

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City
FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

SB-15-CRM-0119

AUGUSTO LIMCACO SYJUCO, JR.,
ET AL.,

Accused.

X-----X

O R D E R

In today's continuation of the proceedings conducted *via* partial remote hearing, the prosecution represented by Prosecutor Alvin C. Lobo appeared from a remote location. All the accused, namely: Santiago Mercado Yabut, Jr., Juanito Legaspi Belda, Clifford Anzo Paragua, Brenda Balagot Furagganan, Ma. Lourdes Ople Villanueva, Alfredo See Ching, Jr., Nelson See Ching, Renato Lopez Rufino and Fahmi Munap Asuncion assisted by their respective counsels, Atty. Hector Reuben D. Feliciano, Archimedes S. Marquez, and Atty. Atty. Mario Ryan E. Lauzon appeared in Court.

Earlier, on February 10, 2021, accused Clifford Anzo Paragua filed a *Motion to Allow accused Clifford Anzo Paragua to Plea Bargain to a Lesser Offense*. This motion was adopted by all the accused, namely: Santiago Mercado Yabut, Jr., Juanito Legaspi Belda, Clifford Anzo Paragua, Brenda Balagot Furagganan, Ma. Lourdes Ople Villanueva, Alfredo See Ching, Jr., Nelson See Ching, Renato Lopez Rufino and Fahmi Munap Asuncion, during the hearing on February 17, 2021. Thereafter, the prosecution submitted its conformity to this plea bargaining with the prior approval of the Ombudsman. Prior to this hearing, the members of this Division met, deliberated on and arrived at a consensus view to allow the plea bargaining and withdrawal of the original plea of not guilty to the original charge of violation of Section 3(e) of R.A. No. 3019.

Plea bargaining is authorized under Section 2, Rule 116 of the Revised Rules on Criminal Procedure, which reads:

“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.”

In allowing plea bargaining even after the prosecution has rested its case, the case of *Daan vs Sandiganbayan*, G.R. Nos. 163972-77, March 28, 2008, citing *People versus Mamarion* 459 *Phil. 51*, October 1, 2003, is instructive:

“The High Court allowed a plea bargaining agreement even after the prosecution has rested its case, subject to the sound discretion of the trial court.”

Consequently, all the accused were allowed as prayed for in the motion, to withdraw their original plea of “not guilty”.

After reading the information in a language known and understood by them and knowing the consequences of the charge, accused Santiago Mercado Yabut, Jr., Juanito Legaspi Belda, Clifford Anzo Paragua, Brenda Balagot Furagganan, Ma. Lourdes Ople Villanueva, Alfredo See Ching, Jr., Nelson See Ching, Renato Lopez Rufino and Fahmi Munap Asuncion, all pleaded guilty to Prohibited Acts and Transactions defined and penalized under Section 7(a) in relation to Section 11(a) of Republic Act 6713.

WHEREFORE, finding all the accused namely: Santiago Mercado Yabut, Jr., Juanito Legaspi Belda, Clifford Anzo Paragua, Brenda Balagot Furagganan, Ma. Lourdes Ople Villanueva, Alfredo See Ching, Jr., Nelson See Ching, Renato Lopez Rufino and Fahmi Munap Asuncion **GUILTY** of Prohibited Acts and Transactions defined and penalized under Section 7(a) in relation to Section 11(a) of R.A. No. 6713, the Court hereby sentences each accused to pay a fine of Five Thousand pesos (Php 5,000.00). Likewise, they are also ordered to pay the civil indemnity in favor of the government in the amount of One Million Pesos (Php 1,000,000.00), which the Court **NOTED** to have been duly paid under Official Receipt No. 8051863 dated July 15, 2021. Further, subject to the payment of the corresponding fine imposed upon each accused, the Cash Bonds

as well as the Travel Bond they have posted are hereby **ORDERED** released subject to the usual accounting and auditing procedures.

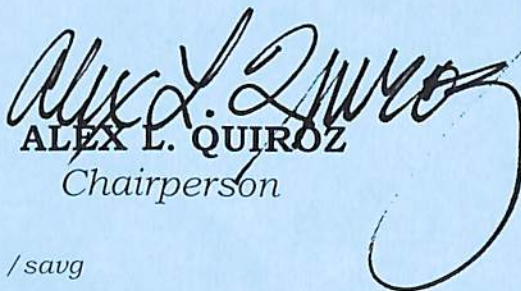
SO ORDERED.

Given in Open Court this 16th day of July 2021, Quezon City, Philippines.



LORIFEL LACAP PAHIMNA

Associate Justice



ALEX L. QUIROZ
Chairperson

/savg

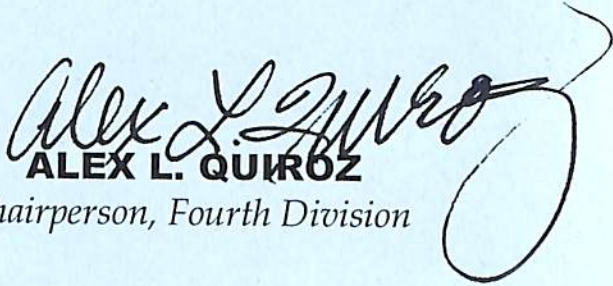


BAYANI H. JACINTO

Associate Justice

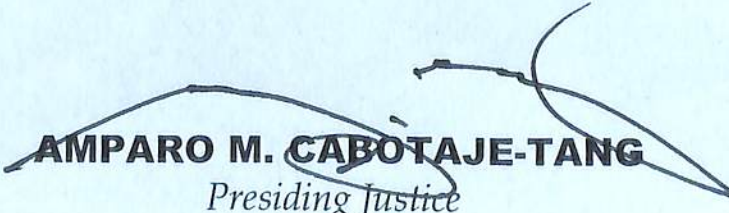
ATTESTATION

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


ALEX L. QUIROZ
Chairperson, Fourth 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