



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

FIFTH DIVISION

People of the Philippines,
Plaintiff,

Crim. Case Nos. 26920 - 27100

- versus -

Present:

GONZALO DE PEDRO, et al.
Accused.

LAGOS, J., Chairperson
MENDOZA-ARCEGA, and
CORPUS-MAÑALAC, JJ.

Promulgated:

October 22, 2018 *jae*

X-----X

RESOLUTION

LAGOS, J.:

This treats of the *Joint Application for Probation* dated April 12, 2018 filed by accused Tessie Lagnaoda, Carlito M. Abrera, Rizaldo Solito and Rodrigo Generoso.

On February 28, 2018, the Court promulgated a Resolution modifying the respective penalties of Lagnaoda, Abrera, Solito and Generoso as follows:

“1. In Criminal Case No. 27035, accused **TESSIE LAGNAODA** is found **GUILTY** beyond reasonable doubt of the crime of malversation of public funds defined and penalized under Article 217 of the Revised Penal Code. Absent any mitigating or aggravating circumstances, and applying the Indeterminate Sentence Law, she is hereby sentenced to an indeterminate penalty ranging from **two (2) years, four (4) months and one (1) day of prision correccional, as the minimum penalty, to six (6) years of prision correccional, as the maximum penalty;** to pay the fine in the amount of Php47,500.00 with subsidiary imprisonment in case of insolvency; and to suffer the penalty of perpetual special disqualification.

[Handwritten signatures and initials]

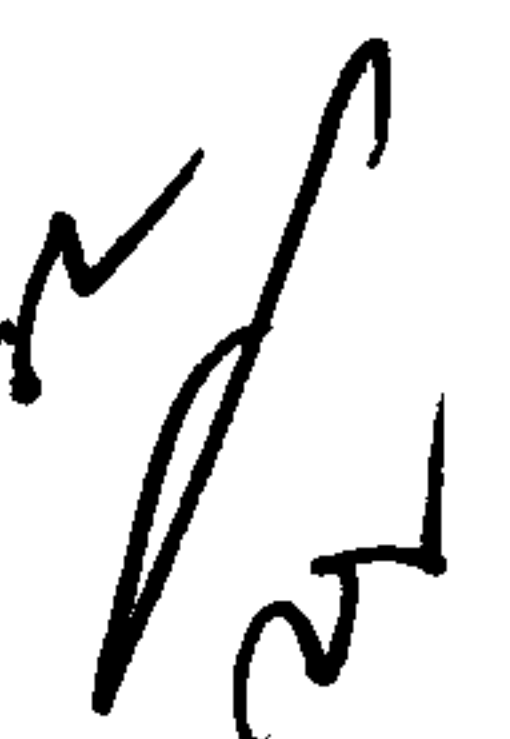
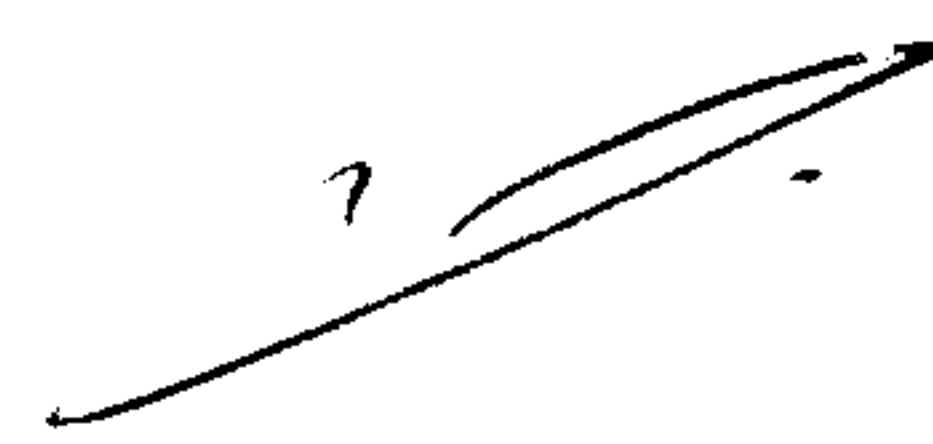
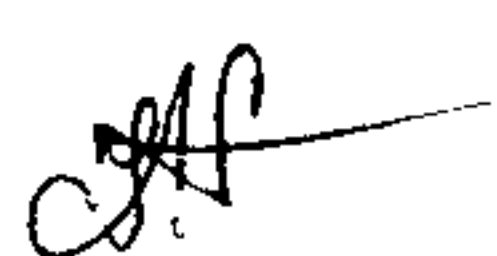
Moreover, she is ordered to reimburse the Municipality of Bagumbayan, Sultan Kudarat the amount of Php47,500.00, with legal interest from the finality of this decision until the same is fully paid, as civil liability.

