

Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on September 18, 2018.

PRESENT:

HON. SARAH JANE T. FERNANDEZ..... Chairperson
HON. KARL B. MIRANDA Associate Justice
HON. KEVIN NARCE B. VIVERO Associate Justice

The following resolution was adopted:

SB-16-CRM-0438 -- PEOPLE vs. EDNA V. OGKA BENITO, ET AL.

For resolution is the *Compliance Report with Terms and Conditions for Foreign Travel With Prayer for Release of Travel Bond*¹ filed by accused Casangoan B. Marohom on August 31, 2018, in relation to the *Resolution* dated July 26, 2018, granting him permission to travel to Madina, Mecca and Jeddah, all in the Kingdom of Saudi Arabia, from July 30, 2018 to August 28, 2018.

In his *Compliance*, accused Marohom claims that he complied with his itinerary of travel from July 30, 2018 to August 28, 2018, and, thus, prays for the: (i) release of his travel bond in the amount of PhP60,000.00, and, (ii) cancellation of the written undertaking of his counsel in relation to the subject travel.

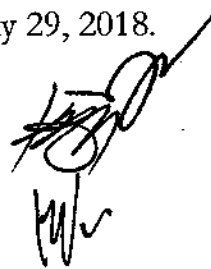
Page 10 of accused Marohom's passport, however, shows that accused Marohom left the Philippines on July 29, 2018.² As an explanation for his early departure, accused Marohom attached a Certification dated July 28, 2018 issued by Director Mito On M. Ibra of the Bureau of Pilgrimage and Employment, which states that accused Marohom "was originally booked for July 30, 2018, but due to unavailability of seat, he was not accommodated on the said flight, instead he was re-booked and finally confirmed on July 29, 2018."³

The prosecution moved that accused Marohom's travel bond be forfeited on the ground that accused Marohom is in bad faith for (i) not informing the Court of the change in his travel arrangement, *i.e.*, moving the date of his departure from July 30 to July 29, 2018, and, (ii) making it appear that he has a confirmed airline bookings for July 30, 2018, when in fact, his flight was only confirmed on July 29, 2018.

¹ Dated August 30, 2018

² Annex A of Compliance dated August 30, 2018

³ Annex H of Compliance dated August 30, 2018



RESOLUTION

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The Court resolves as follows:

1. Accused Casangoan B. Marohom's *Compliance Report with Terms and Conditions for Foreign Travel* is **NOTED**. However, for his violation of the terms and conditions of his travel, specifically that "he shall leave for Madina, Mecca and Jeddah, all in the Kingdom of Saudi Arabia, not earlier than July 30, 2018," accused Marohom is **WARNED** that this violation of the conditions of his Travel Authority shall be taken into account by this Court in his future requests for authority to travel, and, a succeeding violation shall be dealt with more severely by the Court.
2. Accused Marohom's prayer to withdraw his travel bond is **GRANTED**. The travel bond of accused Marohom in the amount of Sixty Thousand Pesos (PhP60,000.00), as evidenced by Official Receipt No. 5497410 dated July 25, 2018, is hereby **ORDERED** released, subject to the usual accounting and auditing procedures.
3. The *Motion* of Atty. Francisco B. Sibayan to cancel his written undertaking dated July 23, 2018 is **NOTED**. The undertaking is rendered *functus officio* by the completion of the travel of the accused. The Court, however, notes that Atty. Sibayan should have properly advised and explained to his client the conditions for his travel. For having failed to do so, Atty. Sibayan is warned that a succeeding infraction will be dealt with more severely by the Court.
4. The Court calls the attention of the Commissioner of the Bureau of Immigration that accused Casangoan B. Marohom was allowed by BI personnel to leave the Philippines on July 29, 2018, despite the specific directive in the Travel Authority that he is allowed to leave the Philippines not earlier than July 30, 2018, and, the BI's Allow Departure Order (ADO) No. JTJ-18-615 that it is for "(Single-Trip Only from 30 July to 28 Aug. 2018)."

Let a copy of this Resolution be furnished the Bureau of Immigration.

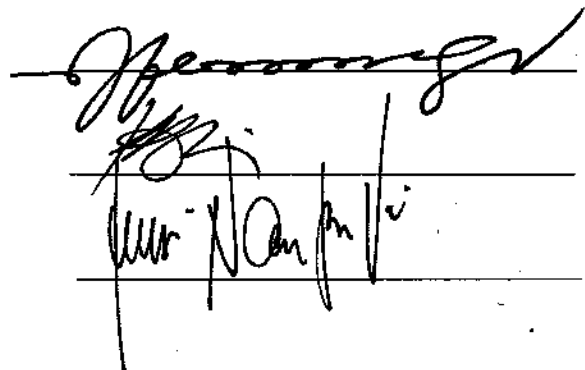
SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J., *Chairperson*

MIRANDA, J.,

VIVERO, J.,



Three handwritten signatures are present, each written over a horizontal line. The top signature is the most prominent and appears to be 'Fernandez'. Below it are two other signatures, one of which is partially obscured by the first signature's tail.