



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:*

**JUL 11 2018**

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**RESOLUTION**

**FERNANDEZ, SJ, J.**

This resolves accused Dennis L. Cunanan's *Motion for Reconsideration*<sup>1</sup> filed on June 27, 2018.

Accused Cunanan asks this Court to reconsider its Resolution dated June 21, 2018, denying said accused' *Motion for Leave to Travel*, and, to allow him to travel to the United States during the period July 11, 2018 to August 10, 2018,<sup>2</sup> on the following ground:

*[Handwritten signature]*

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

<sup>1</sup> Dated June 26, 2018

<sup>2</sup> Motion for reconsideration dated June 26, 2018, p. 5.

## RESOLUTION

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

Page 2 of 4

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The denial by the Honorable Court of accused' Motion for Leave to Travel disregards his basic constitutional rights to travel, to be presumed innocent, and to rear his children.<sup>3</sup>

Accused Cunanan contends:

- a. The cases of *Marcos vs. Sandiganbayan*<sup>4</sup> and *Silverio vs. Court of Appeals*,<sup>5</sup> upon which the assailed *Resolution* was anchored, are not in all fours with the instant case.

In contrast with the circumstances of the accused in the abovementioned cases, Mr. Cunanan had already been arraigned in all the cases pending against him, posted bail, actively attended in all the hearings when his presence is required, and he has not gone abroad since charged with numerous PDAF cases in the Sandiganbayan.

- b. No outstanding Warrant of Arrest was issued against accused which will effectively serve as basis for the restriction of his movements.
- c. Accused was neither informed nor given the chance to submit the relevant documentary requirements for a *Motion to Travel*. He would have complied if the Court ordered him to produce the same.
- d. Accused' wife is not physically fit to travel. Accused' wife also needs to attend to her father who is suffering from Stage III cancer.
- e. Accused is exercising his right to rear his children when he filed a *Motion for Leave to Travel* to accompany his minor children.<sup>6</sup>

In its *Comment/Opposition*,<sup>7</sup> the prosecution asked that accused *Motion for Reconsideration* be denied on the following grounds:

- a. The matters raised by accused have already been passed upon and meticulously scrutinized by the Honorable Court. There are no new matters and/or issues which warrant reconsideration or reversal of the assailed *Resolution*.

<sup>3</sup> Motion for reconsideration dated June 26, 2018, pp. 1-2.

<sup>4</sup> 247 SCRA 127 [1995]

<sup>5</sup> 195 SCRA 760 [1991]

<sup>6</sup> Motion for Reconsideration dated June 26, 2018, pp. 2-3.

<sup>7</sup> (Re: Accused Cunanan's *Motion for Reconsideration* dated 26 June 2018) dated July 2, 2018

## RESOLUTION

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

Page 3 of 4

X -----X

- b. Accused is not considered as an ordinary individual who may travel the country at his pleasure. The present indictment against him restrains his constitutional right to travel.
- c. The inevitability of keeping an accused in a criminal case within the reach of the Courts by preventing his departure from the Philippines must be considered as valid restriction on his right to travel so that he may be dealt with in accordance with law.
- d. Accused, on several occasions, failed to present himself before the Honorable Court when required to appear.<sup>8</sup>

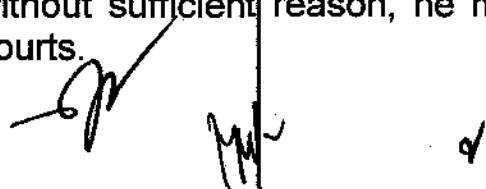
## RULING

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

In *Reyes vs. Court of Appeals*,<sup>9</sup> the Supreme Court, citing *Marcos vs. Sandiganbayan*,<sup>10</sup> said that a person's right to travel is subject to the usual constraints imposed by the very necessity of safeguarding the system of justice. It stressed that the restriction of therein petitioner's right to travel was not unlawful in view of the criminal case pending against him.

The Supreme Court, in *Defensor-Santiago vs. Vasquez*,<sup>11</sup> rejected the argument that under Section 6, Article III of the 1987 Constitution, the right to travel may be impaired only when so required in the interest of national security, public safety or public health, as may be provided by law. The High Court explained that a court has the power to prohibit a person admitted to bail from leaving the Philippines. This is a necessary consequence of the nature and function of a bail bond.

In *Manotoc, Jr. vs. Court of Appeals*,<sup>12</sup> the Supreme Court explained that if the accused were allowed to leave the Philippines without sufficient reason, he may be placed beyond the reach of courts.



<sup>8</sup> Comment/Opposition dated July 2, 2018, pp. 1-2.

<sup>9</sup> 606 SCRA 580 [2009]

<sup>10</sup> *Supra*

<sup>11</sup> 217 SCRA 633 [1993]

<sup>12</sup> 142 SCRA 149 [1986]

**RESOLUTION**

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

*Page 4 of 4*

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To reiterate, accused Cunanan failed to establish the urgent necessity of his intended travel abroad. Accused Cunanan's reason/s for travel cannot outweigh this Court's inherent power to preserve and to maintain the effectiveness of its jurisdiction over the person of accused Cunanan and the interest of the *People* in the resolution of criminal proceedings without undue delay.

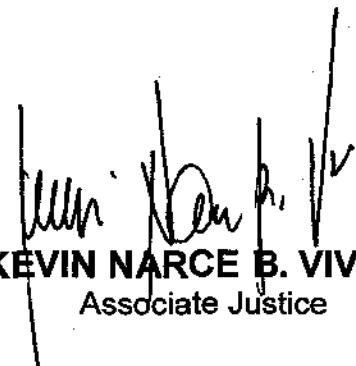
**WHEREFORE**, the *Motion for Reconsideration* filed by accused Dennis L. Cunanan is **DENIED**.

**SO ORDERED.**

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

**WE CONCUR:**

  
**BAYANI H. JACINTO**  
Associate Justice

  
**KEVIN NARCE B. VIVERO**  
Associate Justice