



REPUBLIC OF THE PHILIPPINES

**Sandiganbayan**

Quezon City

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SEVENTH DIVISION

*MINUTES of the proceedings held on May 3, 2024.*

*Present:*

<i>MA. THERESA DOLORES C. GOMEZ-ESTOESTA</i> -----	<i>Chairperson</i>
<i>ZALDY V. TRESPESSES</i> -----	<i>Member</i>
<i>GEORGINA D. HIDALGO</i> -----	<i>Member</i>

***The following resolution was adopted:***

***SB-15-CRM-0092& 0093 – People v. Mariano M. Malones, et al.***

To recall, the following major incidents as to Mr. Mariano M. Malones occurred after the elevation of these cases to the Supreme Court upon the perfection of the appeal separately made by Mr. Malones on January 8, 2021 and by Ms. Ma. Theresa Tan Delos Reyes on January 15, 2021 and the forwarding of the entire case record to the Supreme Court for further proceedings as G.R. No. 255048 (*People of the Philippines vs. Ma. Theresa Tan Delos Reyes a.k.a. Marites S. Tan Delos Reyes and Mariano M. Malones*):

1. On November 11, 2022, this court received a Notice of Judgment from the Supreme Court – Third Division with attached copy of the Decision promulgated on July 20, 2022 in G.R. No. 226887-88 (*Mariano Malones y Malificio and Edna M. Madarico vs. Sandiganbayan (Third & Seventh Divisions) and People of the Philippines*).<sup>1</sup> The case concerned the petition for *certiorari* filed by Mr. Malones and another accused Ms. Edna M. Madarico assailing the Sandiganbayan – Third Division’s Resolutions dated June 7, 2016 and September 6, 2016 that denied their motion to dismiss the complaints on the ground of violating the right to the speedy disposition of cases. The dispositive portion reads as follows:

**“WHEREFORE, the petition is GRANTED. The resolutions dated June 7, 2016 and September 6, 2016 of the Sandiganbayan, Third Division, in Criminal Case Nos. SB-15-CRM-0092 and SB-15-CRM-0093 are hereby ANNULLED and SET ASIDE. For violation of their constitutional right to speedy disposition of cases, the charges against petitioners MARIANO MALONES y MALIFICIO and EDNA M. MADARICO are ordered DISMISSED.”**

<sup>1</sup> Record, vol. 6, pp. 65-73A.

*[Handwritten marks]*

2. This court called for a clarificatory hearing on November 29, 2022 concerning the aforesaid Decision, during which it was declared that this court will wait the Supreme Court's transmittal of the original copy of the Entry of Judgment ordering the Sandiganbayan Third and Seventh Divisions to dismiss the cases in favor of Mariano Malones.<sup>2</sup>
3. Meantime, Mr. Malones filed with this court a *Manifestation and Motion to Dismiss* on May 26, 2023 submitting a certified true copy of the awaited Entry of Judgment dated December 1, 2022. Mr. Malones prayed for this court to take cognizance of the Supreme Court's directive to dismiss these cases as far as he is concerned, to reverse and set aside the portion of this court's Decision convicting him and for a new one to be made ordering the dismissal of these cases, and to render his appeal moot and academic.<sup>3</sup>
4. On June 1, 2023, this court received its copy of the same Entry of Judgment.<sup>4</sup>
5. This court resolved Mr. Malones's *Manifestation and Motion to Dismiss* in its Resolution dated June 13, 2023:<sup>5</sup>

“**WHEREFORE**, considering that these cases are currently pending appeal before the Supreme Court and consequently, this court has no authority to act thereon, the *Manifestation and Motion to Dismiss* filed by accused Mariano M. Malones is merely **NOTED**.”

