



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

MINUTES of the proceedings held May 23, 2018

PRESENT:

**HON. SARAH JANE T. FERNANDEZ**.....Associate Justice

**HON. KARL B. MIRANDA**.....Associate Justice

**HON. MARYANN E. CORPUS-MAÑALAC\***.....Associate Justice

The following resolution was adopted:

**SB-14-CRM-0231** –

**PEOPLE vs. HANAFI ABDULLATIP IBRAHIM**

Sec. 2, Rule 116 of the Rules of Court provides for the requisites upon which plea bargaining may be made. To wit:

**Sec. 2. Plea of guilty to a lesser offense.** – At arraignment, the accused, with the consent of the offended party and the prosecutor, may be allowed by the trial court to plead guilty to a lesser offense which is necessarily included in the offense charged. After arraignment but before trial, the accused may still be allowed to plead guilty to said lesser offense after withdrawing his plea of not guilty. No amendment of the complaint or information is necessary.

After entering a plea of “Not Guilty” on October 13, 2017,<sup>1</sup> the accused filed his *Motion to Enter into a Plea Bargaining*,<sup>2</sup> where he proposed to plead guilty to the lesser offense of violation of Sec. 89 of Presidential Decree No. 1445 (P.D. No. 1445).

The prosecution, in its *Comment (To Accused’s Motion to Enter into a Plea Bargaining)*,<sup>3</sup> interposed no objection, provided that the accused shall liquidate, or otherwise return, restore or refund the cash advance subject of the Information, in the amount of Two Hundred Thousand Pesos (₱200,000.00), which he received from the Provincial Government of Sarangani on January 23, 2007.

\* The incident was submitted for resolution on April 4, 2018; In view of the vacancy in the Sixth Division (Per Administrative Order No. 058-2018 dated January 29, 2018; Revised Internal Rules of the Sandiganbayan, Rule XI, Sec. 3)

<sup>1</sup> Record, pp. 280-281

<sup>2</sup> Dated and filed on February 12, 2018; Record, pp. 350-351

<sup>3</sup> Dated April 4, 2018; Record, pp. 360-363

During the hearing on April 25, 2018, counsel for the accused informed this Court that the accused had already complied with the aforesaid condition. On May 22, 2018,<sup>4</sup> the prosecution submitted the *Certification* dated May 2, 2018 signed by Special Prosecutor Edilberto G. Sandoval and Ombudsman Conchita Carpio-Morales, giving their consent to allow the handling prosecutors to enter into a plea bargaining agreement with the accused, and for the accused to plead guilty to the lesser offense of violation of Sec. 89 of P.D. No. 1445, in connection with the present case.

It appearing that the conditions given by the prosecution have been complied with, and that the Special Prosecutor and the Ombudsman have given their consent, this Court resolves to **GRANT** the accused' *Motion to Enter into a Plea Bargaining*. As prayed for, this Court hereby **APPROVES** the parties' proposed terms and conditions for the accused' plea of guilty to the lesser offense of violation of Sec. 89 of P.D. No. 1445.

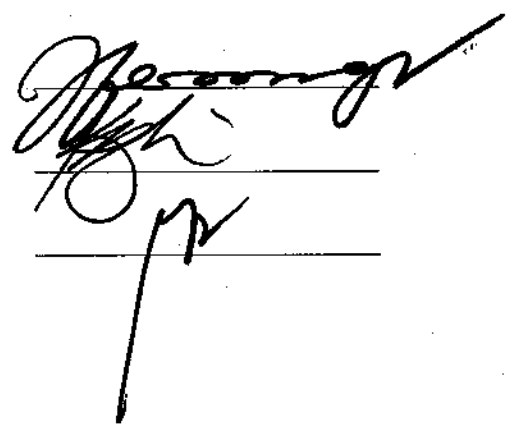
**SO ORDERED.**

**APPROVED:**

FERNANDEZ, SJ, J., *Chairperson*

MIRANDA, J.

CORPUS-MAÑALAC, J.



Three handwritten signatures are present, each written over a horizontal line. The top signature is the most prominent and appears to be 'Fernandez'. The middle signature is smaller and less legible. The bottom signature is also smaller and less legible.

<sup>4</sup> Compliance dated May 21, 2018, filed on May 22, 2018