



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

MINUTES of the proceedings held July 9, 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.

Accused Antonio R. Floirendo, Jr., in his *Motion for Reconsideration (To the Minute Resolution dated May 23, 2018)*¹ argues that private counsel may intervene in criminal cases, but only insofar as the prosecution of the civil aspect of the case is concerned. The injured party in the present case is the government, and thus, Attys. Edgardo L. De Jesus and Paul Joseph V. Mercado should not be allowed to intervene. He further argues that Atty. Mercado is prohibited from engaging in the limited practice of his profession during office hours.

The prosecution opposed the accused' *Motion for Reconsideration* in its *Comment/Opposition (To the Motion for Reconsideration of the Minute Resolution dated 23 May 2018)*.²

This Court, in the Resolution dated May 23, 2018, held:³

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, 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.

* J. Mañalac participated in the assailed Resolution; 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 IX, Sec. 2[a])

¹ Dated June 13, 2018; Record, Vol. 2, pp. 79-85

² Dated June 27, 2018; Record, Vol. 2, pp. 158-162

³ pp. 1-2; Record, Vol. 2, pp. 23-24

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

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.

The issues raised by the accused had already been addressed in the assailed Resolution. It is clear that Attys. De Jesus and Mercado were explicitly prohibited from actually taking part and appearing on behalf of the Office of the Ombudsman in the proceedings in the present case. Furthermore, this Court allowed Atty. Mercado to assist the assigned prosecutors in his personal capacity. On the other hand, it appears that Atty. De Jesus presently does not occupy an elective or appointive public position.⁴

The Court finds no reason to reverse its ruling in the assailed Resolution and resolves to **DENY** the accused' *Motion for Reconsideration*.

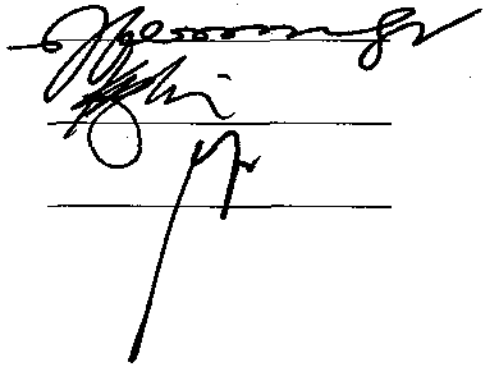
SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J.,

MIRANDA, J.

CORPUS-MAÑALAC, J.

Handwritten signatures of the judges: Fernandez, SJ, J., Miranda, J., and Corpus-Mañalac, J. Each signature is written over a horizontal line.

⁴ Prosecution's *Comment/Opposition*, p. 2; Record, Vol. 2, p. 159