



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,

Plaintiff,

SB-15-CRM-0284 - 0285

For: Violation of Section 3 (e) of
Republic Act (R.A.) No. 3019

-versus-

PRESENT:

**CELESTINO A. MARTINEZ III,
CRESENCIO P. VERDIDA,
RHETT E. MINGUEZ, MARY
LOU B. URSAL, and JULIO S.
URSONAL, JR.,**

Accused,

FERNANDEZ, SJ, J., *Chairperson*
MIRANDA, J., &
VIVERO, J.

Promulgated:

JUL 23 2019 

X-----X

RESOLUTION

MIRANDA, J.:

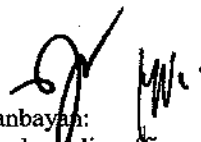
This resolves the suspension *pendente lite* of accused Cresencio P. Verdida (Verdida).

In its Order dated May 22, 2019 and pursuant to Section 4, Rule VIII of the Revised Internal Rules of the Sandiganbayan,¹ the Court directed accused Verdida, an incumbent Councilor of Bogu City, Cebu, to show cause why he should not be suspended *pendente lite* in accordance with Section 13 of R.A. No. 3019 within a non-extendible period of ten (10) days from receipt.

¹ Section 4, Rule VIII of the Revised Internal Rules of the Sandiganbayan:

Suspension pendente lite. – After the arraignment of an accused public officer against whom a valid information charging any of the violations referred to in Section 13 of R.A. No. 3019 is filed, the Sandiganbayan shall *motu proprio* give the accused a non-extendible period of ten (10) calendar days from notice within which to explain in writing why he should not be preventively suspended. Thereafter, the Sandiganbayan shall issue an order of preventive suspension of the accused, if found warranted under the aforesaid provision of R.A. No. 3019, as well as applicable decisions of the Supreme Court.





In his Manifestation dated July 4, 2019, accused Verdida alleges that: 1) he resigned as Municipal Accountant of Bogó City and is now an elected Councilor of Bogó City; 2) it is impossible for him to commit further malfeasance because it takes the collective action of all members of the Sangguniang Panlungsod to do it; 3) it is impossible for him to exert undue influence, pressure or intimidate witnesses against him or tamper documentary evidence because he no longer has supervision over personnel of the Accounting Department of the City Government of Bogó; 4) he can no longer frustrate the prosecution of the case because the Prosecution had already formally offered its evidence to the Court; and 5) his suspension would unduly burden him and his family as his salary as Councilor is his only source of income.

RULING

The Court does not find merit in the arguments of accused Verdida.

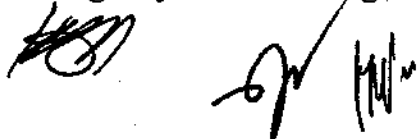
Section 13 of R.A. No. 3019 states:

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. Should he be convicted by final judgment, he shall lose all retirement or gratuity benefits under any law, but if he is acquitted, he shall be entitled to reinstatement, and to the salaries and benefits which he failed to receive during suspension, unless in the meantime administrative proceedings have been filed against him.
(Emphasis supplied)

The following are the conditions to suspend an accused *pendente lite*:

1) the accused is an incumbent public official; and 2) the accused is charged under a valid information for violation of R.A. No. 3019 or under Title 7, Book II of the Revised Penal Code or for any offense involving fraud upon government or public funds or property.

In the case before the Court, accused Verdida admitted in his Manifestation dated July 4, 2019 that he is an elected Councilor of Bogó City. Accused Verdida was arraigned on February 22, 2018 and entered a plea of "not guilty" to the charges in the two informations filed against him. Having



entered his plea, accused Verdida admitted and acknowledged the validity of the informations.

Accused Verdida is also deemed to have waived any objection he may have on the validity of the informations, except on the following grounds: 1) the information charges no offense; 2) the trial court has no jurisdiction over the offense charged; 3) the penalty or the offense has been extinguished; and 4) double jeopardy has attached.² Accused Verdida did not allege any of the exceptions in his Manifestation dated July 4, 2019. There is also no doubt that accused Verdida was charged with violation of Section 3(e) of R.A. No. 3019.

Once a court determines that the information charging a public officer with an offense under R.A. No. 3019 or Title 7, Book II of the Revised Penal Code, or any other offense involving fraud upon government or public funds or property is valid, the suspension *pendente lite* of the accused must follow as a matter of course.³ Preventive suspension is mandatory, and there are no 'ifs' and 'buts' about it.⁴ The court has neither discretion nor duty to determine whether preventive suspension is required to prevent the accused from using his office to intimidate witnesses or frustrate his prosecution or continue committing malfeasance in office.⁵

The Supreme Court has repeatedly held that preventive suspension under Section 13 of R.A. No. 3019 is mandatory. Section 13 of R.A. No. 3019 is clear and explicit that there is hardly room for any extended court rationalization of the law. It mandates the suspension of a public official from office pending a criminal prosecution under R.A. No. 3019 or Title 7, Book II of the Revised Penal Code or for any offense involving public funds or property or fraud on government.⁶

WHEREFORE, premises considered, accused Cresencio P. Verdida is ordered **SUSPENDED** *pendente lite*, for a period of ninety (90) days, as Councilor of Bogo City, or any other public position he may now or hereafter be holding.

Accused Cresencio P. Verdida is ordered to **CEASE AND DESIST** from further performing and/or exercising the functions, duties, and privileges of his position upon the implementation of this Order of Preventive

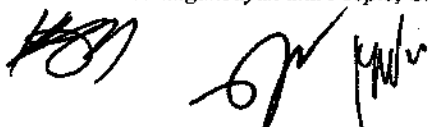
² *Miranda v. Sandiganbayan*, G.R. No. 154098, July 27, 2005.

³ *Flores v. Hon. Layosa*, G.R. No. 154714, August 12, 2004.

⁴ *Villaseñor v. Sandiganbayan*, G.R. No. 180700, March 4, 2008.

⁵ *Bolastig v. Sandiganbayan*, G.R. No. 110503, August 4, 1994.

⁶ *Beroña v. Sandiganbayan and People*, G.R. No. 142456, July 27, 2004.



Suspension. The suspension of the accused shall be automatically lifted upon the expiration of the 90-day period from the implementation of this resolution.

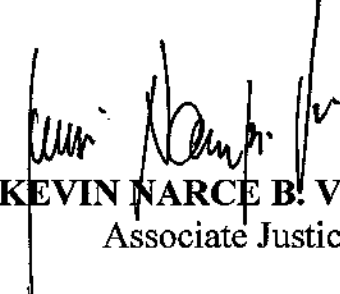
Let a copy of this Resolution be furnished the Secretary of the Department of the Interior and Local Government (DILG) for the implementation of this order of suspension. The Secretary of the DILG, or his duly authorized representative, is directed to inform the Court of the action taken thereon, the actual date of the implementation of the suspension, and the expiry date of the 90-day period, within fifteen (15) days from receipt hereof.

SO ORDERED.


KARL B. MIRANDA
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KEVIN NARCE B. VIVERO
Associate Justice