



REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
Quezon City  
**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
*Plaintiff,*

Criminal Case Nos.  
**SB-16-CRM-1096**  
*For: Violation of Section 3(e)  
of Republic Act No. 3019,  
as amended*


-versus-

**SB-16-CRM-1097**  
*For: Violation of Section 3(j)  
of Republic Act No. 3019,  
as amended*

**FAUSTINO A. SILANG,  
LUZVIMINDA B. CUADRA,  
VENERANDO R. REA,  
REX L. ABADILLA,  
MARFEO D. JACELA,  
ABELARDO P. ABRIGO,  
MACARIO J. REYES,  
ROMEO F. CAYANAN,**  
*Accused.*

Present:  
**Cabotaje-Tang, A.M., P.J.,**  
*Chairperson*  
**Fernandez, B.R., J. and**  
**Moreno, R.B., J.**

PROMULGATED:

FEBRUARY 14, 2008 

x - - - - -

**DECISION**

**Moreno, J.:**

Accused Faustino A. Silang (*Silang*), Luzviminda B. Cuadra (*Cuadra*), Venerando R. Rea (*Rea*), Rex L. Abadilla (*Abadilla*), Marfeo D. Jacela (*Jacella*), Abelardo P. Abrigo (*Abrigo*), Macario J. Reyes (*Reyes*), and Romeo F. Cayanan (*Cayanan*) are charged before this Court with violation of Sections 3(e) and 3(j) of Republic Act (R.A.) No. 3019, as amended. The *Informations* read as follows:



**SB-16-CRM-1096**

*That on or about August 5, 2013, in Tayabas City, Quezon, Philippines, and within the jurisdiction of this Honorable Court, accused FAUSTINO ALANDY SILANG, LUZVIMINDA BAES CUADRA, VENERANDO REYES REA, REX LEUTERIO ABADILLA, MARFEO D. JACELA, ABELARDO PEREZ ABRIGO, MACARIO JARDINAN REYES, and ROMEO FAJARDO CAYANAN, all public officers, being the Mayor, Vice-Mayor and members of the Sangguniang Panlungsod of Tayabas City, respectively, acting in relation to their respective offices and taking advantage of the same, conspiring and confederating with each other, through evident bad faith, manifest partiality or gross inexcusable negligence, did then and there wilfully, unlawfully and feloniously give unwarranted benefits, advantage or preference to ATTY. JOSE AUGUSTO J. SALVACION by authorizing accused FAUSTINO A. SILANG to employ of the services of ATTY. JOSE AUGUSTO J. SALVACION to represent Tayabas City as its private counsel in cases filed in courts, in violation of Section 481 of the Local Government Code.*

CONTRARY TO LAW.

**SB-16-CRM-1097**

*That on or about August 5, 2013, in Tayabas City, Quezon, Philippines, and within the jurisdiction of this Honorable Court, accused FAUSTINO ALANDY SILANG, LUZVIMINDA BAES CUADRA, VENERANDO REYES REA, REX LEUTERIO ABADILLA, MARFEO D. JACELA, ABELARDO PEREZ ABRIGO, MACARIO JARDINAN REYES, and ROMEO FAJARDO CAYANAN, all public officers being then City Mayor, Vice Mayor and Sangguniang Panlungsod Members of Tayabas City, Quezon, respectively, acting in relation to their respective offices and taking advantage of the same, conspiring and confederating with each other, did then and there, wilfully, unlawfully, criminally and knowingly grant a privilege or benefit in favor of a person not qualified for or legally entitled to the same, by employing the services of ATTY. JOSE AUGUSTO J. SALVACION to represent Tayabas City as its Private Counsel in cases filed in courts, although he is specifically barred by the Local Government Code and existing jurisprudence from assuming the same, to the damage and prejudice of the City of Tayabas, Quezon.*

CONTRARY TO LAW.



When arraigned, accused Silang, Cuadra, Abadilla, Abrigo, Reyes and Rea separately entered a plea of "*Not Guilty*" to both charges.<sup>1</sup> Accused Jacela, on the other hand, refused to enter any plea to both charges. Accordingly, the Court entered a plea of "*Not Guilty*" for him.<sup>2</sup> Meanwhile, accused Cayanan remains at large.

During the pre-trial, the parties jointly agreed to stipulate on the following facts:<sup>3</sup>

1. That during the period material to the case as alleged in the respective Information/s, all of the accused admit their identities as named, alleged and charged in the Information/s as follows:
  - a. Faustino Alandy Silang being the Mayor of City of Tayabas;
  - b. Luzviminda Baes Cuadra being the City Vice-Mayor and Presiding Officer of the *Sangguniang Panlungsod* of the City of Tayabas;
  - c. Rex Leuterio Abadilla being one of the City Councilors of City of Tayabas;
  - d. Abelardo Perez Abrigo, Jr. being one of the City Councilors of City of Tayabas;
  - e. Macario Jardinan Reyes being one of the City Councilors of City of Tayabas;
  - f. Marfeo Daniel Jacela being one of the City Councilors of City of Tayabas;
  - g. Venerando Reyes Rea being one of the City Councilors of City of Tayabas
2. That when referred to orally or in writing by the Honorable Court, the Prosecution and/or its witnesses, the foregoing accused admit that they are the same persons being referred to as accused in these cases.
3. That during the period material to these cases as alleged in the respective Information/s of these cases, accused admit that:
  - a. FAUSTINO ALANDY SILANG is a public officer being the Mayor of City of Tayabas;

<sup>1</sup> See Order dated February 6, 2017, Records, Vol. 1, pp. 394-395; Order dated October 6, 2017, *Id.* at pp. 653-654

<sup>2</sup> See Order dated August 22, 2017, *Id.* at p. 589

<sup>3</sup> See Amended Pre-Trial Order dated May 21, 2018, Records, Vol. 2, pp. 191-206

DECISION

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- b. LUZVIMINDA BAES CUADRA is a public officer being the City Vice-Mayor and Presiding Officer of the *Sangguniang Panlungsod* of the City of Tayabas;
- c. REX LEUTERIO ABADILLA is a public officer being one of the City Councilors or member of the *Sangguniang Panlungsod* of City of Tayabas;
- d. ABELARDO PEREZ ABRIGO, JR. is a public officer being one of the City Councilors or member of the *Sangguniang Panlungsod* of City of Tayabas;
- e. MACARIO JARDINAN REYES is a public officer being one of the City Councilors or member of the *Sangguniang Panlungsod* of City of Tayabas;
- f. MARFEO DANIEL JACELA is a public officer being one of the City Councilors or member of the *Sangguniang Panlungsod* of City of Tayabas;
- g. VENERANDO REYES REA is a public officer being one of the City Councilors or member of the *Sangguniang Panlungsod* of City of Tayabas.

