



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

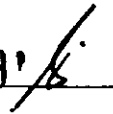
FRANCISCA P. CAWI,
Accused.

**CRIM. CASES NOS. SB-
13-CRM-0131 to 0288**
For: Malversation of Public
Funds and Violation of
Sec. 89, P.D. No. 1445

Present:

QUIROZ, J., Chairperson
CRUZ, J.
JACINTO, J.

Promulgated on:

DEC 05 2018 

X-----X

RESOLUTION

CRUZ, J.

Before the Court are the following:

(1) *Omnibus Motion to Quash Informations and/or to Dismiss the Cases with Motion to Defer/Suspend Order Directing Accused to Post Bail and Order of Office of Special Prosecutor to File Counter-Affidavits Pending Resolution of the Extant Omnibus Motion*¹ ("Omnibus Motion," for brevity) dated 17 August 2018 filed by accused-movant Francisca P. Cawi (Cawi);

¹ Records, Vol. 3, pp. 61-90.



(2) the prosecution's *Consolidated Comment and/or Opposition (To Omnibus Motion to Quash Informations &/or Dismiss the Cases with Motion to Defer/Suspend Order Directing Accused to Post Bail & Order of OSP to File Counter-Affidavits Pending Resolution of the Extant Omnibus Motion)*² (Comment/Opposition) dated 10 September 2018;

(3) the prosecution's *Manifestation with Motion to Withdraw Informations*³ dated 8 October 2018; and

(4) Cawi's *Comment (to plaintiff's Manifestation with Motion to Withdraw Informations) with Omnibus Motion*⁴ (Comment) dated 15 October 2018.

Cawi's Omnibus Motion

Cawi's Omnibus Motion is premised on the following grounds:

(a) The inordinate delay in the proceedings of the cases filed against her violated her constitutional rights to due process and to speedy disposition of her cases;

(b) The Informations, being vague and ambiguous, violated her rights to due process and to be informed of the nature and cause of the accusations against her; and

(c) The allegations in the Informations do not constitute an offense of Malversation of Public Funds because the prosecution failed to state its essential element, namely, appropriation for her personal gain or her misappropriation of public funds.

As to the first ground, Cawi, former Municipal Mayor of Tanudan, Kalinga, argues that the period of investigation of cases against her that took almost six (6) years to complete constitutes inordinate delay that violated her rights to due process and to speedy disposition of her cases. She claims that complainant Commission on Audit – Cordillera Administrative Region (COA-CAR) took two (2) years and ten (10) months to conduct its audit investigation on her alleged unliquidated cash advances; one (1) year and one (1) month for the Office of the Provincial Prosecutor of Kalinga (OPP-Kalinga) to conduct its preliminary investigation of the complaint against her and to issue its Resolution recommending the filing of charges against

² *Id.*, pp. 131-135.

³ *Id.*, pp. 161-165.

⁴ *Id.*, pp. 177-191.

x-----x
her; and another one (1) year and seven (7) months for the Office of the Ombudsman to conduct its Review of the Resolution issued by the OPP-Kalinga and to file the present Informations.

She contends that the prosecution also failed to complete its reinvestigation of the present cases despite the lapse of almost five (5) years from the Court's issuance of a Resolution⁵ dated 11 October 2013 that ordered it to conduct a reinvestigation and to submit its corresponding resolution within sixty (60) days from notice thereof.

She also argues that it could not be said that she did not assert her right to speedy disposition of her cases since jurisprudence supports the view that an accused has no duty to follow up on the prosecution of his or her case. She adds that the Ombudsman has the responsibility to expedite the proceedings within the bounds of reasonable timeliness in view of its mandate to promptly act on all complaints lodged before it.

She maintains that the inordinate delay of almost six (6) years prejudiced her as she was placed at a tactical disadvantage and weakened her defense since the alleged violations were done more than fourteen (14) years ago. She claims that due to the unreasonable delay, former Tanudan Municipal Accountant Joan Bernadette A. Fernandez, the person responsible for documenting, keeping and preserving her disbursement accounts when she was the Municipal Mayor, already left for abroad without making any turnover of the accounting documents and securing any clearance from the COA prior to her departure.

