



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
QUEZON CITY

SEVENTH DIVISION

MINUTES of the proceedings held on March 6, 2019.

Present:

Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA -----Chairperson
Justice ZALDY V. TRESPESSES -----Member
Justice GEORGINA D. HIDALGO -----Member

The following resolution was adopted:

SB-17-CRM-1782 – People v. Alex A. Centeña, et al.

This resolves the following:

1. Accused Jose Edeso A. Enriquez's "Compliance" dated February 4, 2019; and
2. Accused Alex A. Centeña, Valentin Sobretudo, Meriam Celeste, Crispino Castro, Jose Rex Casipe, Melanie Hilario, Rhoda Lyn Panizares, and Anna Lerio Caspillo's "Comment/Opposition to Suspension of Accused Based on Section 13 of Republic Act of (sic) RA 3019 as Amended" dated February 4, 2019.

In open court on January 25, 2019,¹ this Court directed the accused public officials to show cause why they ought not to be suspended from public office, pursuant to Section 13 of *Republic Act No. 3019 (R.A. 3019)*. In compliance therewith, accused Jose Edeso A. Enriquez submitted his *Compliance* dated February 4, 2019, while accused Alex A. Centeña, Valentin Sobretudo, Meriam Celeste, Crispino Castro, Jose Rex Casipe, Melanie Hilario, Rhoda Lyn Panizares, and Anna Lerio Caspillo filed their *Comment/Opposition to Suspension of Accused Based on Section 13 of Republic Act of (sic) RA 3019* dated February 4, 2019, arguing that they should not be preventively suspended from public office.

In common, accused public officers Alex A. Centeña, Valentin B. Sobretudo, Meriam F. Celeste, Crispino V. Castro, Jose Rex A. Casipe, Melanie L. Hilario, Rhoda Lyn Panizares, and Anna Lerio Caspillo all raised

¹ Order dated January 25, 2019; Records, Vol. 3, pp. 42-43

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the ground of the existence of a supervening event referring to the Decision dated December 21, 2017 issued by the Special Eighth Division of the Court of Appeals in "Sobretudo v. Task Force Abono," docketed as CA-G.R. SP No. 141500, which meted the penalty of suspension from office, and that said accused have already served the same. On the other hand, accused Jose Edeso A. Enriquez entreated that his preventive suspension was already made in the same administrative case which should likewise satisfy Section 13 of *R.A. 3019*. Furthermore, the accused (save for accused Enriquez) contended that they have a pending motion to quash dated January 22, 2019 before the Court, and that their suspension from office imposed by the Court would be tantamount to double jeopardy.

OUR RULING

The accused should be preventively suspended pursuant to Section 13 of *R.A. 3019*, which provides:

SEC. 13. Suspension and loss of benefits. – Any incumbent public officer against whom any criminal prosecution under a valid information under this Act or under Title 7, Book II of the Revised Penal Code or for any offense involving fraud upon government or public funds or property whether as a simple or as a complex offense and in whatever stage of execution and mode of participation, is pending in court, shall be suspended from office.

xxx xxx xxx

The accused were arraigned and pleaded not guilty under a valid Information for violation of Section 3 (e) of *R.A. 3019*. Section 13, *supra*, makes it 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 offense involving fraud upon government or public funds or property.² Once the information is found to be sufficient in form and substance, then the Court must issue the order of suspension as a matter of course.³ There are no ifs and buts about it.⁴

While the accused cited a "supervening event" that supposedly bars their preventive suspension, which was the Court of Appeals' Decision dated December 21, 2017 in "Sobretudo v. Task Force Abono," docketed as *CA-G.R. SP No. 141500*, the same has no bearing to the present controversy. It bears stressing that criminal cases are altogether different from administrative matters, such that administrative cases may proceed independently of criminal

² *Flores v. Layosa*, G.R. No. 154714, August 12, 2004

³ *Ibid*

⁴ *Beroña v. Sandiganbayan*, G.R. No. 142456, July 27, 2004

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proceedings.⁵ Consequently, criminal actions will not preclude administrative proceedings, and vice-versa, insofar as the application of the law on preventive suspension is concerned.⁶ This holds true even if both the criminal case and administrative proceedings spring from the same facts and circumstances.⁷

On a related note, neither can the accused successfully invoke double jeopardy on the basis of said ruling rendered by the Court of Appeals. Double jeopardy attaches only: (1) upon a valid indictment; (2) before a competent court; (3) after arraignment; (4) when a valid plea has been entered; and (5) when the defendant was acquitted or convicted, or the case was dismissed or otherwise terminated without the express consent of the accused.⁸ It should be underlined that the Court of Appeals' Decision was not criminal in nature, but administrative. Consequently, double jeopardy will not lie.

Equally unavailing is the raising of the motion to quash dated January 22, 2019 of accused Alex A. Centeña, Valentin B. Sobretudo, Meriam F. Celeste, Crispino V. Castro, Jose Rex A. Casipe, Melanie L. Hilario, Rhoda Lyn Panizares, and Anna Lerio Caspillo allegedly pending before the Court. This motion has already been resolved by the Court in a *Resolution*⁹ dated January 29, 2019. Consequently, said pleading is immaterial to the matter at hand.

The Court possesses no discretion, not even liberality, to determine whether a preventive suspension is necessary to forestall the possibility that the accused may use his office to intimidate witnesses, or frustrate his prosecution, or continue committing malfeasance. The presumption is that unless the accused are suspended, they may frustrate the prosecution of the case, commit further acts of malfeasance, or do both.¹⁰

As to the duration of suspension, it is settled that the preventive suspension may not be of indefinite duration or for an unreasonable length of time; it would be constitutionally proscribed otherwise as it raises, at the very least, questions of denial of due process and equal protection of the laws. The Court has thus laid down the rule that preventive suspension may not exceed the maximum period of ninety (90) days in consonance with *Presidential Decree No. 807* (the *Civil Service Decree*), now Section 52 of the *Administrative Code of 1987*.¹¹

In fine, the preventive suspension of the accused public officers is warranted under the circumstances.

⁵ *Villaseñor v. Sandiganbayan*, G.R. No. 180700, March 4, 2008 which cited *Socrates v. Sandiganbayan*, G.R. Nos. 116259-60, February 20, 1996 and *Luciano v. Provincial Governor*, G.R. No. L-30306, June 20, 1969

⁶ *Ibid*

⁷ *Ibid*

⁸ *Cayao-Lasam v. Spouses Ramolete*, G.R. No. 159132, December 18, 2008

⁹ *Records*, Vol. 3, pp. 44-48

¹⁰ *Dela Cruz v. Sandiganbayan*, G.R. No. 161929, December 8, 2009, citing *Socrates v. Sandiganbayan*, 324 Phil. 151, 179 (1996)

¹¹ *Layus v. Sandiganbayan*, G.R. No. 134272, December 8, 1999 which cited *Segovia v. Sandiganbayan*, G.R. No. 124067, March 27, 1998

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WHEREFORE, pursuant to Section 13 of *R.A. 3019*, the following accused are hereby preventively suspended from their corresponding positions as public officials of the Local Government Unit of Calinog, Province of Iloilo and from any public office which they may now or hereafter be holding for a period of ninety (90) days:

Name of accused	Position in LGU of Calinog, Province of Iloilo
1. Alex A. Centeña	Mayor
2. Valentin B. Sobretudo	Municipal Treasurer
3. Meriam F. Celeste	Acting Municipal Accountant
4. Crispino V. Castro	Municipal Agriculturist
5. Jose Rex A. Casipe	Municipal Supply Officer
6. Melanie L. Hilario	Acting Municipal Administrator, BAC Member
7. Rhoda Lyn Panizares	Municipal Planning and Development Officer, BAC Member
8. Jose Edeso A. Enriquez	Municipal Engineer, BAC Member
9. Anna Lerio Caspillo	Sangguniang Bayan Secretary, BAC Member

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 preventive suspension on said accused. Said office is further requested to inform this Court of the date the accused started serving their suspension *pendente lite* and the date of its termination.

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

SO ORDERED.

GOMEZ-ESTOESTA, J., Chairperson

TRESPESES, J.

HIDALGO, J.