1. In Criminal Case No. 27083, accused **CARLITO M. ABRERA** is found **GUILTY** beyond reasonable doubt of the crime of malversation of public funds defined and penalized under Article 217 of the Revised Penal Code and appreciating in his favor the mitigating circumstance of voluntary restitution of the amount malversed, analogous to voluntary surrender, he is hereby sentenced to an indeterminate penalty ranging from **four (4) months and one (1) day of *arresto mayor*, as the minimum penalty, to two (2) years and four (4) months of *prision correccional*, as the maximum penalty**; to pay the fine of Php15,000.00 with subsidiary imprisonment in case of insolvency; and to suffer the penalty of perpetual special disqualification.

Moreover, he is ordered to reimburse the Municipality of Bagumbayan, Sultan Kudarat the amount of Php15,000.00, with legal interest from the finality of this decision until the same is fully paid, as civil liability.

2. In Criminal Case No. 27092, accused **RIZALDO SOLITO** is likewise **GUILTY** beyond reasonable doubt of the crime of malversation of public funds defined and penalized under Article 217 of the Revised Penal Code and appreciating in his favor the mitigating circumstance of voluntary restitution of the amount malversed, analogous to voluntary surrender, he is hereby sentenced to an indeterminate penalty ranging from **four (4) months and one (1) day of *arresto mayor*, as the minimum penalty, to two (2) years and four (4) months of *prision correccional*, as the maximum penalty**; to pay the fine of Php15,000.00 with subsidiary imprisonment in case of insolvency; and to suffer the penalty of perpetual special disqualification.

Moreover, he is ordered to reimburse the Municipality of Bagumbayan, Sultan Kudarat the amount of Php15,000.00, with legal interest from the finality of this decision until the same is fully paid, as civil liability.



3. In Criminal Case No. 27095, **RODRIGO S. GENEROSO** is likewise **GUILTY** beyond reasonable doubt of the crime of malversation of public funds defined and penalized under Article 217 of the Revised Penal Code and appreciating in his favor the mitigating circumstance of voluntary restitution of the amount malversed, analogous to voluntary surrender, he is hereby sentenced to an indeterminate penalty ranging from **four (4) months and one (1) day of arresto mayor, as the minimum penalty, to two (2) years and four (4) months of prision correccional, as the maximum penalty**; to pay the fine of Php15,000.00 with subsidiary imprisonment in case of insolvency; and to suffer the penalty of perpetual special disqualification.

Moreover, he is ordered to reimburse the Municipality of Bagumbayan, Sultan Kudarat the amount of Php15,000.00, with legal interest from the finality of this decision until the same is fully paid, as civil liability.