She insists that she was not accorded the full opportunity to submit all the required liquidation documents during the re-audit or audit review conducted by the COA-CAR, which explains why she did not file her counter-affidavit and other controverting evidence during the reinvestigation. She also claims that she was not given copies of the reports on re-audit or audit review of the municipal accountant and the COA-CAR to enable her to take appropriate remedies.

On the second ground, she posits that the prosecutor failed to state with particularity the instances of damage and prejudice allegedly suffered by the government in the Informations for Malversation, thus violating her right to be informed of the nature and cause of the accusations against her. She contends that the allegations of the Informations are mere conclusions of law.

⁵ Records, Vol. 2, pp. 3-5.

X-----X

As regards the third ground, Cawi points out that the Informations failed to specify how she appropriated the amounts for her personal gain or misappropriated the public funds, which is one of the elements of Malversation of Public Funds. She maintains that most of the alleged unliquidated amounts were actually spent for public purposes but their liquidations were denied due to "incomplete documentation."

Prosecution's Comment/Opposition

The prosecution counters that the filing of the Omnibus Motion is premature considering that there is a pending reinvestigation granted by the Court on Cawi's motion. It submits that she cannot simultaneously avail of two remedies arising from the motions that she filed, *i.e.*, one for reinvestigation and another for the dismissal of the cases and/or quashal of the Informations, for being incongruous and unprocedural.

The prosecution explains that in a reinvestigation, the movant questions the very existence of probable cause and submits evidence to show that there is a total absence of a well-engendered belief that a crime has been committed and that she is probably guilty thereof. However, by filing a motion to quash the Informations and/or to dismiss the cases, Cawi hypothetically admits the truth of the allegations in the Informations against her, thus presupposing that probable cause exists to charge her with the offenses stated in the Informations.

It maintains that Cawi failed to timely assert her right to a speedy disposition of her cases, as shown by her adamant refusal to participate in the preliminary investigation by filing various motions instead of complying with the orders to file counter-affidavit issued by both the OPP and the Office of the Ombudsman.

Prosecution's Motion to Withdraw Informations

The prosecution seeks to withdraw the Informations in Criminal Cases Nos. SB-13-CRM-0131 to 0288 against Cawi, without prejudice to its filing of Informations for twenty-seven (27) counts of Violation of Section 89 of Presidential Decree (P.D.) No. 1445⁶ and one (1) count of Malversation of Public Funds⁷ (Malversation) against her.

⁶ The Government Auditing Code of the Philippines.

⁷ Article 217, Revised Penal Code, as amended.

x-----x

The prosecution avers that, after the Court ordered it to conduct a reinvestigation of the present cases in its Resolution dated 11 October 2013 granting Cawi's motion for re-audit and reinvestigation,⁸ the prosecution directed the COA-CAR to conduct a re-audit or audit review of the cases. During the reinvestigation, after a careful review of the records of the cases, including the Audit Report/Review⁹ dated 6 June 2014 submitted by the COA-CAR, the prosecution found the need to revisit and reconsider the Ombudsman Review¹⁰ resolution that found probable cause against Cawi to indict her for seventy-nine (79) counts of Malversation and seventy-nine (79) counts of Violation of Section 89 of P.D. No. 1445. The Review resolution of the Ombudsman modified the Resolution of the OPP-Kalinga that found probable cause to charge Cawi with twenty-seven (27) counts of Violation of Section 89 of P.D. No. 1445 and another 27 counts of Malversation. The prosecution points out that the evidence on record only supports a finding of probable cause against Cawi for one (1) count of Malversation and 27 counts of Violation of Section 89 of P.D. No. 1445.

