



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-18-CRM-0498

For: Violation of Section 3(e) of
Republic Act (R.A.) No. 3019

-versus-

PRESENT:

PROCESO JARAZA ALCALA,
LAUREANO ARNULFO
FIDELINO MAÑALAC, AND
BAUTISTA HERNANDEZ ELLA,
Accused.

FERNANDEZ, *J.*, Chairperson
MIRANDA, *J.*, &
VIVERO, *J.*

Promulgated:

January 17, 2024

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RESOLUTION

MIRANDA, J.:

This resolves the undated Motion for Reconsideration filed on September 5, 2023 by accused Laureano Mañalac (Mañalac) and the Comment/Opposition dated September 19, 2023 filed by the Prosecution.

Mañalac argues that the Prosecution's evidence is not enough to prove his guilt beyond reasonable doubt for the following reasons:

- 1) He was no longer with the Department of Agriculture (DA) when the MOA dated February 11, 2013 was signed;
- 2) He did not exert any influence on the Special Screening Committee (SSC);
- 3) The *Arias* doctrine should apply to him;
- 4) There was no injury to the Government because the funds were fully utilized;
- 5) Exhibits "2" and "4", which were not admitted by the Court into evidence, would exculpate him;
- 6) Foundations are not covered by R.A. 6713, Section 7(a);
- 7) He did not personally submit to the DA the requirements for IAMFI's accreditation;
- 8) There was no adverse report from COA; and
- 9) IAMFI provided its own equity for the project.

[Handwritten signatures]

In its Comment/Opposition dated September 19, 2023, the Prosecution alleges that Mañalac is guilty beyond reasonable doubt as all elements of Section 3(e) of R.A. No. 3019 were proven.

The Court **DENIES** Mañalac's motion for reconsideration. The matters raised by him are a mere rehash and repetition of the issues and arguments which have been considered and passed upon by the Court in its Decision dated August 23, 2023.

Mañalac claims that he was no longer with the DA when the MOA dated February 11, 2013 was signed and that he did not exert any influence on the SSC. To reiterate, Mañalac's resignation from the DA is immaterial and cannot result in his acquittal. This was fully discussed in the decision and correctly quoted by the Defense:¹

"...He had completed his task in this regard as PMO Head. **There was nothing else that his position required him to do in the processing of IAMFI's proposal.** Even with Mañalac's departure from the DA, the proposal would continue to go through the application process in view of the PMO's positive preliminary recommendation." (*Emphasis supplied*)

Mañalac's claim that he did not exert any influence on the SSC is of no moment. It was his involvement in the positive preliminary recommendation given by the Project Management Office (PMO) which he headed that violated the law.²

Mañalac posits that the *Arias* doctrine should be applied in his favor, the same way it was applied to his co-accused Alcala. This, however, cannot be done. The doctrine is only applicable to heads of agencies.³ Mañalac was only a Head Executive Assistant, while Alcala headed the DA as the Secretary of Agriculture.

¹ Decision dated August 23, 2023, p. 23.

² COA Circular No. 2007-001:

4.4 Requisites for entitlement to government funds

The NGO/PO shall submit the proposal or application for funding accompanied by the following documents:

x x x x

4.4.8 A sworn affidavit of the Secretary of the NGO/PO that none of its incorporators, organizers, directors or officials is an agent of or related by consanguinity or affinity up to the fourth civil degree to the officials of the GO authorized to process and/or approve the proposal, the MOA and the release of funds. Relationship of these nature shall automatically disqualify the NGO/PO from being granted the fund.

³ "All heads of offices have to rely to a reasonable extent 'on their subordinates' and on the good faith of those prepare bids, purchase supplies, or enter into negotiations. If a department secretary entertains important visitors, the auditor is not ordinarily expected to call the restaurant about the amount of the bill, question each guest whether he was present at the luncheon, inquire whether the correct amount of food was served and otherwise personally look into the reimbursement voucher's accuracy, propriety, and sufficiency. There has to be some added reason why he should examine each voucher in such detail." *Arias vs. Sandiganbayan*. G.R. No. 81563, December 19, 1989.

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Mañalac claims that there was no injury to the Government because the funds released, in the amount of PhP 13,500,000.00, were fully utilized. As discussed in the decision, the end product of Mañalac's actions was a warehouse which was to be turned over to his father-in-law, Bautista Ella, upon completion of its construction. Defense witness IAMFI President Jeffrey Caliwanagan even testified that no efforts were made to transfer ownership to a farmers' cooperative.⁴ This is contrary to Article V in the MOA which states that, at the end of the 5th year, there should be a buy-out of the trading and processing center by a farmers' cooperative.⁵

Mañalac says that Exhibits "2" and "4", which were not admitted by the Court into evidence, would have exculpated him.⁶ He is mistaken.

First, it must be emphasized that Exhibits "2" and "4" were denied admission because the documents offered by accused Mañalac did not bear the markings of the Court. Second, Exhibit "2", the General Information Sheet dated June 26, 2019 of IAMFI submitted to the DA, is **included** in Exhibit "F series" of the Prosecution. The fact that the Prosecution's Exhibit "F series" was taken into consideration in the decision shows that the admission into evidence of Defense Exhibit "2" would not have made any difference in the Court's finding of Mañalac's guilt. Exhibit "4", the pictures showing the warehouses, structures, and machineries funded by the DA, would not have made any difference as well. The issue in this case is whether or not Mañalac processed the application of IAMFI of which he was a principal stockholder.