Pre-trial was eventually terminated and the cases were tried on their merits.

**EVIDENCE FOR THE PROSECUTION**

The prosecution presented Wenda S. De Torres and Dolores Carina N. Jalbuena as its witnesses.

**Wenda S. De Torres**,<sup>4</sup> City Councilor of Tayabas, Quezon identified the Joint Complaint-Affidavit<sup>5</sup> and the Joint Reply-Affidavit<sup>6</sup> she executed together with the other complainants, which both served as her direct testimony.

She narrated that accused Silang, with the authority of the other accused, hired Atty. Jose Augusto J. Salvacion, a private lawyer, to continue representing the local government of Tayabas in various cases pending with the Regional Trial Courts in Lucena City. In 2008, the Commission on Audit (COA) issued Audit Observation Memorandum addressed to accused Silang with the observation covering the period from January to March 2008 that "*a private lawyer was hired to render legal services for the city which runs counter with the provisions of Section 481 of R.A. No. 7160 and COA Circular dated June 9, 1998*". The

<sup>4</sup> TSN dated May 22, 2018

<sup>5</sup> Exhibit "K and series"

<sup>6</sup> Exhibit "L"





Memorandum further stated that *"In view thereof, it is advised that employment of private lawyer to render legal services for the city be stopped. It bears emphasis that the city government had no choice but to appoint a legal officer as mandated under Section 481 of R.A. No. 7160"*. Finding accused Silang of ignoring the aforesaid Memorandum, COA issued Notice of Disallowance dated October 2, 2009, disallowing the amount paid to Atty. Salvacion, covering the period from January to September 2008. Accused still continued to employ the services of Atty. Salvacion in 2009, 2010, 2011, 2012 and 2013. In July 2013, accused passed and approved Resolution No. 13-87. Accused Cuadra, former City Councilor, acceded to the request of accused Silang for the local council's authorization of Atty. Salvacion to continue as counsel of record for the local government of Tayabas in the three (3) cases mentioned in Resolution No. 13-87.

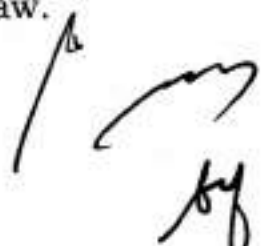
On cross-examination, De Torres was confronted with a copy of Resolution No. 13-87.<sup>7</sup> She declared that accused Cuadra, then Vice-Mayor and Presiding Officer of *Sangguniang Panlungsod* of Tayabas, Quezon in 2013, approved the said Resolution. She narrated that the Presiding Officer presides in the meeting and announces the result of the votation. The Presiding Officer is only entitled to vote in the passage of a resolution in case of a tie. During deliberation, sometimes, the Presiding Officer is also requested to give some insights or to make manifestations, which are included in the minutes.

She confirmed that because the legal services of Atty. Salvacion were pro bono, she did not have any document to show that public funds or money was disbursed in payment therefor.

De Torres stated that she was not aware of any action pending in any court assailing the validity of Resolution No. 13-87 nor any final judgment of any court nullifying it. At the time of filing of the Complaint with the Office of the Ombudsman, she was aware of the provisions of R.A. No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees, authorizing the Civil Service Commission to promulgate rules or guidelines for individuals who render free, voluntary services to the government. However, she was not able to read the specific law.

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<sup>7</sup> Exhibit "M"

A handwritten signature in black ink, appearing to be 'J. De Torres', is written over the bottom right of the page.

She confirmed that at the time of the passage of Resolution No. 13-87 up to the present, there is no Legal Officer in the City of Tayabas.

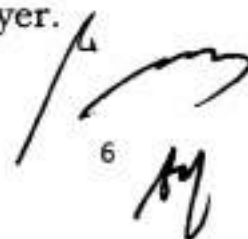
Questioned further on cross-examination, De Torres confirmed that she was one of the councilors who voted against the passage of Resolution No. 13-87. She narrated that during the voting process, if the councilor finds something objectionable with the proposed resolution, he/she will raise his/her hand and state his/her objections thereto. With regard to Resolution No. 13-87, she, together with Councilors Caagbay, Reynoso and Abesamis, raised their objection thereto. In the session relative to its passage, she saw the other councilors talking during recess but she could not recall what happened prior to that. Accused Silang, on the other hand, was the one who requested the council to pass Resolution No. 13-87 because he could not participate in the session.

Among the bases in filing the Complaint were the COA Audit Observation Memorandum and the provisions of law stating that private lawyers cannot serve as counsel of the local government unit. She was not aware if there was any Notice of Suspension from the COA not to proceed with the hiring of a private lawyer before the issuance of Notice of Disallowance. She clarified that the COA Memorandum does not pertain to and is irrelevant to Resolution No. 13-87 as it does not mention that the services of private lawyers are illegal or unlawful.

She recalled that Tayabas City had no Municipal Legal Officer in 2000. In 1997 and in 2001, it had a Municipal Legal Officer, who was Atty. Salvacion. It also had Atty. Walter James Sumilang and Atty. James Macasaet as Legal Officers.

When asked if she was aware if the hiring of City Legal was published by the Human Resource Department, she answered that it was possible that it was posted. She said that she was aware that they received a letter indicating the list of public lawyers who could assist the local government of Tayabas in handling its cases.

She reiterated that the services of Atty. Salvacion were pro bono, however, the same were not beneficial to the City of Tayabas because the hiring per se of a private lawyer was illegal and it was possible that the three (3) cases mentioned in Resolution No. 13-87 were handled by a government lawyer.

  
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De Torres further testified that during the deliberation on Resolution No. 13-87, she raised her objections to the passage thereof. Firstly, it was the first time that the local chief executive requested the *Sanggunian* to authorize the services of Atty. Salvacion. Accused Silang asked the *Sanggunian* to authorize Atty. Salvacion to continue as counsel of Tayabas City unlike before that the mayor merely requested the council to authorize him to engage the services of Atty. Salvacion. To her, it seemed like the council was the one directly authorizing the services of Atty. Salvacion in behalf of the local government of Tayabas. Secondly, there were previous disallowances issued by the COA with respect to the services of Atty. Salvacion. Thirdly, she wondered why the local government did not hire Atty. Salvacion on a job order when he already served as its Legal Officer in 1997 and 2001. The main reason, however, was that she believed that the local government unit could not hire a private lawyer to represent it in its cases.

