



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

**Criminal Cases Nos.
SB-16-CRM-0242 to 0248**

ARREL R. OLAÑO, ET AL.,
Accused.
X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

**Criminal Cases Nos.
SB-16-CRM-0254 to 0263**

ARTHUR Y. PINGOY, JR., ET AL.,
Accused.
X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

**Criminal Cases Nos.
SB-16-CRM-0417 to 0424**

RENO G. LIM, ET AL.,
Accused.
X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

**Criminal Cases Nos.
SB-17-CRM-0525 to 0531**

SALACNIB F. BATERINA, ET AL.,
Accused.
X-----X

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Resolution
People v. Arrel R. Olaño, et al.
Crim. Cases Nos. SB-16-CRM-0242 to 0248
People v. Arthur Y. Pingoy, Jr., et al.
Crim. Cases Nos. SB-16-CRM-0254 to 0263
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People v. Salacnib F. Bateria, et al.
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People v. Antonio Y. Ortiz, et al.
Crim. Cases Nos. SB-19-CRM-0171 and 0172
People v. Candido Pancrudo, Jr., et al.
Crim. Cases Nos. SB-17-CRM-2096 to 2111
People v. Antonio Y. Ortiz, et al.
Crim. Cases Nos. SB-22-CRM-0038 to 0047
People v. Antonio Y. Ortiz, et al.
Crim. Case No. SB-22-CRM-0143

X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

**Criminal Cases Nos.
SB-17-CRM-0636 to 0641**

DOUGLAS R. CAGAS, ET AL.,
Accused.

X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

**Criminal Cases Nos.
SB-19-CRM-0171 and 0172**

ANTONIO Y. ORTIZ, ET AL.,
Accused.

X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

**Criminal Cases Nos.
SB-17-CRM-2096 to 2111**

CANDIDO P. PANCRUDO, JR., ET AL.,
Accused.

X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

**Criminal Cases Nos.
SB-22-CRM-0038 to 0047**

ANTONIO Y. ORTIZ, ET AL.,
Accused.

X-----X

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Resolution
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People v. Antonio Y. Ortiz, et al.
Crim. Case No. SB-22-CRM-0143

X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

Criminal Case No.
SB-22-CRM-0143


ANTONIO Y. ORTIZ, ET AL.,
Accused.

X-----X

Present:

CALDONA J., *Acting Chairperson*
MALABAGUIO, J. and
MUSNGI, J.

Promulgated:

May 4, 2023 

X-----X

RESOLUTION

CALDONA, J.:

Before the Court are the Consolidated Motion for Leave of Court to Travel¹ dated and filed on March 14, 2023 by accused Dennis L. Cunanan (Cunanan), through counsel, the Consolidated Opposition² dated and filed by the prosecution on March 28, 2023,

¹ Criminal Cases Nos. SB-16-CRM-0417 to 0424, Records, Vol. 12, pp. 144-167.

² *Id.*, pp. 171-175. Pertains to *People v. Salacnib F. Bateria, et al.*, *People v. Douglas R. Cagas, et al.*, *People v. Reno G. Lim, et al.*, *People v. Arrel R. Olaño, et al.* and *People v. Antonio Y. Ortiz, et al.* (in SB-19-CRM-0171 and 0172).

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Crim. Cases Nos. SB-22-CRM-0038 to 0047
People v. Antonio Y. Ortiz, et al.
Crim. Case No. SB-22-CRM-0143

X-----X

the Comment³ thereto dated and filed on April 3, 2023 by Cunanan, through counsel, and the Consolidated Comment and Opposition⁴ of the prosecution dated and filed on April 12, 2023.

