



Republic of the Philippines
Sandiganbayan
 Quezon City

FIRST DIVISION

CERTIFIED TRUE COPY:

ESTELA TERESITA C. ROSETE
 Executive Clerk of Court III
 Sandiganbayan-First Division

MAR 7 2019

PEOPLE OF THE PHILIPPINES,
 Plaintiff,

- versus -

CRIM. CASES NO. SB-17-CRM-0054 to-0056

AUGUSTO LIMCACO SYJUCO, JR., ET AL.,
 Accused.

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DECISION

On February 26, 2019, the Court received the *Motion to Plea Bargain for Lower Offenses* filed by accused Eduardo B. Lecciones, Jr. In the motion, he proposed to enter into a plea bargaining agreement with the prosecution under these terms and conditions, to wit:

- a. In Crim. Case No. SB-17-CRM-0054 where he is charged of Violation of Section 3(e), RA 3019, his plea of guilty will be for violation of Section 106, PD 1445, and that he be meted a fine not exceeding One Thousand (Php1,000.00) Pesos;
- b. In Crim. Case No. SB-17-CRM-0055 where he is charged of violation of Section 3(h), R.A. 3019, his plea of guilty will be for violation of Section 108, P.D. 1445 and that he be meted a fine anywhere from Php200.00 to Php1,000.00;
- c. In Crim. Case No. SB-17-CRM-0056 where he is charged of violation of Malversation (Article 217 of the Revised Penal Code), his plea of guilty will be for violation of Article 218 of the Revised Penal Code known as an offense of Failure to Render Account by an Accountable Officer and that he be meted a fine not exceeding Php10,000.00.

On the other hand, accused Augusto Limcaco Syjuco, Jr., filed his *Motion to Plea Bargain for Lower Offenses* on February 28, 2019 before this Court, the content of which is of the same essence of Lecciones, Jr.'s proposal.

On April 1, 2019, the prosecution filed its *Consolidated Comment*, where it averred that the Honorable Ombudsman allowed the prosecution to enter into a pleas bargaining agreement with accused Syjuco, Jr. and Lecciones, Jr. Specifically, the Ombudsman consented to a plea bargaining agreement provided both accused will plead guilty to:

- a. The commission of the crime of Frauds against Public Treasury defined in Article 213, Revised Penal Code in Crim. Case No. SB-17-CRM-0054;
- b. Violation of Section 108, P.D. 1445 in Crim. Case No. SB-17-CRM-0055;

[Handwritten initials]

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- c. Failure of an Accountable Officer to Render Account under Article 218 of the Revised Penal Code in Crim. Case No. SB-17-CRM-0056.

The prosecution further pointed out that in the course of the plea bargaining with accused, they secured the written consent of the private complainant against both accused, Mr. Mejorada.

The prosecution's counter-proposal was accepted by both accused. Consequently, the counsels of both accused agreed to the re-arraignment of both accused today. Further, counsels sought for the waiver of the reading of the Information of the three (3) cases and when asked how would accused plead, both accused Syjuco, Jr. and Lecciones, Jr. in open court voluntarily and spontaneously pleaded guilty under the terms and conditions of the plea bargaining agreement to the commission of the crime of Frauds against Public Treasury defined in Article 213, Revised Penal Code in Crim. Case No. SB-17-CRM-0054, Violation of Section 108, P.D. 1445, in Crim. Case No. SB-17-CRM-0055 and Failure of an Accountable Officer to Render Account under Article 218 of the Revised Penal Code in Crim. Case No. SB-17-CRM-0056.

Also on record is a *Certification* dated July 8, 2019, submitted by the prosecution stating that Tagipusuon Foundation, Inc., a non-government organization has no unliquidated fund transfer or grant balance with the Department of Agriculture, Regional Field Office No. 6 as of December 31, 2018. This certification issued by the Commission on Audit proves that, indeed, the accused in these cases have no civil liability whatsoever, insofar as financial matters in relation to these cases for which they pleaded guilty by reason of the full liquidation of Tagipusuon Foundation, Inc. The monies released by the government have been fully accounted for. In view of the full liquidation of the amounts involved in these cases, there is no basis for the Court to find civil liability against both accused.

Moreover, in addition to the spontaneous, open court admission of liability by both accused, the evidence, both testimonial and documentary, already presented by the prosecution as well as the documents which are part of the records of these cases supports the plea of guilty and establishes the guilt beyond reasonable doubt of both accused.

WHEREFORE, in view of the foregoing, the Court finds accused AUGUSTO LIMCACO SYJUCO, JR. and EDUARDO B. LECCIONES, JR. GUILTY BEYOND REASONABLE DOUBT in:

- (a) In Crim. Case No. SB-17-CRM-0054 for the commission of the crime of Frauds against Public Treasury defined in Article 213, Revised Penal Code, a crime necessarily included in the charge of violation of Section 3(e), R.A. 3019, and hereby imposes a fine of Php10,000.00 each;
- (b) In Crim. Case No. SB-17-CRM-0055 for violation of Section 108, P.D. 1445, a crime necessarily included in the charge of violation of Section 3(h), R.A. 3019 and hereby imposes a fine in the amount of Php1,000.00 each;

[Handwritten initials]

- (c) In Crim. Case No. SB-17-CRM-0056, Failure of an Accountable Officer to Render Account under Article 218 of the Revised Penal Code, a crime necessarily included in the charge of Malversation, and hereby imposes a fine of Php6,000.00 each.

In view of the full liquidation of the amounts released to Tagipusuon Foundation, Inc., no civil liability is hereby imposed.

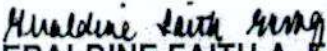
Upon full payment of the fine imposed, which is a satisfaction of the penalties imposed upon the accused, the Hold Departure Order (HDO) issued by this Court in relation to these cases, shall be lifted. Also, the bonds posted by accused for their temporary liberty during the pendency of these cases are hereby ordered released, subject to the usual accounting procedures.

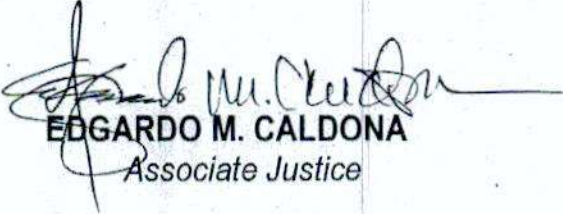
Lastly, upon motion of counsel for accused Syjuco, Jr., the Court orders the release of the travel bond which accused posted in relation to his foreign travels once proof of payment of the fines is presented.

SO ORDERED.

Given in open court this 23rd day of July 2019, in Quezon City, Philippines.


EFREN N. DE LA CRUZ
Chairperson/Associate Justice


GERALDINE FAITH A. ECONG
Associate Justice


EDGARDO M. CALDONA
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.


EFREN N. DE LA CRUZ
Chairperson, First 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.


EFREN N. DE LA CRUZ
Acting Presiding Justice

