



Republic of the Philippines
SANDIGANBAYAN
Commonwealth Avenue, Quezon City

FIFTH DIVISION

People of the Philippines,
Plaintiff,

Crim. Case No. SB-16-CRM-1079
For: Violation of Art. 177 of the
Revised Penal Code

- versus -

NELSON GAMALIEL F. GARCIA, ET AL.
Accused.

Present:

LAGOS, J., Chairperson
MENDOZA-ARCEGA, J., and
CORPUS-MAÑALAC, J.

Promulgated:

June 25, 2021 *mea*

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RESOLUTION

LAGOS, J:

This treats of the *APPLICATION FOR PROBATION* dated January 20, 2021 filed by accused **Emmylou Q. Cabonilas**,¹ who was convicted of the charge of Usurpation of Official Functions, defined and penalized under Article 177 of the Revised Penal Code per Court's Decision promulgated on November 6, 2020. She was sentenced to suffer the penalty of indeterminate imprisonment of Two (2) months and One (1) day of *Arresto Mayor*, as minimum, to One (1) year, Eight (8) months and Twenty-one (21) days of *Prision Correccional*, as maximum.²

In Compliance with the Resolution of the Court promulgated on 08 February 2021,³ Senior Probation & Parole Officer Pamela Constanca C. Jusay, of the Carcar City Parole and Probation Office, submitted a Post-Sentence Investigation Report dated April 5, 2021

¹ Record, Volume 4, pages 363-365.

² Decision promulgated on November 06, 2020; Record, Volume 4, pages 248-316.

³ Record, Volume 4, pages 382-385.

mea

which bears the approval of Chief Probation and Parole Officer Florita L. Vitor, recommending the approval of accused's probation in this case.

After having evaluated the Post-Sentence Investigation Report, the Court finds the recommendation therein for the granting of the probation of the accused to be in order.

WHEREFORE, the *Application for Probation* of accused Emmylou Q. Cabonilas is **GRANTED**. The accused shall undergo probation, under the following conditions which she must comply, to wit:

- a. That her probation period shall be **ONE (1) YEAR** to be counted from probationer's initial report for supervision;
- b. Probationer shall report initially to the Chief Probation and Parole Officer of Carcar City Parole and Probation Office within **seventy-two (72) hours** from receipt of the order granting her probation;
- c. Probationer shall thereafter, report to the Supervising Officer of Carcar City Parole and Probation Office **at least ONCE A MONTH**, unless otherwise modified by the Chief Probation and Parole Officer;
- d. Probationer shall reside in **Ilaya, Dumanjug, Cebu**, and shall not change her residence without prior approval of the Supervising Officer or of the Court, as the case may be;
- e. Probationer shall not engage in any illegal activity and should not commit another and similar crimes;
- f. Probationer shall refrain from associating with persons of questionable character;
- g. Probationer shall devote herself to a specific employment and shall not change said employment without prior notice to the Supervising Officer;
- h. Probationer shall allow her Supervising Officer or any authorized volunteer aide to visit her home or place of work;



- i. Probationer shall secure a written travel permit to travel outside the jurisdiction of the of the Parole and Probation Office, from the Chief Probation and Parole Officer and from the Court, if such travel exceeds thirty (30) days;
- j. Probationer shall attend and participate in the **Therapeutic Community Modality Training**;
- k. Probationer shall undergo medical, psychological or psychiatric examination and treatment, and shall remain in a specified institution, when required for that purpose;
- l. Probationer shall **plant and nurture trees and render community work service**;
- m. Probationer shall cooperate with her program of supervision, and shall satisfy any other conditions related to her rehabilitation and not unduly restrictive of her liberty incompatible with her freedom of conscience.

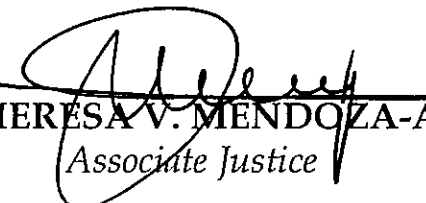
In the event that Probationer fails to observe the preceding conditions and/or has committed any material misrepresentation in her application for probation, her probation may be revoked by the Court or the conditions thereof modified.


SO ORDERED.

Quezon City, Philippines.


RAFAEL R. LAGOS
Chairperson
Associate Justice

We Concur:


MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice


MARYANN E. CORPUS-MAÑALAC
Associate Justice

RESOLUTION on the Application for Probation of Emmylou Q. Cabonilas
Crim. Case No. SB-16-CRM-1079: People of the Philippines vs. NELSON GAMALIEL F. GARCIA, ET AL.

4 | Page

With my conformity:



Emmylou Q. Cabonilas
Probationer

With the assistance of my counsel:



Atty. EMMANUEL A. FAMOR, JR.
Counsel for the Probationer