Cunanan seeks leave to travel to the United States of America (USA) from May 7 to 21, 2023 and to Switzerland from June 18, 2023 to July 2, 2023 to attend the graduation ceremonies of his two (2) daughters in the USA on May 13, 2023 and in Switzerland on June 23, 2023. He contends that, as a parent, he should not miss the academic graduation of his children, which he considers as milestones to celebrate his and his children's efforts and years of hard work. He maintains that he is not a flight risk despite the numerous cases filed against him before the different divisions of the Court. He reasons that he is not the principal accused in these cases and is entitled to be presumed innocent until proven guilty by proof beyond reasonable doubt. He is in the country squarely facing the charges against him although he had the opportunity to travel out of the country as what happened before the PDAF issues started; that he has been acquitted in some of these cases; and that he is the President and CEO of a duly-registered domestic corporation (Advantage Management Consulting Philippines, Inc.), which adds to his contention that he is not a flight risk. To further show that he is not a flight risk, Cunanan claims that he is willing to: (1) be escorted by any member of the Philippine National Police (PNP) or sheriff of the

³ *Id.*, pp. 176-187.

⁴ *Id.*, attached to the back cover of the Records. Relates to *People v. Candido P. Pancrudo, Jr., et al.*, *People v. Arthur Y. Pingoy, Jr., et al.*, and *People v. Antonio Y. Ortiz, et al.* (in SB-22-CRM-0038 to 0047 and SB-22-CRM-0143).



Resolution

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Crim. Cases Nos. SB-17-CRM-2096 to 2111

People v. Antonio Y. Ortiz, et al.

Crim. Cases Nos. SB-22-CRM-0038 to 0047

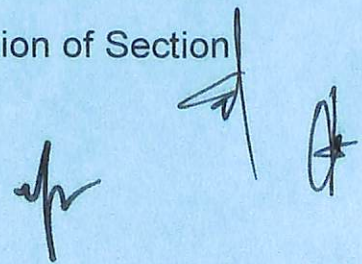
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Court, or any security personnel that may be assigned by the Court, for the duration of his travel, at no expense to the Government; (2) report to the Philippine consulate offices near or within the areas where he will be travelling for proper monitoring of his whereabouts while in the US and in Switzerland; (3) surrender his passport to the Philippine Embassy or to the nearest Philippine Consular Office in the US and Switzerland upon port of entry, to be retrieved only immediately before returning to the country, or when so directed by the Court to return; (4) provide his personal mobile number; (5) be available anytime via online video conference should the Court deem the need for his presence in any hearing; (6) abide by any other conditions that the Court may impose to satisfy itself that he will return to the country at the end of his allowed travel period; (7) immediately submit to the Court copies of his plane tickets, hotel reservations and list of graduate students in the commencement ceremonies in accordance with the itinerary, once available; and (8) post the travel bond in the amount to be fixed by the Court.

The prosecution counters that Cunanan's justification of the intended travel does not outweigh the extreme risk of flight. It argues that he failed to establish the absolute necessity for him to be permitted to leave the country where he is not only facing several criminal charges before different divisions of the Court in cases that involve multi-million peso transactions but he is already a felon and an extreme flight risk due to his conviction by the Sixth Division of the Court on September 23, 2022 for one (1) count of violation of Section



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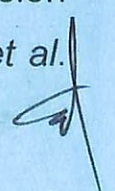

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3(e) of R.A. No. 3019 and one (1) count of malversation of public funds under Article 217 of the Revised Penal Code in *People v. Gregorio Ipong, et al. (Ipong)*. Considering that he had already been convicted in *Ipong*, the prosecution posits that he has every reason and motivation to abscond, considering the number and gravity of the other cases filed against him before several divisions of the Court. It maintains that there is no cogent reason for the intended travel as it is merely personal and social in nature, no matter how well-intentioned he would want to depict it before the Court. It insists that his intended travels to the USA and to Switzerland both involve quite long periods of time which significantly pose the risk of flight inasmuch as the Court will find it difficult to locate his exact whereabouts, considering that he failed to submit his passport, travel visas and flight bookings. It also assails Cunanan's supposed inclusion of a police officer in his entourage because of his failure to show how the travel documents of an accompanying officer may be secured, such as travel orders, visas and other related documents, without entailing expense on the part of the government. The prosecution concludes that to allow Cunanan to travel outside of the country, at this stage of the proceedings, and for an extended period of time, poses too grave a risk as some of the cases he is charged under are near resolution.

