



Republic of the Philippines
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-20-CRM-0012

For: Violation of Section 3(e) of
R.A. No. 3019, as amended

- versus -

SB-20-CRM-0013

For: Malversation of Public Funds

ANTONIO Y. ORTIZ,*
DENNIS L. CUNANAN,
FRANCISCO B. FIGURA,
MARIVIC V. JOVER,
MARIA ROSALINDA
M. LACSAMANA, and
ALFREDO A. RONQUILLO,†

Accused.

Present:

FERNANDEZ, S.J., J.
Chairperson
VIVERO, J. and
TRESPESES, J.**

Promulgated:

May 13, 2024

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RESOLUTION

VIVERO, J.:

Before this Court for resolution are the following incidents:

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- * Antonio Y. Ortiz remains at large; hence, he has never been arrested and arraigned (Record, Vol. 2, p. 234-E).
 - ** Special Member in lieu of Justice Karl B. Miranda, per Administrative Order No. 049-2021 dated March 5, 2020.
 - † Alfredo A. Ronquillo, the private party in this case, died on January 27, 2009, per Certificate of Death (Philippine Statistics Authority). Conformably with Article 89 of the Revised Penal Code, the Court dismissed Crim. Cases No. SB-20-CRM-0012 to 0013 as against said accused. (Resolution dated Dec. 16, 2020 (Record, Vol. 1, pp. 361 - 363).

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1. *Motion for Reconsideration*¹ (for Accused Dennis L. Cunanan) filed via electronic mail and through personal filing on February 20, 2024;
2. *Motion for Reconsideration*² (for Accused Jover and Lacsamana) filed via electronic mail and through personal filing on February 21, 2024; and
3. *Consolidated Comment/Opposition*³ (to the Motions for Reconsideration filed by Accused Cunanan, Jover, and Lacsamana) filed via electronic mail on March 7, 2024 by the prosecution.

The *fallo* of the Decision⁴ adverse to the indicted officials of the Technology and Livelihood Resource Center⁵ (TLRC), is quoted below, to wit:

WHEREFORE, in light of the foregoing, judgment is hereby rendered as follows:

A. CRIMINAL LIABILITY:

1. Criminal Case No. SB-20-CRM-0012:

Accused **Dennis L. Cunanan**, **Marivic V. Jover** and **Maria Rosalinda M. Lacsamana** are found **GUILTY** beyond reasonable doubt of **violation of Section 3(e) of Republic Act No. 3019, as amended**. Accordingly, they are each sentenced to suffer the penalty of imprisonment from six (6) years and one (1) month to eight (8) years, with perpetual disqualification from holding public office.

Accused **Francisco B. Figura** is hereby **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt.

2. Criminal Case No. SB-20-CRM-0013:

¹ Dated February 19, 2024, pp. 1 - 27.

² Dated February 14, 2024, pp. 1 - 15.

³ Dated March 7, 2024, pp. 1 - 34.

⁴ Dated February 6, 2024, pp. 1 - 107.

⁵ The TLRC was created on February 23, 1977 by virtue of Presidential Decree No. 1097. The Center is mandated to promote the utilization/commercialization of appropriate technologies and to create livelihood opportunities in support of national socio-economic development agenda. On March 29, 2007, Executive Order No. 614 was issued, transferring the administrative supervision over TLRC from the Office of the President to the Department of Science and Technology (DOST) and renaming TLRC to Technology Resource Center (TRC). This was done to better monitor the performance of the Center.

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Accused **Dennis L. Cunanan, Marivic V. Jover** and **Maria Rosalinda M. Lacsamana** are found **GUILTY** beyond reasonable doubt of **Malversation of Public Funds** under Article 217 of the Revised Penal Code. Accordingly, they are hereby sentenced to suffer the penalty of imprisonment from twelve (12) years and one (1) day of *reclusion temporal*, as minimum, to eighteen (18) years and eight (8) months of *reclusion temporal*, as maximum.

Further, accused **Dennis L. Cunanan, Marivic V. Jover** and **Maria Rosalinda M. Lacsamana** are sentenced to suffer perpetual special disqualification from holding public office and forfeiture of all retirement and gratuity benefits under existing laws.

