



Republic of the Philippines
SANDIGANBAYAN
Quezon City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

SB-16-CRM-0264

For: Violation of Section
3(e), Republic Act No. 3019

SB-16-CRM-0265

For: Violation of Section
3(g), Republic Act No. 3019

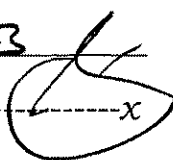
LEONIDES THERESA B. PLAZA, ET AL.
Accused.

x-----x

Present:

FERNANDEZ, B. R.,
J./Acting Chairperson
MORENO, R. B., J.
PAHIMNA, L. L., J.

Promulgated:

MAS SP023  x



x-----x

DECISION

B. R. FERNANDEZ, J.

Accused Lucio D. Lapidez is charged with violation of Sections 3(e) and 3(g), both of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, as amended.

During his arraignment on November 28, 2022, accused Lucio D. Lapidez entered separate pleas of "Not Guilty" to the Amended Informations in these cases. The pre-trial was set on

X-----X

February 10, 2023 although accused intends to seek a possible plea bargain agreement.

In the Court's **Resolution** dated **December 12, 2022**, the prosecution was given a period of ten (10) days from notice to file its comment and/or opposition to the "Plea Bargaining Proposal" filed by accused Lucio D. Lapidez, through counsel, which was received through mail on December 9, 2022.

Thereafter, the Court issued the following resolutions:

1. **Resolution** dated **January 19, 2023** -the prosecution and accused Lucio D. Lapidez were given a non-extendible period of thirty (30) days from notice to conduct plea bargain negotiations, and to submit the result thereof within the same period;
2. **Resolution** dated **January 26, 2023** – the prosecution was given a non-extendible period of ten (10) days from notice to file its comment and/or opposition to accused Lucio D. Lapidez's amended plea bargaining proposal;
3. **Resolution** dated **February 20, 2023** - the prosecution's comment with manifestation relative to accused Lapidez's amended plea bargaining proposal was noted, and that it was directed to timely comply with the Court's Resolution dated January 19, 2023; and,
4. **Resolution** dated **March 8, 2023** – the Plea Bargaining Proposal and Amended Plea Bargaining Proposal both filed by accused Lucio D. Lapidez, through counsel, were submitted for resolution.

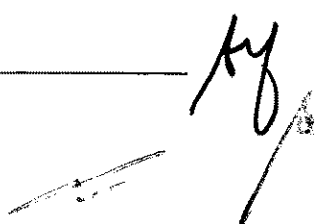
In its **Resolution** promulgated on **April 4, 2023**, the Court granted and approved accused Lucio D. Lapidez's Amended Plea Bargaining Proposal, and set his re-arraignment on May 5, 2023.

As shown in the Memorandum dated February 9, 2023 prepared by the panel of prosecutors, which was attached to the prosecution's Supplement (To Plaintiff Compliance dated 1 March 2023), the pertinent portion reads:

This refers to the Amended Plea Bargaining Proposal dated 18 January 2023 filed by accused Lucio D. Lapidez (Lapidez) through his counsel in the above captioned case. In

*As per Administrative Order No. 109-2023 dated May 3, 2023.

**As per Administrative Order No. 018-2023 dated May 3, 2023.



X-----X

the said amended Plea Bargaining Proposal, accused Lapidez manifests his intention and willingness to bargain and withdraw his previous plea and thereafter plead guilty to the lesser crime/offense of *Frauds Against Public Treasury and Similar Offenses* under Article 213 paragraph 1 of the Revised Penal Code (RPC) and further proposed to pay a fine only PhP10,000.00 for each offense and without the penalty of imprisonment.

Upon cursory reading, it would appear that the crime of *Frauds Against Public Treasury* is necessarily included in the charge of violation of Sec. 3(e) of R.A. 3019. A comparison of the elements of the crime of *Frauds Against the Public Treasury* defined and punished under Article 213 (1) of the Revised Penal Code and those of violation of Sec. 3(e) and (g) of R.A. 3019, shown that there are similarities between the two.

xxx.XXX...xxx

WHEREFORE, premises considered, it is respectfully recommended that the undersigned prosecutors give their consent to the proposed plea bargaining agreement with accused Lucio D. Lapidez in *SB-16-CRM-0264 to 0265* and the civil liability accompanying the criminal cases as well as the fine be addressed to the sound discretion of the Honorable court.

Respectfully submitted, 09 February 2023"


Thereafter, accused Lapidez was re-arraigned on May 5, 2023 and he pleaded guilty to the lesser offense of frauds against public treasury for both Informations.

WHEREFORE, considering the separate pleas of GUILTY of accused Lucio D. Lapidez in the aforesaid cases, judgment is hereby rendered as follows:

1. In **SB-16-CRM-0264** -Accused Lucio D. Lapidez is hereby found **GUILTY** of Frauds Against Public Treasury, defined and penalized under Article 213 of the Revised Penal Code, as amended, Accordingly, he is sentenced to pay a **Penalty of Fine** in the amount of **Ten Thousand Pesos (P10,000.00)**, with subsidiary imprisonment in case of insolvency, to be paid in cash within **ten (10) days** from even date: and
2. In **SB-16-CRM-0265** -Accused Lucio D. Lapidez is hereby found **GUILTY** of Frauds Against Public

*As per Administrative Order No. 109-2023 dated May 3, 2023.

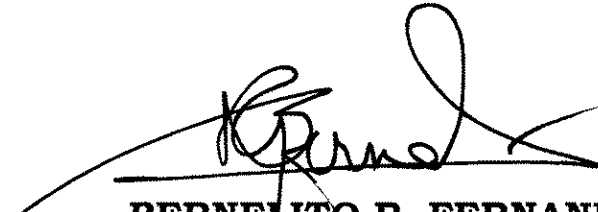
**As per Administrative Order No. 018-2023 dated May 3, 2023.



X-----X

Treasury, defined and penalized under Article 213 of the Revised Penal Code, as amended, Accordingly, he is sentenced to pay a **Penalty of Fine** in the amount of **Ten Thousand Pesos (P10,000.00)**, to be paid in cash within **ten (10) days** from even date.

SO ORDERED.



BERNELITO R. FERNANDEZ
Associate Justice
Acting Chairperson

We concur:



RONALD B. MORENO
Associate Justice



LORIFEL L. PAHIMNA*
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.



BERNELITO R. FERNANDEZ
Acting Chairperson

*As per Administrative Order No. 109-2023 dated May 3, 2023.

**As per Administrative Order No. 018-2023 dated May 3, 2023.

X-----X

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, 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.


EFREN N. DE LA CRUZ**
Acting Presiding Justice

*As per Administrative Order No. 109-2023 dated May 3, 2023.

**As per Administrative Order No. 018-2023 dated May 3, 2023.