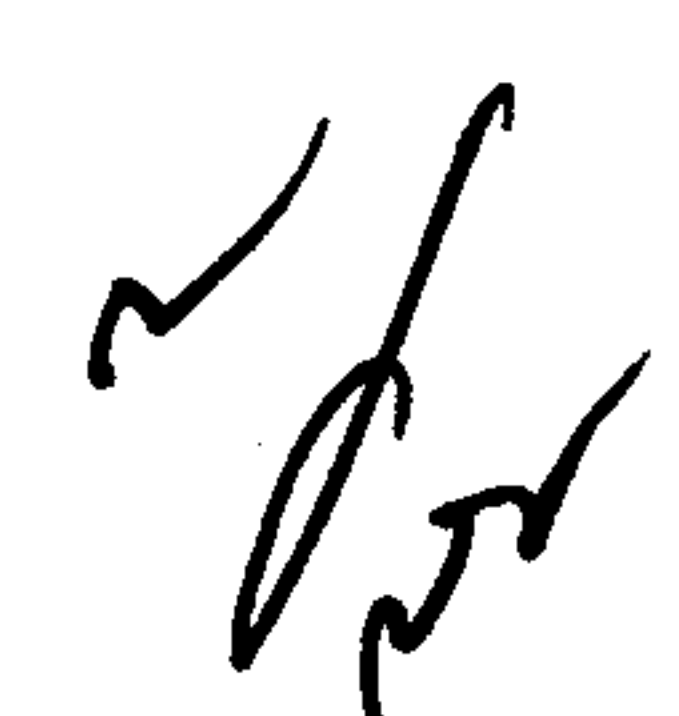
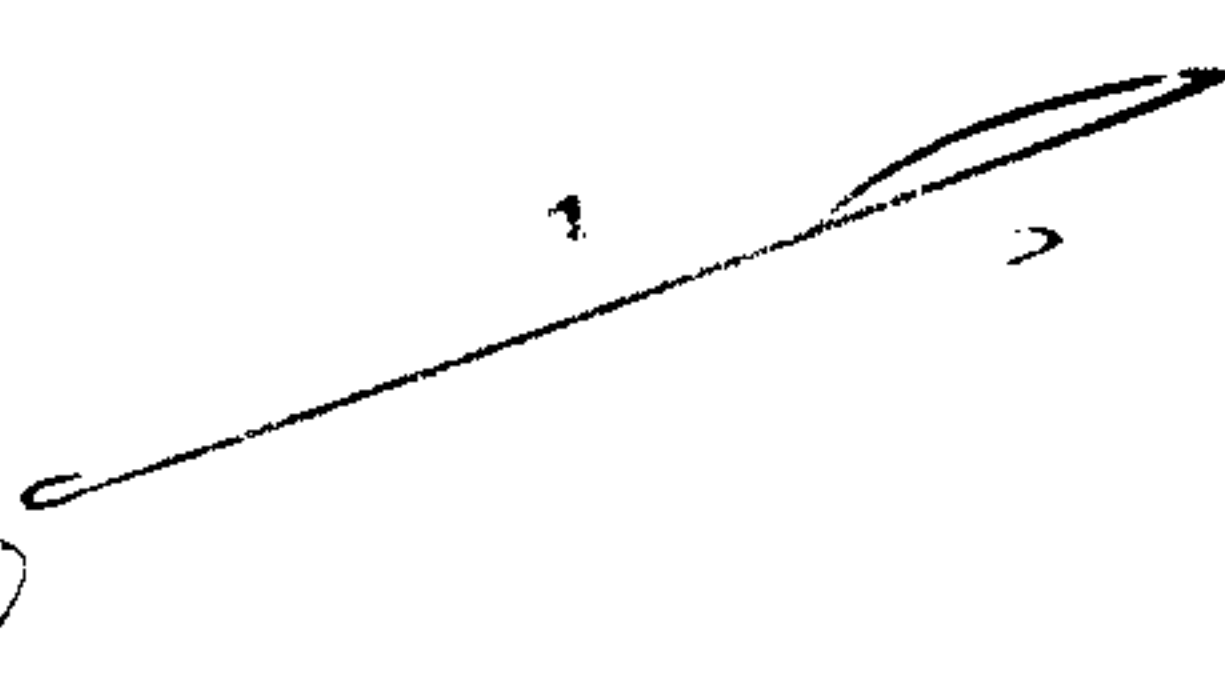
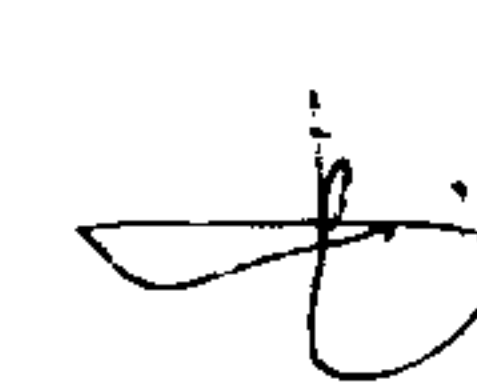
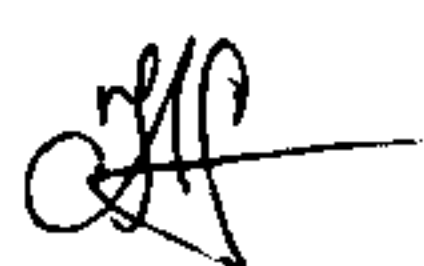
SO ORDERED.”

