



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, SB-12-CRM-0274-0282
Plaintiff, For: *Malversation of Public Funds*
(Art. 217 of the Revised Penal Code)

- versus -

LUZVIMINDA S. VALDEZ, ET AL. Present :
Accused.

FERNANDEZ, SJ, J., Chairperson
MIRANDA, J. and
VIVERO, J.

Promulgated:

AUG 13 2020

X-----X

RESOLUTION

FERNANDEZ, SJ, J.

For resolution is the suspension *pendente lite* of accused Lalaine A. Villalva under Section 13 of R.A. No. 3019.

In a *Resolution* dated February 17, 2020,¹ pursuant to Rule VIII, Sec. 4 of the 2018 *Revised Internal Rules of the Sandiganbayan*,² the Court ordered accused Lalaine A. Villalva to show cause why she

¹ Record, Volume 4, p. 489.

² *Sec. 4. Suspension Pendente Lite.* - After the arraignment of an accused public officer against whom a valid information charging any of the violations referred to in Section 13 of R.A. No. 3019 is filed, the Sandiganbayan shall *motu proprio* give the said accused a non-extendible period of ten (10) calendar days from notice within which to explain in writing why he should not be preventively suspended. Thereafter, the Sandiganbayan shall issue an order of preventive suspension of the accused, if found warranted under the aforesaid provision of R.A. No. 3019, as well as applicable decisions of the Supreme Court.

RESOLUTION

PP vs. Luzviminda S. Valdez, et al.
Crim. Cases No. SB-12-CRM-0274 to 0282

Page 2 of 5

x-----x

should not be suspended *pendente lite* in accordance with Section 13 of Republic Act No. 3019.

On June 24, 2020, accused Villalva filed a *Manifestation*³ attaching thereto a copy of an *Order* dated June 29, 2012 issued by the Office of the Ombudsman Regional Office (Visayas). In her *Manifestation*, accused Villalva argues that she should not be suspended *pendente lite* because in its *Order* dated June 29, 2012, the Office of the Ombudsman, finding her guilty for less serious dishonesty in OMB-V-A-05-0268-F, imposed upon her the penalty of suspension from office for six (6) months and one (1) day.

THE COURT'S RULING

The Court finds that all the requisites for the suspension *pendente lite* of accused Lalaine A. Villalva, pursuant to Sec. 13 of R.A. No. 3019, are present.

Sec. 13 of R.A. No. 3019 provides:

Sec. 13. Suspension and loss of benefits. – Any incumbent public officer against whom any criminal prosecution under a valid information under this Act or under Title 7, Book II of the Revised Penal Code or for any offense involving fraud upon government or public funds or property whether as a simple or as complex offense and in whatever stage of execution and mode of participation, is pending in court shall be suspended from office. Should he be convicted by final judgment, he shall lose all retirement or gratuity benefits under any law, but if he is acquitted, he shall be entitled to reinstatement and to the salaries and benefits which he failed to receive during suspension, unless in the meantime administrative proceedings have been filed against him.

x x x

(underscoring supplied)

Under the aforequoted provision, suspension from office is mandatory whenever a valid Information charges an incumbent public officer with (1) violation of R.A. No. 3019; (2) violation of Title 7, Book II of the Revised Penal Code; (3) any offense involving fraud upon government; or (4) any offense involving fraud upon public funds or property.⁴

³ Dated March 6, 2020.

⁴ *Bustillo v. Sanligaran*, G.R. No. 146217, April 7, 2006.

RESOLUTION

PP vs. Luzviminda S. Valdez, et al.
Crim. Cases No. SB-12-CRM-0274 to 0282

Page 3 of 5

x-----x

In this case, accused Villalva is an incumbent public officer. She is currently a Records Officer II at the Administrative Division of the City Treasurer's Office of Bacolod City.⁵

Accused Villalva is indicted for *Malversation of Public Funds*, penalized and defined in Article 217, Title 7, Book II of the Revised Penal Code. She entered her plea of *not guilty* on November 18, 2013.⁶ Thus, in so far as this Court is concerned, there is no more question as to the validity of the *Information* against accused Villalva.

Clearly, all the requisites for the imposition of suspension *pendente lite*, pursuant to Sec. 13 of R.A. No. 3019, are present. Thus, the suspension of accused Villalva *pendente lite* is mandatory.

That accused Villalva was already suspended by the Office of the Ombudsman Regional Office (Visayas), in its *Order* dated June 29, 2012, is of no moment.

In *Villaseñor v. Sandiganbayan (5th Division)*,⁷ the Supreme Court explained the three-fold responsibility of public officers for a violation of their duty, or for their wrongful act or omission. The Court explained that criminal and administrative liabilities of public officers are distinct and separate from one another, and that the proceedings in one, do not affect the other. The High Court said:

Significantly, there are three kinds of remedies that are available against a public officer for impropriety in the performance of his powers and the discharge of his duties: (1) civil, (2) criminal, and (3) administrative. These remedies may be invoked separately, alternately, simultaneously or successively. Sometimes, the same offense may be the subject of all three kinds of remedies:

Defeat of any of the three remedies will not necessarily preclude resort to other remedies or affect decisions reached thereunder, as different degrees of evidence are required in these several actions. In criminal cases, proof beyond reasonable doubt is needed whereas a mere preponderance of evidence will suffice in civil cases. In administrative proceedings, only substantial evidence is required.

It is clear, then, that criminal and administrative cases are distinct from each other. The settled rule is that criminal and civil cases are altogether different from administrative matters, such that the first two will not inevitably govern or affect the third and vice

⁵ p.2, Judicial Affidavit of Lalaine Villalva dated March 4, 2020.

⁶ Record, vol. 1 p. 706.

⁷ G.R. No. 180700, March 4, 2008.

RESOLUTION

PP vs. Luzviminda S. Valdez, et al.
Crim. Cases No. SB-12-CRM-0274 to 0282

Page 4 of 5

x-----x

versa. Verily, administrative cases may proceed independently of criminal proceedings.

Socrates v. Sandiganbayan, citing the Court's pronouncements in *Luciano v. Provincial Governor*, recounted:

The Court then hastened to clarify that such a view may not be taken as an encroachment upon the power of suspension given other officials, reiterating in the process **that a line should be drawn between administrative proceedings and criminal actions in court, that one is apart from the other.** x x x

Based on the foregoing, criminal actions will not preclude administrative proceedings, and vice-versa, insofar as the application of the law on preventive suspension is concerned.

(Underscoring supplied)

Indeed, administrative and criminal charges are separate and distinct from each other even if they arise from the same act or omission.⁸ This Court is not precluded from suspending the accused *pendente lite* pursuant to Sec. 13 of R.A. No. 3019 even if the charge against accused Villalva in this criminal action arose from the same act for which she was suspended by the Office of the Ombudsman in the administrative case. The penalty of suspension imposed on accused Villalva by the Office of the Ombudsman has no effect on the present case.

Sec. 13 of R.A. No. 3019 is so clear and explicit that there is hardly room for any extended court rationalization of the law. The provision unequivocally mandates the suspension of a public official from office pending a criminal prosecution under RA 3019 or Title 7, Book II of the Revised Penal Code or for any offense involving public funds or property or fraud on government. Once the information is found to be sufficient in form and in substance, the court must issue the order of suspension as a matter of course. There are no 'ifs and buts' about it.⁹

WHEREFORE, premises considered, the Court orders the suspension *pendente lite* of accused **LALAINÉ A. VILLALVA** as Records Officer II, Administrative Division of the City Treasurer's Office

⁸ *Gonzales vs. Serrano*, G.R. No. 175433, March 11, 2015.

⁹ *Socrates v. Sandiganbayan, et al.*, 253 SCRA 773, 794-797 (1996).

RESOLUTION

PP vs. Luzviminda S. Valdez, et al.
Crim. Cases No. SB-12-CRM-0274 to 0282

Page 5 of 5

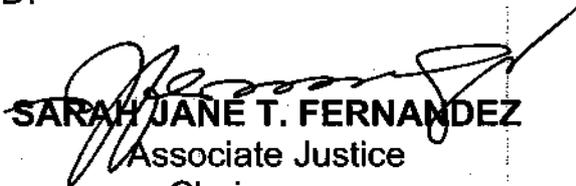
x-----x

of Bacolod City, and from any other public positions she may now or hereafter hold for a period of ninety (90) days from receipt of this Resolution.

Let a copy of this Resolution be furnished the Mayor of Bacolod City for the implementation of this order of suspension. The Mayor of Bacolod City is requested to inform the Court of the action taken thereon within fifteen (15) days from receipt hereof.

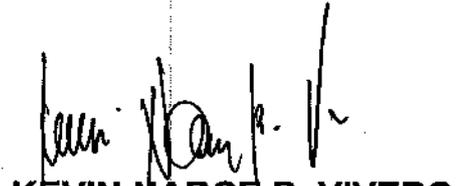
The suspension of accused Villalva shall automatically be lifted upon the expiration of the ninety-day period from the implementation of this Resolution.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice