



Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**

Plaintiff,

SB-15-CRM-0284 to 0285

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

-versus-

**CELESTINO A. MARTINEZ  
III, et al,**

Accused,

PRESENT:

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

Promulgated: **OCT 01 2019**

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**RESOLUTION**

**MIRANDA, J.:**

This resolves the Motion for Reconsideration dated August 15, 2019 filed by accused Cresencio P. Verdida (Verdida).

In his motion for reconsideration, accused Verdida assailed the Resolution dated July 23, 2019 ordering his suspension *pendente lite* as Councilor of Bogo City, Cebu, and from any public position he may now or hereafter hold for a period of ninety (90) days from receipt. He alleged that: 1) he can no longer frustrate or hamper the prosecution of these cases because the Prosecution had rested its case and the Defense had already started presenting its evidence; 2) it is impossible for him to commit further acts of malfeasance while in office because it will take the collective action of all the members of *Sangguniang Panlungsod* to do it; 3) the power of the Court to

order his preventive suspension should not violate his security of tenure as public official; and 4) his suspension *pendente lite* in these cases as well as in SB-14-CRM-0283 to 0286 and SB-12-CRM-0380 to 0381 have effectively deprived him of opportunity to perform the functions of his office.

After a restudy, the Court finds nothing new in the arguments raised by accused Verdida in his motion for reconsideration. Accordingly, the Motion for Reconsideration dated August 15, 2019 is **DENIED** for lack of merit.

To reiterate, the suspension *pendente lite* of an accused charged with an offense under R.A. No. 3019, or Title 7, Book II of the Revised Penal Code, or any offense involving fraud upon government or public funds or property is mandatory.<sup>1</sup> There are no “ifs” and “buts” about it.<sup>2</sup> Once the information is found to be sufficient in form and substance, the suspension *pendente lite* of the accused must follow as a matter of course.<sup>3</sup> The suspension *pendente lite* applies to all incumbent public officials, whether they be appointive or elective officials, or permanent or temporary employees, or pertaining to the career or non-career service.<sup>4</sup> It refers to any office which the public official might currently be holding and not necessarily the particular office in relation to which he is charged.<sup>5</sup>

There is no merit in accused Verdida’s arguments that the suspension *pendente lite* imposed upon him violate his security of tenure because he is effectively deprived of opportunity to perform the functions of his office. Public officials, as recipients of public trust, must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.<sup>6</sup> Thus, when a public official or employee is disciplined, the object sought is not his punishment, but the improvement of government service and the preservation of the public’s faith and confidence in the government.<sup>7</sup>

Preventive suspension is not a penalty. It is not imposed as a result of judicial proceedings because in the event of acquittal, the public official is entitled to reinstatement and to the salaries and benefits which he failed to receive during his suspension.<sup>8</sup> In taking into consideration the public policy

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<sup>1</sup> *Perla A. Segovia, Reynaldo C. Santiago, and Winifredo SM. Pangilinan v. Sandiganbayan, et al.*, G.R. No. 124067, March 27, 1998.

<sup>2</sup> *Id.*

<sup>3</sup> *Reynaldo Bayot v. Sandiganbayan*, G.R. Nos. 61776 to 61861, March 23, 1984.

<sup>4</sup> *Preclaro v. Sandiganbayan*, G.R. No. 111091, August 21, 1995.

<sup>5</sup> *Libanan v. Sandiganbayan*, G.R. No. 112386, June 4, 1994.

<sup>6</sup> See Section 1, Article XI of the Constitution.

<sup>7</sup> *Government Service Insurance System v. Rogelio F. Manalo*, G.R. No. 208979, September 21, 2016.

<sup>8</sup> *Supra, Reynaldo Bayot v. Sandiganbayan.*



involved in the suspension *pendente lite* of a public official, the protection of public interest prevails over the private interest of the accused.<sup>9</sup>

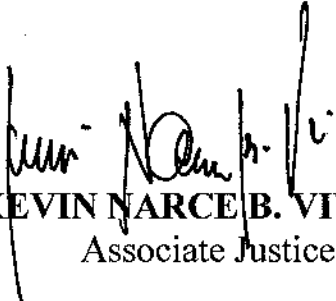
**WHEREFORE**, the Motion for Reconsideration dated August 15, 2019 of accused Cresencio P. Verdida is **DENIED**. The Resolution of the Court promulgated on July 23, 2019 is **AFFIRMED**.

**SO ORDERED.**

  
**KARL B. MIRANDA**  
Associate Justice

WE CONCUR:

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

  
**KEVIN NARCE B. VIVERO**  
Associate Justice

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<sup>9</sup> *Id.*