Thus, the prosecution recommends in its Memorandum/Resolution¹¹ dated 2 October 2018 attached to its motion: (a) the withdrawal of the Informations against Cawi docketed as Criminal Cases Nos. SB-13-CRM-0131 to 0288 pending before the Court; and (b) the finding of probable cause against Cawi for twenty-seven (27) counts of Violation of Section 89 of P.D. No. 1445 and one (1) count of Malversation, and the filing of the corresponding Informations with the Court.

The Court merely notes without action Cawi's Reply¹² considering that it was filed without the proper motion to admit the same. Besides, Section 4, Rule VII of the 2018 Revised Internal Rules of the Sandiganbayan no longer allows the filing of a reply.

Cawi's Comment

In the main, Cawi reiterates her arguments in her Omnibus Motion. She argues that the new Informations that the prosecution intends to file involving one (1) count of Malversation and 27 counts of Violation of Section 89 of P.D. No. 1445 in lieu of the present Informations that it seeks to withdraw are tainted with the same

⁸ Captioned as *Entry of Appearance with Urgent Omnibus Motion to (1) Defer Proceedings and Hold in Abeyance Issuance or Implementation of Warrants of Arrest; and (2) Order Reinvestigation of the Charges*. Records, Vol. 1, pp. 205-A-211.

⁹ Records, Vol. 3, pp. 25-28.

¹⁰ *Id.*, Vol. 1, pp. 5-12.

¹¹ *Id.*, Vol. 3, pp. 166-176-A. Approved by Ombudsman Samuel R. Martires on 5 October 2018.

¹² *Id.*, pp. 146-157.

x-----x
defects in the transactions and proceedings of the audit/preliminary investigation and the re-audit/audit review/reinvestigation that she assails.

Discussion and Ruling

On Cawi's Omnibus Motion

Cawi's motion lacks merit.

On the issue of inordinate delay, Cawi should not have included in the length of delay during the preliminary investigation the period of audit investigation conducted by the COA-CAR prior to its filing of the complaint against her. Jurisprudence now holds that the period of fact-finding investigation or any period utilized for case build-up preceding the filing of a complaint will not be counted in determining inordinate delay during the preliminary investigation. A fact-finding investigation conducted prior to the filing of a criminal complaint is not considered as an adversarial proceeding against the accused.¹³ The Court also finds the period of preliminary investigation conducted by the OPP-Kalinga and the period of review of the OPP Resolution by the Office of the Ombudsman to be reasonable and are in accord with the ordinary processes of justice.

Speedy disposition of cases is a relative and flexible concept. A mere mathematical reckoning of the time involved is not sufficient. Particular regard must be taken of the facts and circumstances peculiar to each case.¹⁴

Cawi also failed to timely assert her right to speedy disposition of her cases during the preliminary investigation before the OPP-Kalinga, during the period of review of the OPP Resolution by the Office of the Ombudsman and even during the period of reinvestigation conducted by the prosecution pursuant to the Court's 11 October 2013 Resolution. It was only in her Omnibus Motion dated 17 August 2018 that she invoked such right for the first time. This, after the Court, in its Resolution¹⁵ dated 18 June 2018, set a clarificatory hearing on 6 July 2018¹⁶ regarding the status of the cases. In effect, she has waived her right to speedy disposition of her cases. The Supreme Court, in the recent case of *Cagang v. Sandiganbayan*,¹⁷ aptly ruled that "the right to speedy disposition of

¹³ *Magante v. Sandiganbayan*, G.R. Nos. 230950-51, 23 July 2018.

¹⁴ *Ombudsman v. Jurado*, G.R. No. 154155, 6 August 2008.

¹⁵ Records, Vol. 2, p. 611.

¹⁶ The clarificatory hearing was reset to 24 August 2018, there being no proof of service on Cawi. Resolution dated 6 July 2018. *Id.*, p. 615.

¹⁷ G.R. Nos. 206438 and 206458; 210141-42, 31 July 2018.

x-----x
cases or the right to speedy trial must be timely raised. The respondent or the accused must file the appropriate motion upon the lapse of the statutory or procedural periods. Otherwise, they are deemed to have waived their right to speedy disposition of cases.”

