



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

Second Division

MINUTES of the proceedings held on September 5, 2022.

Present:

Hon. **OSCAR C. HERRERA, JR.** Chairperson/Associate Justice

Hon. **EDGARDO M. CALDONA** Associate Justice

Hon. **ARTHUR O. MALABAGUIO** Associate Justice

The following resolution was adopted in:

Criminal Cases Nos. SB-22-CRM-0112 and 0113
People v. Zuriel S. Zaragoza, et.al.

For resolution of the Court in these cases is a ***Motion to Amend Informations***¹ dated August 9, 2022 filed by the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, praying the Court to admit the ***Amended Informations***² dated July 18, 2022 attached thereto.

In connection with the aforementioned motion, accused Zuriel S. Zaragoza and Edgardo Zaragoza, through counsel, filed a ***Manifestation with Omnibus Motion to 1) Allow Accused to File Their Comment On/Opposition To The Motion to Amend; 2) Set The Motion To Amend Information For Hearing And Forthwith Deny Said Motion To Amend; and 3) Defer Arraignment Pending The Resolution And/Or Denial Of The Motion To Amend***³ dated August 16, 2022, to which the plaintiff, through counsel, filed a ***Comment/Opposition Re: Manifestation with Omnibus Motion To 1. allow accused to file their Comment on/Opposition to the Motion to amend; 2. set the motion to amend information for hearing and forthwith deny said motion to amend; and 3. Defer arraignment pending the resolution and/or denial of the motion to amend dated 16 August 2022, filed the resolution and/or denial of the motion to amend dated 16 August 2022, filed by accused Zuriel Zaragoza and Edgardo Zaragoza***⁴ dated August 16, 2022.

¹ Record, pp. 373-379

² Id, pp. 380-385

³ Id, pp. 391-396

⁴ Id, pp. 409-411

In a **Resolution**⁵ dated August 18m 2922, the Court gave the accused in these cases a period of five (5) days from notice within which to file their comment on the **Motion To Amend Informations**.

On September 1, 2022, accused Zuriel S. Zaragoza and Edgardo Zaragoza, through counsel, filed a **Motion to File And Admit Comment/Opposition (To the Motion to Amend Informations dated 9 August 2022)**⁶ dated August 31, 2022. Their comment/opposition is already part of said motion.

The Court has already deferred the resolution of the **Motion to Amend Informations**. On the other hand, the Court hereby admits the comment/opposition of accused Zuriel Zaragoza and Edgardo Zaragoza. The Court will now proceed to resolve the **Motion To Amend Informations**.

To begin with, the accused in these cases have not yet been arraigned. They have not yet entered their pleas to the charges against them.

Section 14, Rule 110 of the **Rules of Court** provides:

“SEC. 14. Amendment or Substitution. – A complaint or information may be amended, in form or in substance, without leave of court, at any time before the accused enters his plea. After the plea and during the trial, a formal amendment may only be made with leave of court and when it can be done without causing prejudice to the rights of the accused.

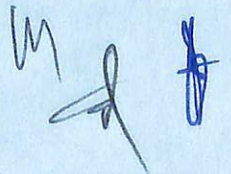
However, any amendment before plea, which downgrades the nature of the offense charged in or excludes any accused from the complaint or information, can be made only upon motion by the prosecutor, with notice to the offended party and with leave of court. The court shall state its reasons in resolving the motion and copies of its order shall be furnished all parties, especially the offended party.

x x x.”

Perusal of the record yields that the amendments introduced in the two (2) **Amended Informations** sought to be admitted and now attached to the record do not change the nature of the offenses charged in the original

⁵ Id, p. 397

⁶ Id, pp. 428-438



Informations filed in these cases. The amendments merely amplify and clarify detail of the charges. The same accused are charged with the same offense of **Violation of Section 3(e) of R.A. No. 3019** in Criminal Case No. SB-22-CRM-0112, and with the same crime of **Malversation of Public Funds Under Article 217 of the Revised Penal Code** in Criminal Case No. SB-22-CRM-0113. Also, the amendments did not exclude any accused originally charged in the two (2) **Informations**, and there is no downgrading of the offenses charged.

WHEREFORE, premises considered, the **Motion To Amend Informations** dated August 9, 2022 filed by the plaintiff is hereby granted. The **Amended Informations** dated July 18, 2022 in Criminal Cases Nos, SB-22-CRM-0112 and 0113, already attached to the records, are admitted.

Approved:

HERRERA, JR., J.

CALDONA, J.

MALABAGUIO, J.

