

REPUBLIC OF THE PHILIPPINES



Sandiganbayan

Quezon City

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THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

CRIM. CASE NO. SB-17-CRM-2081
*For : Violation of Section 3(e), R.A.
No. 3019, as amended*

TOMASA LUGA GUARDO, ET AL.,
Accused.

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DECISION

Accused Augusto Minguilian Duero, Marilou Cruz Cosmiano, Ruben Azarcon Liwagon, D Urbiztondo Pasco, George Ruadiel Arreza, Anita L. Paradiang, Reynaldo A. Orpina, Marlyn R. Plaza, Luis Arreza Daano, Eutenio P. Urbiztondo, Ronaldo Montenegro Gruyal and Joseph Cue Sy are charged with Violation of Section 3(e) of Republic Act (R.A.) No. 3019, as amended.

During their arraignment on August 24, 2018, the said accused entered separate pleas of not guilty. Thereafter, accused Duero, Cosmiano, Liwagon, Pasco, Arreza, Paradiang, Orpina, Plaza, Daano and Urbiztondo filed a "**Motion (to Enter into Plea Bargain).**" Likewise, accused Gruyal filed a "**Verified Motion (To Allow Accused Ronaldo M. Gruyal to Enter Into Plea Bargaining Agreement)**" dated February 8, 2020. The prosecution (through the Office of the Special Prosecutor [OSP]) submitted its "**Consolidated Comment on the Proposed Plea Bargaining**" dated December 2, 2020 based on its (OSP's) Memorandum, approved by the Ombudsman, stating that it does not interpose any objection to the proposed plea bargaining of the accused-movants subject to the following conditions:

- All the accused movants will plead guilty to the lesser offense of Frauds Against Public Treasury and Similar Offenses, defined and penalized under paragraph 1 of Article 213 of the Revised Penal Code;
- All the accused movants, including accused Gruyal, will restitute the entire amount of Two Hundred Twenty Thousand Pesos (P220,000.000), as alleged in the Information, in favor of the government; and
- All the accused movants will be sentenced to suffer the penalty of *prision correccional* in its medium period to *prision mayor* in its maximum period, or a fine ranging from P200 to P10,000.00, or both.

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In their Manifestation dated December 7, 2020, accused Duero, et al. expressed their conformity to the prosecution's recommendations, "subject to the additional plea that the penalty to be imposed shall be a fine of P1,000 each, with subsidiary penalty in case of insolvency, in accordance with the ruling of this Court in *People of the Philippines v. Espitacion Encallado, et al.* x x x, taking into account the spirit of Christmas and that all of them are first-time offenders."

In his Verified Manifestation dated December 28, 2020, Gruyal likewise expressed his consent to plead guilty to the lesser offense of Frauds against the public treasury and similar offenses under Article 213 of the Revised Penal Code. Gruyal reiterated his prayer that he be sentenced to a penalty of fine only (in the amount of P3,000.00 or such amount that this Court deems appropriate), but asked that he be excluded from restituting the entire amount of P220,000.00.

In its Resolution promulgated on February 3, 2021, the Court approved the motions filed by the said accused considering the conformity of the prosecution and the accused's corresponding agreement to the crime to which they would enter a guilty plea to. The Court thus set their re-arraignment today. After their re-arraignment, all the said accused pleaded **GUILTY** to the lesser offense of the crime punished under paragraph 1, Article 213 of the Revised Penal Code entitled "Frauds Against the Public Treasury and Similar Offenses." Thus, the Court vacated their earlier plea of "Not Guilty" and directed that a plea of "Guilty" to the said lesser offense be entered into the record of the case for them.

Considering the plea of **GUILTY** of accused Augusto Minguilian Duero, Marilou Cruz Cosmiano, Ruben Azarcon Liwagon, D Urbiztondo Pasco, George Ruadiel Arreza, Anita L. Paradiang, Reynaldo A. Orpina, Marlyn R. Plaza, Luis Arreza Daano, Eutenio P. Urbiztondo and Ronaldo Montenegro Gruyal, to the crime defined and penalized under paragraph 1, Article 213 of the Revised Penal Code, they are hereby found **GUILTY** of the said crime. Accordingly, they are hereby sentenced to pay a fine of Three Thousand Pesos (Php3,000.00) each and to retribute, jointly and severally, the amount of Two Hundred Twenty Thousand Pesos (Php220,000.00) in favor of the government to be paid in cash to the Court within fifteen (15) days from today.

SO ORDERED.

Given in open Court, Quezon City, February 26, 2021.


AMPARO M. CABOTAJE-TANG

Presiding Justice
Chairperson


BERNELITO R. FERNANDEZ

Associate Justice


RONALD B. MORENO

Associate Justice

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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.


AMPARO M. CABOTAJE-TANG
Chairperson, Third Division

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, and the Division Chairperson'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