In compliance with the Resolution of the Court promulgated on June 25, 2018, Supervising Probation and Parole Officer Officer-in-Charge Michael Joseph s. Alonto, Ph. D., submitted a Post-Sentence Investigation Report (PSIR) with complete attachments which includes result of the records check, clearances, certification from neighbors, and photocopy of official receipt of payment of fine of the following petitioner for probation, to wit:

1. RIZALDO SOLITO Y TEJADA, Criminal Case No. 27092-94;
2. TESSIE LAGNAODA, Criminal Case No. 27035;
3. CARLITO ABRERA Y MALAQUE, Criminal Case No. 26083-085; and
4. RODRIGO GENEROSO Y SUMBILLA, Criminal Case No. 27095-97.

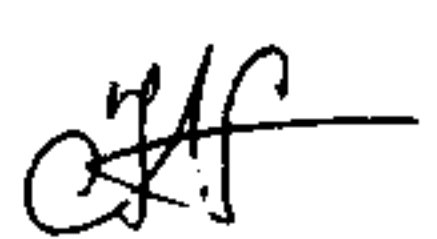
After having evaluated the Post-Sentence Investigation Report, the Court finds the recommendation therein for the granting of the probation of all the accused to be in order.

WHEREFORE, the *Joint Application for Probation* dated April 12, 2018 filed by accused Tessie Lagnaoda, Carlito M. Abrera, Rizaldo Solito and Rodrigo Generoso GRANTED.



TESSIE LAGNAODA y ARABEJO, accused in Criminal Case No. 27035, shall undergo probation for SIX (6) YEARS, to be counted from Probationer's initial report for supervision and subject to the following conditions which she must comply, to wit:

1. Probationer shall initially report to the Chief Probation and Parole Officer at Sultan Kudarat Parole and Probation Office, Old Capitol Building, Isulan, Sultan Kudarat, within seventy-two (72) hours from receipt of the Resolution granting probation.
2. She shall, thereafter, report to her supervising Probation and Parole Officer at once a month unless otherwise modified by the Chief Probation and Parole Officer or Court, as the case may be.
3. She shall continue to reside at San Vicente, Masiag, Bagumbayan, Sultan Kudarat and shall not change her residence without prior approval of the Chief Probation and Parole Officer, or Court, as the case may be.
4. She shall secure a written permit to travel outside the jurisdiction of the Parole and Probation Office from the Chief Probation and Parole Officer and from the Court if such travel exceeds thirty (30) days.
5. She shall not commit any crime or any other offense.
6. She shall render community service and will participate in tree-planting activities.
7. She shall allow the supervising Probation and Parole Officer or an authorized Volunteer Probation Aide to visit her home and place of work.
8. She shall meet her family responsibilities.
9. She shall undergo medical, psychological or psychiatric examination and treatment and enter and remain in a specified institution, when required for that purpose.
10. She shall devote herself to a specific employment and shall not change said employment without prior notice to the


