

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-12-CRM-0272

For: Violation of Sections 3(e) of
R.A. No. 3019, as amended

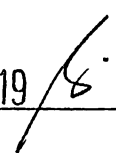
Present:

- versus -

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

MANSUETO A. MALABOR, ET AL.,
Accused.

Promulgated:

FEB 26 2019 

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RESOLUTION

QUIROZ, J.:

For resolution is the **Motion to Suspend Arraignment**¹ dated May 24, 2018 and **Supplemental Motion and Compliance**² dated June 25, 2018 filed by accused Mario C. Caoyonan (Caoyonan) through his counsel.

In the said motion, accused Caoyonan's counsel contends that accused Caoyonan is medically, mentally, and physically incapable of undergoing arraignment due to the stroke he suffered in 2008 which impaired his speech greatly, paralyzed half of his body, and caused him to suffer residual neurological deficits and be wheelchair-bound. Thus; he prays for the suspension or deferment of his arraignment until he is medically certified as capable of undergoing the same or to provisionally dismiss the case against him.

¹ Records Volume 4, pp. 13-18.

² Id. at 147-153.



In support of his motion, accused Caoyonan's counsel presented the testimonies of Dr. Rey Alindong (Dr. Alindong), the physician attending to him from the time he suffered a stroke on November 27, 2008 up to the present, and Dr. Mae D. Delmo (Dr. Delmo), Assistant City Health Officer of the City Health office of Iloilo City, as well as the Medical Certificates³ of Dr. Alindong, Dr. Delmo, and Dr. Chester A. Jardiolin, the neurosurgeon who has been attending to accused Caoyonan since 2008.

The prosecution orally interposed its opposition to the motion during the hearing on January 23, 2019 arguing that there is no finding that accused Caoyonan is of unsound mind.

It appearing that accused Caoyonan had undergone craniotomy with evacuation of hematoma in 2008 due to intracerebral hemorrhage secondary to aneurism resulting to right side hemiplegia (paralysis), hypertension, memory loss, confusion, and impairment of speech and motor functions, the Court finds that accused Caoyonan's current state has rendered him physically and mentally incapable of undergoing and understanding the arraignment proceedings.

WHEREFORE, in view of the foregoing, the **Motion to Suspend Arraignment** of accused Mario C. Caoyonan until such time that he is capable of undergoing the same is **GRANTED**. Accused Caoyonan's counsel is **DIRECTED** to provide this Court, within ten (10) days after the end of each quarter, continuous quarterly medical reports on the physical and mental status of accused Caoyonan.


Let the setting on March 13 and 14, 2019, both at 1:30 in the afternoon, for the arraignment and pre-trial of accused Alexander Trinidad, as well as the initial presentation of prosecution evidence against accused Jose Junio G. Jacela and Julianito M. Ortigas proceed as previously scheduled.

SO ORDERED.

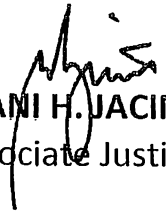

ALEX L. QUIROZ
Chairperson

³ Exhibits "1" to "3" and their sub-markings; Records Volume 5, pp. 15-17.





REYNALDO P. CRUZ
Associate Justice



BAYANI H. JACINTO
Associate Justice

