



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
QUEZON CITY

-----  
**SEVENTH DIVISION**

*MINUTES of the proceedings held on January 17, 2019.*

*Present:*

*Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA ----- Chairperson*  
*Justice ZALDY V. TRESPESES ----- Member*  
*Justice BAYANI H. JACINTO\* ----- Member*

The following resolution was adopted:

***SB-18-CRM-0379 – People v. Mario Patricio Paraz Barcenas, et al.***

This resolves the following:

1. Accused Mario Patricio Paraz Barcenas’ “Motion for Reconsideration” dated January 7, 2019; and
2. Prosecution’s “Comment” dated January 10, 2019.

---

***GOMEZ-ESTOESTA, J.:***

Accused Mario Patricio Paraz Barcenas seeks the reconsideration of this Court’s *Resolution*<sup>1</sup> dated October 15, 2018 which decreed:

WHEREFORE, in view of the foregoing, Pursuant to Section 13 of *R.A. 3019*, accused Mario Patricio Paraz Barcenas is hereby suspended from his position as Vice Mayor of Carcar City, Cebu and from any public office which he may now or hereafter be holding for a period of ninety (90) days.

Let a copy of this Resolution be furnished the Secretary of the Department of Interior and Local Government for the implementation of the order of suspension on said accused. Said office is further requested to inform this Court of the date the accused started serving his suspension *pendente lite* and the date of its termination.

The suspension of accused shall be automatically lifted upon expiration of the ninety-day period from the implementation of this Resolution.

---

\* Per Administrative Order No. 019-2019 dated January 16, 2019

<sup>1</sup> Records, Vol. 1, pp. 435-438

17

SO ORDERED.

While the accused admitted that the law is clear, he urged the Court to take a second hard look at the circumstances of the case. Citing an editorial article dated December 14, 2016, and an unspecified ruling by the Second Division of this Court, the accused attempted to connect the facts of his case to the infamous Fertilizer Fund Scam principally involving former Agriculture Undersecretary Jocelyn Bolante. Accused further invoked the fact of his re-election to public office on several occasions, which occurred prior to the Supreme Court's abandonment of the doctrine of condonation in *Carpio-Morales v. Court of Appeals and Binay, Jr.*<sup>2</sup> On this premise, the accused averred that the doctrine of condonation operates in his favor because said ruling only has prospective application. The accused thus prayed for a judgment setting aside his preventive suspension.

For its part, the prosecution countered that: (1) the accused's Motion was belatedly filed beyond the period for the filing of a motion for reconsideration; (2) the accused's arguments are off-tangent to the issue of preventive suspension; (3) preventive suspension is mandatory under *Republic Act No. 3019*; and (4) the condonation doctrine is inapplicable to criminal cases as per *Aguinaldo v. Santos, et al.*<sup>3</sup> It thus prayed that accused's Motion be denied.

### OUR RULING

At the outset, the Motion should be denied outright.

The assailed *Resolution* dated October 15, 2018 was received by accused's counsels on **October 30, 2018**,<sup>4</sup> and as such, he had fifteen (15) days therefrom, or **until November 14, 2018**, within which to file a motion for reconsideration. However, accused filed his Motion only on **January 8, 2019**,<sup>5</sup> or **nearly two (2) months** beyond the reglementary period. For this reason alone, the tardy Motion should already be struck at the onset.

In any event, even assuming *arguendo* that accused's Motion was timely filed, the same result obtains.

In the first place, as admitted by the accused himself, Section 13 of *Republic Act No. 3019* is crystal clear. It is *mandatory* for this Court to suspend any public officer against whom a valid information is filed charging a violation of said law, Title 7, Book II of the *Revised Penal Code*, or for any

<sup>2</sup> G.R. Nos. 217126-27, November 10, 2015

<sup>3</sup> G.R. No. 94115, August 21, 1992

<sup>4</sup> As per Registry Return Receipt (Records, Vol. 1, p. 439 [dorsal])

<sup>5</sup> Records, Vol. 1, p. 489


offense involving fraud upon government or public funds or property.<sup>6</sup> It bears reiterating that this Court possesses no discretion to determine whether a preventive suspension is necessary to forestall the possibility that the accused may use his or her public office to intimidate witnesses, or frustrate his or her prosecution, continue committing malfeasance, or do both.<sup>7</sup>

Moreover, although the accused cited *Carpio-Morales v. Court of Appeals and Binay, Jr.* in support of his contentions, this jurisprudence finds no application to the controversy at hand. As correctly countered by the prosecution, the doctrine of condonation is inapplicable to criminal cases. In *Trillanes IV v. Pimentel, Sr.*, the Supreme Court held, “[i]n a plethora of cases, the Court categorically held that the doctrine of condonation does not apply to criminal cases. Election, or more precisely, re-election to office, does not obliterate a criminal charge.”<sup>8</sup>

Based on the foregoing considerations, the arguments propounded by accused are not meritorious so as to justify a deviation from the ruling sought to be reconsidered.

**WHEREFORE**, in view of the foregoing, the *Motion for Reconsideration* dated January 7, 2019 filed by accused Mario Patricio Paraz Barcenas is **DENIED**.

**SO ORDERED.**

  
**MA. THERESA DOLORES C. GOMEZ-ESTOESTA**  
*Associate Justice*  
*Chairperson*

WE CONCUR:

  
**ZALDY V. TRESPESES**  
*Associate Justice*

  
**BAYANI H. JACINTO**  
*Associate Justice*

<sup>6</sup> *Flores v. Layosa*, G.R. No. 154714, August 12, 2004

<sup>7</sup> *Dela Cruz v. Sandiganbayan*, G.R. No. 161929, December 8, 2009

<sup>8</sup> G.R. No. 179817, June 27, 2008