



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-21-CRM-0002

For: Unlawful Appointments under
Art. 244 of the Revised Penal Code

Present

- versus -

FERNANDEZ, SJ, J.,
Chairperson
MIRANDA, J. and
VIVERO, J.

JOSELITO R. ALEGA,

Accused.

Promulgated:

January 16, 2024

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves accused Joselito R. Alega's *Formal Entry of Appearance as Collaborating Counsel With Omnibus Motion for Leave to Allow the Accused to: 1.) Avail Immediate Medical Consultation and Treatment at the Designated Hospital of the Hon. Court, Preferably, at His Private Doctor at the National Kidney Center in Quezon City; 2. The Accused be Transferred from CIDG-RFU-NCR Detention Facilities at Camp Crame to CIDG Detention Facilities at CIDG, Camp Karingal, Quezon City, the Detention Facility Near the National Kidney Center and Nearby Government Hospitals (Omnibus Motion for brevity).*¹

In his *Omnibus Motion*, the accused prays that he be (1) allowed to avail of medical treatment and consultation, preferably at the National Kidney Center in Quezon City, and (2) transferred and detained at Criminal Investigation and Detection Group (CIDG) Camp Karingal, also in Quezon City. He avers:

¹ Dated January 8, 2023 [sic] and filed on January 10, 2024

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1. Upon knowledge of the court's issuance of the warrant of arrest, he immediately surrendered to the CIDG, Regional Field Unit (RFU), National NCR at Camp Crame in Quezon City on January 3, 2024, and has been detained therein since the said date.
2. Before he left his home in Lucena City, Quezon Province on January 2, 2024, he was under the observation of his physician at Mt. Carmel Diocesan General Hospital because he is suffering from diabetes mellitus and hypertension, and also because he suffered mild stroke twice.
3. His physician advised him to avail of medical treatment and/or consultation with the hospital that the court may designate, or with his physician at the National Kidney Center in Quezon City. He was further advised that he "needs to be supervised 24 hours."
4. He is already 63 years old, has difficulty walking, and must be assisted from time to time because of the mild stroke and his illnesses.
5. The CIDG Camp Karingal detention facility in Quezon City is near National Kidney Center and other public hospitals. If he is allowed to be detained in the said detention facility, he would be able to avail of immediate medical treatment in case of emergencies.

The Court did not receive any comment and/or opposition from the prosecution.

THE COURT'S RULING

The Court resolves to deny the accused's *Omnibus Motion*.

In the Decision dated February 9, 2023, the accused was found guilty beyond reasonable doubt of the crime of Unlawful Appointment, and was sentenced to suffer the penalty of one month and one day of *arresto mayor*, and to pay a fine in the amount of PHP 1,000.00.

Sec. 1739(d) of Act No. 2711,² as amended by Presidential Decree No. 29, provides that persons who by reason of their sentence may be deprived of liberty for not more than six months are deemed to be municipal prisoners. Thus, the accused is deemed to be a municipal prisoner.

² Revised Administrative Code of 1917



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Under the *BJMP Comprehensive Operations Manual 2015 Edition (BJMP Manual)*, the accused, as a municipal prisoner, may serve his sentence in a district jail³ or a municipal jail.⁴ Accordingly, this Court, in the Resolution dated January 8, 2024, ordered the transfer of the accused to the Quezon District Jail for the service of his sentence.

Now with respect to the accused's motions to be allowed to avail of treatment and consultation at the National Kidney Center, and to be transferred to the detention facility in CIDG Camp Karingal, the Court finds no basis to grant the same. Aside from his bare allegations of his medical condition, there is nothing in his *Omnibus Motion* that would show that he needs constant or urgent medical attention. Furthermore, he did not show that there are no hospitals capable of addressing his medical needs near the Quezon District Jail. At any rate, if the accused, while serving his sentence, needs to undergo medical examination or treatment for a specific concern, the Court may allow the same upon the filing of the necessary motion.

WHEREFORE, the *Omnibus Motion* of accused Alega is hereby **DENIED** for lack of merit.

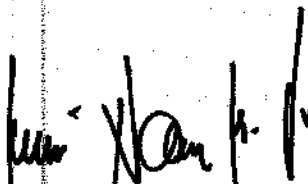
The formal entry of appearance of Atty. Noel S. Ferrer as collaborating counsel is hereby **NOTED**. Let all notices and copies of resolutions, orders, and other court processes be served on said counsel at his given address.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice

³ *BJMP Manual. Rule I, Sec. 12. x x x District Jail* – is a facility or a place of confinement for inmates coming from a city or clustered municipalities who are waiting or undergoing trial or serving sentence of one (1) day to three (3) years.

⁴ *BJMP Manual. Rule I, Sec. 12. x x x Municipal Jail* – is a facility or a place of confinement for those who are sentenced with a penalty for a term not exceeding six (6) month [sic] imprisonment.