



REPUBLIC OF THE PHILIPPINES

*Sandiganbayan*

Quezon City

SIXTH DIVISION

MINUTES of the proceedings held May 23, 2018

PRESENT:

HON. SARAH JANE T. FERNANDEZ.....Chairperson  
HON. KARL B. MIRANDA.....Associate Justice  
HON. MARYANN E. CORPUS-MAÑALAC\*.....Associate Justice

The following resolution was adopted:

SB-18-CRM-0101 –

PEOPLE vs. ANTONIO R. FLOIRENDO, JR.

It appearing that the Special Prosecutor authorized<sup>1</sup> Atty. Edgardo L. De Jesus and Atty. Paul Joseph V. Mercado to assist and coordinate with the assigned prosecutors in the proceedings in the present case, this Court resolves to **GRANT** the prosecution's *Manifestation With Motion to Allow Private Complainant's Counsels to Assist in the Prosecution of Above-Mentioned Case*,<sup>2</sup> over the objection<sup>3</sup> of accused Antonio R. Floirendo, Jr.

As prayed for, Attys. De Jesus and Mercado are **ALLOWED** to sit beside, and assist the assigned prosecutors, who shall, at all times, be in control of the prosecution of the present case. However, not having been designated or deputized by the Ombudsman to act as special prosecutors in the prosecution of the present case, as required by Republic Act No. 6770,<sup>4</sup> in no case shall Attys. De Jesus and Mercado actually take part in, and appear on behalf of the Office of the Ombudsman in the proceedings in the present case.

One final word. Republic Act No. 6713 prohibits public officials or employees from engaging in the private practice of their profession unless authorized by the Constitution, law or regulation, and, provided that such

\* The incident was submitted for resolution on May 2, 2018, upon the filing of the accused' *Comment and Opposition*; 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 XII, Sec. 3)

<sup>1</sup> Annex "A" (Letter dated April 18, 2018) of *Manifestation With Motion* dated April 25, 2018

<sup>2</sup> Dated April 25, 2018; Record, pp. 463-468

<sup>3</sup> *Comment and Opposition (To the Manifestation with Motion to Allow Private Complainant's Counsels to Assist in the Prosecution of the Above-Mentioned Case)* dated May 2, 2018; Record, pp. 493-498.

<sup>4</sup> **Sec. 31. Designation of Investigators and Prosecutors.** – The Ombudsman may utilize the personnel of his office and/or designate or deputize any fiscal, state prosecutor or lawyer in the government service to act as special investigator or prosecutor to assist in the investigation and prosecution of certain cases. Those designated or deputized to assist him herein provided shall be under his supervision and control. x x x

practice will not conflict or tend to conflict with their official functions. Sec. 7  
(b) (2) thereof reads:

**Section 7. Prohibited Acts and Transactions.** – In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful:

(a) x x x

(b) Outside employment and other activities related thereto. – Public officials and employees during their incumbency shall not:

(1) x x x

(2) Engage in the private practice of their profession unless authorized by the Constitution or law, provided, that such practice will not conflict or tend to conflict with their official functions; or

(3) x x x

The Secretary General of the House of Representatives granted Atty. Mercado the authority to engage in limited practice of profession subject to certain conditions including:<sup>5</sup>

1. The conditions set forth in Section 18, Rule XIII of the Rules on Appointment and Other Personnel Actions, as contained in CSC Memorandum Circular No. 15, S. 1999 are strictly followed;
2. Such practice will not be in conflict or tend to be in conflict with your official functions in the House of Representatives;
3. Such practice shall not be during office hours; and
4. x x x.

While Atty. Mercado, in his personal capacity, may assist the assigned prosecutors in the course of the proceedings, he must ensure that (1) such assistance will not impair in any way his efficiency nor be in conflict or tend to conflict with his official functions and his official work hours as Supervising Legislative Staff Officer III; and (2) no government funds will be utilized in such assistance.

**SO ORDERED.**



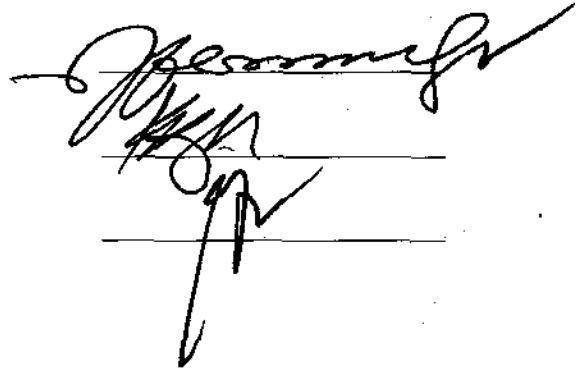
<sup>5</sup> Memorandum dated March 1, 2018 (Annex "B" of *Manifestation With Motion* dated April 25, 2018)

**APPROVED:**

**FERNANDEZ, SJ, J.,**

**MIRANDA, J.**

**CORPUS-MAÑALAC, J.**



Handwritten signatures of the three judges listed above, written over horizontal lines. The signatures are cursive and appear to be: Fernandez, SJ, J. (top), Miranda, J. (middle), and Corpus-Mañalac, J. (bottom).