



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
QUEZON CITY

SEVENTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Case No. SB-17-CRM-1782

-versus -

Present:

ALEX A. CENTENA,
VALENTIN D. SOBRETOD0,
MERIAM F. CELESTE,
CRISPINO V. CASTRO,
JOSE REX A. CASIPE,
MELANIE L. HILARIO,
RHODA LYN C. PANIZALES,
JOSE EDESO A. ENRIQUEZ,
LOURDES G. CORONADO,
ANA LERIO P. CASPILLO, and
JOSE B. BARREDO, JR.,
Accused.

Gomez-Estoesta, J., *Chairperson*
Trespeses, J. and
Hidalgo, J.

Promulgated:

MARCH 4, 2020

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DECISION

GOMEZ-ESTOESTA, J.:

In the Decision dated April 11, 2019 of this Court, accused Alex A. Centena, Valentin D. Sobretudo, Meriam F. Celeste, Jose Rex A. Casipe, Melanie L. Hilario, Rhoda Lyn C. Panizales, Jose Edeso A. Enriquez, and Ana Lerio P. Caspillo each pleaded guilty to the lesser offense of *Failure of Accountable Officer to Render Accounts* under Article 218 of the Revised Penal Code as part of their plea bargaining agreement with the Office of the Ombudsman. They were each imposed the penalty of fine of Five Thousand Pesos (P5,000.00) which they subsequently paid.¹ The civil liability of

¹ Already paid per Official Receipt No. 0381776D (for accused Alex a. Centena); Official Receipt No. 0381775D (for accused Jose Rex A. Casipe); Official Receipt No. 0381774D (for accused Ana Lerio P. Caspillo); Official Receipt No. 0381773D (for accused Meriam F. Celeste); Official Receipt No. 0381772D (for accused Rhoda Lyn C. Panizales); Official Receipt No. 0381771D (for accused Ma. Melanie L. Hilario); Official Receipt No. 0381777D (for accused Valentin D. Sobretudo); and Official Receipt No. 0381766D (for accused Jose Edeso A. Enriquez).

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₱999,000.00 was likewise paid by accused Alex A. Centena with the Office of the Municipal Treasurer of the Municipality of Calinog, Iloilo, as evidenced by Official Receipt No. 1183116 dated April 12, 2019.

Since remaining accused **Crispino V. Castro** ["Castro"] was physically indisposed when such plea bargaining was approved by the Court, it is at this time that said accused comes to Court to avail of the benefits of the same plea bargaining agreement.

To reiterate, the *Information* for Violation of Section 3(e) of R.A. 3019 filed against accused Castro, among others, alleged:

That on the 3rd day of May 2004, or sometime prior or subsequent thereto, in the Municipality of Calinog, Province of Iloilo, Philippines, and within the within the jurisdiction of this Honorable Court, accused Municipal Mayor ALEX A. CENTENA, Municipal Treasurer VALENTIN SOBRETOD, Acting Municipal Accountant MERIAM F. CELESTE, Municipal Agriculturist CRISPINO V. CASTRO, Municipal Supply Officer JOSE REX A. CASIPE, Bids and Awards Committee (BAC) Members Acting Municipal Administrator MELANIE L. HILARIO, Municipal Planning and Development Officer RHODA LYN C. PANIZALES, Municipal Engineer JOSE EDESO A. ENRIQUEZ, and Sangguniang Bayan Secretary ANA LERIO CASPILLO, all public officers, being employees of the Municipality of Calinog, Province of Iloilo, while in the performance of their official functions, committing the crime in relation to their office, and taking advantage of their official positions, conspiring and confederating with one another and with accused JOSE B. BARREDO, JR. (Barredo), a private person representing Feshan Philippines, Incorporated (Feshan), acting with manifest partiality, evident bad faith, or gross inexcusable negligence, did then and there willfully, unlawfully, and criminally give Feshan, through Jose B. Barredo, Jr., unwarranted benefits, privilege and advantage by entering into a contract with Feshan for the purchase of 666 bottles of Bio Nature Liquid Fertilizer at Php1,500.00 per bottle through the alternative method of procurement of direct contracting, and causing the payment of a total amount of Php999,000.00 within a day, based solely on José B. Barredo's representation that Feshan is the sole and exclusive distributor of Bio Nature Liquid Fertilizer without complying first with the mandatory public bidding as required under Republic Act No. 9184, as amended, and its implementing rules and regulations, thereby causing undue injury to the Municipality of Calinog, Iloilo in the amount of PHP999,000.00.

