



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

FIRST DIVISION

MINUTES of the proceedings held on January 23, 2023

PRESENT:

Hon. EFREN N. DE LA CRUZ - - - - - Chairperson

Hon. GERALDINE FAITH A. ECONG - - - - - Associate Justice

Hon. ARTHUR O. MALABAGUIO<sup>1</sup> - - - - - Associate Justice

The following resolution was adopted in the following case/s:

**CRIMINAL CASE NO. SB-22-CRM-0191 – PEOPLE OF THE PHILIPPINES  
v. TAHA GURO SARIP**

For resolution are accused Sarip's *Omnibus Motion for Consolidation and Joint Trial*, dated October 25, 2022 (received by the Office of the Deputy Clerk of Court – First Division on January 17, 2023), and the prosecution's *Comment on the Omnibus Motion for Consolidation and Joint Trial and Motion to Withdraw Information*, dated January 19, 2023. Accused Sarip alleges that he is charged with three (3) counts of violation of Section 3(e) filed with this Division, as well as the Sixth and Seventh Divisions of this Court. He asserts that all three informations arose from the same incident and involved common questions of fact and law, and thus the prayer for consolidation. The prosecution, while submitting the motion for consolidation to the sound discretion of the Court, manifested that there is insufficient evidence to prove all the elements of the crime, and the prosecution's recommendation for withdrawal of information was approved by Ombudsman Samuel R. Martires.

The motion for withdrawal is well taken.

Dismissal of the criminal case depends on the court's independent evaluation and assessment of the merits of the motion seeking dismissal, and the case against the accused.<sup>2</sup> In this case, the prosecutor handling the case enumerated the reasons for the withdrawal, including that the prosecution will not be able to prove all the elements of the crime, the factual circumstances of the case only show a cause of action civil in nature, and not criminal, and there will be difficulty presenting witnesses and/or original documents due to the closure of the establishment concerned, and lack of travel documents from Mindanao State University.

The information hinges on the failure of accused to pay the amount of ₱273,413.77 for supposed hotel accommodations at Mabini Mansion Hotel & Residential Suites for official functions despite the lack of supporting documents. However, there is nothing in the records filed with the Court showing that accused Sarip was unauthorized to incur the same expenses on behalf of the Mindanao State University. Even the complaint-affidavit of Sultan Pangandag M. Magolama only alleged that the check paid to Mabini Mansion Hotel was dishonored for insufficiency of funds and that the

<sup>1</sup> Sitting as Special Member, per Adm. Order No. 173-A-2022, dated August 2, 2022.

<sup>2</sup> See *People v. Sandiganbayan (Second Division)*, Ouano, May 3, 2021.

Handwritten signatures and initials at the bottom right of the page.

obligation was not settled during accused's tenure,<sup>3</sup> not so that there was a lack of supporting documents for the expense. From the evidence available, the withdrawal of information is warranted.

From the foregoing, the *Motion to Withdraw Information*, dated January 19, 2023, is hereby **GRANTED**. The Information in Criminal Case No. SB-22-CRM-0191 filed against accused Taha Guro Sarip is hereby **DEEMED WITHDRAWN**. Accused Sarip's *Omnibus Motion for Consolidation and Joint Trial*, dated October 25, 2022, is hereby merely **NOTED** for being moot and academic in light of the withdrawal of information.

SO ORDERED 

**APPROVED:**

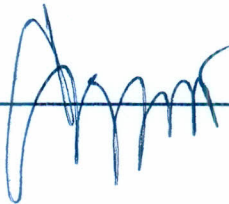
**DE LA CRUZ, J.** Chairperson



**ECONG, J.**



**MALABAGUIO, J.\***



/jnn

<sup>3</sup> Records, Vol. I, pp. 6-7.