**Dolores Carina N. Jalbuena**<sup>8</sup> is the City Accountant of Tayabas, Quezon. She recalled that she issued a certification in September 2014 stating that *"based from the records in our office, Local Government Unit (LGU) of Tayabas is paying Honoraria to Judge Lourdes Casco and Fiscal Ramon Dominguez, Jr. in the amount of P7,200.00 per month since the calendar year 2013 and this date."*<sup>9</sup> Ramon Dominguez, Jr. is a national government employee assigned to the local government of Tayabas as fiscal. The local government of Tayabas paid him the amount of P7,200.00 per month because the LGU paid an honorarium to various national government personnel assigned to Tayabas for the services rendered to its locality. She issued the September 2014 certification on the basis of the ledger of payee for Fiscal Dominguez for the year 2013. Her office had a ledger which contained the payee, the amount paid and, the date and check number of the particular payment.<sup>10</sup>

On cross-examination, she admitted being a witness in several cases against accused Silang before the Sandiganbayan. She clarified that with respect to these cases, she was merely testifying on the certification she issued in September 2014.

After presenting its witnesses, the prosecution filed its *Formal Offer of Documentary Evidence*.<sup>11</sup> The Court, considering the objections of the accused, resolved to admit the following

<sup>8</sup> TSN dated June 6, 2018

<sup>9</sup> Exhibit "L-1"

<sup>10</sup> Exhibit "L-2"

<sup>11</sup> Records, Vol. 3, pp. 233-506



exhibits: Exhibits A, B, C, C-1, C-2, D, D-1, D-2, E, E-1, F, F-1, F-2, G, G-1, H, H-1, I, I-1, I-2, J, J-1, K and series, L and series, L-1, L-2, M, M-1, M-2, N, N-1, N-2, N-3, N-4, N-5, N-6, N-7, O, O-1, O-2, O-3, O-4, O-5, O-6, O-7, O-8, P, P-1, P-2, P-3, P-4, P-5, Q, R, S, T, T-1 to T-4, U to U-1, V, W, W-1, W-2, W-3, W-4, W-5, W-6, W-7, W-8, W-9, W-10, W-11, W-12, X, X-1, X-2, X-3, X-4, X-5, X-6, X-7, X-8, X-9, X-10, X-11, X-12, Z, Z-1, Z-2 and series, Z-3, Z-4 and Z-5.<sup>12</sup>

### **EVIDENCE FOR THE DEFENSE**

The defense presented the following witnesses: Josefina Q. Perez, Abelardo P. Abrigo, Jr., Faustino A. Silang, and Venerando R. Rea.

**Josefina Q. Perez**<sup>13</sup> is the Human Resource Department Head of Tayabas, Quezon. Pursuant to the subpoena *duces tecum ad testificandum* she received, she presented the following documents: Certification dated February 25, 2014,<sup>14</sup> Notice of Vacancy stamp-marked received on December 23, 2011,<sup>15</sup> Notice of Vacancies stamp-marked received on September 4, 2012,<sup>16</sup> Notice of Vacancy stamp-marked received on September 12, 2014,<sup>17</sup> Certification by Leonilo C. Cabuyao dated February 3, 2014,<sup>18</sup> and Certification dated May 23, 2018.<sup>19</sup>

The purpose of the Certification dated February 25, 2014 is to prove that based on the order of the City Mayor of Tayabas, she has posted the vacancy for the position of City Legal Officer. The then City Mayor, accused Silang, asked her to post the vacant position to invite possible applicants considering that Tayabas City has no Legal Officer since 2007. Likewise, the purpose of Certification dated May 23, 2018 was to invite possible lawyers who would apply for the position of Legal Officer.

She could no longer locate the Notice of Vacancy posted on January 3, 2014. Hence, she presented the Certification issued by Leonilo C. Cabuyao dated February 3, 2014 to prove that the

<sup>12</sup> *Id.* at p. 584

<sup>13</sup> TSN dated October 16, 2018

<sup>14</sup> Exhibit "9" for accused Silang, Abadilla, Abrigo and Reyes

<sup>15</sup> Exhibit "9-c" for accused Silang, Abadilla, Abrigo and Reyes

<sup>16</sup> Exhibit "9-d" for accused Silang, Abadilla, Abrigo and Reyes

<sup>17</sup> Exhibit "9-e" for accused Silang, Abadilla, Abrigo and Reyes

<sup>18</sup> Exhibit "9-a" for accused Silang, Abadilla, Abrigo and Reyes

<sup>19</sup> Exhibit "9-b" for accused Silang, Abadilla, Abrigo and Reyes



said Notice of Vacancy was posted in the bulletin board on January 3, 2014 and that it was published at the Civil Service Commission.

At present, Tayabas has no City Legal Officer. Before 2007, there were City Legal Officers: Atty. Jose Augusto Salvacion, Atty. Caliwara, Atty. Boy Sumilang and Atty. Macasaet. The Mayor at the time Atty. Salvacion served as City Legal Officer of Tayabas was accused Silang.

On cross-examination,<sup>20</sup> Perez confirmed that the subpoena she received did not require her to bring documents. She also confirmed that nothing in the Notices of Vacancy would prove that they were posted on a certain date. No other dates appeared therein aside from the date that they were received by the Civil Service Commission Field Office.

She stated that on January 27, 2017, July 21, 2017 and January 8, 2018, the Mayor of Tayabas City was Erlita P. Reynoso and that she was the one who requested for the posting of the vacancy for the position of City Legal Officer, not accused Silang.

Perez confirmed that it is not only Atty. Salvacion who is the lawyer of Tayabas City.

On clarificatory questioning by the Court, she confirmed that Atty. Salvacion was the former City Legal Officer of Tayabas until July 7, 2007. After his resignation, she has not seen Atty. Salvacion at the premises of the city hall of Tayabas. She was not familiar if he was acting for and in behalf of the city government of Tayabas from the time he resigned. She was likewise not familiar if he was occupying any other position in the city government of Tayabas other than as the City Legal Officer at that time.

**Abelardo P. Abrigo, Jr.,**<sup>21</sup> former City Councilor of Tayabas, Quezon, testified that pursuant to the complaints filed against him and his co-accused, they filed a Joint Counter-Affidavit,<sup>22</sup> Motion for Reconsideration to the resolution of the Ombudsman,<sup>23</sup> and Joint Position Paper.<sup>24</sup> The complainants in these cases were members of the *Sangguniang Panlungsod*,

<sup>20</sup> TSN dated October 16, 2018

<sup>21</sup> TSN dated November 5, 2018

<sup>22</sup> Exhibit "1" for accused Silang, Abadilla, Abrigo and Reyes

<sup>23</sup> Exhibit "2" for accused Silang, Abadilla, Abrigo and Reyes

<sup>24</sup> Exhibit "10" for accused Silang, Abadilla, Abrigo and Reyes

belonging to the opposing political party. He stated that the charges against them involved Resolution No. 13-87, authorizing Atty. Salvacion to continue as pro bono counsel in behalf of the city government of Tayabas. He claimed that the said Resolution was validly passed, having undergone the process of deliberation and was voted upon by the *Sanggunian*. He voted for its passage because the cases of the local government of Tayabas pending before the court might be dismissed based on technicality for lack of legal representation.

