



Republic of the Philippines
SANDIGANBAYAN
Centennial Building, Commonwealth Ave., Quezon City

FIFTH DIVISION

People of the Philippines,
Plaintiff,

- versus -

Crim. Case Nos. SB-17-CRM-0748 to 0750
For: Malversation of Public Funds
(under Art. 217, RPC)

CAMILO LOYOLA SABIO,
Accused.

X ----- X

PRE-TRIAL ORDER

Based on the preliminary conference conducted on December 08, 2017, February 09, March 02, April 18 and June 01, 2018, before the Division Clerk of Court, and signed by Prosecutor Sheri P. Zales, Atty. Romeo Saavedra, and accused Camilo Loyola Sabio, this Court issues this Pre-Trial Order:

I. DOCUMENTARY EXHIBITS

Marking for the Prosecution	Marking for the Defense	Description
"A"	"1"	Complaint-Affidavit dated April 28, 2014 signed by Salvacion C. Jamoralin, COA Audit Team Leader of the PCGG
"B"		COA Circular No. 2012-004 dated November 28, 2012
"C" and "C-4"	"2" and series	Check No. 959185 dated 12/23/08 – P100,000.00 signed by Luzviminda R. Toren and Camilo Sabio, with: Dorsal portion
"C-1"		Disbursement Voucher signed by Camilo L. Sabio
"C-2"		Memorandum for the processing of cash advance signed by Camilo L. Sabio dated 12/23/08 with signature of Marcial V. Flores and with stamp pre-audited by Conrado L. Afable
"C-3"		Obligation Request signed by Camilo L. Sabio and Nestor C. Palabrica with stamp pre-audited by Conrado L. Afable
Comment of the Defense: Exh. "C" - Faithful reproduction of the copy on file. Exh. "C-1" – Admitted only that it is the correct reproduction of the original;		

[Handwritten signatures and initials]

Exhs. "C-2" and "C-3" – Faithful reproduction of the copy on file.		
"D" and "D-4"	"3" and series	Check No. 959143 dated 12/15/08 – P250,000.00 signed by Luzviminda R. Toren and Camilo L. Sabio, with: Dorsal portion
"D-1"		Disbursement Voucher signed by Camilo L. Sabio with stamp pre-audited
"D-2"		Obligation Request signed by Camilo L. Sabio and Nestor C. Palabrica with stamp pre-audited
"D-3"		Memorandum for processing of cash advance signed by Camilo L. Sabio dated 12/12/08 with signature of Marcial V. Flores and with stamp pre-audited
<p>Comment of the Defense: Exhs. "D", "D-1", "D-3" – Faithful reproduction of the copy on file</p> <p>Exh. "D-2" – the defense asked if Nestor C. Palabrica is a certifying officer and the prosecution answered "YES", as to the availability; Faithful reproduction of the copy on file</p>		
"E" and "E-5"	"4" and series	Check No. 959299 dated 2/3/09 – P500,000.00 signed by Luzviminda R. Toren and Camilo Sabio, with: dorsal portion
"E-1"		Disbursement Voucher signed by Camilo L. Sabio and Lourdes G. Navarro with stamp pre-audited by Conrado L. Afable
"E-2"		Obligation Request signed by Camilo L. Sabio and Nestor C. Palabrica with stamp pre-audited by Conrado L. Afable
"E-3"		Memorandum for processing of cash advance signed by Camilo L. Sabio dated 02/03/09 with signature of Marcial V. Flores and with stamp pre-audited by Conrado L. Afable
"E-4"		Memorandum dated 2/9/06 stating reservation for the grant of cash advance to Camilo L. Sabio from Conrado L. Afable and Lourdes G. Navarro
<p>Comment of the Defense: Exh. "E" – For marking only is the face of the check not the dorsal portion. True copy of the photocopy.</p> <p>Exh. "E-1", "E-2", "E-3", "E-4" – Faithful reproduction of the original.</p>		
"F" and series		Letter addressed to Atty. Camilo L. Sabio re: outstanding cash advances from Nelson Acebo, Commissioner-in-Charge, Finance and Administration Dept., PCGG, with transmittal slip and registry return receipt
"G" and series		Memorandum addressed to Camilo L. Sabio dated May 7, 2010 from Marcial V. Flores, OIC, PCGG Finance and Administration Dept. re: outstanding cash advances
Comment of the Defense: Faithful reproduction of the copy on file.		
"H" and series		Memorandum addressed to Camilo L. Sabio dated December 04, 2009 from Marcial V. Flores, OIC, PCGG Finance and Administration Dept. re:

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		outstanding cash advances
"I"		Schedule of unliquidated cash advances to officers and employees as of Dec. 31, 2013 prepared by Charity D. CAtabas, Supervising Administrative Officer, PCGG
Comment of the Defense: Faithful reproduction of the original.		
"J", "J-1", "J-2"		Demand Letter addressed to Camilo L. Sabio from Salvacion C. Jamoralin, COA Audit Team Leader of the PCGG dated September 18, 2012, with transmittal slip and registry return receipt
Comment of the Defense: Faithful reproduction of the copy on file.		
"K"		Demand Letter addressed to Camilo L. Sabio from Dr. Emmanuel R. Bago, COA Audit team Leader dated June 18, 2010
Comment of the Defense: Faithful reproduction of the copy on file.		
"L"		Demand Letter addressed to Camilo L. Sabio from Dr. Emmanuel R. Bago, COA Audit Team Leader dated January 21, 2009
Comment of the Defense: Faithful reproduction of the copy on file.		
"M"		Transmittal Letter dated 1/27/12
"N" and series		Audit Observation Memorandum No. 2008-07 dated 2/13/08 addressed to Hon. Camilo L. Sabio re: unliquidated cash advances signed by Dr. Emmanuel R. Bago, COA Audit Team Leader and Margarito A. Silot, Supervising Auditor
Comment of the Defense: Faithful reproduction of the copy on file.		
"O" and series		Aging of Advances to Officers and Employees as of 12/31/07
Comment of the Defense: Faithful reproduction of the copy on file.		
"P", "P-1", "P-2", "P-3", "P-4"		Audit Observation Memorandum No. 2013-04 dated 3/27/13 signed by Salvacion C. Jamoralin, Audit Team Leader of the PCGG and Samuel C. Sison, Supervising Auditor
No comment from the defense. It contradicts the allegation in the Informations.		
"Q", "Q-1", "Q-2"		Audit Observation Memorandum No. 2013-04 dated 3/27/13 signed by Salvacion C. Jamoralin, Audit Team Leader of the PCGG and Irma S. Besas, State Auditor V, Supervising Auditor with attached Schedule of Outstanding Cash Advances for more than a year.
Comment of the Defense: Objected to because it is contrary to the allegations in the Informations.		
"R", "R-1"		Letter dated February 26, 2014 addressed to Ms. Salvacion C. Jamoralin from Romulo A. Siazon, OIC, Human Resource and Development Center, PCGG with attached appointment of Camilo L. Sabio as Acting Chairperson, PCGG
"S"		Subpoena sent to Elvira de Veyra dated December 5, 2017 from ASP III Sheri P. Zales (<i>certified true copy</i>)

C. J. M. Ponsar

"S-1"		Response to the subpoena dated December 6, 2017 from Elvira de Veyra (<i>certified true copy</i>)
"S-2"		Compliance dated December 21, 2017 (<i>certified true copy</i>)
"T" up to "T-3"		Schedule of Advances to Officers and Employees (148) – Fund 101 as of June 3, 2012
"U" up to "U-3"		Memorandum dated February 5, 2014 For: All Team Supervisors/Team Leaders, National Government Sector, issued by Director in Charge Alexander B. Juliano
"V" up to "V-2"		Schedule of Advances to Officers and Employees (148) – Fund 101 as of December 31, 2013
"W" up to "W-123"		Liquidation Documents for Check No. 959299

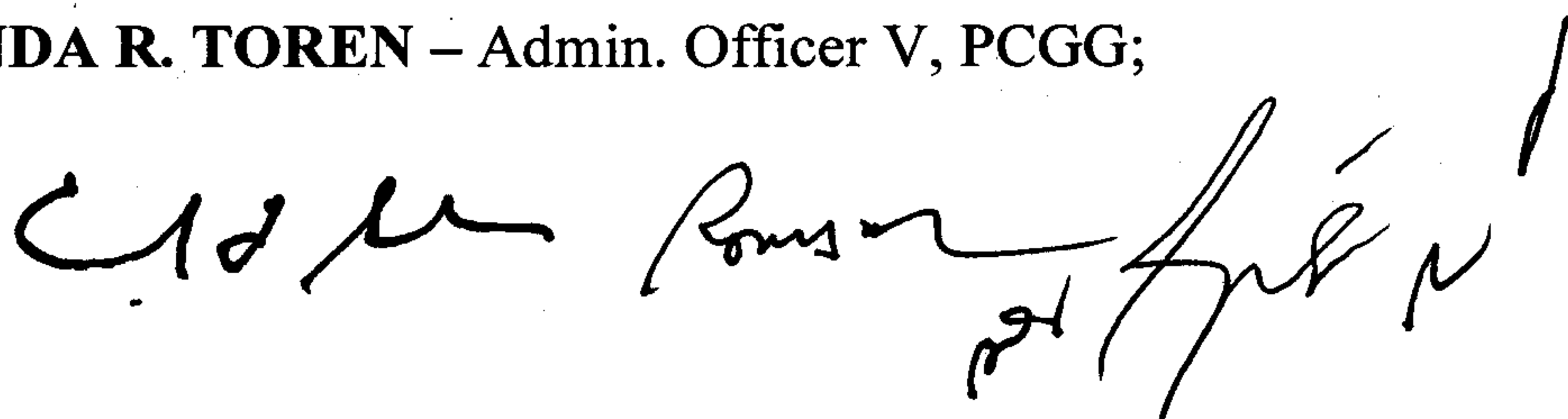
The prosecution and the defense reserve the marking of additional exhibits in the course of trial subject to good cause shown.

II. WITNESSES TO BE PRESENTED:

A. For the Prosecution:

The prosecution will be presenting the following witnesses:

1. **SALVACION C. JAMORIN** – Audit Team Leader, COA;
2. **ROMULO A. SIAZPON** – OIC, Human Resource and Development Center, PCGG;
3. **Dr. EMMANUEL R. BAGO** – State Auditor IV, Audit Team Leader, COA;
4. **MARGARITO A. SILOT** – Supervising Auditor, COA;
5. **NELSON ACEBO** – Commissioner In Charge, Finance & Admin Department, PCGG;
6. **MARCIAL V. FLORES** – OIC, FAD, PCGG;
7. **IRMA S. BESAS** – State Auditor V, Supervising Auditor;
8. **CHARITY D. CATABAS** – Supervising Administrative Officer, PCGG;
9. **Representative from Land Bank of the Philippines;**
10. **LUZVIMINDA R. TOREN** – Admin. Officer V, PCGG;



11. **LOURDES G. NAVARRO** – Chief Accountant, PCGG;
12. **NESTOR C. PALABRICA** – Chief Admin. Officer, PCGG;
13. **ELEANOR G. JOVES** – State Auditor IV, COA;
14. **SAMUEL C. SISON** – Supervising Auditor, COA;
15. **PASTORA R. STA. INES** – TOO III, PCGG;
16. **AVELINA H. ZUMARRAGA** – Chief, Misc. Accounts Accounting Div., PCGG;
17. **PRUDENCIO C. BORLAZA** – OIC, Accounting Services, PCGG;
18. **LORNA U. REYES** – Collecting Officer, PCGG;
19. **NARCISO S. NARIO** – Commissioner, PCGG;
20. **LILIA R. YANGA** – Executive Assistant V, PCGG;
21. **PURITA B. BELGICA** – Collecting Officer, PCGG;
22. **LORNA G. URSUA-REYES** – Collecting Officer, PCGG;
23. **CONRADO L. AFABLE** – Pre-Auditor;
24. **F.D. BAQUIAL** – Records Division, PCGG.

The prosecution reserves the presentation of additional witnesses whose testimonies may appeal material only in the course of trial or replace a named witness who shall have become unavailable for trial by another witness who could take his place.

B. For accused Camilo L. Sabio:

1. CAMILO LOYOLA SABIO

Accused Sabio reserves the presentation of additional witnesses in the course of trial, subject to good cause shown.



