



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on January 17, 2024.

Present:

Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA---- Chairperson
Justice ZALDY V. TRESPESES ----- Member
Justice GEORGINA D. HIDALGO ----- Member

The following resolution was adopted:

Crim. Cases Nos. 24337 & 24338 – People v. Clara M. Ambray, et al.

On October 23, 2014, the Fifth Division of this court promulgated the Decision against all the accused in Crim. Case Nos. 24337 and 24338 except as to Leyminda R. Violan, the dispositive portion of which reads:

WHEREFORE, premises considered, the Court holds that:

In Criminal Case No. 24337 for violation of Section 3 (e) of R.A. 3019, accused CLARA M. AMBRAY, ANECITO P. AMBRAY, LEONARDO S. CALO and HIGINO C. LLAGUNO, are **ACQUITTED** for failure of the prosecution to prove their guilt beyond reasonable doubt. The cash bond in this case that they posted for their provisional liberty may now be withdrawn by them or their representative upon presentation of the original receipt evidencing payment thereof, subject to the usual accounting and auditing procedures of the Court. The Hold Departure Order issued by the Court on 5 November 1997 in this case is hereby lifted and set aside.

In Criminal Case No. 24338 for violation of Article 171 paragraph (2) of the Revised Penal Code, the Court finds the accused ANECITO P. AMBRAY, LEONARDO S. CALO, NAOMI L. HERRERA AND MARLENE B. QUIÑONES **GUILTY** beyond reasonable doubt of Falsification of Public Document defined under Article 171 of the Revised Penal Code and sentences each of them to suffer the penalty of imprisonment of six (6) months and one (1) day of *prison correccional* as minimum to eight (8) years and one (1) day of *prison mayor* as maximum in the absence of any mitigating and aggravating circumstance in accordance with the provisions of the Indeterminate Sentence Law and to suffer perpetual disqualification from public office.

Insofar as LYMINDA R. VIOLAN is concerned, since she is still at large up to the present, let the case be **ARCHIVED** and let an alias warrant of arrest issue against her.

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SO ORDERED.¹

On February 10, 2015, the Fifth Division of this court denied the motions for reconsideration filed by the accused, the dispositive portion of which reads:

WHEREFORE, premises considered, Leonardo Calo, Anecito Ambray and Marlene Quiñones' MOTION FOR RECONSIDERATION dated 3 November 2014 and Naomi Lourdes Herrera's MOTION FOR RECONSIDERATION dated 6 November 2014 and SUPPLEMENTAL MOTION FOR RECONSIDERATION dated 19 January 2015 are hereby **DENIED**.

SO ORDERED.²

On March 3, 2015, accused **Leonardo Calo, Anecito Ambray and Marlene Quiñones** filed a Petition For Review on Certiorari with the Supreme Court³ which was docketed as G.R. No. 216736 entitled *Leonardo S. Calo, Anecito P. Ambray, Marlene B. Quiñones vs. Honorable Sandiganbayan [5th Division], People of the Philippines.*⁴

With respect to accused **Naomi Lourdes A. Herrera**, the Supreme Court, in G.R. Nos. 217064-65 entitled *Naomi Lourdes A. Herrera vs. Sandiganbayan*, issued on April 13, 2015 a resolution granting accused-petitioner Herrera's motion for extension of time to file petition for review of certiorari.⁵

Meantime, on June 3, 2015, Crim. Case Nos. 24337 and 24338 were revived by the Fifth Division of the Sandiganbayan as to accused **Leyminda R. Violan.**⁶

On December 2, 2015, with respect to accused-petitioners Calo, Ambray and Quiñones in G.R. No. 216736, the Supreme Court issued a Resolution which states that:

¹ Record, vol. 5, pp. 9-39.

² *Id.*, pp. 136-141.

³ *Id.*, pp. 145-166.

⁴ Record, vol. 6, p. 19.

⁵ *Id.*, p. 18.

⁶ *Id.*, p. 20. Please note that Crim. Case No. 24337 was ordered withdrawn by this court on motion of the prosecution (per Resolution dated November 8, 2017, record, vol. 8, pp. 73-81). As to Crim. Case No. 24338, accused Violan pleaded guilty to the lesser offense of Simple Falsification or Use of Falsified Documents defined and penalized under Article 172 of the Revised Penal Code and she was thereafter meted the penalty of imprisonment of four months and one day of *arresto mayor* in its maximum period as minimum, to two years, four months and one day of *prison correctional* in its medium and maximum periods as maximum (Record, vol. 7, pp. 90-99). Accused Violan then applied for probation which was granted by the court and, after complying with the conditions of her probation, the same was terminated and she was eventually discharged on February 10, 2020 (per Resolution dated February 10, 2020, Probation Record, pp. 29-30).