He mentioned that there was no City Counsel for Tayabas since he assumed office as councilor in 2010. The Human Resource Office issued a Certification that there were no applicants for the position of City Legal Counsel/Officer.<sup>25</sup> The passage of Resolution No. 13-87 was supported by the request from the Office of the Mayor and the aforementioned certification from the Human Resource Office.

Abrigo further stated that Resolution No. 13-87 was only for specific cases pending in court and the services of the counsel were pro bono. It was beneficial to Tayabas City as the case mentioned therein was decided in its favor.

On cross-examination, Abrigo confirmed that he was present in the session held on August 5, 2013. He also confirmed that he voted for the passage of Resolution No. 13-87 and signed the same because of the request from the Mayor as well as the certification from the Human Resource.

To his understanding, the hiring of a private counsel to represent the city is not allowed. When he was City Councilor, he was aware of the existence of other offices such as the Provincial Prosecutor and the Provincial Attorney. When he approved Resolution No. 13-87, he was aware that there was no clearance from the COA as to the authority given to Atty. Salvacion. Contrary to their Joint Counter-Affidavit, he admitted that there is nothing in Resolution No. 13-87 stating that they authorized Atty. Salvacion to formally withdraw from the cases mentioned therein.

On re-direct examination, he clarified that what he meant by the prohibition in hiring of a private counsel to represent the city is applicable if the services of the legal counsel is for a fee. In Resolution No.13-87, the hiring of a legal counsel was pro bono. To his understanding, pro bono meant services rendered

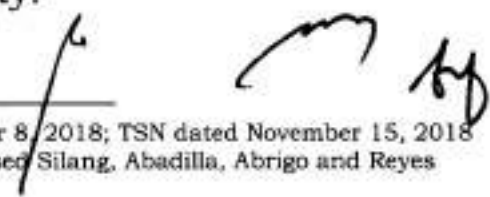
<sup>25</sup> Exhibit "9" for accused Silang, Abadilla, Abrigo and Reyes

by a lawyer to a private or local government without compensation. Atty. Salvacion was not given anything in return for representing the city government of Tayabas.

On re-cross examination, Abrigo reiterated that to his knowledge, the local government of Tayabas did not give anything to Atty. Salvacion because his services were pro bono. He could not remember the specific law or rule prohibiting the hiring of a private counsel to represent the city for a compensation.

On clarificatory questioning by the Court, he stated that he could no longer remember if there was a formal agreement between the local government of Tayabas and Atty. Salvacion showing that his services were pro bono.

**Faustino A. Silang**,<sup>26</sup> former mayor of Tayabas, Quezon, testified through the Joint Counter-Affidavit<sup>27</sup> he executed together with the other accused. He narrated that they were pushed by the circumstances to pass Board Resolution No. 13-87 on August 5, 2013 for Atty. Salvacion to continue as counsel for Tayabas City. For almost a decade, nobody applied for the position of Legal Officer as mandated by the Local Government Code (LGC). He wrote letters to the Office of the Provincial Prosecutor and Provincial Attorney, requesting them to issue a certification that their offices could not accommodate his request to represent Tayabas in cases pending before the courts. Due to the prolonged vacancy of the position of City Legal Officer, said vacancy was published to attract attention of those who were qualified for the position even if publication thereof was not required. However, despite this, no one applied for the position. Hence, as much as they wanted to comply with Sections 481 and 454 of the LGC in appointing a City Legal Officer, the same was unsuccessful. The ultimate reason for the passage of the subject Resolution was to protect the interest of Tayabas and its constituents since its legal affairs could not be left hanging or unattended. The position of City Legal Officer has been vacant since 2007, hence, they had no other option but to continue to authorize Atty. Salvacion in representing the local government of Tayabas. They later learned that the services of Atty. Salvacion must be rendered pro bono. They then requested him to continue rendering his pro bono services for Tayabas City.

  
<sup>26</sup> TSN dated November 8, 2018; TSN dated November 15, 2018

<sup>27</sup> Exhibit "1" for accused Silang, Abadilla, Abrigo and Reyes



Silang claimed that before the passage of Resolution No. 13-87, he wrote a letter to the *Sangguniang Panlungsod* requesting it to authorize Atty. Salvacion to continue representing Tayabas City without mentioning his compensation. The local government of Tayabas benefitted from the pro bono services of Atty. Salvacion as the cases he handled resulted positively in its favor.

He further testified that as the former City Mayor of Tayabas, he attended to the general welfare of Tayabas and the cases filed against it.

He denied the charges against him and denied giving any unwarranted benefit to Atty. Salvacion. He claimed that when he requested the passage of Resolution No. 13-87, he merely followed the procedure of making a letter addressed to the *Sanggunian*.<sup>28</sup>

He narrated the procedure of the passage of Resolution No. 13-87. The Office of the Mayor sent a letter request to the *Sangguniang Panlungsod* and upon receipt thereof by the latter, it was scheduled for first reading. He believed that all the members of the *Sanggunian* were present during the first reading up to the approval of the Resolution.

In addition, he claimed that Atty. Salvacion did not receive any unwarranted benefit since no public fund or any remuneration, honorarium was given to him, nor was there any payroll to that effect was executed for him.

He felt that the letter request to the *Sanggunian* was necessary since he had been receiving subpoena from the court and it came to his attention that no Provincial Prosecutor attended to those cases. He was alarmed that those cases might be dismissed based on technicality and would cause disadvantage to the local government of Tayabas.

There were three (3) cases mentioned in Resolution No. 13-87 to be handled by Atty. Salvacion. Two (2) cases are still ongoing and the other one was settled. The Treasury of the local government of Tayabas benefitted from that settlement.

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<sup>28</sup> Exhibit "5" for accused Silang, Abadilla, Abrigo and Reyes; Exhibit "1" for accused Rea



Silang also identified an Order of the Office of the Ombudsman<sup>29</sup> and based thereon, pro bono services for certain cases could be allowed.

