

Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

**SIXTH DIVISION**

MINUTES of the proceedings held on **February 21, 2019.**

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-18-CRM-0536 – PEOPLE vs. GERARDO A. NOVERAS**

For resolution is the *Compliance with Motion to Release Travel Cash Bond*<sup>1</sup> filed by accused Paz L. Lumasac-Torregosa in relation to her travel to Incheon, Mt. Sorak and Seoul, South Korea from November 21, 2018 to November 25, 2018.<sup>2</sup>

Accused Lumasac-Torregosa claims:

1. She complied with all of the terms and conditions set by the Court for her travel, except that she and her family arrived in the Philippines on November 26, 2018, instead of on November 25, 2018, as requested in her motion and as stated in her Travel Authority;
2. On November 29, 2018, three (3) days after her arrival in the Philippines, she presented herself and her passport to Atty. Mary Ruth Milo-Ferrer, the Division Clerk of Court;
3. The e-tickets attached to her *Motion for Leave to Travel Abroad* indicated that she would be returning to the Philippines on November 25, 2018.<sup>3</sup> However, in the evening of November 20, 2018, she received a message from her travel agent that her return to the Philippines would be delayed by one day,<sup>4</sup> *i.e.*, November 26, 2018, instead of November 25, 2018;
4. Due to the late notice, she had no opportunity to file the appropriate pleading to inform the Court of said modification.<sup>5</sup>

Accused Lumasac-Torregosa prays that her travel bond, in the amount of Php60,000.00, as evidenced by Official Receipt No. 5497606 V dated November 16, 2018, be released.

The prosecution<sup>6</sup> asked the for denial of the *Motion to Release Travel Bond*. The prosecution maintained that accused Lumasac-Torregosa's explanation is self-serving and unsubstantiated. According to the prosecution, accused Lumasac-Torregosa's allegation that her travel agent belatedly notified her of the change of schedule is not

<sup>1</sup> Dated December 3, 2018; received through registered mail by the Court on December 6, 2018; Record, p. 368.

<sup>2</sup> Resolution dated November 16, 2018; Record, pp. 333-334.

<sup>3</sup> Annex 4, Compliance dated December 3, 2018.

<sup>4</sup> E-tickets with November 26, 2018 as date of return, Annex 5, Compliance dated December 3, 2018.

<sup>5</sup> Compliance dated December 3, 2018; pp. 1-2.

<sup>6</sup> Compliance (On Accused Torregosa's Motion to Release Travel Cash Bond) dated February 15, 2019.

supported by proof; the e-ticket<sup>7</sup> does not prove that she was belatedly informed thereof.

The Court notes that the two electronic tickets attached to the *Compliance* not only bear different dates of return, they also have different booking references and booking dates. The e-ticket attached as Annex 4, which is the e-ticket attached to the *Motion for Leave to Travel Abroad*, appears to have been booked on October 17, 2018 and has a booking reference code S8KQSQ. The e-ticket attached as Annex 5, with a return flight of November 26, 2018, the ticket which appears to have been used by accused Lumasac-Torregosa for her travel, was booked on May 25, 2018 and has a booking reference code KD1P8J.

In short, when the *Motion to Travel* was filed by accused Lumasac-Torregosa and was later granted by the Court, accused Lumasac-Torregosa already had confirmed bookings for a November 26, 2018 return. Accused Lumasac-Torregosa failed to explain why she did not attach the e-ticket booked on May 25, 2018 to her *Motion to Travel*. Further, said e-ticket negates her explanation that her return was delayed.

**WHEREFORE**, accused Paz L. Lumasac-Torregosa's *Compliance with Motion to Release Travel Cash Bond* is **NOTED**. However, for her violation of the terms and conditions of her travel, specifically that, "(she) shall be back in the Philippines not later than November 25, 2018," accused Lumasac-Torregosa is **STERNLY WARNED** that this violation of the conditions of the authority granted for her travel shall be taken into account by this Court in her future requests for travel.

Accused Lumasac-Torregosa's prayer to withdraw her travel bond is **GRANTED**. The travel bond of accused Lumasac-Torregosa in the amount of Sixty Thousand Pesos (PhP60,000.00), as evidenced by Official Receipt No. 5497606 V dated November 16, 2018, is hereby **ORDERED** released, subject to the usual accounting and auditing procedures.

Atty. Jonell Mesiona Torregosa, counsel for accused Lumasac-Torregosa, is directed to **show cause** within five (5) days from receipt hereof why he should not be held in contempt of court for his failure to comply with his Undertaking where he guaranteed to the Court accused Lumasac-Torregosa's return to the Philippines on November 25, 2018.<sup>8</sup>

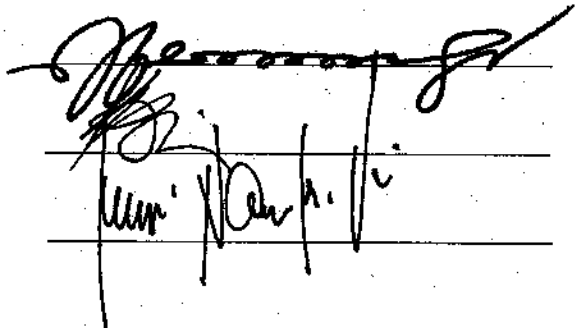
**SO ORDERED.**

**APPROVED:**

FERNANDEZ, SJ, J., *Chairperson*

MIRANDA, J.,

VIVERO, J.,



<sup>7</sup> Annex 5, Compliance dated February 15, 2019.

<sup>8</sup> Affidavit of Undertaking dated November 14, 2019.