On the issue that she was not given the full opportunity to submit all the required liquidation documents during the re-audit or audit review conducted by the COA-CAR, the records show otherwise. The prosecution issued Orders¹⁸ for her to submit her counter-affidavit, but she failed to do so. She now cannot assail the findings of the COA-CAR on the ground that she was not afforded the full opportunity to submit the liquidation documents.

On the Prosecution’s Motion to Withdraw Informations

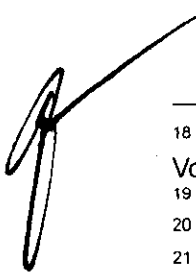
The motion to withdraw informations is partly meritorious.

When a trial court is confronted to rule on a motion to dismiss a case or to withdraw an information, it is its bounden duty to assess independently the merits of the motion, and this assessment must be embodied in a written order disposing of the motion.¹⁹ The Supreme Court thus held in *Fuentes v. Sandiganbayan*:²⁰

We hold that the exercise of judicial discretion, with respect to a motion to withdraw the Information filed by the prosecution, is not limited to the mere approval or disapproval of the stand taken by the prosecution. The court must itself be convinced that there is indeed no sufficient evidence against the accused and this conclusion can only be reached after an assessment of the evidence in the possession of the prosecution. What is required is the court’s own assessment of such evidence.

In resolving a motion to withdraw information filed by the public prosecutor, the court must not impair the substantial rights of the accused or the right of the People or the private complainant to due process of law.²¹ In *People v. Velez*,²² the Supreme Court pronounced:


While the Office of the Ombudsman has the discretion to determine whether an Information should be withdrawn and a criminal case should be dismissed, and to move for the withdrawal of such Information or dismissal of a criminal case, the final disposition of

 ¹⁸ Order dated 25 June 2014. Records, Vol. 2, pp. 219-221; Order dated 6 August 2018. Records, Vol. 3, pp. 1-2.

¹⁹ *Jose v. Suarez*, G.R. No. 176111, 17 July 2013.

²⁰ G.R. No. 139618, 11 July 2006.

²¹ *Hipos, Sr. v. Bay*, G.R. Nos. 174813-15, 17 March 2009.

²² G.R. No. 138093, 19 February 2003. 



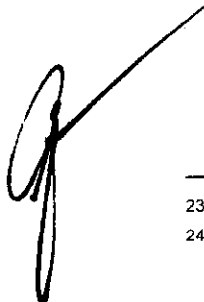
X-----X
the said motion and of the case is addressed to the sound discretion of the SB [Sandiganbayan] subject only to the caveat that the action of the SB must not impair the substantial rights of the accused and of the right of the People to due process of law.

The basis of the Review resolution of the Office of the Ombudsman in modifying the findings of the OPP-Kalinga recommending the indictment of Cawi for 27 counts each of Malversation and Violation of Section 89 of P.D. No. 1445 was the *Statement of Cash Advances and Liquidations*²³ (*Statement*) prepared by Jenelyn Jaisthy T. Alunday (Alunday), COA Audit Team Leader. The *Statement* lists 79 instances of cash advances allegedly made by Cawi from October 2004 to June 2007 that were considered by the Office of the Ombudsman in filing 79 counts of Malversation and 79 counts of Violation of Section 89 of P.D. No. 1445 against Cawi.


However, in the table captioned *Result of Audit of Submitted Documents of Cash Advances Granted to Mrs. Francisca P. Cawi*²⁴ (*Table*) also prepared by Alunday, only twenty-seven (27) cash advance transactions made by Cawi out of the 79 cash advances were sufficiently proven by the COA-CAR to have been made in violation of the provisions of P.D. No. 1445. The *Table* was made the basis of the OPP-Kalinga in its Resolution recommending the filing of Informations for 27 counts of Violation of Section 89 of P.D. No. 1445 and another 27 counts of Malversation against Cawi. Compared with the *Statement*, the *Table* presents in more detail the alleged violations of P.D. No. 1445 made by Cawi for the subject 27 cash advance transactions. On the other hand, the *Statement* merely lists the cash advances with corresponding dates, voucher numbers, check numbers, purposes and amounts with the notation: "vouchers with no supp[orting] doc[ument]s; incomplete but received by the payee," but without any finding of specific violations of P.D. No. 1445. It follows then, that the *Table*, together with other supporting documents, provides sufficient evidence to support the finding of probable cause to indict Cawi only for 27 counts of Violation of P.D. No. 1445 instead of 79 counts of the same offense.