He further testified that there is no Legal Officer for Tayabas City because the previous one resigned. To prove that there was no City Legal Officer during his time as mayor of Tayabas City, he presented an affidavit executed by Josefina Perez<sup>30</sup> and a Certification stating that there was no applicant for the position.<sup>31</sup> Thereafter, the notice of vacancy was posted but nobody applied for the position. Although not a requirement, he ordered the Human Resource Officer to publish the vacancy despite the confidentiality of the position. In order to fill the vacancy, he approached the Provincial Prosecutor and Provincial Attorney to help the local government of Tayabas in its cases. They replied that they would provide a legal counsel to attend to the cases, but nobody attended the hearings. For this reason, the hearings of the cases were postponed.

He explained that he requested Atty. Salvacion to handle the cases mentioned in Resolution No. 13-87 since he was the previous Legal Officer of Tayabas between the years 2001 and 2004, 2007 and 2012, and he knew the history of these cases.

When Silang assumed office as Mayor in 2001, he found a letter signed by former Mayor Wilfredo Sumilang addressed to the COA regarding the hiring of legal counsel.<sup>32</sup>

On cross-examination, Silang confirmed that there was Notice of Disallowance No. 2009-003-101-08 issued by the COA. Despite the said Notice of Disallowance, he still wrote a letter to the *Sangguniang Panlungsod* requesting for a resolution authorizing again Atty. Salvacion to continue as counsel for Tayabas. He also confirmed that without the letter to the *Sanggunian*, Resolution No. 13-87 would not have been passed. In the Resolution, there was no contract between the City of Tayabas and Atty. Salvacion and Silang merely informed him about the Resolution.

Prior to his letter to the Provincial Prosecutor asking for a certification that the latter could not accommodate his request to represent Tayabas City in its cases, accused Silang did not have any proof that he previously requested for its assistance.

<sup>29</sup> Exhibit "6" for accused Silang, Abadilla, Abrigo and Reyes

<sup>30</sup> Exhibit "3" for accused Silang, Abadilla, Abrigo and Reyes

<sup>31</sup> Exhibit "9" for accused Silang, Abadilla, Abrigo and Reyes

<sup>32</sup> Exhibit "4" for accused Silang, Abadilla, Abrigo and Reyes

He further confirmed that both the Provincial Prosecutor and Provincial Attorney did not issue a certification pursuant to his request. Despite this, he still wrote a letter to the *Sanggunian* to authorize Atty. Salvacion to represent the city of Tayabas.

On re-direct examination, he testified that Notice of Disallowance No. 2009-003-101-08 has no relevance to these cases. There was no disallowance from the COA regarding pro bono services.

**Venerando R. Rea**, in his *Judicial Affidavit*,<sup>33</sup> stated that he was Councilor of Tayabas City at the time material to these cases. He testified that the *Sangguniang Panlungsod* learned of the lack of a lawyer to represent the cases of Tayabas City through a request letter from former Mayor Silang.<sup>34</sup> The *Sanggunian* included the matter in its agenda as Resolution No. 13-87. It was discussed during their session that since 2007, Tayabas City has no permanent lawyer or City Legal Officer. It was Atty. Salvacion who handled pro bono the cases mentioned in the request letter of accused Silang. It was also discussed that accused Silang wrote a letter to the Provincial Prosecutor<sup>35</sup> and Provincial Attorney<sup>36</sup> but the position of Legal Officer continued to be vacant until 2013. During the session, other councilors objected to the passage of Resolution No. 13-87 because there was an alleged Notice of Disallowance from the COA stating that hiring a private lawyer as counsel for Tayabas City for a fee is not allowed. However, what was prohibited in the said Notice of Disallowance was the allotment of funds for the compensation of a lawyer; in Resolution No. 13-87, the services of Atty. Salvacion were pro bono. To his understanding, pro bono meant the services of a lawyer is without compensation.

To his recollection, the reason stated in the request letter of accused Silang on why Atty. Salvacion was chosen to represent Tayabas City in its cases was that he was already familiar with them since he has handled them before. The three (3) cases mentioned in the request letter involved properties of Tayabas City. After the passage of Resolution No. 13-87, no other resolution, ordinance or issuance connected with those three (3) cases or with the hiring of a lawyer was passed.

<sup>33</sup> Records, Vol. 3, pp. 385-401; Exhibit "4" for accused Rea

<sup>34</sup> Exhibit "1" for accused Rea; Exhibit "5" for accused Silang, Abadilla, Abrigo and Reyes

<sup>35</sup> Exhibit "2" for accused Rea; Exhibit "7" for accused Silang, Abadilla, Abrigo and Reyes

<sup>36</sup> Exhibit "3" for accused Rea; Exhibit "8" for accused Silang, Abadilla, Abrigo and Reyes

On cross-examination,<sup>37</sup> Rea admitted that he has no proof that the request letters of accused Silang were indeed received by the Office of the Provincial Prosecutor and the Office of the Provincial Attorney. He could not remember of any letter coming from accused Silang sent to the Provincial Prosecutor and the Provincial Attorney from December 2009 up to August 5, 2013, when Resolution No. 13-87 was passed. He confirmed that he was aware of the Notice of Disallowance at the time when Resolution No. 13-87 was passed.

On re-direct examination, he stated that included in the request letter of accused Silang to the *Sanggunian* were proof that there was a need to hire a permanent counsel in Tayabas. That was when he knew that letters were sent by the Office of the Mayor to the Provincial Prosecutor and the Provincial Attorney.

To his knowledge, nobody applied for the position of City Legal Officer of Tayabas for the past ten (10) years. The purpose of Resolution No. 13-87 was to hire a private lawyer and to allow Atty. Salvacion to continue handling the three (3) cases mentioned therein. He was the only counsel willing to handle those cases pro bono. Resolution No. 13-87 did not mention of any budget because of the Notice of Disallowance issued by COA. He stated that the Notice of Disallowance was not in connection with the implementation of Resolution No. 13-87.

Thereafter, the defense submitted their respective *Formal Offer of Documentary Evidence/Exhibits*.<sup>38</sup>

The Court, taking into consideration the objections of the prosecution, resolved to admit the following exhibits: Exhibits "1", "2", "3", "4", and "4-a" for accused Rea;<sup>39</sup> Exhibits "1", "1-A" to "1-H", "2", "2-A" to "2-D", "3" and "3-a", "4", "5", "6" and "6-a", "7" to "7-b", "8" to "8-b", "9" to "9-f", "9-c-1", "9-d-1", "9-e-1", "10" and "10-a to 10-h", and "11" for accused Silang, Abadilla, Abrigo and Reyes.<sup>40</sup>

### **RULING OF THE COURT**

**Criminal Case No. SB-16-CRM-1096**

<sup>37</sup> TSN dated April 30, 2019

<sup>38</sup> Records, Vol. 3, pp. 460-488; pp. 490-779

<sup>39</sup> Records, Vol. 4, p. 8

<sup>40</sup> *Id.* at p. 21





The accused had been charged with violation of Section 3(e) of R.A. No. 3019, as amended, which reads:

**Section 3. *Corrupt practices of public officers.*** — In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

Reduced to its elements, a violation under this provision requires that: (1) the accused is a public officer discharging administrative, judicial or official functions; (2) the accused acted with manifest partiality, evident bad faith or gross inexcusable negligence; and (3) the accused caused undue injury to any party including the Government, or giving any private party unwarranted benefits, advantage or preference in the discharge of his functions.<sup>41</sup>

The first element is undisputed, it having been stipulated during the pre-trial that at the time material to the case, the accused were public officers, being the City Mayor, City Vice-Mayor, and City Councilors, respectively, all of the City of Tayabas, Quezon.

As to the second element, the law provides three (3) modes of commission of the offense, namely, through manifest partiality, evident bad faith, and/or gross inexcusable negligence. Proof of the existence of any of these three (3) in connection with the prohibited acts is enough to convict.<sup>42</sup>

The Supreme Court explained these terms in *Sison v. People*<sup>43</sup> in the following manner:

<sup>41</sup> *Garcia v. Sandiganbayan*, G.R. No. 197204, March 26, 2014

<sup>42</sup> *Abubakar v. People*, G.R. Nos. 202408, 202409 and 202412, June 27, 2018

<sup>43</sup> G.R. Nos. 170339, 170398-403, March 9, 2010



DECISION

Criminal Case No. SB-16-CRM-1096-97

People v. Silang, et al.

"Partiality" is synonymous with "bias" which "excites a disposition to see and report matters as they are wished for rather than as they are." "Bad faith does not simply connote bad judgment or negligence; it imputes a dishonest purpose or some moral obliquity and conscious doing of a wrong; a breach of sworn duty through some motive or intent or ill will; it partakes of the nature of fraud." "Gross negligence has been so defined as negligence characterized by the want of even slight care, acting or omitting to act in a situation where there is a duty to act, not inadvertently but wilfully and intentionally with a conscious indifference to consequences in so far as other persons may be affected. It is the omission of that care which even inattentive and thoughtless men never fail to take on their own property."

In this case, we hold that accused Silang, Rea, Abadilla, Jacela, Abrigo, and Reyes exhibited evident bad faith in engaging the services of Atty. Salvacion, a private lawyer, despite the clear provisions of Section 481 of R.A. No. 7160 or the Local Government Code (LGC) and COA Circular No. 98-002 dated June 9, 1998.

Section 481 of the LGC provides:

x x x

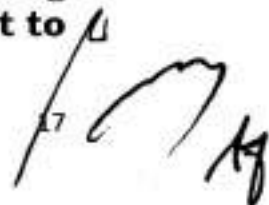
**The appointment of legal officer shall be mandatory for the provincial and city governments** and optional for the municipal government. (*emphasis supplied*)

The same section mandates that the legal officer shall:

(i) Represent the local government unit in all civil actions and special proceedings wherein the local government unit or any official thereof, in his official capacity, is a party: Provided, That, in actions or proceedings where a component city or municipality is a party adverse to the provincial government or to another component city or municipality, a special legal officer may be employed to represent the adverse party;

x x x

COA Circular No. 98-002 dated June 9, 1998, on the other hand, clarified the above-cited provisions of the LGC, stating that "**provincial and city governments have no choice but to**

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**appoint their respective legal officers, hence, they cannot under any condition be represented by a private lawyer or law firm."** It further provides:

"Accordingly and pursuant to this Commission's exclusive authority to promulgate accounting and auditing rules and regulations, including for the prevention and disallowance of irregular, unnecessary, excessive, extravagant and/or unconscionable expenditure or uses of public funds and property (Sec. 2-2, Art. IX-D, Constitutional, public funds shall not be utilized for payment of the services of a private legal counsel or law firm to represent government agencies and instrumentalities, including government-owned or controlled corporations and local government units in court or to render legal services for them. In the event that such legal services cannot be avoided or is justified under extraordinary or exceptional circumstances for government agencies and instrumentalities, including government-owned or controlled corporations, the written conformity and acquiescence of the Solicitor General or the Government Corporate Counsel, as the case maybe, and the written concurrence of the Commission on Audit shall first be secured before the hiring or employment of a private lawyer or law firm. With respect to local government units, only in those instances provided in par. 3(1), Section 481 of R.A. 7160, which states, thus:

"x x x x: Provided, That, in actions or proceedings where a component city or municipality is a party adverse to the provincial government or to another component city or municipality, a special legal officer may be employed to represent the adverse party;"

may public funds be utilized as payment for the services of a private legal counsel or law firm."

As early as August 21, 2008, COA issued Audit Observation Memorandum to accused Silang as Mayor of Tayabas, advising him to stop employing a private lawyer to render legal services for the city government of Tayabas and to appoint a legal officer as mandated by Section 481 of the LGC.<sup>44</sup> Despite knowledge of the Audit Observation Memorandum, on July 29, 2013, accused Silang requested the *Sangguniang Panlungsod* to pass a resolution authorizing Atty. Salvacion, a private lawyer, to continue as counsel of record for Tayabas City in certain cases.<sup>45</sup>

<sup>44</sup> Exhibit "Q"

<sup>45</sup> Exhibit "M-2" for the Prosecution; Exhibit "1" for accused Rea; Exhibit "5" for accused Silang, Abadilla, Abrigo and Reyes

For his part, accused Silang argued that the position of City Legal Officer has been vacant for years and nobody applied for the position as mandated by the LGC. This argument is untenable.

To reiterate, the LGC mandates the appointment of a legal officer. This mandatory provision of law is further explained in COA Circular No. 98-002, which stated that a city government cannot under any condition be represented by a private lawyer or law firm. Section 481 (b)(3)(i) of the LGC, which is also cited in COA Circular No. 98-002, provides for an exception when a local government unit may avail of the services of a private lawyer or firm, i.e., in actions or proceedings where a component city or municipality is a party adverse to the provincial government or to another component city or municipality.

However, the said exception is not applicable under the circumstances of the present case. Here, the three (3) cases which Atty. Salvacion was authorized to represent and handle for the City of Tayabas are not against the provincial government or against another component city or municipality.

Furthermore, jurisprudence holds that in case of vacancy in the position of a city legal officer, the City Prosecutor should continue to represent the city.<sup>46</sup> Hence, accused Silang cannot rely on his claim that the position of the city legal officer has been vacant for a long period of time.

He contended that before the passage of Resolution No. 13-87, he wrote letters to the office of the Provincial Prosecutor and the Provincial Attorney, requesting them to issue a certification that they could not accommodate his request to represent Tayabas in its cases. Such contention cannot be sustained.