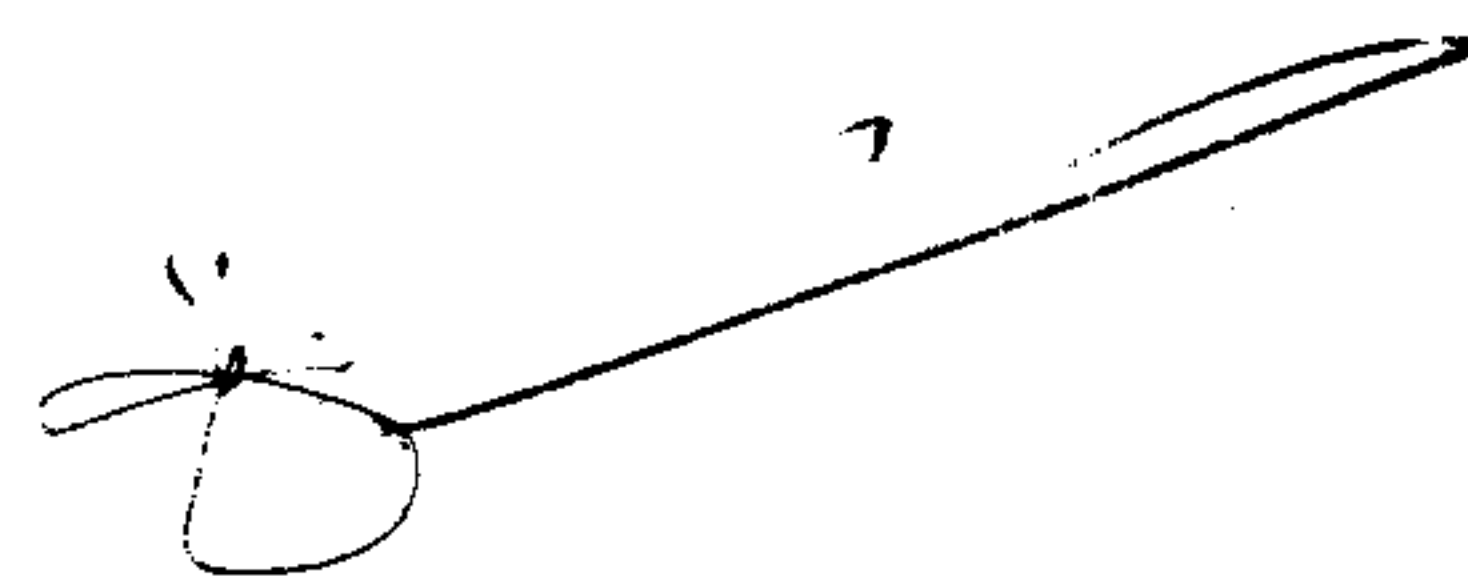


supervising officer and/or pursue a prescribed secular study or vocational training.

11. She shall refrain from associating with persons of questionable character.
12. She shall cooperate with her program of supervision, shall satisfy any other condition related to her rehabilitation, and not unduly restrictive of her liberty or incompatible with her freedom of conscience.

CARLITO ABRERA y MALAQUE, accused in Criminal Case No. 26083, shall undergo probation for THREE (3) YEARS, to be counted from Probationer's initial report for supervision and subject to the following conditions which she must comply, to wit:

1. Probationer shall initially report to the Chief Probation and Parole Officer at Sultan Kudarat Parole and Probation Office, Old Capitol Building, Isulan, Sultan Kudarat, within seventy-two (72) hours from receipt of the Resolution granting probation.
2. He shall, thereafter, report to his supervising Probation and Parole Officer at once a month unless otherwise modified by the Chief Probation and Parole Officer or Court, as the case may be.
3. He shall continue to reside at Kalawag I, Isulan, Sultan Kudarat and shall not change his residence without prior approval of the Chief Probation and Parole Officer, or Court, as the case may be.
4. He shall secure a written permit to travel outside the jurisdiction of the Parole and Probation Office from the Chief Probation and Parole Officer and from the Court if such travel exceeds thirty (30) days.
5. He shall not commit any crime or any other offense.
6. He shall render community service and will participate in tree-planting activities.
7. He shall allow the supervising Probation and Parole Officer or an authorized Volunteer Probation Aide to visit his home and place of work.
8. He shall meet his family responsibilities.



9. He shall undergo medical, psychological or psychiatric examination and treatment and enter and remain in a specified institution, when required for that purpose.
10. He shall devote himself to a specific employment and shall not change said employment without prior notice to the supervising officer and/or pursue a prescribed secular study or vocational training.
11. He shall refrain from associating with persons of questionable character.
12. He shall cooperate with his program of supervision, shall satisfy any other condition related to his rehabilitation, and not unduly restrictive of her liberty or incompatible with his freedom of conscience.

RIZALDO SOLITO y TEJADA, accused in Criminal Case No. 27092 shall undergo probation for THREE (3) YEARS, to be counted from Probationer's initial report for supervision and subject to the following conditions which she must comply, to wit:

