



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE PHILIPPINES, SB-17-CRM-2169 to 2183**  
For: Violation of Section 3(e)  
of R.A. 3019 as amended

**- versus -**

**MARIANO Y. BLANCO III, ET  
AL.,**

*Present :*

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

*Promulgated:*

**SEP 03 2019** 

X-----X

**RESOLUTION**

**FERNANDEZ, SJ, J.**

For resolution is the suspension *pendente lite* of accused Oscar M. Pilapil under Section 13 of R.A. No. 3019.

During the hearing held on July 24, 2019,<sup>1</sup> the Court, pursuant to Rule VIII, Sec. 4 of the 2018 *Revised Internal Rules of the Sandiganbayan*,<sup>2</sup> ordered accused Oscar M. Pilapil to show cause why he should not be suspended *pendente lite* in accordance with Section 13 of Republic Act No. 3019.

<sup>1</sup> Order dated July 24, 2019; Record, vol. 3, p. 476.

<sup>2</sup> *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.

**MINUTES**

PP vs. Mariano Y. Blanco III, et al.  
Crim. Cases No. SB-17-CRM-2169 to 2183

Page 2 of 4

x-----x

On August 5, 2019, accused Pilapil filed his *Manifestation and Compliance*,<sup>3</sup> claiming that he should not be suspended *pendente lite* because he is no longer the Chairman of the Bids and Awards Committee (BAC), as charged in the Informations. He claims that since he is no longer connected to his previous office, he can no longer intimidate or influence the witnesses or affect the outcome of the case. Finally, accused Pilapil avers that he does not have any means or power to frustrate the prosecution of his case.

**THE COURT'S RULING**

The Court finds all the requisites for the suspension *pendente lite* of accused Oscar M. Pilapil, pursuant to Sec. 13 of R.A. No. 3019, existing.

Sec. 13 of R.A. No. 3019 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 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

(underscoring supplied)

Under the aforementioned provision, suspension from public office is mandatory whenever a valid information charges an incumbent public officer with (1) violation of R.A. No. 3019; (2) violation of Title 7, Book II of the Revised Penal Code (RPC); (3) any offense involving fraud upon government; or (4) any offense involving fraud upon public funds or property.<sup>4</sup>

In this case, accused Pilapil is the incumbent Municipal Engineer of the Municipality of Ronda, Cebu.<sup>5</sup>

<sup>3</sup> Dated August 2, 2019.

<sup>4</sup> *Bustillo v. Sandiganbayan*, G.R. No. 146217, April 7, 2006.

<sup>5</sup> p. 2, *Manifestation and Compliance* dated August 2, 2019.

**MINUTES**

PP vs. Mariano Y. Blanco III, et al.  
Crim. Cases No. SB-17-CRM-2169 to 2183

Page 3 of 4

x-----x

He is charged under valid Informations for violation of Sec. 3 (e) of R.A. No. 3019. Any issue as to the validity of the Informations has already been settled when the Court denied accused' *Motion to Quash Information and Adopts the Motion to Quash of the Co-accused Mariano Y. Blanco III*<sup>6</sup> in a *Resolution* dated July 26, 2018.<sup>7</sup> Accordingly, he was arraigned on August 10, 2018.<sup>8</sup> Thus, in so far as this Court is concerned, there is no more question as to the validity of the Informations.

Since all the requisites for the imposition of suspension *pendente lite* under Sec. 13 of R.A. No. 3019 exist, this Court is duty-bound to order the suspension of accused Pilapil.

The fact that accused Pilapil is currently holding a public position different from the position for which he was charged in the Informations does not exempt him from the application of the law.

Sec. 13 of R.A. No. 3019 is clear and unequivocal when it stated that **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 complex offense and in whatever stage of execution and mode of participation, is pending in court shall be suspended from office.

When the law used the words "any incumbent public officer", the law pertains to the *incumbent or current position* of the accused public officer and not to the position to which he was charged in the Information. Preventive suspension applies to any office the officer might be currently holding and not necessarily to the particular office to which he is charged.<sup>9</sup>

In the same way, that accused Pilapil has no means to frustrate the prosecution of his cases is of no moment. The Court trying a case covered by Section 13 of Republic Act No. 3019 has neither discretion nor duty to determine whether or not a preventive suspension is required to prevent the accused from using his office to intimidate witnesses or frustrate his prosecution.<sup>10</sup>

Section 13 is so clear that there is hardly room for any extended court rationalization of the law. The law unequivocally mandates the

<sup>6</sup> Record, vol. 1, pp. 371-388.

<sup>7</sup> Record, vol. 1, pp. 415-421.

<sup>8</sup> Record, vol. 1, pp. 441-A to 441-B.

<sup>9</sup> *Beroña v. Sandiganbayan*, 435 CRA 303, 307-308 [2004], citing *Segovia vs. Sandiganbayan*, 288 SCRA 328 [1998].

<sup>10</sup> *Socrates v. Sandiganbayan, et al.*, 253 SCRA 773, 794-797 (1996).

**MINUTES**

*PP vs. Mariano Y. Blanco III, et al.*  
*Crim. Cases No. SB-17-CRM-2169 to 2183*

Page 4 of 4

x-----x

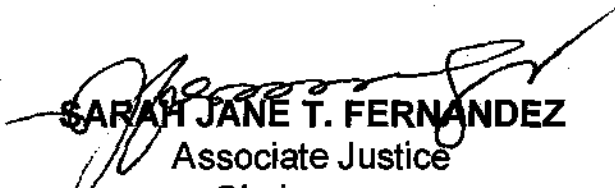
suspension of a public official from office pending a criminal prosecution under RA 3019 or Title 7, Book II of the Revised Penal Code or for any offense involving public funds or property or fraud on government. Such preventive suspension is mandatory, and there are no 'ifs' and 'buts' about it.<sup>11</sup>

**WHEREFORE**, premises considered, the Court orders the suspension *pendente lite* of accused Oscar M. Pilapil as Municipal Engineer of Ronda, Cebu and 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 Secretary of the Department of Interior and Local Government (DILG) for the implementation of this order of suspension. The Secretary is requested to inform the Court of the action taken thereon within fifteen (15) days from receipt hereof.

The suspension of accused Pilapil 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

---

<sup>11</sup> *Beroña v. Sandiganbayan.*