Cunanan refutes the prosecution's arguments, claiming that he had more acquittals than convictions in the Court. The First Division has acquitted him three (3) times in *People v. Eduardo Veloso, et al.*

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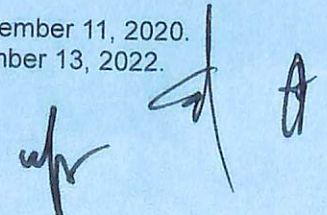
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promulgated on January 9, 2023, *People v. Constantino G. Jaraula, et al.* promulgated on February 5, 2021 and *People v. Aldrin Soteco Sandoval, et al.*, promulgated on September 6, 2019. The Second Division also has acquitted him in *People v. Antonio Miranda, et al.* promulgated on October 14, 2022. He emphasizes that the two (2) convictions against him in *Ipong* have not yet attained their finality pending the resolution of his Petition for Review before the Supreme Court. He assures the Court that he will not abscond if allowed to travel abroad by including safeguards that will satisfy the Court that he will return to the country after his travel, if granted. He also manifests that he is not a holder of any foreign passport nor is he a resident of any foreign country, and he is willing to submit additional documentary evidence to prove the same should the Court deem it necessary. He also mentions that he filed a separate motion for leave to travel before the Supreme Court on June 21, 2021, in which the Supreme Court granted his motion to travel to the USA from June 29 to July 20, 2021.

After having been apprised that accused-movant Cunanan has appealed to the Supreme Court the judgment of conviction in the *Ipong* cases respectively promulgated by the Court's Third⁵ and Sixth⁶ Divisions, the Court deems it proper and judicious to hold in abeyance the issuance of a resolution on the instant consolidated motion. In consonance with judicial courtesy and respect for the hierarchy of the courts, the Court shall await the result of Cunanan's

⁵ Decision in Criminal Cases Nos. SB-17-CRM-0939-0940 promulgated on September 11, 2020.

⁶ Decision in Criminal Case No. SB-17-CRM-1496-1497 promulgated on September 13, 2022.



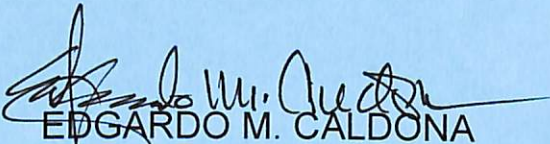
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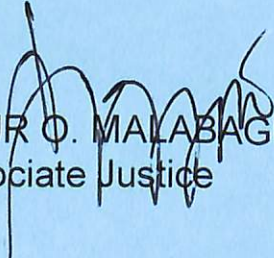
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motion to travel that he filed or will file with the Supreme Court based on the same grounds as those in the instant consolidated motion.

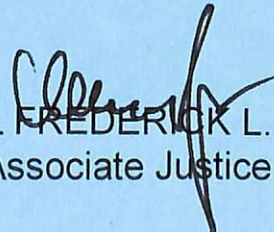
WHEREFORE, premises considered, the Court hereby defers the issuance of a resolution relative to the Consolidated Motion to Travel filed by accused-movant Dennis L. Cunanan pending the outcome of the motion to travel that he filed or will file in the pending appealed cases before the Supreme Court based on the same grounds as those in the present motion.

SO ORDERED.
Quezon City, Metro Manila, Philippines.


EDGARDO M. CALDONA
Acting Chairperson/Associate Justice

WE CONCUR:


ARTHUR O. MALABAGUIO
Associate Justice


MICHAEL FREDERICK L. MUSNGI
Associate Justice