Furthermore, accused **Dennis L. Cunanan, Marivic V. Jover** and **Maria Rosalinda M. Lacsamana** are ordered to pay a fine in the amount of nine million eight hundred thousand pesos (P9,800,000.00).

Accused **Francisco B. Figura** is hereby **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt.

B. CIVIL LIABILITY:

The Court finds accused **Dennis L. Cunanan, Marivic V. Jover** and **Maria Rosalinda M. Lacsamana** civilly liable in Criminal Cases No. SB-20-CRM-0012 and SB-20-CRM-0013. Hence, they must solidarily refund to the Bureau of the Treasury the amount of nine million eight hundred thousand pesos (P9,800,000.00), plus interest thereon at the rate of six percent (6%) *per annum*, reckoned from the finality of the decision until full satisfaction.

In line with the acquittal of accused **Figura**, the Hold Departure Order issued against him in connection with these cases is hereby **LIFTED** and **SET ASIDE**. The Bureau of Immigration (BI) is directed to remove his name in the hold-departure list insofar as these cases are concerned. Further, the bail bond he posted is ordered **RELEASED**, subject to the usual auditing and accounting procedures.

The cases against accused **Alfredo A. Ronquillo** are hereby **DISMISSED** by reason of his death, pursuant to Article 89 of the Revised Penal Code.

Since the Court has not acquired jurisdiction over the person of accused **Antonio Y. Ortiz** who remains at large, the



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cases against him are hereby ordered **ARCHIVED**, the same to be revived upon his arrest or voluntary surrender. Let an *alias* warrant of arrest be issued against accused Ortiz.

SO ORDERED.

Accused Cunanan impugns the Court's verdict on the following grounds:

I. THE DECISION SHOULD BE RECONSIDERED BECAUSE CONVICTING DENNIS CUNANAN WHILE ACQUITTING A CO-ACCUSED THAT IS SIMILARLY SITUATED, IF NOT WORSE OFF, WOULD VIOLATE DUE PROCESS AND EQUAL PROTECTION

x x x

II. THE DECISION SHOULD BE RECONSIDERED BECAUSE THERE WAS NO PROOF BEYOND REASONABLE DOUBT OF VIOLATION OF R.A. No. 3019

x x x

III. THE CONVICTION FOR MALVERSATION SHOULD BE RECONSIDERED BECAUSE DENNIS CUNANAN WAS NOT AN ACCOUNTABLE OFFICER

IV. THERE WAS NEITHER PROOF OF CONSPIRACY, NOR THAT DENNIS CUNANAN WAS A CO-CONSPIRATOR

x x x⁶

For their part, accused Jover and Lacsamana implore the Court to:

[R]econsider its ruling by equally focusing not on what they should have done as the Chief Accountant and Group Head based on various COA Circulars, but rather, and more importantly, on the evidence of the Prosecution to establish the presence of evident bad faith, manifest partiality, and/or gross inexcusable negligence as well as the intent to misappropriate. x x x⁷

Contrarily, the prosecution maintains that no reversible error may be imputed against the Court's well-studied verdict. Its asseverations are summarized thusly:

⁶ Supra, Note 1, pp. 2 - 3.

⁷ Supra, Note 2, p. 13.

