-0240 to 0243 --
PEOPLE vs. AL C. ARGOSINO, ET AL.

This resolves the following:

1. *Urgent Ex-Parte Motion for Detention at the PNP Custodial Center at Camp Crame*¹ filed by accused Wenceslao A. Sombero, Jr.;
2. *Joint Ex-Parte Urgent Motion to Transfer Temporary Detention of Accused Al C. Argosino and Accused Michael B. Robles to PNP Custodial Detention Center*² filed by accused Al C. Argosino and Michael B. Robles;
3. *Manifestation*³ of accused Argosino and Robles;
4. *Comment/Opposition (Re: Minute Resolution Dated April 11, 2018)*⁴ filed by PCINSP Romulo Z. Flores II, Chief, Custodial Service Unit (CSU), Headquarters Support Service, Philippine National Police (PNP HSS); and
5. The prosecution's *Consolidated Opposition (To Accused Sombero's Urgent Ex-Parte Motion For Detention at the PNP Custodial Center At Camp Crame) And (To Accused Argosino and Robles' Joint Ex-Parte*

* In view of the vacancy in the Sixth Division (Per Administrative Order No. 057-2018 dated January 29, 2018)

¹ Dated and filed on April 11, 2018

² Dated and filed on April 11, 2018

³ Dated and filed on April 12, 2018

⁴ Dated and filed on April 13, 2018

Urgent Motion To Transfer Temporary Detention To PNP Custodial Detention Center);⁵ and

6. *Joint Ex-Parte Motion to Withdraw (Joint Ex-Parte Motion to Transfer Detention)*⁶ of accused Argosino and Robles.

The Court **NOTES** the *Manifestation* of accused Argosino and Robles, and **GRANTS** their *Joint Ex-Parte Motion to Withdraw*. Their *Joint Ex-Parte Urgent Motion to Transfer Temporary Detention* is hereby considered withdrawn.

This Court resolves to **DENY** accused Sombero's *Urgent Ex-Parte Motion*, it appearing that the PNP Custodial Center only accommodates detainees on a temporary basis, pending their transfer to the appropriate detention facility. As PCINSP Romulo Z. Flores II explained in his *Comment/Opposition*:⁷

3. The PNP Custodial Center, a facility under the Custodial Service Unit (CSU) of the Headquarters Support Service is not a regular detention facility but rather a facility established to serve, as its name suggests, a central custodial facility of Camp Crame based PNP apprehending units that accommodates arrested suspects on a temporary or transient basis while they are undergoing *Custodial Investigation* or their case is undergoing Preliminary Investigation and while their transfer to an appropriate detention facility is being processed.

4. Such purpose of the PNP Custodial Center is at best a collateral and transitory aspect of the Philippine National Police's primary functions which are Law Enforcement, Maintenance of Peace and Order, and Investigation and Prevention of Crimes among others.

5. *The establishment and maintenance of the PNP Custodial Center should never be interpreted to mean that the function of management and supervision of jail facilities in the country as well as the safekeeping and disposition of detention prisoners fall within the authority of the Philippine National Police for the same, by law, is properly vested with the Bureau of Jail Management and Penology.*

The Bureau of Jail Management and Penology (BJMP) is hereby **DIRECTED** to take the necessary measures to ensure the safety and security of accused Argosino, Robles and Sombero while in custody at Camp Bagong Diwa, in accordance with Sections 61⁸ and 63⁹ of Republic Act No. 6975.

⁵ Dated and filed on April 12, 2018

⁶ Dated and filed on April 17, 2018

⁷ p. 2

⁸ **Sec. 61. Powers and Functions.** – The Jail Bureau shall exercise supervision and control over all city and municipal jails. The provincial jails shall be supervised and controlled by the provincial government within its jurisdiction, whose expenses shall be subsidized by the National Government for not more than three (3) years after the effectivity of this Act.

⁹ **Sec. 63. Establishment of District, City or Municipal Jail.** – There shall be established and maintained in every district, city and municipality a secured, clean, adequately equipped and sanitary jail for the custody and safekeeping of city and municipal prisoners, any fugitive from justice, or person detained awaiting investigation or trial and/or transfer to the national penitentiary, and/or violent mentally ill person who

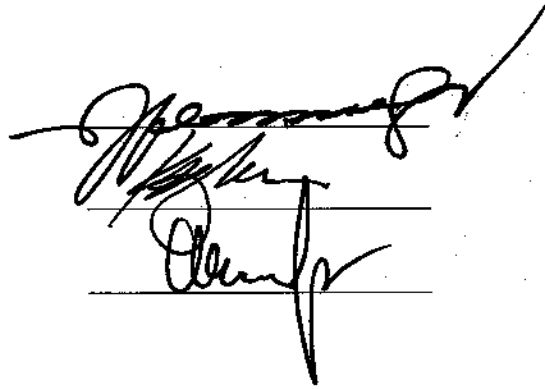
SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J.,

MIRANDA, J.

MUSNGI, J.

Handwritten signatures of Fernandez, Miranda, and Musngi, each written over a horizontal line.