



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Criminal Case No. SB-
18-CRM-0458

For: *Violation of Section 3(e)*
of R.A. No. 3019

- versus -

SOLEDAD C. MONTILLA⁺,
RENATO P. MANILLA,
FERNANDO R. BALBIN,
PORFERIO E. CALDERON,
JR., ELIZER R. BALBIN, and
ALFREDO G. LIM⁺,

Accused.

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DECISION

Accused Soledad C. Montilla,¹ Renato P. Manilla, Fernando R. Balbin, Porferio E. Calderon, Jr., Elizer R. Balbin, and Alfredo G. Lim² are all charged with a Violation of Section 3(e) of Republic Act No. (R.A.) No. 3019.

During their arraignment on September 6, 2019, all of the accused entered a plea of "Not Guilty."³

On July 20, 2021, accused Manilla, Balbin, Calderon, and Balbin filed a "***Motion for Leave to Plead Guilty to Lesser Offense,***"⁴ praying that they be allowed to enter a plea of guilty

¹ Deceased

² Deceased

³ Record, Vol. II, p. 125

⁴ Record, Vol. II, pp. 630-632

DECISION

Criminal Case No. SB-18-CRM-0458

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to the lesser offense of *Frauds against the Public Treasury and Similar Offenses* as defined under paragraph 1, Article 213 of the Revised Penal Code.

In its "**Comment**" dated July 21, 2021, ⁵ the prosecution manifested its agreement to the offer of the accused to plea bargain. Thus, the proceedings were held in abeyance pending the conduct of the plea-bargaining negotiations.⁶

On April 26, 2022, the parties filed a "**Joint Motion to Approve the Attached Plea-Bargaining Agreement,**"⁷ together with their Plea-Bargaining Agreement dated December 15, 2021, for the approval of the Court. Under the *Plea-Bargaining Agreement*,⁸ the prosecution gave its consent to the accused's offer to plead guilty to the lesser offense of *Frauds against the Public Treasury and Similar Offenses*, defined and penalized under paragraph 1, Article 213 of the Revised Penal Code, subject to the sound discretion of the Court to impose the penalty it may deem proper, taking into consideration the absence of any aggravating or mitigating circumstance. The *Agreement* likewise stated that should a penalty of imprisonment be imposed, the same shall be without prejudice to the right of the accused to pray for the suspension of the execution of their sentence and to be placed under probation.

In its *Resolution* promulgated on May 12, 2022, the Court granted the motion and, accordingly, approved the Plea-Bargaining Agreement submitted by the parties considering that the requirements of the rules on plea bargaining set forth in Section 2, Rule 116 of the Rules of Court were complied with.⁹ Thus, the re-arraignment of the accused was set today.

In today's scheduled re-arraignment, accused Renato P. Manilla, Fernando R. Balbin, Porferio E. Calderon, Jr., and Elizer R. Balbin, duly assisted by their counsel, pleaded **GUILTY** to the lesser offense of *Frauds against the Public Treasury and Similar Offenses*, defined and penalized under paragraph 1, Article 213 of the Revised Penal Code. Thus, the Court vacated

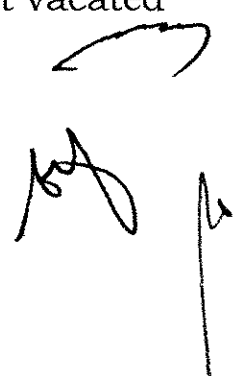
⁵ *Id.*, pp. 633-638

⁶ *Id.*, p. 661

⁷ *Id.*, pp. 717-739

⁸ *Id.*, pp. 710-714

⁹ Record, Vol. III, pp. 118-125

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their earlier pleas of "Not Guilty" and directed that a plea of "Guilty" to the said lesser offense be entered into the records of the case for the said accused.

Considering the plea of GUILTY of accused Renato P. Manilla, Fernando R. Balbin, Porferio E. Calderon, Jr., and Elizer R. Balbin, judgment is hereby rendered finding **RENATO P. MANILLA, FERNANDO R. BALBIN, PORFERIO E. CALDERON, JR., and ELIZER R. BALBIN GUILTY** of *Frauds Against the Public Treasury and Similar Offenses*, defined and penalized under paragraph 1, Article 213 of the Revised Penal Code. Accordingly, they are sentenced to pay a **FINE** of Forty Thousand Pesos (Php40,000.00) each, with subsidiary imprisonment in case of insolvency, to be paid to the Court within ten (10) days from today.

SO ORDERED.

Given in open Court, Quezon City, July 15, 2022.


AMPARO M. CABOTAJE-TANG

Presiding Justice

Chairperson


BERNELITO R. FERNANDEZ

Associate Justice

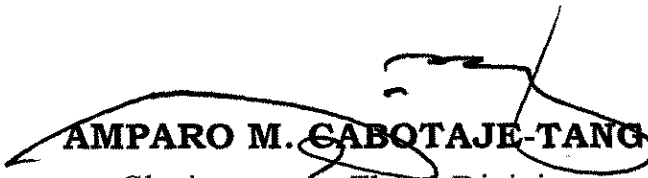

RONALD B. MORENO

Associate Justice

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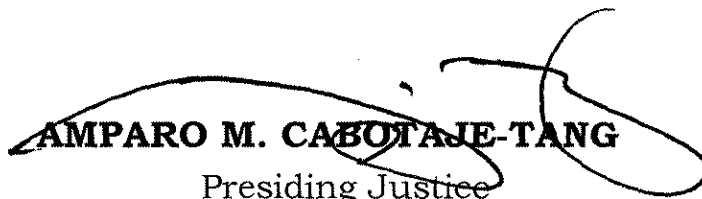
ATTESTATION

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. GABOTAJE-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