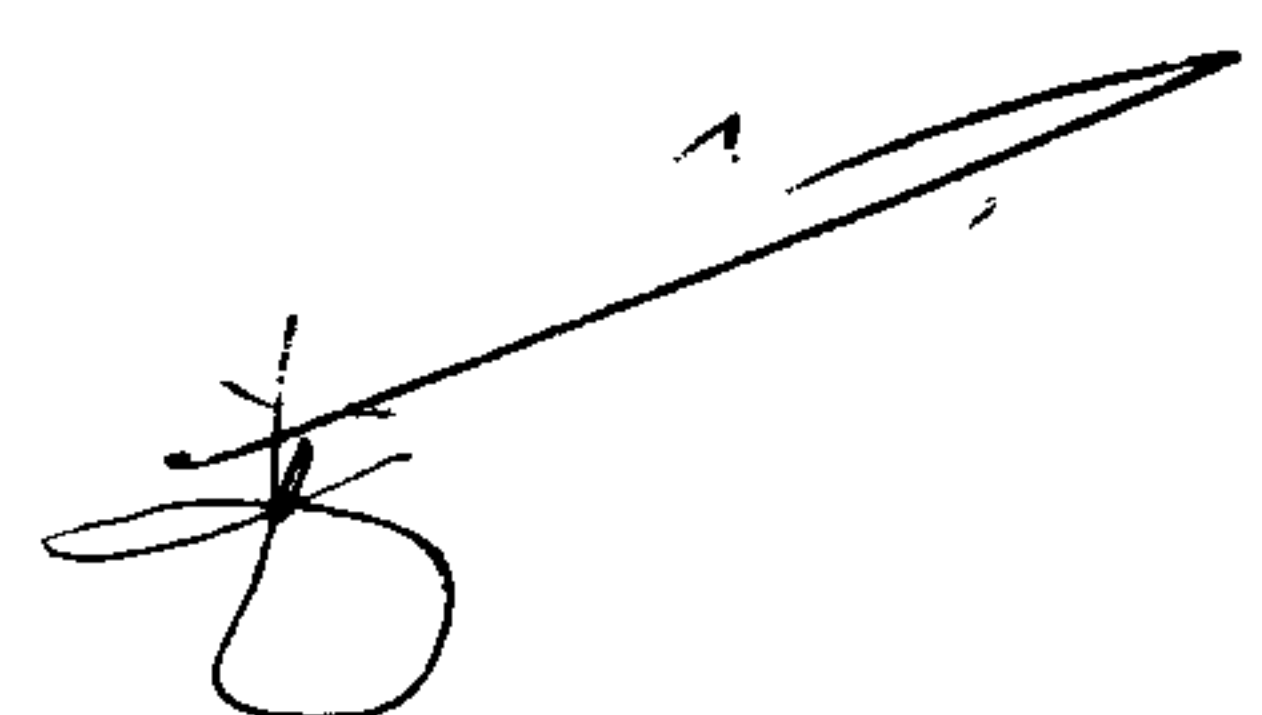
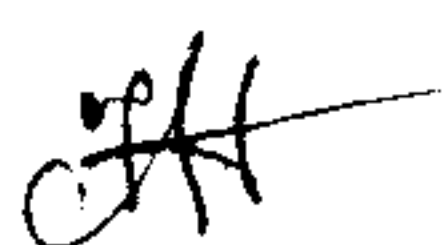
1. Probationer shall initially report to the Chief Probation and Parole Officer at Sultan Kudarat Parole and Probation Office, Old Capitol Building, Isulan, Sultan Kudarat, within seventy-two (72) hours from receipt of the Resolution granting probation.
2. He shall, thereafter, report to his supervising Probation and Parole Officer at once a month unless otherwise modified by the Chief Probation and Parole Officer or Court, as the case may be.
3. He shall continue to reside at Poblacion Bagumbayan, Sultan Kudarat and shall not change his residence without prior approval of the Chief Probation and Parole Officer, or Court, as the case may be.
4. He shall secure a written permit to travel outside the jurisdiction of the Parole and Probation Office from the Chief Probation and Parole Officer and from the Court if such travel exceeds thirty (30) days.
5. He shall not commit any crime or any other offense.



6. He shall render community service and will participate in tree-planting activities.
7. He shall allow the supervising Probation and Parole Officer or an authorized Volunteer Probation Aide to visit his home and place of work.
8. He shall meet his family responsibilities.
9. He shall undergo medical, psychological or psychiatric examination and treatment and enter and remain in a specified institution, when required for that purpose.
10. He shall devote himself to a specific employment and shall not change said employment without prior notice to the supervising officer and/or pursue a prescribed secular study or vocational training.
11. He shall refrain from associating with persons of questionable character.
12. He shall cooperate with his program of supervision, shall satisfy any other condition related to his rehabilitation, and not unduly restrictive of her liberty or incompatible with his freedom of conscience.

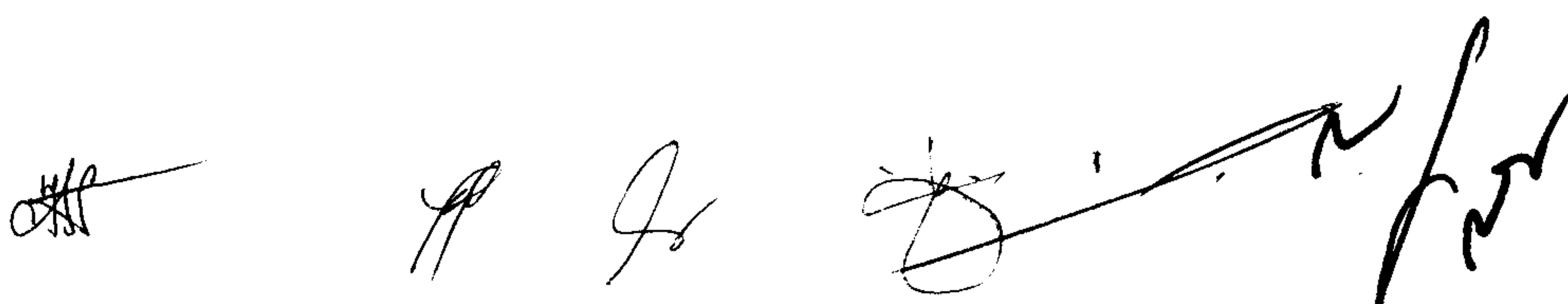
RODRIGO GENEROSO y SUMBILLA, accused in Criminal Case Nos. 27095 shall undergo probation for THREE (3) YEARS, to be counted from Probationer's initial report for supervision and subject to the following conditions which she must comply, to wit:

1. Probationer shall initially report to the Chief Probation and Parole Officer at Sultan Kudarat Parole and Probation Office, Old Capitol Building, Isulan, Sultan Kudarat, within seventy-two (72) hours from receipt of the Resolution granting probation.
2. He shall, thereafter, report to his supervising Probation and Parole Officer at once a month unless otherwise modified by the Chief Probation and Parole Officer or Court, as the case may be.
3. He shall continue to reside at Poblacion Bagumbayan, Sultan Kudarat and shall not change his residence without prior approval of the Chief Probation and Parole Officer, or Court, as the case may be.



4. He shall secure a written permit to travel outside the jurisdiction of the Parole and Probation Office from the Chief Probation and Parole Officer and from the Court if such travel exceeds thirty (30) days.
5. He shall not commit any crime or any other offense.
6. He shall render community service and will participate in tree-planting activities.
7. He shall allow the supervising Probation and Parole Officer or an authorized Volunteer Probation Aide to visit his home and place of work.
8. He shall meet his family responsibilities.
9. He shall undergo medical, psychological or psychiatric examination and treatment and enter and remain in a specified institution, when required for that purpose.
10. He shall devote himself to a specific employment and shall not change said employment without prior notice to the supervising officer and/or pursue a prescribed secular study or vocational training.
11. He shall refrain from associating with persons of questionable character.
12. He shall cooperate with his program of supervision, shall satisfy any other condition related to his rehabilitation, and not unduly restrictive of her liberty or incompatible with his freedom of conscience.


Considering that petitioners are all residents of Sultan Kudarat, the judicial control and supervision over the petitioners is transferred to the Executive Judge of the Regional Trial Court (RTC), Sultan Kudarat, and to the Chief Probation and Parole Officer of Sultan Kudarat Parole and Probation Office, located at the Old Provincial Capitol Building, Isulan, Sultan Kudarat, pursuant to Section 13 of Presidential Decree No. 968, as amended. A copy of the probation order, the investigation report and other pertinent records shall be furnished said Executive Judge.

The image shows five handwritten signatures in black ink, arranged horizontally at the bottom of the page. From left to right, they appear to be the signatures of the petitioners and the court officer.

In the event that petitioners fail to observe the preceding conditions and/or have committed any material misrepresentation in their joint application for probation, their probation may be revoked by the Court or the conditions thereof modified.

SO ORDERED.

Quezon City, Philippines.


RAFAEL R. LAGOS
Chairperson
Associate Justice

We Concur:


MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice


MARYANN E. CORPUS-MAÑALAC
Associate Justice

CONFORMITY

The undersigned certifies that they have read the foregoing Resolution and agrees to conduct themselves strictly in accordance with its terms and conditions. They understand that they shall serve the penalty imposed for the offense under which they are being placed on probation should they fail to comply with any of the aforesaid terms and conditions or commits another offense while under probation.


TESSIE LAGNAODA
Probationer


CARLITO M. ABRERA
Probationer


RIZALDO SOLITO
Probationer


RODRIGO GENEROSO
Probationer

Assisted by:


ATTY. G. ERCUENA, JR.
Counsel for the Probationers