6. On July 4, 2023, this court received a copy of Mr. Malones's *Withdrawal of Appeal* filed in G.R. No. 255048.<sup>6</sup> Therein, he prayed for the withdrawal to be noted. The Supreme Court – Second Division so noted the same per its Notice of Resolution dated August 2, 2023.<sup>7</sup>
7. On October 31, 2023, Mr. Malones filed with this court a *Motion to Dismiss* dated October 27, 2023, manifesting that there is no more judicial obstacle to the dismissal of these cases in view of the August 2, 2023 Resolution in G.R. No. 255048 and also in view of the Resolution in G.R. No. 226887-88 directing the dismissal of these cases insofar as Mr. Malones is concerned.<sup>8</sup>

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<sup>2</sup> Record, vol. 6, p. 82.

<sup>3</sup> Record, vol. 6, pp. 100-102.

<sup>4</sup> Record, vol. 6, p. 116.

<sup>5</sup> Record, vol. 6, pp. 118-126.

<sup>6</sup> Record, vol. 6, pp. 130-141A.

<sup>7</sup> Record, vol. 6, pp. 295-296A.

<sup>8</sup> Record, vol. 6, pp. 340-349.

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8. Regarding Mr. Malones's *Motion to Dismiss*, this court, in its Resolution dated November 14, 2023, found that since the Supreme Court merely noted Mr. Malones's withdrawal of appeal but did not indicate that the withdrawal was granted, this court remained bereft with jurisdiction over these cases and without authority to act on the *Motion to Dismiss*.<sup>9</sup>
9. On November 20, 2023, this court received its copy of the *Manifestation and Motion* dated November 16, 2023 filed by Mr. Malones in G.R. No. 255048, praying for the issuance of a resolution granting and approving the withdrawal of his appeal and remanding the case to this court as far as he is concerned for its proper disposition.<sup>10</sup>
10. On February 29, 2024, this court received a Notice of Resolution dated February 26, 2024<sup>11</sup> in G.R. No. 255048, wherein the Supreme Court – Second Division resolved, in relevant part:

“xxx

5. **NOTE** and **GRANT** the manifestation and motion dated November 16, 2023 of counsel of Malones, praying that the Court issue a resolution granting/approving the withdrawal of his appeal and remanding the case to the 7<sup>th</sup> Division of the Sandiganbayan; and

6. **DECLARE** this case **CLOSED** and **TERMINATED** as far as Malones is concerned, in view of the Decision dated July 20, 2022 in G.R. Nos. 226887-88 which dismissed the cases against him before the Sandiganbayan on the ground of inordinate delay.

Let entry of final judgment as far as Mariano M. Malones is concerned be issued immediately.”

11. This court received on April 23, 2024 the Entry of Judgment for the February 26, 2024 Resolution in G.R. No. 255048.<sup>12</sup>

In consonance with the earlier resolutions of this court regarding the issue of jurisdiction over cases already elevated on appeal and in light of the Supreme Court – Second Division's approval of Mr. Malones's withdrawal of his appeal, remand of these cases to this court, and the closure and termination of these cases as far as he is concerned, let the cash bond posted by Mr. Malones under O.R. No 5087297 Y dated April 8, 2015 be

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<sup>9</sup> Record, vol. 6, pp. 350-356.

<sup>10</sup> Record, vol. 6, pp. 359-368A.

<sup>11</sup> Record, vol. 6, pp. 378-380.

<sup>12</sup> Record, vol. 6, pp. 385-386A.

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**RELEASED** to him or his duly-authorized representative subject to the usual government accounting and auditing rules and procedures.

Further, the Hold Departure Orders issued in these cases are ordered **LIFTED** and **SET ASIDE** as against Mr. Malones only.

As to Mr. Malones's "MANIFESTATION AND MOTION TO DISMISS" dated April 26, 2024, based similarly on the above disquisitions, the same is merely **NOTED**.

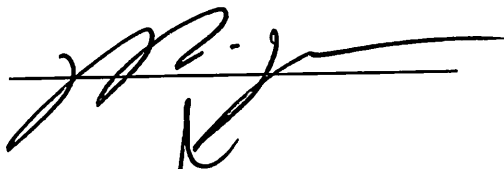
**SO ORDERED.**

**GOMEZ-ESTOESTA, J.**



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**TRESPESES, J.**



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**HIDALGO, J.**



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