



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

**PEOPLE OF THE
PHILIPPINES,**

Plaintiff,

SB-17-CRM-0627

For: Violation of Section 3(e) of
Republic Act (R.A.) No. 3019

-versus-

PRESENT:

**WILLIAM I. RAMIREZ and
MA. FLORDELIZA M.
ANGEL,**

Accused,

FERNANDEZ, SJ, J., *Chairperson*
MIRANDA, J., &
MENDOZA-ARCEGA, J.¹

Promulgated:

May 21, 2018 *led*

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RESOLUTION

MIRANDA, J.:

This resolves: 1) The Motion for Reconsideration (Re: Preventive Suspension) dated March 22, 2018 filed by accused William I. Ramirez on March 26, 2018; and 2) The Comment/Opposition (On the Motion for Reconsideration dated March 22, 2018) dated April 2, 2018 filed by the Prosecution on the same day.

In his motion for reconsideration, the accused argues that: 1) His preventive suspension has no factual basis as the Office of the Ombudsman took three (3) years, three (3) months and ten (10) days before filing the information in Court; 2) Even if there is factual basis, his preventive

¹ Special Member in view of the vacancy in the 6th Division as per Administrative Order No. 072-2018 dated February 2, 2018.

suspension for ninety (90) days is too long and unreasonable; 3) Section 13 of R.A. No. 3019 is silent as to the minimum period of preventive suspension; and 4) The reason for his preventive suspension (that there is a possibility of hampering the prosecution of the case and committing further acts of malfeasance) is based on speculation.

In its Comment/Opposition, the Prosecution, through the Office of the Special Prosecutor (OSP), contends that: 1) The motion for reconsideration is a mere scrap of paper as it was filed beyond the reglementary period; 2) Preventive suspension is mandatory under Section 13 of R.A. No. 3019; 3) The Court has already ruled on the issue of lack of factual basis for preventive suspension in its Resolutions dated September 4, 2017 and November 17, 2017; and 4) The accused is deemed to have waived any objection he may have on the validity of the information when he entered his plea.

The Court will first rule on whether the motion for reconsideration was filed by the accused on time. The Resolution dated February 20, 2018 preventively suspending the accused for ninety (90) days was received by the accused, through counsel, on March 9, 2018.² The accused filed his motion for reconsideration on March 26, 2018, or after seventeen (17) days.

Under Section III(2)(c) of the Revised Guidelines for Continuous Trial of Criminal Cases, which took effect on September 1, 2017, a motion for reconsideration of a meritorious motion shall be filed within a **non-extendible period of five (5) calendar days** from receipt of the resolution.

When the motion for reconsideration was filed, the Revised Guidelines for Continuous Trial of Criminal Cases were already in effect. The accused then had five (5) days from receipt of the resolution on March 9, 2018, or until March 14, 2018, within which to file a motion for reconsideration. The accused failed to do so and filed his motion for reconsideration twelve (12) days late and beyond the reglementary period provided under the Revised Guidelines for Continuous Trial of Criminal Cases. On this basis alone, the Court **denies** the motion for reconsideration.

Even if the Court sets aside this procedural issue, the motion for reconsideration must still be denied. After a restudy of the grounds raised in the motion for reconsideration, the Court finds no valid reason to reconsider its Resolution dated February 20, 2018 preventively suspending the accused

² Notice of Resolution dated February 20, 2018, Records, p. 300; Motion for Reconsideration (Re: Preventive Suspension) dated March 22, 2018, Records, pp. 310-315.



for ninety (90) days. The issues and arguments raised by the accused in his motion for reconsideration are a mere rehash and a repetition of the same issues and arguments raised in his Comment (Re: Motion to Suspend Accused *Pendente Lite*) dated December 18, 2017. These issues and arguments have already been considered and passed upon by the Court in its Resolution dated February 20, 2018. There being no new matters or issues raised to warrant a reversal thereof, the motion for reconsideration must be **denied**.

To reiterate, preventive suspension is mandatory, and there are no 'ifs' and 'buts' about it.³ The court has neither discretion nor duty to determine whether preventive suspension is required to prevent the accused from using his office to intimidate witnesses or frustrate his prosecution or continue committing malfeasance in office.⁴

Preventive suspension can neither be more than nor less than ninety (90) days. Giving the Court discretion to impose a shorter period of suspension is contrary to Sec. 13 of R.A. No. 3019 which provides for the mandatory preventive suspension of the accused. The only time that preventive suspension can last for less than ninety (90) days is when the case is decided within the said period, otherwise, it will continue for ninety (90) days.⁵

Although the accused filed a motion to dismiss on the ground of lack of probable cause, among others, the Court already rendered the said ground moot in its Resolution dated September 4, 2017. Prior to the filing of the said motion to dismiss, the Court had already determined probable cause for the purpose of issuing a warrant of arrest in its minute proceedings held on March 27, 2017. In addition, a motion for the judicial determination of probable cause is a prohibited motion under the Revised Guidelines for Continuous Trial of Criminal Cases.

Since the Court had already established the validity of the information when it found probable cause for the issuance of the warrant of arrest and the arraignment of the accused, the suspension *pendente lite* of the accused must follow as a matter of course,⁶ regardless of any humanitarian pleas by the accused.

³ *Villaseñor v. Sandiganbayan*, G.R. No. 180700, March 4, 2008.

⁴ *Bolastig v. Sandiganbayan*, G.R. No. 110503, August 4, 1994.

⁵ *Id.*

⁶ *Flores v. Hon. Layosa*, G.R. No. 154714, August 12, 2004.



Accordingly, the Court rules that the motion for reconsideration was filed beyond the reglementary period, and that the preventive suspension of the accused for ninety (90) days is mandatory.

WHEREFORE, the Motion for Reconsideration (Re: Preventive Suspension) dated March 22, 2018 filed by accused William I. Ramirez on March 26, 2018 is **DENIED** for being filed beyond the reglementary period and for lack of merit. The Resolution of the Court promulgated on February 20, 2018 is **AFFIRMED**.

SO ORDERED.


KARL B. MIRANDA
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


**MARIA THERESA V.
MENDOZA-ARCEGA**
Associate Justice