



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-1496
For: Violation of Section 3(e) of
R.A. No. 3019

- versus -

SB-17-CRM-1497
For: Violation of Article 217 of the
Revised Penal Code (Malversation
of Public Funds)

GREGORIO T. IPONG, ET AL.,
Accused.

Present:

FERNANDEZ, SJ, J.
Chairperson
JACINTO, J.* and
VIVERO, J.

Promulgated:

JUN 21 2018

X-----X

RESOLUTION

FERNANDEZ, SJ, J.

This resolves accused Dennis L. Cunanan's *Motion for Leave to Travel*¹ filed on May 29, 2018.

Accused Cunanan asks the Court to grant him permission to travel to the United States of America to accompany his 17-year old daughter, Almira Maria Denise Cunanan, who was selected to serve as Global Scholar representing the Philippines at the 2018 *Global Young Leaders Conference* in Washington, D.C. and New York City.² Accused Cunanan prays:

* Per Administrative Order No. 276-A-2017 dated August 14, 2017, Special Member in view of the inhibition of Justice Karl B. Miranda.

¹ Dated May 21, 2018

² Motion for Leave to Travel dated May 21, 2018, p. 2

RESOLUTION

People vs. Ipong, et al.
Criminal Cases No. SB-17-CRM-1496 to 1497

Page 2 of 4

X -----X

- a. For Leave of Court to travel to the United States of America in accordance with the itinerary stated in the *Motion*, departing on July 11, 2018 and returning to the Philippines on August 10, 2018; and,
- b. For an Order lifting the Hold Departure Order earlier issued by the Sandiganbayan and/or for an *Allow Departure Order* authorizing accused to depart and travel from the Philippines in accordance with the schedule provided in the *Motion*, and directing the Bureau of Immigration to implement the same.³

In its *Comment/Opposition*,⁴ the prosecution argued for the denial of the *Motion for Leave to Travel* on the following grounds:

- a. Accused Cunanan is a flight risk, considering that:
 - i. There is no attached plane ticket showing the intended return of the accused to the Philippines;
 - ii. Although accused provided his intended itinerary, he did not provide the hotel vouchers/confirmations, the complete addresses and contact numbers of said hotels. He likewise did not provide his personal contact number for the court to reach him at any time while he is abroad;
 - iii. He will be travelling for more than 30 days as shown in the intended itinerary provided in his motion. His motion indicates that he will leave for New York on July 11, 2018 and will depart from San Francisco on August 10, 2018.

Considering the travel time from San Francisco to Manila, accused would probably arrive in Manila on August 12, 2018. Thus, the intended travel would be for 32 days, in violation of the Court's policy not to allow travel abroad for more than 30 days;⁵

- b. There is no urgency in the intended travel;
- c. It is not accurate to contend that a minor cannot travel outside the Philippines alone. A travel clearance may be secured from and issued by the Department of Social Welfare and Development if a minor were to travel either alone or with an adult other than his/her parent/s. In this case, the mother or any other relative may accompany accused Cunanan's daughter.

³ Motion for Leave to Travel dated May 21, 2018, p. 5

⁴ (Re: Accused Cunanan's Motion for Leave to Travel dated 21 May 2018) dated June 7, 2018

⁵ Comment/Opposition dated June 7, 2018, pp. 1-2

RESOLUTION

People vs. Ipong, et al.
Criminal Cases No. SB-17-CRM-1496 to 1497

Page 3 of 4

X -----X

Accused Cunanan did not sufficiently establish that no other person in his behalf could assume his duty as a parent;

- d. The sheer number of cases where accused Cunanan is impleaded as well as the evidence against him (primarily based on the account of the *whistleblowers*) increase accused' probability of flight;
- e. The present indictment against accused Cunanan restraints accused' constitutional right to travel, especially when the intended travel is not justified by more immediate matters;
- f. Since accused Cunanan is travelling with his family, the chances of not going back to the country is very high;
- g. Accused Cunanan, on several occasions, failed to present himself before the Court when he was required to appear; and,
- h. Accused Cunanan's co-accused (Mario Relampagos) in other cases filed against him has been declared a fugitive from justice after the latter failed to return from his trip to the United States of America on January 1, 2018.⁶

RULING

Accused Cunanan's *Motion for Leave to Travel* is denied.

In ***Marcos vs. Sandiganbayan***,⁷ the Supreme Court stressed that a person's right to travel is subject to the usual constraints imposed by the very necessity of safeguarding the system of justice. In such cases, whether the accused should be permitted to leave the jurisdiction for humanitarian reason is a matter of the court's sound discretion.

Holding an accused in a criminal case within the reach of the Courts by preventing his departure from the Philippines is a valid restriction on his right to travel so that he may be dealt with in accordance with law.⁸

First, accused Cunanan failed to attach a copy of the relevant documents, *i.e.*, accused Cunanan's passport, visa, plane tickets,

⁶ Comment/Opposition dated June 7, 2018, pp. 2-3

⁷ 247 SCRA 127, 141-142 [1995]

⁸ Silverio vs. Court of Appeals, 195 SCRA 760, 766 [1991]

RESOLUTION

People vs. Ipong, et al.
Criminal Cases No. SB-17-CRM-1496 to 1497

Page 4 of 4

x-----x

hotel reservations/accommodations, in relation to his intended travel. Accused Cunanan likewise failed to provide contact number/s where he may be reached while he is abroad.

Second, the duration of accused' intended travel to the United States of America is uncertain. As abovementioned, no plane tickets were attached to the *Motion* showing accused' supposed departure from and return to the Philippines.

Third, accused Cunanan failed to sufficiently establish the urgent necessity of his intended travel to the United States of America. He did not present any evidence that no other person may accompany Almira Maria and serve as the latter's guardian during the intended trip. Further, it does not appear that it would be impossible for Almira Maria to attend the Global Young Leaders Conference without her father.


Finally, accused Cunanan was also not able to show any convincing reason that would compel him to return to the Philippines instead of staying in the United States of America.

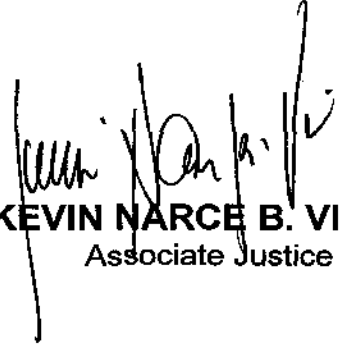
WHEREFORE, the *Motion for Leave to Travel* filed by accused Dennis L. Cunanan is **DENIED**.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

WE CONCUR:


BAYANI H. JACINTO
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice