



Republic of the Philippines

SANDIGANBAYAN

Quezon City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

SB- 17-CRM-2202 to 2395

*For 2202 to 2298: Violation of
Section 3 (e) R.A. No. 3019 and
Malversation of Public Funds
Through Falsification of Public
Documents*

**ROLANDO AUREO GUTIERREZ
ANDAYA, JR. ETAL.,**

Accused.

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Present:

CABOTAJE-TANG, A., PJ

Chairperson

FERNANDEZ, B., J

FERNANDEZ, S.J.*, J

Promulgated on:

AUG 7, 2018

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RESOLUTION

FERNANDEZ B., J.

For consideration is the Urgent Motion dated July 16, 2018 filed by accused-movant Ruby C. Tuason, through counsel, principally praying for the reconsideration of the Resolution of this Court dated July 5, 2018 and allowing said accused-movant to travel to Singapore from July 23, 2018 to August 7, 2018 or on such dates as this Court may deem appropriate.

*As per Administrative Order No. 316-2017 dated September 13, 2017

In support of the Urgent Motion, the accused-movant posed the following grounds, namely: (1) that the Court's requirement that the medical condition of accused-movant Tuason has to be life threatening in order for the Court to approve her medical treatment abroad is too harsh considering that eyesight or vision is the most important of all five senses of the human body; (2) that the age and the rapidly deteriorating eye condition of the accused-movant unnecessarily raises her risks, hence, the DMEK treatment is thus the only safe and swift option available to her; and, (3) that reasonable conditions should be imposed to protect the jurisdiction of the Court over the person of the accused-movant.

During the hearing on the Urgent Motion scheduled last July 19, 2018, Prosecutor Nuñez, in opposition, manifested that the six (6) months waiting time does not only pertain to the options available in the Philippines but to all the options including the Singapore procedure. Prosecutor Nunez also indicated that this was cited in the Urgent Motion.

In response, the accused-movant, through counsel, reiterated that the Singapore option only had a two (2) week waiting period.

After a close evaluation of the Urgent Motion, in light of the verbal opposition of the prosecution, this Court finds no new substantive issues raised by the accused-movant that would convince it to amend, alter, revise or even amend the assailed Resolution of July 5, 2018. The issues posed by the accused-movant remain mere reiterations of those earlier submitted for the consideration of this Court.

As previously underscored, referring to a viable balance between the physical condition of the accused-movant as well as the urgency of the same and the inherent power of the Court to preserve and maintain the effectiveness of its jurisdiction over her person by making her available whenever necessary - - *this balance must tilt in favor of preserving the jurisdiction of this Court over the person of the accused-movant which may be prejudiced if she is allowed to travel abroad.*

We can only re-emphasize thus - - -


x x x. Hence, the accused-movant can undergo the DSAEK procedure option even in the

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Philippines, where our doctors are already expertly trained to perform the same. Although the possible cornea to be transplanted may not be immediately available, the eye condition of the accused-movant has not attained a life-threatening state, thus, not urgent.

WHEREFORE, premises considered, the Urgent Motion for Reconsideration dated July 16, 2018 filed by accused-movant Ruby C. Tuason, through counsel, is **DENIED** for lack of merit.

SO ORDERED.



BERNELITO R. FERNANDEZ
Associate Justice

We concur:



AMPARO M. CABOTAJE-TANG
Presiding Justice/Chairperson



SARAH JANE T. FERNANDEZ*
Associate Justice