



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

FIRST DIVISION

MINUTES of the proceedings held on September 5, 2023

PRESENT:

Hon. EFREN N. DE LA CRUZ - - - - - Chairperson
Hon. GERALDINE FAITH A. ECONG - - - - - Associate Justice
Hon. ARTHUR O. MALABAGUIO¹ - - - - - Associate Justice

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

**CRIMINAL CASE NO. SB-23-CRM-0053 – PEOPLE OF THE PHILIPPINES
 V. CANDELARIO J. VIOLA, JR.**

For resolution are accused Viola, Jr.'s *Entry of Appearance with Urgent Omnibus Motion to Dismiss the Case and/or Quash the Information and Defer the Arraignment and Pre-Trial*, dated August 18, 2023, and the prosecution's *Urgent Motion to Withdraw Information*, dated August 30, 2023.

The Court **NOTES** the *Entry of Appearance* of S&F Law Firm, as counsel for accused Viola, Jr.. As requested, counsel shall henceforth be furnished copies of relevant notices, orders, resolutions and other papers at its address, to wit:

Block 2, Lot 10, Brescia Subd.,
 Lilac Avenue, Fairview, 1118 Quezon City
 sf_lawfirm@yahoo.com

In his motion, accused Viola, Jr. alleged that the Office of the Ombudsman issued an order on November 14, 2022, which granted his Supplemental Motion for Reconsideration, and reversed the earlier ruling finding probable cause to file information against him. Given the said November 14, 2022 Order, there was no more legal or factual basis to continue the prosecution of this case, thus the same should be dismissed.

During the hearing on August 22, 2023, the prosecution was confronted with accused Viola, Jr.'s motion, as well as the attachments thereto. The prosecution asked for a period of ten (10) days to file its comment. The prosecution's comment confirmed the dismissal of the complaint against accused Viola, Jr. at the level of the Office of the Ombudsman. The prosecution then prayed for the withdrawal of the instant information.

It appearing that even prior to the filing of the information in this case, the complaint was already dismissed, hence the information should not have been filed in the first place as there was a probable cause for the filing thereof, both motions are well-taken. Accused Viola, Jr.'s *Entry of Appearance with Urgent Omnibus Motion to Dismiss the Case and/or Quash the Information and Defer the Arraignment and Pre-Trial*, dated August 18, 2023, and the prosecution's *Urgent Motion to Withdraw Information*, dated August 30, 2023 are hereby **GRANTED**. The Information in Criminal Case No. SB-23-CRM-0053 filed against accused Candelario J. Viola, Jr. is hereby **DEEMED WITHDRAWN**.

SO ORDERED

APPROVED:

DE LA CRUZ, J. Chairperson

ECONG, J.

MALABAGUIO, J.*

/s/



Marysoline Faith Econg



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