

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-12-CRM-0066 and 0067

For: Malversation of Public
Funds Through
Falsification of Public
Documents and Violation
of Section 3(e) of R.A. No.
3019, as amended

- versus -

Present:

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

HERNANDO LALISAN SIBUGAN, ET
AL.,
Accused.

Promulgated:

SEP 10 2019

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RESOLUTION

QUIROZ, J.:

Before the Court is the *Motion for Leave of Court to Amend Information and to Admit Attached Amended Information Pursuant to the Approved Plea Bargaining Agreement*¹ dated June 29, 2019 filed by the prosecution.

On March 29, 2019, the Court issued an *Order*² granting the *Joint Motion to Approve Plea Bargaining Agreement*³ dated January 18, 2019 filed by the prosecution and accused Elmer M. Diodina (Diodina).

¹ Record, pp. 329-335.

² Id. at 301.

³ Id. at 262-279.

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The prosecution alleges that the present motion praying for leave to amend the Information in SB-12-CRM-0067 was filed pursuant to the terms and conditions of the approved Plea Bargaining Agreement and in accordance with Section 14, Rule 110 of the Revised Rules of Criminal Procedure. The prosecution further avers that the dropping or exclusion of accused Diodina from the said Amended Information will not cause any prejudice to the rights of the other accused as they have not yet been arraigned.


Accused Diodina filed his *Comment*⁴ dated July 26, 2019 thereto interposing no objection to the amendment of the Information dropping him as an accused from SB-12-CRM-0067 which will give effect to the substance and spirit of the approved plea bargaining agreement.

Taking into consideration that accused Diodina has complied with the conditions set forth in the approved Plea Bargaining Agreement per his Manifestation⁵ dated May 9, 2019 and there will be no prejudice to the rights of the other accused as they have yet to be arraigned, the Court sees no legal impediment to the amendment of the Information in SB-12-CRM-0067.

WHEREFORE, the *Motion for Leave of Court to Amend Information and to Admit Attached Amended Information Pursuant to the Approved Plea Bargaining Agreement* of the prosecution dated June 29, 2019 is **GRANTED** and the attached *Amended Information* dated November 21, 2018 is **ADMITTED**.

SO ORDERED.


ALEX L. QUIROZ
Chairperson


REYNALDO P. CRUZ
Associate Justice


BAYANI H. JACINTO
Associate Justice

⁴ Id. at 346-346.

⁵ Id. at 304-307.