It should be noted that accused Silang himself admitted that there is no proof that he previously requested for the assistance of the Provincial Prosecutor.<sup>47</sup> This is supported by the testimony of accused Rea who testified that there is no proof that the Office of the Provincial Prosecutor and the Office of the Provincial Attorney indeed received the request letters of accused Silang. He could not even recall of any letter from accused Silang that was sent to the Provincial Prosecutor and

<sup>46</sup> *Asean Pacific Planners v. City of Urdaneta*, G.R. No. 162525, September 23, 2008

<sup>47</sup> TSN dated November 15, 2018, p. 24



the Provincial Attorney from December 2009 up to August 5, 2013, when Resolution No. 13-87 was passed.<sup>48</sup>

It can be deduced from his letters to the Provincial Prosecutor and Provincial Attorney that accused Silang immediately assumed that they could not represent the City of Tayabas due to heavy workload and limited number of lawyers. His letters show that he never really sought their assistance as he merely requested them to issue a certification that they could not accommodate the request of Tayabas to be represented in its pending cases.<sup>49</sup> The certification, he said, would be used to obtain the conformity and acquiescence of the Solicitor General and the written concurrence of the COA before hiring or employing a private lawyer or firm. It is, therefore, evident that accused Silang at the onset really intended to engage the services of Atty. Salvacion.

Likewise, accused *Sanggunian* members Rea, Abadilla, Jacela, Abrigo, and Reyes cannot feign ignorance of the clear mandate enunciated in Section 481 of the LGC. As can be gleaned from the Minutes of the *Sangguniang Panlungsod* session held on August 5, 2013,<sup>50</sup> Councilor Abesamis pointed out that the appointment of a Legal Officer is mandatory for provincial and city government and that they should always be cautious in engaging the services of a private lawyer. He also emphasized the cases resulting from the previous appointments of Atty. Salvacion. On the other hand, Councilor Caagbay mentioned that the appointment of a Legal Officer is clearly mandatory under the LGC. Notwithstanding the objections raised by the other *Sanggunian* members, accused Rea, Abadilla, Jacela, Abrigo, and Reyes still voted for the passage and approval of Resolution No. 13-87, which authorized Atty. Salvacion to continue as counsel of record for Tayabas City in its three (3) pending cases.

As to the third element, there are two (2) ways by which Section 3(e) of R.A. No. 3019 may be violated — first, by causing undue injury to any party, including the government, or the second, by giving any private party any unwarranted benefit, advantage or preference.<sup>51</sup> The accused may be charged under either mode or both. The disjunctive term "or" connotes that either act qualifies as a violation of Section 3(e) of R.A. 3019.

<sup>48</sup> TSN dated April 30, 2019, pp. 27-28

<sup>49</sup> Exhibit "Q"

<sup>50</sup> Exhibit "M"

<sup>51</sup> *Ampil v. Office of the Ombudsman*, G.R. No. 192685, July 31, 2013



The Information alleged that the act of the accused in employing the services of Atty. Salvacion to represent Tayabas City as its private counsel in certain cases gave unwarranted benefits, advantage or preference to the latter.

In order to be found guilty under the second mode, it suffices that the accused has given unjustified favor or benefit to another in the exercise of his official, administrative or judicial functions. The word "unwarranted" means lacking adequate or official support; unjustified; unauthorized or without justification or adequate reason. "Advantage" means a more favorable or improved position or condition; benefit, profit or gain of any kind; benefit from some course of action. "Preference" signifies priority or higher evaluation or desirability; choice or estimation above another.<sup>52</sup>

Accused Silang maintained that the services of Atty. Salvacion were pro bono, thus, he could not have received any benefit advantage, preference or privilege. The Court is not persuaded. The case of *Asean Pacific Planners v. City of Urdaneta*<sup>53</sup> instructs that even pro bono representation in collaboration with the municipal attorney and prosecutor has not even been allowed, to wit:

"Section 481(b)(3)(i) of the LGC provides when a special legal officer may be employed, that is, in actions or proceedings where a component city or municipality is a party adverse to the provincial government. But this case is not between Urdaneta City and the Province of Pangasinan. **And we have consistently held that a local government unit cannot be represented by private counsel as only public officers may act for and in behalf of public entities and public funds should not be spent to hire private lawyers. Pro bono representation in collaboration with the municipal attorney and prosecutor has not even been allowed.**"  
(emphasis supplied)

It is thus clear that accused gave unwarranted preference to Atty. Salvacion considering that he was authorized to represent the City of Tayabas in its cases despite being a private lawyer, in violation of the LGC. This unwarranted preference was due to the evident bad faith exhibited by accused Silang in requesting the *Sangguniang Panlungsod* for the authority to engage the service of Atty. Salvacion despite the COA Audit Observation Memorandum.

<sup>52</sup> *Ambil v. Sandiganbayan*, G.R. No. 175457, July 6, 2011  
<sup>53</sup> G.R. No. 162525, September 23, 2008

The same is true with respect to accused Rea, Abadilla, Jacela, Abrigo, and Reyes. During the deliberations on Resolution No. 13-87, they were reminded of the prohibition against the hiring of a private lawyer to represent the city but despite this, they still allowed Atty. Salvacion to be the counsel of the City of Tayabas in its pending cases.

**Criminal Case No. SB-16-CRM-1097**

The accused had also been charged with violation of Section 3(j) of R.A. No. 3019, as amended, which states:


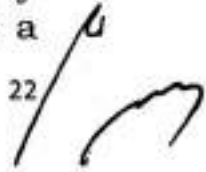
**Section 3. Corrupt practices of public officers.** — In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x

(j) Knowingly approving or granting any license, permit, privilege or benefit in favor of another person not qualified for or not legally entitled to such license, permit, privilege or advantage, or of a mere representative or dummy of one who is not so qualified or entitled.

To be liable under Section 3(j), the accused must be a public officer who has the duty of approving or granting any license, permit, privilege or benefit, which in this case refer to accused Silang as Mayor, accused Cuadra as Vice-Mayor acting as Presiding Officer of *Sangguniang Panlungsod*, accused Rea, Abadilla, Jacela, Abrigo and Reyes as City Councilors or members of the *Sangguniang Panlungsod*, all of the City of Tayabas.