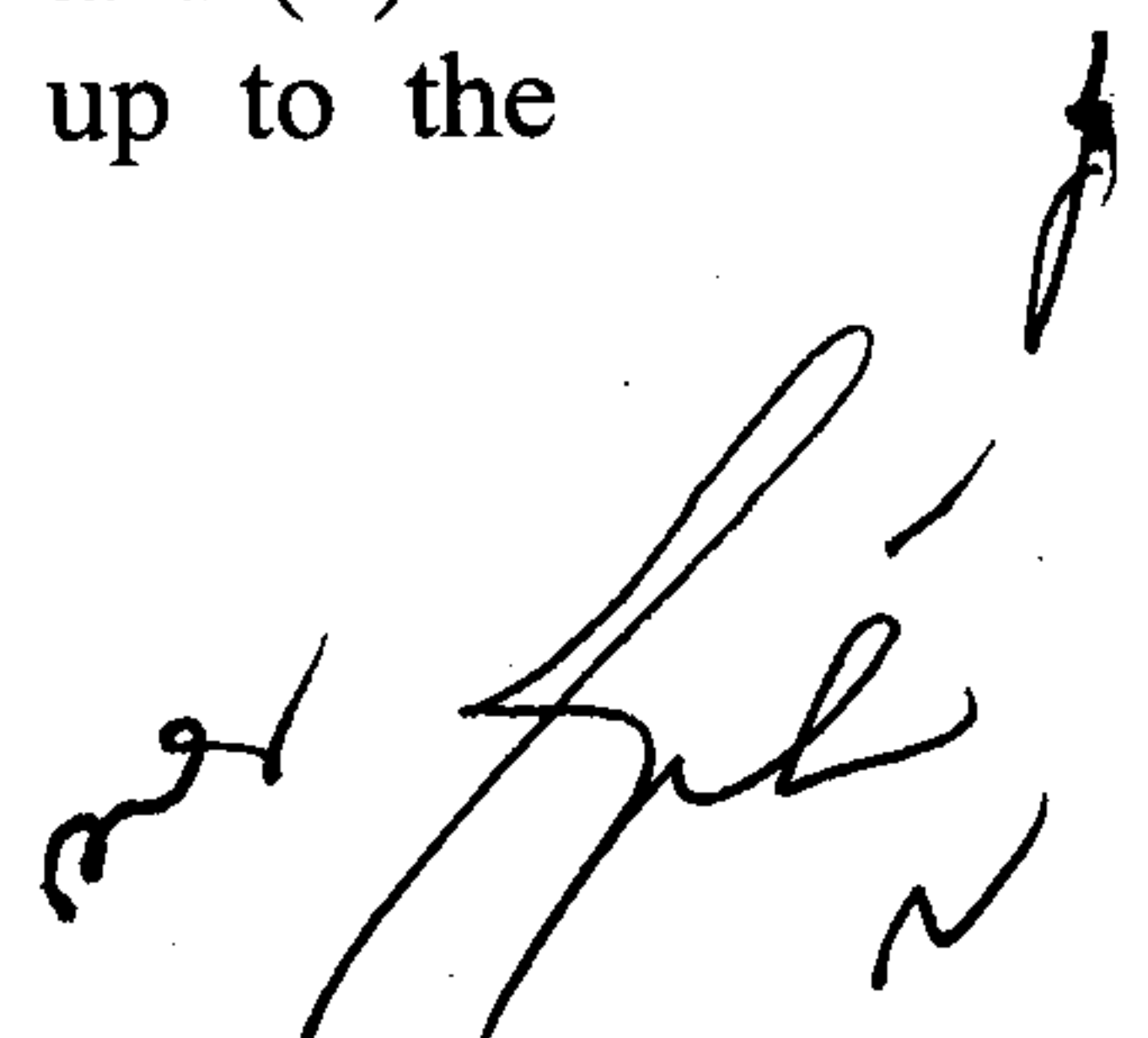
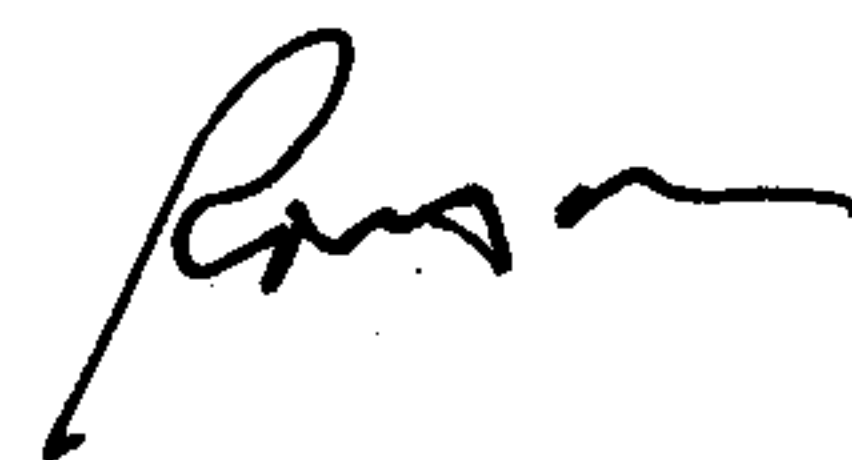
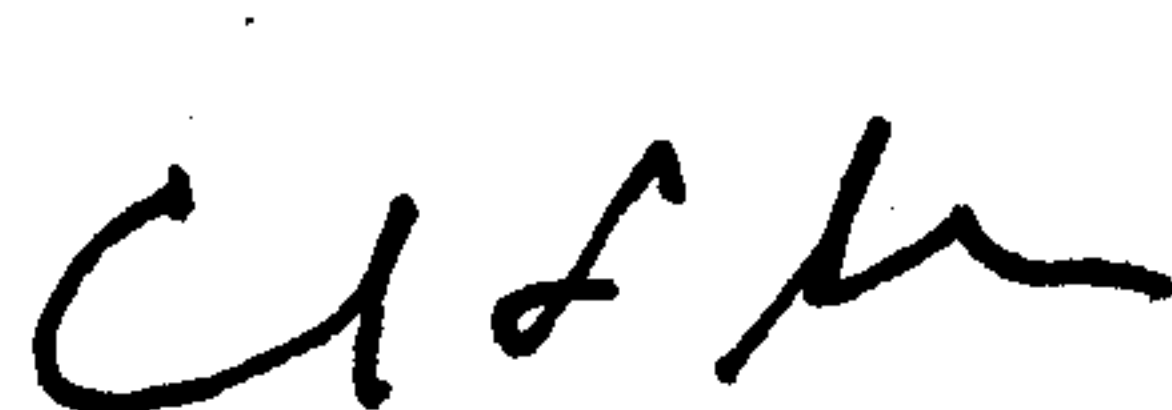
III. PROPOSALS FOR STIPULATIONS

A. For the Prosecution:

1. The identity of the accused and his position as PCGG Chairperson during the time material to the Information in these cases – **ADMITTED**;
2. That accused was granted the following cash advances;
 - a. Cash advance for litigation and other related expenses in the amount of Php250,000.00 on 12-15-08 under disbursement voucher 2008-12-1164 with check no. 959143 – **DENIED**;
 - b. Cash advance for litigation and other related expenses in the amount of Php100,000.00 on 12-23-08 under disbursement voucher 2008-12-1314 with check no. 958543 – **DENIED**;
 - c. Cash advance for meeting and conferences on pending cases and other related expenses in the amount of Php282,428.03 on 2-3-09 under disbursement voucher 2009-02-0091 with check no. 959299 – **DENIED**;
3. That demand letters and/or memoranda were sent to the accused directing him to liquidate within 30 days from receipt thereof – **DENIED**;
4. That the accused failed to liquidate his cash advances until Jan. 31, 2013 as per COA Circular No. 2012-004 dated Nov. 28, 2012, COA issued a final demand letter to all agencies for the immediate liquidation and settlement of all unliquidated cash advances as of Dec. 31, 2011 on or before Jan. 31, 2013 – **DENIED**.

B. For accused Camilo L. Sabio:

1. Accused as Chairperson of the Presidential Commission on Good Government (PCGG) is a Cabinet Member, addressed as “Secretary,” with Salary Grade 31, acts as Agent of the President to assist in the recovery of ill-gotten wealth of former President Ferdinand E. Marcos and his cronies who plundered the country;
2. The PCGG, being a creation under the Freedom Constitution of a revolutionary government of Pres. Corazon C. Aquino on February 28, 1986 as confirmed by the 1987 Constitution, is a quasi-judicial body, vested with extraordinary constitutional and legal powers including the authority to grant civil and criminal immunity and itself granted certain legal immunities under Section 4(a) and (b) of Executive Order No. 1, is considered SUI GENERIS up to the present time;



3. That as such Sui Generis creation, under Sec. 5 of its initial creation, it was granted a Php50 million budget for operations to carry out its mandate by Pres. Cory Aquino consisting mainly for essential litigation expenses, inevitable, confidential, and intelligence activities to cover payment of rewards to informants or purchase of vital information on ill-gotten wealth; extraordinary expenses incurred in litigations, legal processes and other confidential expenses of the PCGG – released to the PCGG by the President, so that in the liquidation of any cash advance for litigation and other related expenses are already liquidated and/or justified by a mere certification that said cash advance was utilized for a legitimate purpose in the performance of their duty once released to the PCGG Chairperson by the President is already approved, since accused's only superior and with whom he consults and meets with regularly, is the President of the Republic;
4. That similarly available as added defense of accused in this case is Section 4(a) and (b), Executive Order No. 1, dated February 28, 1986, as follows:
 - a. "No civil action shall lie against the Commission or any member thereof for anything done or omitted in the discharge of the task contemplated by this order."
 - b. "No member or staff of the Commission shall be required to testify or produce evidence in any judicial, legislative or administrative proceeding concerning matters within its official cognizance."

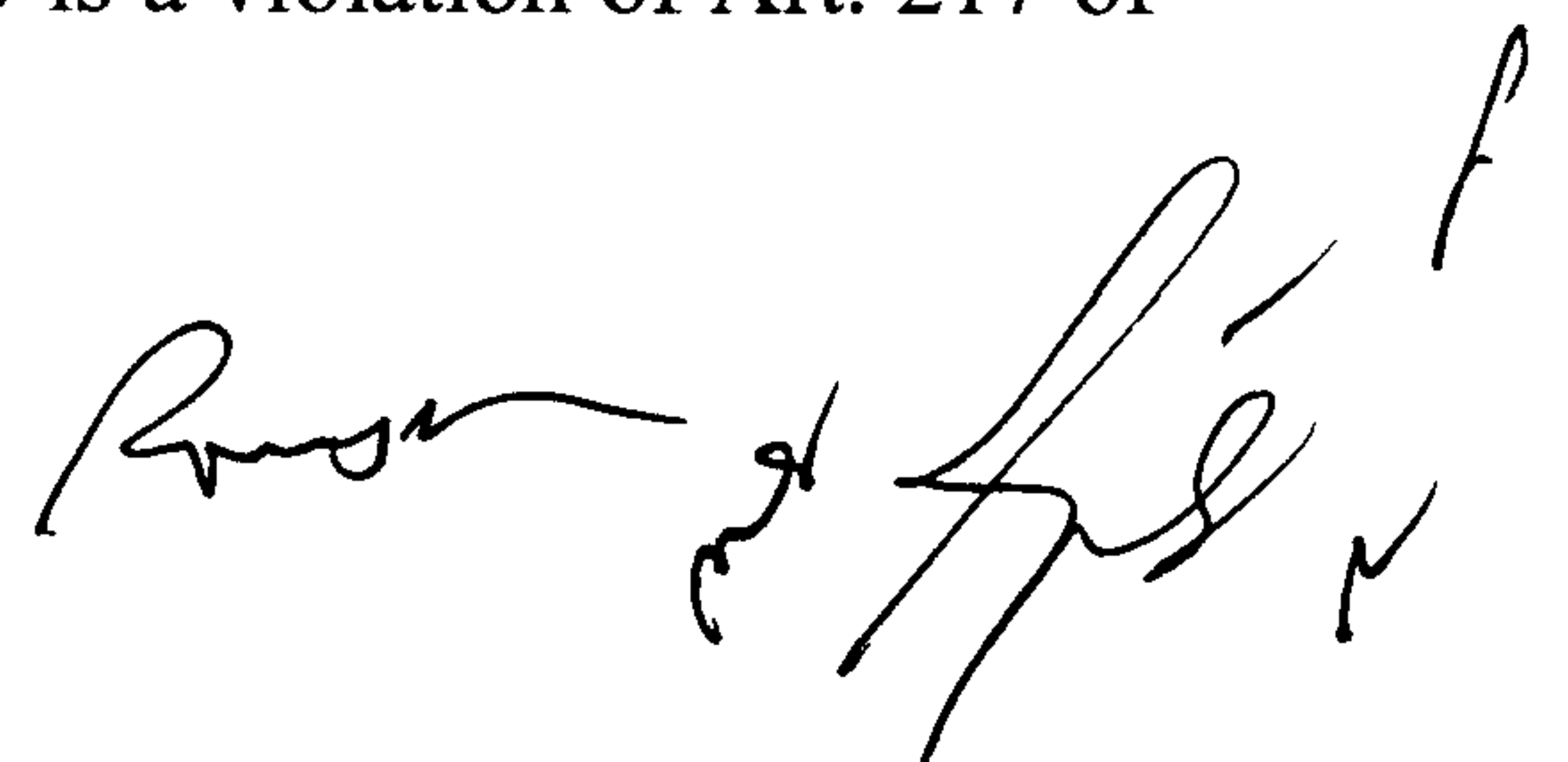
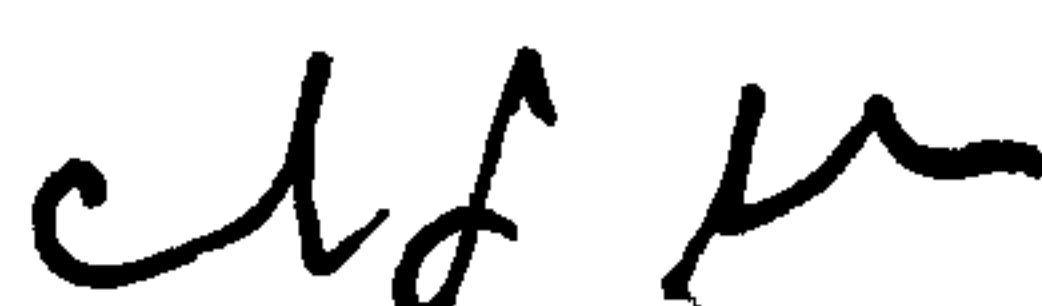
Such that accused former PCGG Chairperson shall not present any PCGG Commissioner or staff member of the Commission and will object to any such witnesses presented by the prosecution against herein accused during trial.

Pros. Sheri P. Zales manifested that the proposed stipulations are based on laws, which are not subject to stipulations, but rather, to judicial notice. Nonetheless, the above proposals for stipulations being interpretations by the accused are all DENIED.

IV. ISSUES

A. For the Prosecution:

1. Whether or not the failure of the accused to liquidate his outstanding cash advances on or before Jan. 31, 2013 is a violation of Art. 217 of the Revised Penal Code.



B. For accused Camilo L. Sabio:

1. Whether or not the Certification of accused Sabio as cabinet member, or as president in the recovery of ill-gotten wealth of former President Ferdinand E. Marcos and his cohorts, and other cash advances are already liquidated.


V. TRIAL DAYS

The initial presentation of prosecution's evidence is set on **October 11, 2018, with additional setting on November 8, 2018 at 8:30 in the morning.**

Let the above facts and stipulations control the proceedings in this case. The parties are enjoined to comply strictly with the said stipulations. The pre-trial is now deemed closed and terminated.

SO ORDERED.

Given in Open Court this 16th day of August 2018, at Quezon City, Philippines.


RAFAEL R. LAGOS
Chairperson
Associate Justice



MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice


MARYANN E. CORPUS-MAÑALAC
Associate Justice

With our conformity:


ASP III SHERI P. ZALES
For the prosecution


CAMILO L. SABIO
Accused


Atty. ROMEO P. SAAVEDRA
Counsel for the accused