



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.

X-----X

Present:

CABOTAJE-TANG, A., PJ

Chairperson

FERNANDEZ, B., J

FERNANDEZ, S.J.*, J

Promulgated on:

AUG 7, 2018

R E S O L U T I O N

FERNANDEZ B., J.

Before this Court are the following - -

- (1) a Letter dated March 26, 2018, written in Pilipino, from Fernando C. Cruz of San Sebastian Heights Subd., Brgy. San Vicente, Tarlac City; and,
- (2) a Letter dated May 15, 2018 from Rodel C. Ampil, Filipino, Advocate.

X-----X

These Letters are both addressed to the Hon. Amparo M. Cabotaje-Tang, Presiding Justice and Chairperson, Third Division of the Sandiganbayan.

Aside from alluding to the merits of the subject cases as well as the personal insights of the letter writers, these Letters also seek to have accused Rolando Andaya Jr. and accused Nasser Pangandaman preventively suspended pending trial.

When given time (Minutes, April 25, 2018 and May 29, 2018), the prosecution, in its separate Comments (May 9, 2018; June 11, 2018) to each Letter, similarly manifested that, while it is the ministerial duty of the Court to issue an order of suspension upon the determination of the validity of the Informations filed before it, this order cannot as yet be issued because both accused Andaya, Jr. and accused Pangandaman have not yet been arraigned due to the pendency of the Omnibus Motion for: (1) Bill of Particulars; and, (2) To Defer Arraignment (which essentially assailed the validity of the Informations) and the Urgent Omnibus Motion: (1) To Quash Information; (2) To suspend Arraignment, respectively filed by the said accused.

The accused concerned were also granted time to respond (Minutes, June 18, 2018).

Accused Andaya Jr., in his Comment dated July 9, 2018, claims that the letter writers not only have no standing before the Court but also insists that their plea should have been raised before the Office of the Special Prosecutor. Accused Andaya Jr. further prays that this Court disregard the subject Letters.

On the other hand, accused Pangandaman, in his own Comment dated July 10, 2018, principally echoes the position of the prosecution that any move for the suspension of the accused is premature because of the pendency of the Motions before this Court.

After verifications were made on the records of these cases, this Court notes that indeed there are pending incidents for its consideration. These incidents essentially come in the nature of assailing the validity of the Informations. Hence, no proceedings cannot as yet be

X-----X

conducted relative to any motion to seek the preventive suspension of accused Andaya Jr. and accused Pangandaman.

WHEREFORE, in light of the foregoing, the Letters dated March 26, 2018 and May 15, 2018 of letter writers Fernando C. Cruz and Rodel C. Ampil, respectively, are **NOTED**.

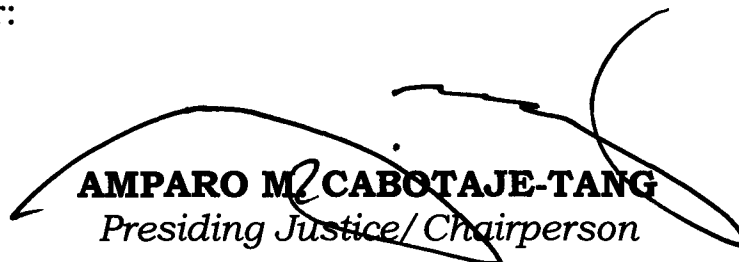
Send copy of this Resolution to letter writers Fernando C. Cruz and Rodel C. Ampil in their respective addresses on record.

SO ORDERED.



BERNELITO R. FERNANDEZ
Associate Justice

We concur:



AMPARO M. CABOTAJE-TANG
Presiding Justice/ Chairperson



SARAH JANE T. FERNANDEZ*
Associate Justice