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- A. There is no violation of accused Cunanan's constitutional rights to due process and equal protection as the basis for his conviction and that of accused Figura's acquittal are entirely different.
- B. The Honorable Court correctly held accused Cunanan liable for the unlawful disbursement and release of Cong. Bueser's PDAF to AFPI when he certified in Box A of the subject DV that the expenses are necessary, lawful, and incurred under his direct supervision, and for his failure to monitor the implementation of the purported PDAF-funded projects and to require accused Ronquillo and AFPI to submit implementation and liquidation reports.
- C. Accused Cunanan's certification in Box A of the subject DV is indispensable in the disbursement of the PDAF funds to AFPI, and carries with it the duty to ensure that the disbursement of funds is in compliance with the law.
- D. Evidence of bribe or personal gains against Cunanan is not an essential element of a Violation of Sec. 3(e) of R.A. No. 3019.
- E. Accused Cunanan is an accountable officer within the purview of Art. 217 of the Revised Penal Code (RPC).
- F. Direct evidence of the personal misappropriation by accused Cunanan is unnecessary, as the subject PDAF in the amount of P9.8 Million remains unliquidated and unaccounted for without any satisfactory explanation on his part.
- G. Accused Jover and Lacsamana had the duty to ensure that the transactions entered into by the TLRC WITH NGOs/POs relative to the release of fund assistance are in accordance with COA Circular No. 95-003, as amended.
- H. Accused Jover's certification in Box B of the subject DV is also indispensable in the disbursement of the PDAF funds, and as such, she was duty-bound to exercise sound discretion in determining the legality, regularity, necessity, and economy of the subject PDAF transaction.
- I. Accused Lacsamana was in charge of the PDAFs released to the TLRC and was responsible in ascertaining the qualifications of NGOs to implement PDAF-funded projects, in ensuring the execution of the MOA in accordance with law, and in monitoring the on-site implementation of PDAF-funded projects.
- J. Notwithstanding that accused Cunanan already certified Box A of the subject DV as to the lawfulness of the transaction, accused Jover was duty-bound to determine the legality, regularity, necessity, and economy thereof.



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- K. Accused Jover disregarded the provisions of the GAA and COA Circular No. 96-003, which resulted in the unlawful disbursement and release of Cong. Bueser's PDAF to AFPI.
- L. Accused Lacsamana, in issuing her Memorandum dated 23 April 2007, did not merely recommend the release of the subject PDAF to AFPI, but also attested that AFPI was qualified to implement the PDAF-funded projects and that the MOA was in conformity with the provisions of COA Circular No. 96-003.
- M. Accused Lacsamana's failure to perform her duties as LLO of the TLRC renders her liable for issuing the subject release Memorandum.
- N. Accused Jover and Lacsamana do not have in their favor the presumption of regularity in the performance of official duties in view of the clear and convincing evidence to the contrary.
- O. TLRC Memorandum Order No. 07 dated 22 June 2005 was duly identified by accused Figura, was formally offered without any objection from accused Jover and Lacsamana, and was properly admitted by the Honorable Court.
- P. The Honorable Court did not err in finding accused Cunanan, Jover, and Lacsamana guilty beyond reasonable doubt of Violation of Sec. 3(e) of R.A. No. 3019.
- Q. The Honorable Court did not err in finding accused Cunanan, Jover, and Lacsamana guilty beyond reasonable doubt of Malversation under Art. 217 of the RPC.
- R. Conspiracy existed among the accused in the perpetration of the crimes of Violation of Sec. 3(e) of R.A. No. 3019 and Malversation of Public Funds.⁸

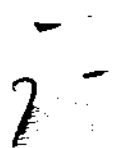
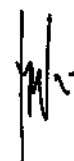
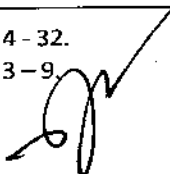
The Court stands firm in the soundness of its verdict.

That accused Cunanan and accused Figura are "*similarly situated*"⁹ is plain sophistry. On this score, the Court quotes with approval the prosecution's counterargument, to wit:

6. x x x **[A]ccused Cunanan's conviction and accused Figura's acquittal rest on substantial distinctions, and . . . there exists sufficient justification for accused Cunanan's guilty verdict.** Hence, there is no violation of accused Cunanan's rights to due process and equal protection.

⁸ Supra, Note 3, pp. 4 - 32.

⁹ Supra, Note 1, pp. 3 - 9.



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7. What militates against accused Cunanan's claim is that **THE BASIS FOR HIS CONVICTION VIS-À-VIS ACCUSED FIGURA'S ACQUITTAL ARE ENTIRELY DIFFERENT.** A cursory reading of the assailed *Decision* shows that the acquittal of accused Figura was based on: (a) his reservations about entrusting the implementation of the PDAF-funded project to AFPI, as shown by his handwritten note to accused Cunanan; (b) his request from accused Ortiz to be relieved as signatory to Box A of the DVs involving PDAF; (c) the prior approval of the subject DV and (the subject) check by his superiors before he countersigned the check; and (d) his group's non-participation in the implementation of PDAF-funded projects. **No similar circumstances are attendant on accused Cunanan's part.**

