



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

Third Division

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Criminal Case No.
SB-16-CRM-0183 to
0184

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

-versus-

SB-16-CRM-0185 to
0186

*For: Malversation of
Public Funds*

MARC DOUGLAS CHAN CAGAS IV,
ET AL.,

Accused.

X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-0642 to
0643

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

SB-16-CRM-0644
*For: Malversation
Through Falsification*

SB-16-CRM-0645
*For: Malversation
Through Falsification*


X-----X

-versus-

MARC DOUGLAS CHAN CAGAS IV, Present:
ET AL.

Accused. Cabotaje-Tang, A.M., PJ,
Chairperson
Fernandez, B.R., J. and
Moreno, R.B. J.

PROMULGATED:

July 12, 2022 

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RESOLUTION

Moreno, J.:

For resolution is the *Omnibus Motion and Manifestation*¹ filed by accused Marc Douglas Chan Cagas IV, through his counsel, on May 19, 2022, to which the prosecution filed an *Opposition x x x*² on May 24, 2022.

In his Motion, accused Cagas' IV prayed that he "be allowed to withdraw his payment in the amount of P63,000.00 as satisfaction for the penalties of fine imposed on him, and in lieu thereof, he be allowed to serve the penalties of fine and imprisonment by way of probation x x x."³

Cagas averred that after this Court convicted him of the lesser crimes of frauds against public treasury; failure to render accounts; and falsification on May 13, 2022, he paid the amount of ₱63,000.00 on the same day representing the total amount of fines imposed on him.

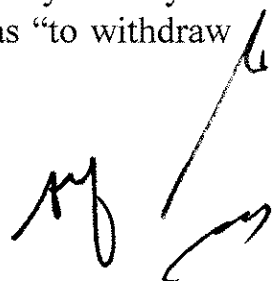
Cagas' counsel claimed that he inadvertently allowed his client (Cagas) to immediately satisfy the penalties of fine "inadvertently forgetting that under Republic Act No. 10707 x x x, a penalty of fine may already be served by way of probation."⁴ He added that allowing Cagas "to withdraw

¹ Record, vol IV, pp. 428-431.

² *Id.* at 492-498.

³ *Id.* at 430.

⁴ *Id.* at 429.



his payment and/or satisfaction of the penalties of fine and to allow him to serve the penalties of fine in SB-16-CRM-0183 x x x; and imprisonment as regards SB-17-CRM-0644 will enable the accused to avail of the full benefits of the probation law, as amended, that is, to restore all civil rights lost or suspended as a result of his conviction and to totally extinguish his criminal liability as to the offenses for which probation was granted.”⁵ Cagas additionally claimed that he has all the qualifications and none of the disqualifications under the Probation Law.

In its *Opposition*, the People of the Philippines (through the Office of the Special Prosecutor), prayed for the denial of Cagas’ motion for lack of merit. It countered that Cagas may avail of the benefits of probation (in relation to his convictions that imposed only a fine) only when it is shown that he is insolvent, i.e., he has no property with which to pay the fine. The prosecution pointed out that Cagas was able to pay the fines, negating the possibility that he is insolvent. It thus argued that subsidiary imprisonment finds no application in this case.

The prosecution maintained that the payment by Cagas of the P63,000.00 had not been made by mistake, since he was required by this Court to pay the fines imposed on him within 10 days from May 13, 2022.

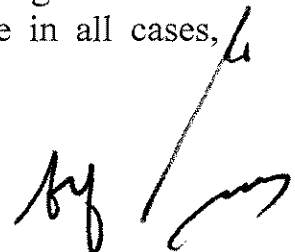
THE COURT’S RULING:

We find the present motion **unmeritorious**.

Plea bargaining in criminal cases is a process where the accused and the prosecution work out a mutually satisfactory disposition of the case subject to court approval. It usually involves the defendant pleading guilty to a lesser offense or to only one or some of the counts of a multi-count indictment in return for a lighter sentence than that for the graver charge.⁶

To recall, accused Cagas, via the *Joint Motion to Approve Attached Plea-Bargaining Agreement x x x* that it filed with the prosecution, agreed to enter a plea of guilty to the following offenses; frauds against public treasury under Article 213, paragraph 1 of the Revised Penal Code; failure of accountable officer to render accounts under Article 218 of the RPC; and falsification under Article 172, paragraph 2 of the same Code, subject to the prosecution’s condition that Cagas will retribute the amount of ₱12,950,000.00. This Court approved the said *Joint Motion*, and set the re-arraignment of Cagas after it had received proof of payment by the accused of this amount. Accordingly, the Court convicted Cagas of the aforementioned lesser offenses, and imposed on him a fine in all cases,

⁵ *Id.* at 429.



X-----X

except in the conviction for falsification in SB-17-CRM-0644 where we imposed a penalty of imprisonment and a fine.

We thus find surprising Cagas' insistence on withdrawing the amount of fines that he paid, considering that these were part of the penalties imposed by this Court. We emphasize that the crimes of frauds against public treasury; failure of accountable officer to render accounts; and falsification impose a penalty of either: (a) imprisonment and/or fine; or (b) imprisonment and fine. For clarity, the penalties for the crimes to which Cagas entered into a plea of guilty to are as follows:

- Art. 213. *Frauds against the public treasury and similar offenses.* - The penalty of *prisión correccional* in its medium period to *prisión mayor* in its minimum period, or a fine ranging from Forty thousand pesos (₱40,000) to Two million pesos (₱2,000,000), or both, shall be imposed upon any public officer who:

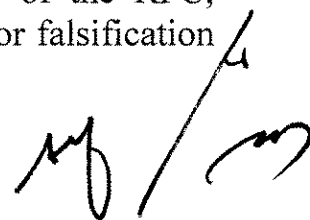
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- Art. 218. *Failure of accountable officer to render accounts.* - Any public officer, whether in the service or separated therefrom by resignation or any other cause, who is required by law or regulation to render account to the Commission on Audit, or to a provincial auditor and who fails to do so for a period of two (2) months after such accounts should be rendered shall be punished by *prisión correccional* in its minimum period, or by a fine ranging from Forty thousand pesos (₱40,000) to One million two hundred thousand pesos (₱1,200,000), or both.
- Art. 172. *Falsification by private individual and use of falsified documents.* - The penalty of *prisión correccional* in its medium and maximum periods and a fine of not more than One million pesos (₱1,000,000) shall be imposed upon:

X X X X

Accordingly, when Cagas agreed to enter a plea of guilty to the lesser offenses of frauds against public treasury under Article 213, paragraph 1 of the Revised Penal Code; failure of accountable officer to render accounts under Article 218; and falsification under Article 172, paragraph 2 of the same Code, it was reasonably expected of him to know that these crimes were punishable by either imprisonment or a fine, or both.

As earlier stated, this Court, pursuant the provisions of the RPC, imposed on him a fine in all cases, except in the conviction for falsification



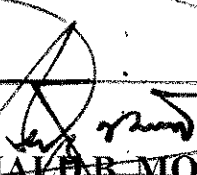
in SB-17-CRM-0644 (where it imposed a penalty of imprisonment and a fine). Simply put, the imposition of fines was therefore a necessary consequence of Cagas' convictions for the subject lesser crimes, and there was nothing irregular in this Court's directive to Cagas to pay the fines imposed within ten (10) days from May 13, 2022.

Cagas, based on his submissions, is already expecting this Court to allow him to undergo probation. While we cannot take away the right of Cagas to apply for probation, we emphasize that probation is not an absolute right. It is a mere privilege whose grant rests upon the discretion of the trial court. The Probation Law, in fact, lays out rather stringent standards regarding who are qualified for probation. Accordingly, Cagas' qualifications to avail of this privilege will be determined by this Court at the time of his application.

WHEREFORE, in light of all the foregoing, the present omnibus motion filed by accused Marc Douglas Chan Cagas IV is **DENIED** for lack of merit.


SO ORDERED.

Quezon City, Philippines.

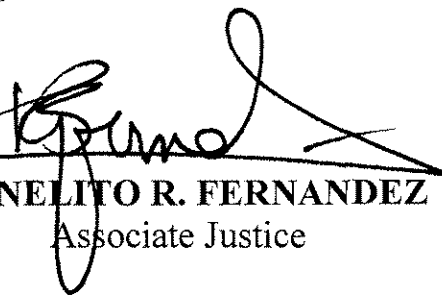


RONALD B. MORENO
Associate Justice

WE CONCUR:



AMPARO M. CABATAJE-TANG
Presiding Justice
Chairperson



BERNELITO R. FERNANDEZ
Associate Justice