Mañalac suggests that the court should correct its decision through a writ of *coram nobis*. Again, this is without merit. Such writ has not been used in our courts. It has also long been disused in common law jurisdictions. In *Tolentino vs. Ongsiako*, penned by Justice J.B.L. Reyes, the Supreme Court held that:⁷

Lastly, the appellant's claim that "the lower court erred in not allowing plaintiff-appellant's cause as a proceeding *coram nobis*", is devoid of merit. **The ancient common law writ of error coram nobis, now substantially obsolete even in common law jurisdictions (49 CJS 561), does not lie after affirmance of a judgment on writ of error on appeal (49 CJS 562); nor can it be grounded on facts already in issue and adjudicated on the trial (49 CJS 567).** Moreover, the jurisdiction of a writ of error *coram nobis* lies exclusively in the court

⁴ TSN dated October 26, 2021, p. 12.

⁵ MOA dated February 11, 2013 between the DA and IAMFI, Common Exhibits "I" and "9"; Judicial Affidavit dated October 13, 2022, Records, Vol. 7, p. 215.

⁶ Exhibits "2" (General Information Sheet dated June 26, 2019 of IAMFI [submitted to the DA]) and "4" (Pictures showing the warehouses, structures, and machineries funded by the DA).

⁷ G.R. No. L-17938, April 30, 1963.

which rendered the judgment sought to be corrected (49 CJS 568), so that it should have been sought by appellants, if at all, in the Supreme Court, and not in the Court of First Instance.

In the Philippines, no court appears to have ever recognized such writ, the rule in this jurisdiction being that public policy and sound practice demand that, at the risk of occasional errors, judgments of courts should become final and irrevocable at some definite date fixed by law. (Emphasis supplied)

Mañalac claims that he should not return the funds used because foundations are not covered by Section 7(a) of R.A. No. 6713, or the Code of Conduct and Ethical Standards. Mañalac errs. The case before this Court involves violation of Section 3(e) of R.A. No. 3019 and not of Section 7(a) of R.A. No. 6713. Mañalac's testimony regarding his SALN, before another Division of this Court in a completely separate case, was offered and admitted into evidence only to prove his **admitted** involvement with IAMFI and not for his failure to include in his SALN his interest in IAMFI:⁸

Q: Mr. Witness, isn't it a fact that you are an incorporator of that Isa Akong Magsasaka Foundation, Inc.?

A: Yes, Your Honors, as I have said, Your Honors, yung mga farmers ang naglagay sa akin dun para lang matulungan sila mafaacilitate dahil parang kulang sila sa kaalaman sa pag-oorganize po at saka sa pagfoform ng foundation, Ma'am. *(Emphasis supplied)*

Mañalac claims that he did not personally submit to the DA the requirements for IAMFI's accreditation. Again, the identity of the one who submitted the documents is not at issue. Rather, the fact that Mañalac and his immediate family are incorporators of IAMFI is. This too was thoroughly discussed in the decision:⁹

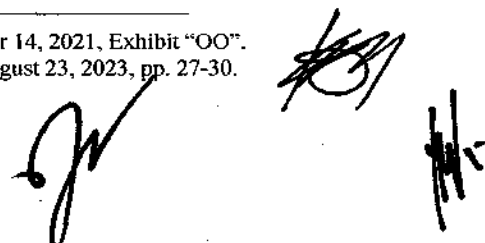
The submission of a different set of SEC documents (Exhibit "F series") by IAMFI Executive Director Estacio S. Lim, Jr. to the DA **to hide Mañalac and his immediate family's interest in IAMFI is clear from the documentary evidence presented in court.**

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The court gives credence to the Certification of Corporate Filing/Information dated December 13, 2018 issued by the SEC which states that there is no recorded amendment to the AOI of IAMFI. Under the Corporation Code of the Philippines, amendments to the AOI shall take effect upon approval of the SEC or within six (6) months from the date of filing if not acted upon by the Commission. This shows that any changes to the AOI, such as the incorporators and parties included in the acknowledgement portion, are fraudulent or

⁸ TSN dated October 14, 2021, Exhibit "OO".

⁹ Decision dated August 23, 2023, pp. 27-30.



Resolution

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illegal because: 1) there were no amendments filed with the SEC; and
2) even if there were amendments filed, the SEC did not approve the
same. (*Emphasis supplied*)

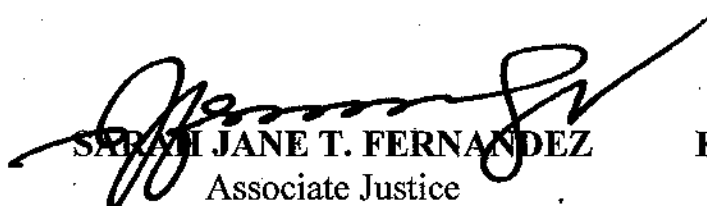
The final two matters raised – that there was no adverse report from
COA and that the IAMFI provided its own equity for the project – are also
not at issue. Thus, they do not merit any discussion.

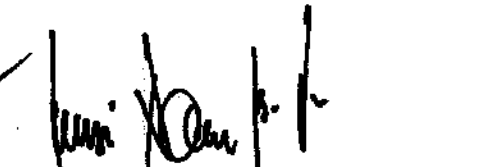
WHEREFORE, the undated Motion for Reconsideration filed on
September 5, 2023 of **LAUREANO ARNULFO FIDELINO MAÑALAC**
is **DENIED** for lack of merit. The Decision of the Court promulgated on
August 23, 2023 is **AFFIRMED**.

SO ORDERED.


KARL B. MIRANDA
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KEVIN NARCE B. VIVERO
Associate Justice