8. Conversely, **the basis for accused Cunanan's conviction was his clear, direct, and indispensable participation in the unlawful disbursement and release of Cong. Bueser's PDAF** in the amount of P9.9 Million to AFPI, that is, by certifying in Box A of the subject DV that the expenses are necessary, lawful, and incurred under his direct supervision, as well as his failure to monitor the implementation of the supposed PDAF-funded projects and to require accused Ronquillo and AFPI to submit project implementation and liquidation reports.¹⁰ (Emphasis and Capitalization Supplied; Citations omitted.)

Clutching at straws, accused Cunanan harps on the "absence of financial gains as motivator to conspire."¹¹

The Court disagrees.

In the fairly recent case of *People v. Sandiganbayan, Seachon-Lanete and Napoles*,¹² the Supreme Court pronounced that the lack of any direct proof of any agreement with respect to kickbacks and commissions does not entail that there is no evident guilt because there can be implied conspiracy to misappropriate public funds.

Corollarily, the contention of accused Jover and accused Lacsamana that conspiracy was inferred solely from their signatures on documents they had certified is misleading and flawed.¹³ *A sensu contrario*, the Court's finding of conspiracy rests on firm factual support. Jurisprudential precedents¹⁴ bear out that conspiracy may

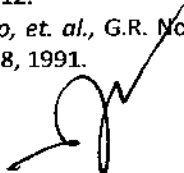
¹⁰ *Supra*, Note 3, p. 5.

¹¹ *Supra*, Note 1, p.22.

¹² G.R. No. 230801 (Notice), October 11, 2023.

¹³ *Supra*, Note 2, p. 12.

¹⁴ *People v. Caranzo, et. al.*, G.R. No. 76743, May 22, 1992 (209 SCRA 232); *People v. Gabatin*, G.R. No. 84730, October 28, 1991.



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be deduced from the mode and manner in which the offense was perpetrated. In the instant case, proof beyond reasonable doubt has established convincingly that the totality of the facts and circumstances indicates furtherance of a common design among the accused,¹⁵ except accused Figura.


The prosecution has satisfactorily discharged its burden of proving the crimes imputed against the alleged perpetrators, including the conspiracy attendant thereto. Moreover, weighty, probative and credible evidence undergird the conclusion of the Court. Hence, it has written *finis* to this controversy.

The Court need not belabor the other points raised by the accused-movants. Despite their lengthy and repetitious submissions, all the arguments therein are merely warmed-over versions of what they posited before. The Court has painstakingly given their postulates the corresponding thorough and objective review but, on the real and proper issues completely discussed and resolved by the Court, the obvious convolutions of the same arguments are evidently unavailing. At bottom, no substantial and compelling and substantial reason can persuade the Court to modify, much less reverse, the assailed Decision.

In line with *Mendoza-Ong v. Sandiganbayan*,¹⁶ a motion for reconsideration may be summarily denied when it merely contains a rehash of the arguments previously put forward and found to be unmeritorious. Having perspicaciously passed upon such issues after a full-blown trial, it would be an exercise in futility for the Court to reiterate itself.

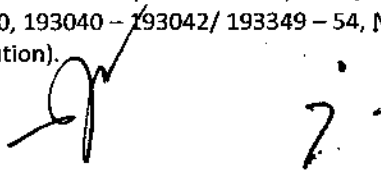
Accordingly, the *Motions for Reconsideration* filed by accused Dennis L. Cunanan, Marivic V. Jover, and Maria Rosalinda M. Lacsamana are hereby **DENIED** for lack of merit.

SO ORDERED.


KEVIN NARCE B. VIVERO
Associate Justice

¹⁵*Napoles v. Sandiganbayan (Third Division)*, G.R. No. 224162, November 2, 2017, *Cedeño v. People and Sandiganbayan (Fifth Division)*, G.R. Nos. 193020, 193040 – 193042/ 193349 – 54, November 8, 2017.

¹⁶ G.R. Nos. 146368 – 69, October 18, 2004 (Resolution).



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WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


ZALDY V. TRESPESSES
Associate Justice