As established by the record, accused Silang was aware of the mandate of Section 481 of the LGC. Accused Silang, as Mayor of Tayabas, granted privilege to Atty. Salvacion, a private lawyer, by requesting the *Sangguniang Panlungsod* to employ his services and represent the City of Tayabas in its pending cases. In the same vein, accused Rea, Abadilla, Jacela, Abrigo, and Reyes approved Resolution No. 13-87, authorizing Atty. Salvacion to continue as counsel of record for the local government of Tayabas in those cases. This notwithstanding the objections raised by the other councilors during the deliberations on the subject resolution. In doing so, they knowingly and intentionally granted privilege in favor of a

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person not qualified and specifically barred by the LGC to represent the city.

The circumstances in these cases pointed to a conspiracy among accused Silang, Rea, Abadilla, Jacela, Abrigo and Reyes.

There is conspiracy when two or more persons come to an agreement to commit a felony and actually decide to commit it. Direct proof of the agreement of the parties is not even necessary as the concurrence of willing and common intent to commit the crime can be inferred from their actions.<sup>54</sup> Conspiracy may be proved by direct or circumstantial evidence consisting of acts, words, or conduct of the alleged conspirators before, during and after the commission of the felony to achieve a common design or purpose.<sup>55</sup>

In *Baldebrin v. Sandiganbayan*,<sup>56</sup> the Supreme Court said:

When the defendants by their acts aimed at the same object, one performing one part, and the other performing another part so as to complete it, with a view to the attainment of the same object, and their acts though apparently independent, were in fact concerted and cooperative, indicating closeness of personal association, concerted action and concurrence of sentiments, the court will be justified in concluding that said defendants were engaged in a conspiracy.

In these cases, the finding of conspiracy is well-supported by evidence.

The individual acts of accused Silang, Rea, Abadilla, Jacela, Abrigo and Reyes contributed to the end result of giving unwarranted preference to as well as granting privilege in favor of Atty. Salvacion. In fine, it can be concluded that their acts, taken collectively, satisfactorily prove the existence of conspiracy among them.

However, we cannot say the same as regards accused Cuadra. As Presiding Officer of the *Sangguniang Panlungsod*, she did not vote nor participate in the deliberation on Resolution No. 13-87. She merely signed the same as presiding officer and attested to what transpired during the deliberation as certified by the *Sangguniang Panlungsod* Secretary. Basic is the principle in criminal law that the evidence for the

<sup>54</sup> *Typoco, Jr. v. People*, G.R. Nos. 221857 and 222020, August 16, 2017

<sup>55</sup> *Preferred Home Specialties, Inc. v. Court of Appeals*, G.R. No. 163593, December 16, 2005

<sup>56</sup> G.R. Nos. 144950-71, March 22, 2007



prosecution must stand and fall on its own merits and may not draw strength from the weaknesses of the defense evidence.<sup>57</sup> The guilt of the accused must be proved beyond reasonable doubt is the cardinal rule in our adversarial system of justice.<sup>58</sup> In fine, where there is no moral certainty to the guilt, they must be acquitted even though the innocence may be questionable.<sup>59</sup>

A person guilty of violating Section 3 (e) and 3 (j) of R.A. No. 3019, as amended, is punishable with imprisonment for not less than six (6) years and one (1) month nor more than fifteen (15) years and perpetual disqualification from public office.

Under the Indeterminate Sentence Law, if the offense is punishable by a special law, an indeterminate penalty shall be imposed on the accused, the maximum term of which shall not exceed the maximum fixed by the law, and the minimum not less than the minimum prescribed therein.

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

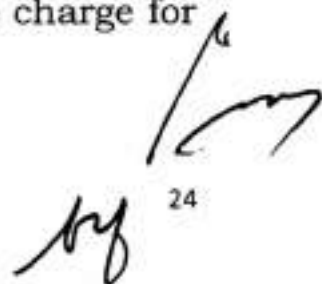
1. In **Criminal Case No. SB-16-CRM-1096**, accused **Faustino A. Silang, Venerando R. Rea, Rex L. Abadilla, Marfeo D. Jacela, Abelardo P. Abrigo, and Macario J. Reyes** are found **GUILTY** beyond reasonable doubt for violation of Section 3(e) of R.A. No. 3019, as amended. Accordingly, they are each hereby sentenced to suffer the indeterminate penalty of imprisonment of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, and to suffer perpetual disqualification from holding public office. However, accused **Luzviminda B. Cuadra** is **ACQUITTED** of the same charge for violation of Section 3(e) of R.A. No. 3019, as amended, for failure of the prosecution to prove her guilt beyond reasonable doubt.

2. In **Criminal Case No. SB-16-CRM-1097**, accused **Faustino A. Silang, Venerando R. Rea, Rex L. Abadilla, Marfeo D. Jacela, Abelardo P. Abrigo, and Macario J. Reyes** are found **GUILTY** beyond reasonable doubt for violation of Section 3(j) of R.A. No. 3019, as amended. Accordingly, they are each hereby sentenced to suffer the indeterminate penalty of imprisonment of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, and to suffer perpetual disqualification from holding public office. However, accused **Luzviminda B. Cuadra** is **ACQUITTED** of the same charge for

<sup>57</sup> *People vs. Paredes*, 353 SCRA 171; *Valdez vs. People*, 538 SCRA 611

<sup>58</sup> *People vs. Abujan*, 422 SCRA 449

<sup>59</sup> *People vs. Satorre*, 508 SCRA 642



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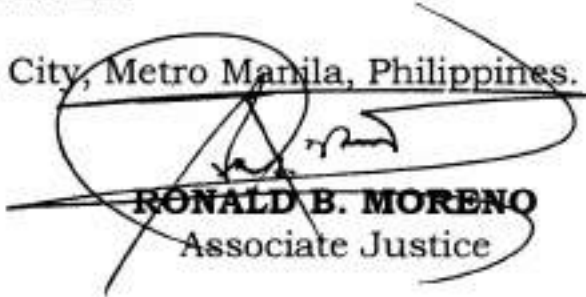


violation of Section 3(j) of R.A. No. 3019, as amended, for failure of the prosecution to prove her guilt beyond reasonable doubt.

Since the Court has not acquired jurisdiction over the person of accused **Romeo F. Cayanan** because he remains at large, the case against him is hereby ordered archived, the same to be revived upon his arrest. Let an *alias* warrant of arrest be issued against the said accused.

**SO ORDERED.**

Quezon City, Metro Manila, Philippines.

  
**RONALD B. MORENO**  
Associate Justice

WE CONCUR:

  
**AMPARO M. CABOTAJE-TANG**  
Presiding Justice, Chairperson

  
**BERNEDITO R. FERNANDEZ**  
Associate Justice

**ATTESTATION**

I attest that the conclusions in the above *Decision* were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**AMPARO M. CABOTAJE-TANG**  
Chairperson, Third Division

**CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution, and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above *Decision* were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**AMPARO M. CABOTAJE-TANG**  
Presiding Justice