In Criminal Cases Nos. SB-13-CRM-0210 to 0288, Cawi is charged with 79 counts of Violation of Section 89 of P.D. No. 1445 that reads:

Section 89. Limitations on cash advance. No cash advance shall be given unless for a legally authorized specific purpose. A

 ²³ Records, Vol. 1, pp. 18-19.

²⁴ *Id.*, pp. 25-32. ✓



X-----X

cash advance shall be reported on and liquidated as soon as the purpose for which it was given has been served. No additional cash advance shall be allowed to any official or employee unless the previous cash advance given to him is first settled or a proper accounting thereof is made.

Section 128 of P.D. No. 1445 provides the penalties for violation of particular sections of the law, including Section 89, to wit:

Section 128. Penal provision. Any violation of the provisions of Sections 67, 68, 89, 106 and 108 of this Code or any regulation issued by the Commission [on Audit] implementing these sections, shall be punished by a fine not exceeding one thousand pesos or by imprisonment not exceeding six (6) months, or both such fine and imprisonment in the discretion of the court.


The above-quoted Section 89 of P.D. No. 1445 clearly provides that any cash advance given to any government official or employee must be for a legally authorized specific purpose. After the purpose for which the cash advance is given has been served, the recipient must promptly report on and liquidate the cash advance. Again, the gravamen of the offense of Violation of Section 89 of P.D. No. 1445 is the failure to timely liquidate the cash advance after the purpose therefor has been served.²⁵

To implement Section 89 of P.D. No. 1445, the COA issued Circular No. 97-002 dated 10 February 1997, that provides the rules and regulations on the granting, utilization and liquidation of cash advances. For the periods of liquidation of cash advances, the Circular states:


5. LIQUIDATION OF CASH ADVANCES

5.1 The AO [Accountable Officer] shall liquidate his cash advance as follows:

- 5.1.1 Salaries, Wages, etc. - within five (5) days after each fifteen (15) days/end of the month pay period.
- 5.1.2 Petty Operating Expenses and Field Operating Expenses – within twenty (20) days after the end of the year; subject to replenishment as frequently as necessary during the year.
- 5.1.3 Official Travel - within sixty (60) days after return to the Philippines in the case of foreign travel or within thirty (30) days after return to his permanent official station in the case of local travel, as provided for in EO 248 and COA Circular No. 96-004.



²⁵ *People v. Sandiganbayan, supra.* ✓



RESOLUTION

PP v. Cawi

Crim. Cases Nos. SB-13-CRM-0131 to 0288

Page 10 of 13

x-----x

Failure of the AO to liquidate his cash advance within the prescribed period shall constitute a valid cause for the withholding of his salary and the instruction of other sanctions as provided for under paragraphs 9.2 and 9.3 hereof.

x x x x

5.7 When a cash advance is no longer needed or has not been used for a period of two (2) months, it must be returned to or deposited immediately with the collecting officer.

5.8 All cash advances shall be fully liquidated at the end of each year. Except for petty cash fund, the AO shall refund any unexpended balance to the Cashier/Collecting Officer who will issue the necessary official receipt.

