



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
QUEZON CITY

SPECIAL SEVENTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Crim. Case No. **SB-16-CRM-0594**

-versus-

NELSON SIGLOS RUIZ,
Accused.

x ----- x

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Crim. Case No. **SB-16-CRM-0595**

Present:

-versus-

Gomez-Estoesta, J., *Chairperson*
Trespeses, J., and
Jacinto, J.*

NELSON SIGLOS RUIZ,
Accused.

Promulgated:
August 28, 2018 *JP*

x ----- x

DECISION

GOMEZ-ESTOESTA, J.:

In connection with the operation of a cockpit in San Jose, Negros Occidental, two cases have been filed before this Court against its Municipal Mayor, accused Nelson S. Ruiz ["accused Ruiz"] – one for allowing his daughter to accept employment therein, and another for issuing a license allowing such cockpit to operate notwithstanding that he was the lessor of the lot where it was constructed. The two *Informations* read:

J. J. J.

* Per A.O. No. 284-2017 dated August 18, 2017

SB-16-CRM-0594 for Violation of Section 3(d) of R.A. 3019:

That on **April 15, 2009**, or sometime prior or subsequent thereto, in San Jose, Negros Oriental, Philippines, and within the jurisdiction of the Honorable Court, the above-named accused, **NELSON SIGLOS RUIZ**, a public officer being then Municipal Mayor (Salary Grade 27) for the term 2007-2010 of the Municipality of San Jose, Negros Oriental, taking advantage of his public office, committing the crime in relation to his official duties per Municipal Ordinance No. 06-04 approved in November 23, 2006 authorizing the Mayor to issue license to operate a cockpit within the said Municipality of San Jose, did then and there, willfully, unlawfully, criminally allow his daughter Susan R. Logronio to accept employment as Cashier in the cockpit business of one **FELIX RAMIREZ**, who, at that time, had an application for the issuance of a license to operate a cockpit at Barangay Cancawas of the said Municipality of San Jose with the accused, to which accused thereafter issued such license to operate a cockpit to one **FELIX RAMIREZ**.

CONTRARY TO LAW.¹

SB-16-CRM-0595 for Violation of Section 3(h) of R.A. 3019:

That on **April 16, 2009**, or sometime prior or subsequent thereto, in San Jose, Negros Oriental, Philippines, and within the jurisdiction of the Honorable Court, the above-named accused, **NELSON SIGLOS RUIZ**, a public officer being then Municipal Mayor (Salary Grade 27) for the term 2007-2010 of the Municipality of San Jose, Negros Oriental, taking advantage of his public office, committing the crime in relation to his official duties per Municipal Ordinance No. 06-04 approved on November 23, 2006 authorizing the Mayor to issue license to operate a cockpit within the said Municipality of San Jose, did then and there, willfully, unlawfully, criminally issue a license to operate cockpit at Barangay Cancawas of the said Municipality of San Jose to one **FELIX RAMIREZ**, despite having direct or indirect financial or pecuniary interest in the said cockpit of one **FELIX RAMIREZ** being the lessor for a fee of the lot wherein the said cockpit is situated, which financial or pecuniary interest of respondent in the said cockpit is prohibited by Republic Act No. 7160, Section 89, and Republic Act No. 6713, Section 7, in violation of the Anti-Graft and Corrupt Practices Act.

CONTRARY TO LAW.²

A Hold Departure Order was issued against accused Ruiz on September 5, 2016.³ He filed an *Omnibus Motion to Dismiss, Deferment of Issuance of Arrest and Further Proceedings*,⁴ alleging that there was inordinate delay in the conduct of preliminary investigation that lasted 7 years, counted from the filing of the complaint up to the filing of the *Informations*. The Prosecution countered⁵ that the Complaint filed initially had to be rectified as it was not under oath, and lacked a verification and certification of non-forum shopping, which accounts for some of the alleged delay. The Office of the Ombudsman

¹ Records, Vol. 1, pp. 1-2

² Folder attached to Records, Vol. 1

³ *Id.*, p. 62

⁴ *Id.*, pp. 64-67

⁵ Opposition dated September 23, 2016, *Id.*, pp. 75-80

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took a reasonable time to evaluate the complaint; a mere mathematical reckoning would not be sufficient. Accused Ruiz never raised his right to the speedy disposition of the case during preliminary investigation; neither did he suffer any prejudice. In a *Resolution* dated November 2, 2016,⁶ this Court denied accused Ruiz's *Motion*, ruling that accused failed to show how the claimed delay was vexatious; in fact, accused failed to allege any particular prejudice brought to him by the delay complained of.

On November 16, 2016, accused Ruiz voluntarily surrendered before this Court and posted cash bail for his provisional liberty.⁷ His *Motion for Reconsideration*⁸ of this Court's *Resolution* dated November 2, 2016 was denied.⁹ When arraigned, accused Ruiz pleaded *not guilty* to the charges.¹⁰

The parties entered into the following admissions during pre-trial:¹¹

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ADMITTED FACTS

- 1) The identity of accused Nelson Siglos Ruiz (Ruiz).
- 2) That at the time material to these cases, or sometime [in] April 2009, accused Ruiz was a public officer, being the Municipal Mayor of San Jose, Negros Oriental.

The issue to be resolved is whether or not accused Nelson Siglos Ruiz violated Sections 3(d) and 3(h) of R.A. 3019, as amended.¹² Trial ensued.

EVIDENCE FOR THE PROSECUTION

The Prosecution presented ten (10) witnesses, who, through Judicial Affidavits,¹³ testified as follows:

1. **Siegfredo G. Renacia** ["Renacia"] filed the letter-complaint against accused Ruiz with the Office of the Deputy Ombudsman for the Visayas.¹⁴

In his Letter-Complaint,¹⁵ Renacia alleged that accused Ruiz had issued a business permit in favor of one Felix T. Ramirez to operate a cockpit in Brgy. Cancawas, San Jose, Negros Occidental, which the Sangguniang Bayan

⁶ *Id.*, pp. 82-86

⁷ *Id.*, pp. 60-67

⁸ *Id.*, pp. 71-74

⁹ *Resolution* dated January 12, 2017, *Id.*, pp. 80-81

¹⁰ *Id.*, pp. 88-90

¹¹ *Joint Stipulation of Facts and Issue* dated June 15, 2017, *Id.*, pp. 139-148; *Pre-Trial Order* dated July 14, 2017, *Id.*, pp. 149-156

¹² *Id.*

¹³ Except Chrislyned Tan, whose supposed oral direct testimony was dispensed with in view of stipulations made thereon

¹⁴ Exhibit "FF", rectified per directive of the Office of the Ombudsman – Exhibit "EE"; Judicial Affidavit dated July 20, 2017, Records, Vol. 1, pp. 257-284, Q&A Nos. 4-12

¹⁵ Exhibit "EE"