



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SPECIAL SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

**SB-17-CRM-0525 and
SB-17-CRM-0527
For: Violation of Section 3 (e),
Republic Act No. 3019**

**SB-17-CRM-0528 and
SB-17-CRM-0530
For: Malversation of Public
Funds**

**SALACNIB FIGUERAS BATERINA,
ANTONIO YRIGON ORTIZ,
DENNIS LACSON CUNANAN,
FRANCISCO BALDOZA FIGURA,
BELINA AGBAYANI CONCEPCION,
MARIVIC VILLALUZ JOVER,
MAURINE ELEFANTE DIMARANAN,
JANET LIM NAPOLES,
GODOFREDO ROQUE,
CARLOS SORIANO,
FRANCE A. MERCADO,**

Accused.

X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

**SB-17-CRM-0526
For: Violation of Section 3 (e),
Republic Act No. 3019**

**SB-17-CRM-0529
For: Malversation of Public
Funds**

**SALACNIB FIGUERAS BATERINA,
ZENAIDA GARCIA CRUZ-DUCUT,
MARIO LOQUELLANO RELAMPAGOS,**

X-----X

ROSARIO SALAMIDA NUNEZ,
LALAINE NARAG PAULE,
MARILOU DIALINO BARE,
ANTONIO YRIGON ORTIZ,
DENNIS LACSON CUNANAN,
FRANCISCO BALDOZA FIGURA,
MARIA ROSALINDA MASONGSONG LACSAMANA,
MARIVIC VILLALUZ JOVER,
MAURINE ELEFANTE DIMARANAN,
JANET LIM NAPOLES,
EVELYN DITCHON DE LEON

Accused.

X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

SB-17-CRM-0531

**For: Direct Bribery
(Art. 210,
Revised Penal
Code)**

SALACNIB FIGUERAS BATERINA,
ZENAIDA GARCIA CRUZ-DUCUT,
Accused.

X-----X

Present:

HERRERA, J., Chairperson
CALDONA, J.
MALABAGUIO, J.
LAGOS, J. and
MORENO, J.

Promulgated:

January 9, 2024

X-----X

RESOLUTION

CALDONA, J.:

Accused-movant Salacnib F. Baterina, through counsel, filed on on November 13, 2023 a Motion for Partial Reconsideration of the Court's Decision promulgated on October 27, 2023, which elicited a Comment/Opposition from the prosecution dated November 23, 2023.¹

In the instant motion, accused-movant essentially posits that he should not only be acquitted for not being the author of the crimes subject of these cases. He argues that the imposition of civil liability against him is not supported by evidence because: 1) the prosecution failed to show that he was informed of a Priority Development Assistance Fund (PDAF) allocation for his congressional district in the 2007 annual budget; 2) in fact, the Court's finding of forgery in the PDAF documents negates negligence; and 3) that his PDAF was practically assigned to the next congress because he was an outgoing congressman. Bottom line, he wants the Court to absolve him of civil liability because he allegedly did not even know of his PDAF allocations.

It should be stressed at the outset that it is the Congress that passes the General Appropriations Bill into law; and that the corresponding General Appropriations Act is published in the Official Gazette. The same act or law covers lawmakers' PDAF allocations for the subject fiscal year. It is therefore unseemly for accused-movant to feign ignorance on a matter which was within his sworn responsibility to perform as a lawmaker.

Not only was accused-movant aware of his PDAF allocations; he also knowingly caused the same funds to be released and even

¹ Motion for Reconsideration, Records, Vol. 19, pp. 380-393; Comment/Opposition, Records, Vol. 19, pp. 394-403.



identified the project and implementing agency. The Court's finding of forgery does not include accused-movant's letters requesting for the release of his PDAF and designating Technology Livelihood and Resource Center (TLRC) as the implementing agency.² In fact, the signatures in these letter requests are substantially the same with accused-movant's known signatures as well as his signatures in the records of these cases.

Consistent with the exclusion of the subject signatures from the Court's finding of forgery are state witnesses Benhur K. Luy and Mary Arlene Joyce B. Baltazar's statements that they only fabricated PDAF liquidation documents. They also stressed that they only forged signatures upon the instruction of accused Janet Lim Napoles pursuant to the agreement with legislators to divert their PDAF allocations. Their statements were not even made in the context of accused-movant's PDAF projects.³ Again, this could only mean that the letters of the accused-movant requesting for the release of his PDAF allocation and designating TLRC as the implementing agency were not among the documents that were forged by Luy and his co-employees in JLN Corporation upon the instruction of accused Napoles.

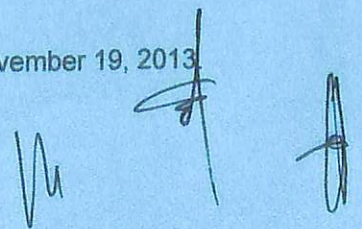
Besides, accused-movant admitted the authenticity of the documents containing said signatures.⁴ The legislator's identification of the project is mandatory before the PDAF can be tapped as a funding source.⁵ As can be gleaned from the stamp markings, these letters for the release of accused-movant's multi-million peso PDAF were transmitted through official channels in the House of Representatives, Committee on Appropriations and the Department of

² Exhibits "C3" to "C3-1", "U3", and "HH".

³ TSN dated September 10, 2019, p. 22; Judicial Affidavit of Ms. Mary Arlene Joyce B. Baltazar dated July 14, 2021, Question and Answer No. 14.

⁴ Order dated May 7, 2019.