Records show that there is probable cause to charge Cawi with Violation of Section 89 of P.D. No. 1445. On various dates between October 2004 and June 2007, Cawi, then Municipal Mayor of Tanudan, Kalinga and an accountable officer, was given cash advances that she allegedly failed to liquidate within the periods provided by COA Circular No. 97-002 and despite demand made by the COA-CAR as shown by a demand letter²⁶ dated 10 August 2009. A summary of the 27 cash advance transactions received by Cawi that appear to be in violation of the provisions of P.D. No. 1445 can be found in the *Table* as discussed earlier. The Court agrees with the Office of the Ombudsman that probable cause exists to charge her with 27 counts of Violation of Section 89 of P.D. No. 1445 for the cash advances she made that are enumerated in the *Table*.

The Court notes that the 27 cash advance transactions listed in the *Table* are already the subject of 27 Informations for Violation of Section 89 of P.D. No. 1445 in the following cases pending before the Court, to wit:

	Crim. Case No. ²⁷ (For Violation of Sec. 89, P.D. No. 1445)	Check No.	Amount Involved (in Pesos)
1	0216	468431	10,000.00
2	0219	468486	50,000.00
3	0224	469473	10,000.00
4	0225	469474	30,000.00
5	0226	469505	60,000.00
6	0241	468895	18,000.00
7	0242	468898	50,000.00

²⁶ Records, Vol. 3, p. 60.

²⁷ Prefixed by SB-13-CRM-____.




✓

X-----X

8	0243	468906	20,000.00
9	0245	468982	40,000.00
10	0246	468993	8,000.00
11	0247	469002	4,000.00
12	0248	469007	7,000.00
13	0250	469024	7,000.00
14	0267	560118	40,000.00
15	0268	560148	36,000.00
16	0272	466710	20,000.00
17	0275	466846	350,000.00
18	0276	466871	100,000.00
19	0278	466921	20,000.00
20	0279	466941	10,000.00
21	0280	466969	25,000.00
22	0281	467608	130,000.00
23	0282	467611	300,000.00
24	0284	467682	500,000.00
25	0285	467688	500,000.00
26	0286	467088	300,000.00
27	0287	467087	300,000.00
		Total	2,945,000.00

For the sake of practicality, the Court resolves to allow the withdrawal of the Informations for Violation of Section 89 of P.D. No. 1445 that involve cash advance transactions not enumerated in the *Table* and to order that the Informations involving the cash advances listed in the *Table*, as enumerated above, be retained. It would serve no useful purpose to withdraw all the Informations, only to file anew Informations containing the same allegations as those withdrawn. After all, should the prosecution find it necessary to specify in the Informations the manner by which Cawi violated Section 89 of P.D. No. 1445, *i.e.*, by obtaining the cash advance without a legally authorized specific purpose, by failing to timely liquidate the cash advance, and/or by procuring additional cash advance without settling/liquidating the ones previously made, it could move for the amendment of the above-listed Informations pursuant to Section 14, Rule 110 of the Revised Rules of Criminal Procedure.



Thus, out of the 79 counts of Violation of Section 89, P.D. No. 1445, only the Informations in the following fifty-two (52) criminal cases for Violation of Section 89, P.D. No. 1445 are ordered withdrawn, to wit: SB-13-CRM-0210 to 0215, 0217 to 0218, 0220 to 0223, 0227 to 0240, 0244, 0249, 0251 to 0266, 0269 to 0271, 0273 to 0274, 0277, 0283 and 0288.




x-----x
With regard to the Informations for Malversation, the prosecution, in its Memorandum/Resolution dated 2 October 2018, found probable cause against Cawi for only one (1) count of Malversation, based on the audit review findings of the COA-CAR. The COA-CAR Audit Report/Audit Review found that the balance of Cawi's outstanding cash advance was ₱2,905,243.83. Thus, the prosecution finds it proper to move for the withdrawal of the 79 Informations for Malversation involving the total amount of ₱5,405,753.77 in order to file only one (1) Information for Malversation involving the amount of ₱2,905,243.83. The Court, after an independent assessment of the records, finds that there is indeed no sufficient evidence to support the filing of 79 Informations for Malversation, which were merely based on the cash advance transactions listed in the *Statement* but without taking into account the liquidations made in the amount of ₱2,345,461.66 as stated in the same document. Hence, the withdrawal of Informations for 79 counts of Malversation is proper.

