



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

**PEOPLE OF THE
PHILIPPINES,**

Plaintiff,

SB-17-CRM-0057

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

-versus-

**NELSON CANLAS DAVID
ET AL,**

Accused,

X-----X

**PEOPLE OF THE
PHILIPPINES,**

Plaintiff,

SB-17-CRM-0058

For: Violation of Section 3 (g) of
R.A. No. 3019

-versus-

**NELSON CANLAS DAVID
ET AL,**

Accused

PRESENT:

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

Promulgated:

OCT 01 2019

X-----X

RESOLUTION

MIRANDA, J.:

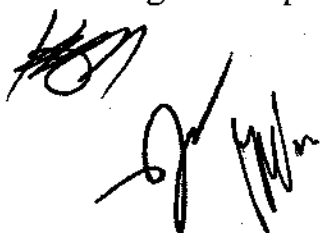
This resolves the Motion for Reconsideration dated August 20, 2019 filed by accused Nelson C. David (David).

In it, accused David assailed the Court's Resolution dated July 25, 2019 ordering his suspension *pendente lite* as Mayor of Limay, Bataan, 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 left the position of Mayor of Limay, Bataan in 2010;
- 2) the said position was thereafter held by private complainant Lilvir Roque (Roque) for more than nine years;
- 3) during former Mayor Roque's tenure, accused David could not have influenced, pressured, or intimidated witnesses, or tampered documentary evidence related to these cases;
- 4) considering that the Prosecution had already rested its case, there are no more witnesses to be influenced, pressured, or intimidated, or documentary evidence to be tampered;
- 5) former Mayor Roque filed these cases to prevent accused David from running again in the election; and
- 6) the suspension of accused David is whimsical, capricious and unnecessary because it defeats the intention of R.A. No. 3019.

After a restudy, the Court finds nothing new in the arguments raised by accused David in his motion for reconsideration. The grounds relied upon by accused David are a mere rehash or reiteration of the grounds and arguments he raised earlier and already passed upon and resolved by the Court in its Resolution dated July 25, 2019. Accordingly, the Motion for Reconsideration dated August 20, 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.¹ **There are no “ifs” and “buts” about it.**² 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.³

The Court does not find merit in accused David’s contention that he could no longer influence, pressure, or intimidate witnesses, or tamper documentary evidence related to these cases because the Prosecution had already finished the presentation of its evidence. The possibility that accused David would hamper the prosecution of these cases by influencing, pressuring, or intimidating witnesses, or tampering documentary evidence is just one of the reasons in the imposition of his suspension *pendente lite*.⁴ The other one is to prevent him from committing further acts of malfeasance while in office.⁵

Suspension *pendente lite* is not a penalty in itself. The accused public official whose culpability remains to be proven is entitled to the constitutional presumption of innocence.⁶ In the event of acquittal, the law provides for the reinstatement of the accused public official and payment to him of the salaries and benefits which he failed to receive during the suspension.⁷

WHEREFORE, the Motion for Reconsideration dated August 20, 2019 of accused Nelson C. David is **DENIED**. The Resolution of the Court promulgated on July 25, 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

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

² *Id.*

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

⁴ See *Bolastig v. Sandiganbayan*, G.R. No. 110503, August 4, 1994.

⁵ *Id.*

⁶ *Berona v. Sandiganbayan*, G.R. No. 142456, July 27, 2004.

⁷ SEC. 13. *Suspension and loss of benefits.* x x x 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