⁵ *Belgica, et al. vs. Executive Secretary Ochoa, et al.*, G.R. No. 208566, November 19, 2013.



Budget and Management (DBM). These are official letters that are easily verifiable as they are addressed to high-ranking officials. Legislative letters requesting for the release of PDAF allocations are received by the Committee on Appropriations only from the authorized liaisons of the legislators. These letters are documents certified by the DBM records officer. The DBM also notifies legislators of the release of their Special Allotment Release Orders (SAROs) and corresponding checks together with furnishing them copies thereof. Even TLRC's legislative liaison officer makes sure that letters endorsing non-governmental organizations to implement PDAF projects come from the offices of legislators, accused-movant's included.⁶

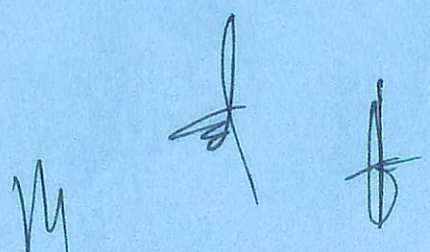
The spontaneous, clear, credible and convincing testimonies of the prosecution witnesses, especially those of Joan Agnes Alfafaras and Luy, cannot be discounted because they clearly establish the irregularities in the release and eventual misuse and misappropriation of amounts from accused-movant's PDAF. Luy even showed that the transactions subject of these cases were not the first time accused-movant transacted with him. It was the third time already.⁷ This means that there had been two previous transactions that establish a connection between accused-movant and JLN Corporation. Also, accused-movant admitted that he personally knows accused Zenaida G. Cruz-Ducut and occasionally met with her from time to time.⁸ As it turned out, accused movant's PDAF-funded projects were ghost projects.

Accused-movant cannot deny his negligence merely because he was an outgoing congressman. The transactions in these cases

⁶ TSN dated August 11, 2022, pp. 15-16.

⁷ TSN dated August 6, 2019, pp. 16-25.

⁸ TSN dated November 10, 2022, pp. 26-29



covered the period of his incumbency. All the SAROs and corresponding checks involved in these cases were sourced from accused-movant's PDAF during his tenure. He cannot be allowed to simply pass the responsibility to his successor considering that the latter was not even privy to his PDAF-funded projects. Neither can accused-movant invoke old age and health reasons, such that the irregularities were pulled off without his notice.

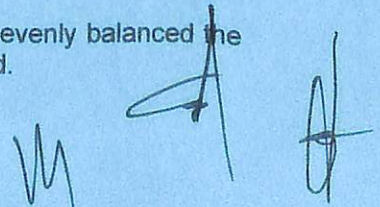
Indeed, he cannot invoke ignorance when evidence clearly shows that he knowingly caused the release of his PDAF allocations and thus, should have safeguarded them from fiscal marauders. Accused-movant admitted that he previously utilized regular PDAF that he requested to fund his projects.⁹ As a veteran Congressman of the First District of Ilocos Sur who had been allocated with similar funds before, he should have at least exercised better diligence, prudence and oversight in the conduct of his affairs. As a public employee he is required to perform and discharge his duties with the highest degree of excellence, professionalism, intelligence and skill.¹⁰

It may be apropos to mention at this point that the prosecution has endeavored to establish circumstances that tend to prove accused-movant's participation in the conspiracy to commit the crimes charged in these cases. Nonetheless, the exculpatory factor of forgery in the liquidation documents were not debunked to the satisfaction of the court. Hence, the concept of equipoise¹¹ was deemed appreciable in his favor. Accordingly, his acquittal does not prevent a judgment

⁹ TSN dated November 10, 2022, pp. 29-31.

¹⁰ Section 4 (b), Republic Act No. 6713, otherwise known as the *Code of Conduct and Ethical Standards for Public Officials and Employees*.

¹¹ The equipoise rule provides that where the evidence in a criminal case is evenly balanced the constitutional presumption of innocence tilts the scales in favor of the accused.

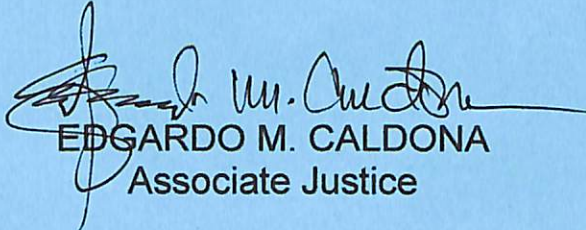


from still being rendered against him on the civil aspect of the criminal cases.¹²


WHEREFORE, premises considered, the instant Motion for Partial Reconsideration is hereby DENIED for lack of merit.

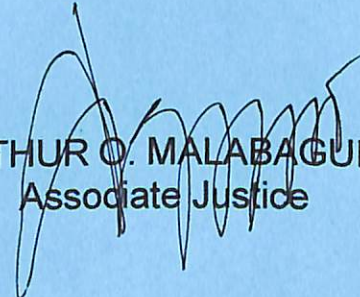
SO ORDERED.

Quezon City, Metro Manila, Philippines


EDGARDO M. CALDONA
Associate Justice

WE CONCUR:


OSCAR C. HERRERA JR.
Chairperson
Associate Justice


ARTHUR O. MALABAGUIO
Associate Justice

¹² *Lumantas vs. Calapiz et al.*, G.R. No. 163753, January 15, 2014, citing *Manantan vs. Court of Appeals*, 403 Phil. 298 (2001); *Dy vs. People of the Philippines*, G.R. No. 189081, August 10, 2016; *Co vs. Muñoz, Jr.*, G.R. No. 181986, December 4, 2013.