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Considering the allegations, issues and arguments adduced in the petition for review on certiorari, as well as in the comment thereon, the Court resolves to **DENY** the petition for failure to sufficiently show any reversible error in the challenged judgment as to warrant the exercise of the Court's discretionary appellate jurisdiction.⁷

On March 14, 2016, the Supreme Court issued a Resolution in G.R. No. 216736, the relevant portion of which states:

Acting on the motion of Atty. Judd L. Anastacio of Miranda Anastacio Loterte Law Offices, new counsel for petitioners, for reconsideration of the Resolution dated December 2, 2015 which denied the petition for review on certiorari, the Court resolves to **DENY** the motion with **FINALITY**, as no substantial arguments were raised to warrant its reconsideration.⁸

Back in the Sandiganbayan, both Crim. Case Nos. 24337 & 24338 -- with accused Violan as the sole remaining accused -- were unloaded by the Fifth Division and were raffled to the Seventh Division on April 22, 2016.

On June 20, 2016, this court received from the Supreme Court the Entry of Judgment in G.R. No. 216736 stating that the December 2, 2015 Resolution had become final and executory on March 14, 2016.⁹

Then, on December 19, 2023, this court received from the Supreme Court *En Banc* the Notice of Judgment in G.R. Nos. 217064-65 (*Naomi Lourdes A. Herrera v. Sandiganbayan of the Philippines*) with attached Resolution promulgated on June 13, 2023, the dispositive portion of which reads:

WHEREFORE, the petition is **GRANTED**. The consolidated Sandiganbayan Decision dated October 23, 2014, and the Resolution dated February 10, 2015, in Criminal Case Nos. 24337 and 24338 are **AFFIRMED** with **MODIFICATION** in that petitioner Naomi Lourdes A. Herrera is **ACQUITTED** in Criminal Case No. 24338 for failure of the prosecution to prove her guilt beyond reasonable doubt.

SO ORDERED.¹⁰

On January 5, 2024, this court received from the Supreme Court *En Banc* the Entry of Judgment in G.R. Nos. 217064-65 stating that the June 13, 2023 Resolution has become final and executory.¹¹

In view of the foregoing, the court resolves as follows:

⁷ Record, vol. 6, p. 114.

⁸ *Id.*, p. 175.

⁹ *Id.*, p. 185.

¹⁰ Record, vol. 8, pp. 11-34.

¹¹ *Id.*, p. 36

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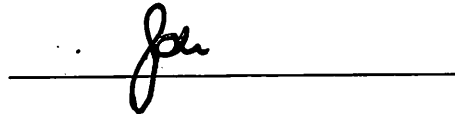
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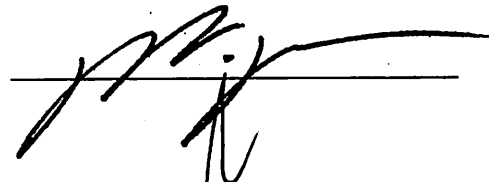
1. With respect to **Naomi Lourdes A. Herrera**, on account of the Resolution dated June 13, 2023 rendered by the Supreme Court in G.R. Nos. 217064-65, the property bond posted by bondspersons Alfredo Yu Martinez and Julian Herrera, Jr. on behalf of Ms. Herrera is ordered **CANCELLED**, with them being relieved of their duties as bondspersons. Moreover, the additional cash bond posted by Ms. Herrera in the amount of Php 24,000.00 paid under Official Receipt No. 5087049Y dated October 23, 2014¹² is ordered **RELEASED** to her or her duly authorized representative subject to the usual accounting rules and procedure of the court. Finally, the Hold Departure Order dated November 5, 1997 is ordered **LIFTED** and **SET ASIDE** as to Ms. Herrera only;¹³ and
2. With respect to accused **Leonardo Calo, Anecito Ambray and Marlene Quiñones**, and by virtue of the Resolution dated December 2, 2015 and Resolution dated March 14, 2016 rendered by the Supreme Court in G.R. No. 216736, **LET** a Warrant of Arrest to Serve Sentence issue against said Leonardo Calo, Anecito Ambray and Marlene Quiñones.

SO ORDERED. *J*

GOMEZ-ESTOESTA, J.



TRESPESES, J.



HIDALGO, J.



¹² Record, vol. 5, pp. 40 & 42.

¹³ Record in Crim. Case No. 24338, p. 5. Note that the original Information in Crim. Case No. 24338, which was filed on October 30, 1997, indicated the name of the accused as "Ma. Naomi L. Herrera"; thus, the HDO dated November 5, 1997 listed the name of the accused as "Ma. Naomi L. Herrera". However, based on record, it would appear that during the arraignment on January 9, 2002, the Information was corrected by: (1) removing the word "Ma." before "Naomi", (2) spelling out the initial L as "Lourdes" after "Naomi", and (3) adding "y Arreza" after her surname (record, vol. 2, p. 3). Thus, based on the Information as amended and the Order of the court dated January 9, 2002, the complete name of the accused is "Naomi Lourdes Arreza Hererra" (*id.*, p. 111). Note also that the same HDO dated November 5, 1997 was ordered lifted and set aside as to co-accused Leyminda Violan per Resolution of the court dated February 10, 2020 (Probation Record, pp. 29-30).