CONTRARY TO LAW.

Accused Castro, then wheelchair-bound, was arraigned on November 5, 2018 during the Court's provincial hearing in Iloilo City. He entered a plea of *not guilty*.²

As with his co-accused, accused Castro likewise remained persistent to plead guilty to the lesser offense of *Failure of Accountable Officer to Render Accounts* under Article 218 of the Revised Penal Code. His proposal to plea bargain now has the express approval of the Hon. Ombudsman Samuel R. Martires, which is the subject of today's consideration.

² Records, Volume 2, p. 477

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Upon inquiry in open court, accused Castro was fully apprised of the consequences of his intended plea. In clear terms, he stated in the affirmative that he understood the nature of the change of his plea; that if he pleaded guilty to the charge, he is deemed to have admitted all the accusations alleged in the Information to which a consequent penalty of *prision correccional in its minimum period, or a fine ranging from 200 to 6,000 pesos, or both* may be imposed pursuant to Article 218 of the Revised Penal Code.

The Court has satisfied itself that the accused has fully understood the nature and consequence of his change of plea.

Pursuant to Section 2 of Rule 116³ of the Revised Rules on Criminal Procedure, no amendment of the *Information* is thus necessary.

Upon re-arraignment of the Information for the lesser offense of *Failure of Accountable Officer to Render Accounts*, accused Castro entered a plea of *guilty*.

Let a plea of *guilty* be re-entered into the record of the case.

The mitigating circumstance of the plea of *guilty* would be appreciated in favor of the accused as the change of plea was made prior to the presentation of evidence by the prosecution.

WHEREFORE, judgment is hereby rendered finding accused **CRISPINO V. CASTRO** *guilty* beyond reasonable doubt of the lesser offense of *Failure of Accountable Officer to Render Accounts* defined and penalized under Article 218 of the Revised Penal Code.

Having appreciated in his favor the mitigating circumstance of the plea of *guilty*, accused **CRISPINO V. CASTRO** is imposed the penalty of **FINE** of **FIVE THOUSAND PESOS (P5,000.00)**.

The civil liability arising from the offense shall no longer be imposed considering the full settlement of the amount of P999,000.00 representing the amount of undue injury to the Municipality of Calinog, Iloilo.

SO ORDERED.

³ Sec. 2. Plea of guilty to a lesser offense. – At arraignment, the accused, with the consent of the offended party and prosecutor, may be allowed by the trial court to plead guilty to a lesser offense which is necessarily included in the offense charged. After arraignment but before trial, the accused may still be allowed to plead guilty to said lesser offense after withdrawing his plea of not guilty. No amendment of the complaint or information is necessary.


MA. THERESA DOLORES C. GOMEZ-ESTOESTA
Associate Justice, Chairperson

WE CONCUR:


ZALDY V. TRESPESES
Associate Justice


GEORGINA D. HIDALGO
Associate Justice

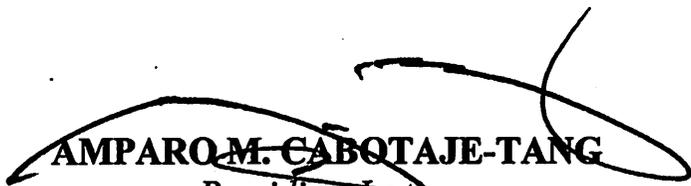
ATTESTATION

I attest that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


MA. THERESA DOLORES C. GOMEZ-ESTOESTA
Associate Justice, Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, and the Division Chairman's Attestation, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


AMPARO M. CABOTAJE-TANG
Presiding Justice