



REPUBLIC OF THE PHILIPPINES  
*Sandiganbayan*  
Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on March 17, 2021

PRESENT:

HON. SARAH JANE T. FERNANDEZ.....Associate Justice  
HON. KARL B. MIRANDA.....Associate Justice  
HON. KEVIN NARCE B. VIVERO.....Associate Justice

The following resolution was adopted:

SB-11-CRM-0019 and 0020 –

PEOPLE vs. ANICETO P. LOPEZ, JR., ET AL.

In the Resolution dated January 11, 2021, the Court granted accused Aniceto P. Lopez, Jr.'s *Motion to Lift Bail* and ordered the release of his cash bond. The Court further ordered that a commitment order be issued, and that he be transferred to the New Bilibid Prison.

Subsequently, in the Resolution dated March 2, 2021, the Court denied the *Motion for Reconsideration* of accused Lopez, thereby, affirming the Decision dated December 4, 2020 finding him guilty beyond reasonable doubt of Illegal Exaction under paragraphs 2(a) and 2(b) of Art. 213 of the Revised Penal Code.

In his instant *Motion for Reconsideration and to Withdraw Motion to Lift Bail*,<sup>1</sup> accused Lopez prays that his previous *Motion to Lift Bail* be withdrawn. He further prays that he be allowed provisional liberty under the same bail and remain in detention in Sarangani Provincial Jail on the following grounds:

- a. He is facing several charges in Sarangani Province for Violation of R.A. No. 10591, Violation of R.A. No. 9516, and Violation of R.A. No. 9165, and is considered to be a “high-risk PDL;”
- b. His right to confront and cross-examine the witness against him may be impaired and prejudiced if he is transferred to the New Bilibid Prison;

<sup>1</sup> Dated March 4, 2020 [sic] and filed by electronic mail on March 5, 2021

- c. Preparing for trial will be difficult due to the distance and health constraints;
- d. He is 59 years old, and is at high risk of contracting COVID-19; and.
- e. Transporting him from Sarangani Provincial Jail to the New Bilibid Prison poses a threat to his life and security.

In its *Comment (Re: Motion for Reconsideration and to Withdraw Motion to Lift Bail of Accused Aniceto P. Lopez, Jr. dated 04 March 2021)*,<sup>2</sup> the prosecution opposes accused Lopez's plea to be allowed continued confinement at Sarangani Provincial Jail in view of the fact that the Court affirmed accused Lopez's conviction for two (2) counts of Illegal Exaction. However, the prosecution will withdraw its opposition, for humanitarian consideration, if said accused posts another cash bond for the crimes for which he was adjudged guilty.

The Court resolves to **GRANT** accused Lopez's *Motion for Reconsideration*. As prayed for, the Court's Resolution dated January 11, 2021, ordering the release of his cash bond and the issuance of a commitment order, is hereby reconsidered and **SET ASIDE**. The Court further allows accused Lopez's continued provisional liberty on the same cash bond during the pendency of his appeal.<sup>3</sup>

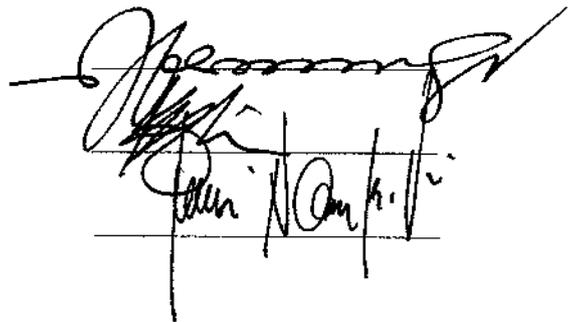
**SO ORDERED.**

**APPROVED:**

**FERNANDEZ, S.J, J., Chairperson**

**MIRANDA, J.**

**VIVERO, J.**



<sup>2</sup> Dated March 15, 2021 and filed by electronic mail on even date

<sup>3</sup> *Rules of Court. Rule 114, Sec. 5. Bail, when discretionary.* – Upon conviction by the Regional Trial Court of an offense not punishable by death, *reclusion perpetua*, or life imprisonment, admission to bail is discretionary. The application for bail may be filed and acted upon by the trial court despite the filing of a notice of appeal, provided it has not transmitted the original record to the appellate court. However, if the decision of the trial court convicting the accused changed the nature of the offense from non-bailable to bailable, the application for bail can only be filed with and resolved by the appellate court.