



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, SB-17-CRM-1490
Plaintiff, For: Violation of Sec. 3(e)
of Republic Act No. 3019

Present

- versus -

**ELEANDRO JESUS F.
MADRONA, ET AL.,**

Accused.

FERNANDEZ, SJ, J.,
Chairperson
MIRANDA, J. and
VIVERO, J.

Promulgated:

August 5, 2019 *mf*

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RESOLUTION

FERNANDEZ, SJ, J.

In the Resolution dated June 17, 2019, this Court directed accused Eleandro Jesus F. Madrona, Joel Angcaco Sy, Geishler F. Fadri and Oscar P. Galos to show cause why they should not be preventively suspended under Sec. 13 of Republic Act No. 3019 (R.A. No. 3019).¹

In their *Compliance*,² said accused aver:

1. Accused Fadri and Galos are no longer government officials

¹ 2018 Revised Internal Rules of the Sandiganbayan. **Rule VIII, Sec. 4. 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 said 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.

² Dated and filed on July 26, 2019

RESOLUTION

People vs. Madrona, et al.
SB-17-CRM-1490

Page 2 of 4

x ----- x

2. Accused Sy died on January 8, 2019. His Death Certificate was already submitted to the Court.
3. Last May 13, 2019, accused Madrona was elected as Representative of the Lone District of Romblon to the House of Representatives. He voluntarily submits himself to the Court's jurisdiction, and accepts its authority to suspend him *pendente lite* as a Member of the House of Representatives in accordance with Sec. 13 of Republic Act No. 3019.

THE COURT'S RULING

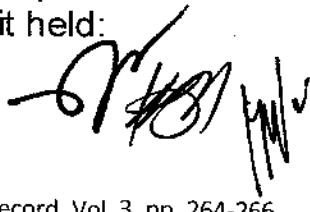
Sec. 13 of R.A. No. 3019 reads:

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. 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.

x x x

In *Bustillo v. Sandiganbayan*,³ it was held that “[s]uspension from office is mandatory whenever a valid information charges an incumbent public officer with (1) violation of RA 3019; (2) violation of Title 7, Book II of the RPC; (3) any offense involving fraud upon government; or (4) any offense involving fraud upon public funds or property. x x x”

Here, accused Madrona is an incumbent Member of the House of Representatives, and is charged with violation of Sec. 3(e) of R.A. No. 3019. Any lingering doubt as to the validity of the Information has been removed by the Supreme Court's Resolution in *Madrona v. Sandiganbayan*,⁴ where it held:



³ G.R. No. 146217, April 7, 2006

⁴ G.R. No. 241823, October 8, 2018; Record, Vol. 3, pp. 264-266

RESOLUTION

People vs. Madrona, et al.
SB-17-CRM-1490

Page 3 of 4

X-----X

After a judicious study of the case, the Court resolves to **DISMISS** the instant petition for failure of petitioners Eleandro Jesus F. Madrona, Oscar P. Galos, Geishler F. Fadri, and Joel Angcaco Sy (petitioners) to sufficiently show that the *Sandiganbayan* (SB) gravely abused its discretion in issuing its April 26, 2018 and July 12, 2018 Resolutions in SB-17-CRM-1490 denying their Omnibus Motion to: (1) Quash the Information and (2) to Dismiss the Case.

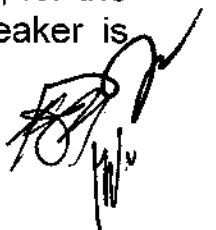
No grave abuse of discretion can be attributed to the SB's ruling holding that the facts alleged in the Information, if admitted, would establish the elements of violation of Section 3(e) of Republic Act No. (RA) 3019, x x x. The fundamental test in reflecting on the viability of a motion to quash on the ground that the facts charged do not constitute an offense is whether or not the facts asseverated, if hypothetically admitted, would establish the essential elements of the crime defined in law, as the SB found in this case.

All the requisites for suspension under Sec. 13 of R.A. No. 3019 being present, this Court is mandated to order the preventive suspension of accused Madrona.

WHEREFORE, the Court rules as follows:

1. The *Compliance* filed by accused Madrona, Galos and Fadri is hereby NOTED. Considering that accused Fadri and Galos are no longer in government service, they cannot be preventively suspended under Sec. 13 of R.A. No. 3019. This is without prejudice to the imposition of such preventive suspension in the event that they hold another public position during the pendency of the instant case.
2. The prosecution is DIRECTED to confirm, within thirty (30) days from receipt of this Resolution, the fact of death of accused Joel Angcaco Sy.
3. Accused ELEANDRO JESUS F. MADRONA is hereby suspended *pendente lite* as a Member of the House of Representatives, representing the Lone District of Romblon, and from any other public positions he may now or hereafter hold for a period of ninety (90) days from receipt of this Resolution.

Let a copy of this Resolution be furnished the Hon. Alan Peter S. Cayetano, Speaker, House of Representatives, for the implementation of this order of suspension. The Speaker is



RESOLUTION

People vs. Madrona, et al.
SB-17-CRM-1490

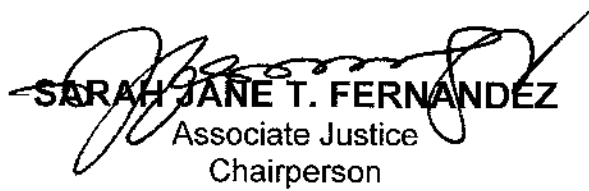
Page 4 of 4

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requested to inform the Court of the action taken thereon within fifteen (15) days from receipt hereof.

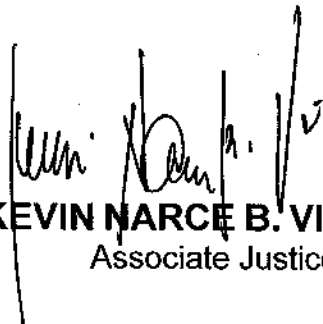
The suspension of accused Madrona shall automatically be lifted upon the expiration of the ninety-day period from the implementation of this Resolution.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice