



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff,

**SB-17-CRM-2169 to 2183**  
For: Violation of Sec. 3(e) of  
R.A. 3019

- versus -

**MARIANO BLANCO III, et al.,**  
Accused.

*Present:*

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

*Promulgated:*

**FEB 24 2020** *[Signature]*

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**RESOLUTION**

**VIVERO, J.:**

For resolution are the *Suspension Pendente Lite* of accused Thelma R. Landiza, Brigida M. Cabaron, Frauline F. Requilme and Evelina M. Tan.

Pursuant to Section 4, Rule VIII of the 2018 Revised Internal Rules of the Sandiganbayan, this Court, in its *Minute Resolution* dated 2 December 2019, directed the aforementioned accused to show cause within a non-extendible period of ten (10) days from receipt of such Order why they should not be suspended *pendente lite* in accordance with Section 13 of Republic Act No. 3019.

In their *Manifestation and Compliance* dated 20 January 2020, the accused prayed that no preventive suspension be issued against them. Accused Landiza and Cabaron averred that there is no more

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need to suspend them *pendente lite* from their positions as they are no longer incumbent public officials, as they have already retired. In short, their retirement from their positions have rendered their intended suspension *pendente lite* moot and academic. On the other hand, accused Requilme and Tan who are currently Clerk II and Utility Worker I, respectively, argued that they should not be suspended pending litigation since it is highly unlikely for them to have any possible influence over the witnesses involved in the case

### RULING

The Court does not find merit in accused Requilme's and Tan's arguments. However, in the case of Landiza and Cabaron, it appears that they have already retired from service, hence, they cannot be suspended anymore.

Section 13 of R.A. 3019 provides:

Section 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 Seven 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 convinced by final judgement, 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. In the event that such convicted officer, who may have been separated from the service has already received such benefits he shall be liable to retribute the same to the government.

The case of *Dela Cruz vs. Sandiganbayan*<sup>1</sup> likewise stressed the mandatory nature of preventive suspension, as follows:

"The court possesses no discretion to determine whether a preventive suspension is necessary to forestall the

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<sup>1</sup> G.R. No. 161929, 08 December 2009.

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possibility that the accused may use his office to intimidate witnesses, or frustrate his prosecution, or continue committing malfeasance. The presumption is that unless the accused is suspended, he may frustrate his prosecution or commit further acts of malfeasance or do both.”

The Supreme Court in *Flores vs. Layosa*<sup>2</sup> ruled that once the court determines that the information charging a public officer with an offense under R.A. No. 3019 or Title 7, Book II of the Revised Penal Code, or any other offense involving fraud upon government or public funds or property is valid, it is bound to issue an order of preventive suspension of the accused public officer as a matter of course.

In fine, to warrant a preventive suspension, the following conditions must be present: (1) the accused is an incumbent public official; and (2) the accused is charged under a valid information which involves a violation of R.A. No. 3019, felonies under Title Seven, Book Two of the Revised Penal Code, or for any offense involving fraud upon the government.

Record shows that accused Requilme and Tan were all charged under the *Information* dated 4 October 2017 for violation of Section 3(e) of R.A. No. 3019, which the Court finds to be sufficient in form and substance. Record also shows that accused Requilme and Tan are incumbent government officials. Verily, the conditions for preventive suspension have been satisfied and the Court is duty-bound to issue the order of suspension against accused Requilme and Tan as a matter of course.

**WHEREFORE**, premises considered, the Court rules as follows:

1. Accused FRAULINE F. REQUILME and EVELINA M. TAN are hereby **SUSPENDED PENDENTE LITE**, as Clerk II / BAC Member and Utility Worker I / BAC Member, respectively, all of the Municipal Government of Ronda, Province of Cebu, and from any other public positions they may now or hereafter hold, for a period of **NINETY (90) DAYS** from receipt of this Resolution.

Accused Requilme and Tan shall immediately cease and desist from performing the functions of their respective offices upon the implementation of their preventive suspension. The suspension,

<sup>2</sup> G.R. No. 154714, 12 August 2004.

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shall automatically be lifted upon the expiration of the 90-day period from the implementation of this Resolution.

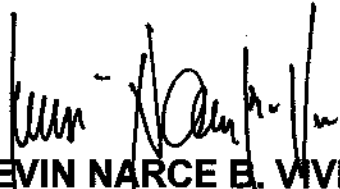
Let a copy of this Resolution be furnished the Secretary of the Interior and Local Government (DILG) for the implementation of this order of suspension. The Secretary of DILG is DIRECTED to inform the Court of the action taken within fifteen (15) days from receipt hereof.

2. Considering that accused THELMA R. LANDIZA and BRIGIDA M. CABARON have already retired and are no longer in government service, they cannot be preventively suspended under Sec. 13 of R.A. No. 3019. This is without prejudice to the imposition of such preventive suspension in the event that they hold another public position during the pendency of the instant case.

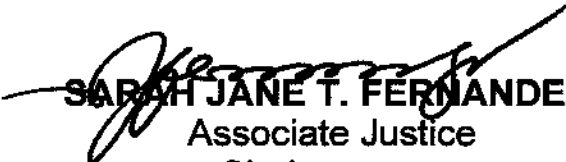
Accused Landiza and Cabaron are DIRECTED to submit to the Court, copy furnish the prosecution, proof that they have already retired and are no longer connected in the government within ten (10) days from receipt of this Resolution.

The prosecution is DIRECTED to confirm the fact of retirement of accused Landiza and Cabaron within thirty (30) days from receipt of this Resolution.

**SO ORDERED.**

  
**KEVIN NARCE B. VIVERO**  
Associate Justice

**WE CONCUR:**

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

  
**KARL B. MIRANDA**  
Associate Justice