That being the case, Cawi's argument in her Omnibus Motion that the Informations for Malversation failed to specify the damage and prejudice caused to the government and how she appropriated the amounts for her personal gain or misappropriated the public funds, is rendered moot with the withdrawal of the Informations for Malversation filed against her. In granting the motion to withdraw informations, there no longer remained any case to dismiss. In other words, the withdrawal of the Informations rendered moot the motion to dismiss.²⁸

WHEREFORE, the Court **PARTIALLY GRANTS** the prosecution's Motion to Withdraw Informations. Accordingly, the Informations for Violation of Section 89 of P.D. No. 1445 in fifty-two (52) criminal cases docketed as **Criminal Cases Nos. SB-13-CRM-0210 to SB-13-CRM-0215, SB-13-CRM-0217, SB-13-CRM-0218, SB-13-CRM-0220 to SB-13-CRM-0223, SB-13-CRM-0227 to SB-13-CRM-0240, SB-13-CRM-0244, SB-13-CRM-0249, SB-13-CRM-0251 to SB-13-CRM-0266, SB-13-CRM-0269 to SB-13-CRM-0271, SB-13-CRM-0273, SB-13-CRM-0274, SB-13-CRM-0277, SB-13-CRM-0283 and SB-13-CRM-0288,** and the Informations for Malversation of Public Funds in **Criminal Cases Nos. SB-13-CRM-0131 to SB-13-CRM-0209,** are hereby ordered **WITHDRAWN** and the said cases **DISMISSED.**


²⁸ *Marcelo v. Court of Appeals*, G.R. No. 106695, 4 August 1994. 



RESOLUTION
PP v. Cawi
Crim. Cases Nos. SB-13-CRM-0131 to 0288

Page 13 of 13

x-----x

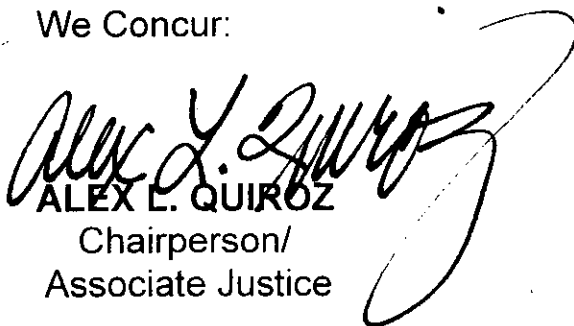
Consequently, the Informations in **Criminal Cases Nos. SB-13-CRM-0216, SB-13-CRM-0219, SB-13-CRM-0224, SB-13-CRM-0225, SB-13-CRM-0226, SB-13-CRM-0241, SB-13-CRM-0242, SB-13-CRM-0243, SB-13-CRM-0245, SB-13-CRM-0246, SB-13-CRM-0247, SB-13-CRM-0248, SB-13-CRM-0250, SB-13-CRM-0267, SB-13-CRM-0268, SB-13-CRM-0272, SB-13-CRM-0275, SB-13-CRM-0276, SB-13-CRM-0278, SB-13-CRM-0279, SB-13-CRM-0280, SB-13-CRM-0281, SB-13-CRM-0282, SB-13-CRM-0284, SB-13-CRM-0285, SB-13-CRM-0286 and SB-13-CRM-0287**, all for Violation of Sec. 89, P.D. No. 1445, **STAND** and are **RETAINED**.

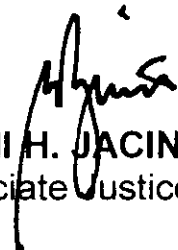
The Court **DENIES** accused-movant Francisca P. Cawi's Omnibus Motion and **NOTES** without action her Reply.

SO ORDERED.


REYNALDO P. CRUZ
Associate Justice

We Concur:


ALEX L. QUIROZ
Chairperson/
Associate Justice


BAYANI H. JACINTO
Associate Justice