

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Crim. Case No. **SB-17-CRM-2417**

-versus-

Present:
Herrera, Jr. J.
Musngi, J. &
Pahimna, J.

CAMILO LOYOLA SABIO,
Accused.

Promulgated:
September 18, 2019

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RESOLUTION

HERRERA, JR., J:

Before the Court is a ***Motion To Dismiss Information***¹ dated August 24, 2019, filed by accused Camilo Loyola Sabio (Movant), through counsel, to which the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, filed a ***Comment And Opposition To Accused-Movant Sabio's Motion to Dismiss Information dated 24 August 2019***² dated September 3, 2019.

In praying for dismissal of the ***Information***³ in this case, movant invokes prescription and double jeopardy. According to him, the cash advances referred to in the ***Information*** were obtained in the year 2008 and the prescriptive period to charge him for these cash advances is only four (4) years. Since the ***Information*** was filed in December 2017, the offense charged has already prescribed. Furthermore, movant claims there is double jeopardy because he was already charged before with ***Malversation of Public Funds*** in Criminal Cases Nos. SB-17-CRM-0748 and 0749 before the Fifth Division of this Court, and the cases were already dismissed per ***Resolution***⁴ dated October 12, 2017.

¹ Record, pp. 94-95

² Id, pp. 99-104

³ Id, pp. 1-2

⁴ see attachment to Motion to Dismiss Information; Record, p. 96

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[Signature]

After a careful study, the Court rules that the ***Motion To Dismiss Information*** is unwarranted.

First, the movant is charged in this case with ***Violation of Article 218 of the Revised Penal Code (RPC), or Failure of Accountable Officer to Render Accounts***, for which the penalty prescribed by law is “prision correctional in its minimum period, or by a fine ranging from 200 to 6,000 pesos, or both.” Under ***Article 90 of the RPC on Prescription of Crimes***, offenses “punishable by a correctional penalty shall prescribe in ten years.” Hence, from the date of alleged commission of the crime charged in March 2009 to the filing of the ***Information*** in 2008, the ten (10) years prescriptive period has not yet expired.

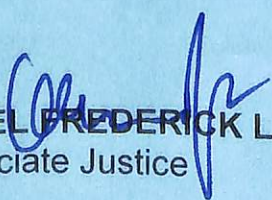
Anent the claim of double jeopardy, suffice it to emphasize that the crime of ***Malversation of Public Funds under Article 217 of the RPC***, with which movant is charged in Criminal Cases Nos. SB-17-CRM-0748 and 0749 and which were dismissed by the Fifth Division, is totally different from the offense of ***Failure of Accountable Officer To Render Accounts under Article 217 of the RPC*** charged in this case. The elements of the two (2) offenses are different from each other.

WHEREFORE, premises considered, the ***Motion To Dismiss Information*** dated August 24, 2019, filed by accused Camilo Loyola Sabio, through counsel, is hereby denied.

SO ORDERED.


OSCAR G. HERRERA, JR.
Chairperson

We Concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


LORIFEL LACAP PAHIMNA
Associate Justice