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JAN 18 2019

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Christina P. Arduina-Somagan
Atty. ANNA MARIE D. CRESPILO
EXECUTIVE CLERK OF COURT III
SECOND DIVISION

Second Division

The People of the Philippines,
Plaintiff,

Crim. Case No. SB-17-CRM-2201

-versus-

Present:
Herrera, Jr., J. *Chairperson*
Musngi, J.
Pahimna, J.

Eugenio Flores Faelnar, et al.,
Accused.

Promulgated:

January 14, 2019

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DECISION

HERRERA, JR., J.:

Accused EUGENIO FLORES FAELNAR and TESSA PARADIANG-CANG are charged before the Court with *Violation of Section 54, in relation to Section 67, Book V, Title I, Subtitle A of Executive Order No. 292*, otherwise known as the *Administrative Code of 1987*, under an *Information* dated August 16, 2017, the accusatory portion of which reads:

"That from the period July 2007 to December 2009, or sometime prior or subsequent thereto, in the City of Cebu, Philippines and within the jurisdiction of this Honorable Court, accused **EUGENIO FLORES FAELNAR**, a high-ranking public officer, being then the president of the Association of Barangay Captains (ABC), Cebu City, and an ex-officio City Councilor of Cebu City, while in the performance of his administrative and/or official functions and committing the crime in relation to office, taking advantage of his official position, conspiring and confederating with **TESSA PARADIANG-CANG** (Cang), Sangguniang Bayan Member of the Municipality of Compostela, Province of Cebu, did then and there willfully, unlawfully and criminally, and without a just cause, appoint or designate accused Cang as Administrative Officer of the ABC Cebu City, knowing fully well that she was also concurrently a member of the Sangguniang Bayan of Compostela, Cebu, with accused Cang accepting such appointment during her tenure as an elective official, which

[Signature] *[Signature]* *[Signature]*

elective position made her ineligible to any appointment or designation to any public office, to the damage and prejudice of public service.

CONTRARY TO LAW."

When the case was called today, accused Faelnar and Paradiang-Cang, through counsel Atty. Julius Ceasar S. Entise, moved that they be allowed to withdraw their earlier plea of not guilty to the charge and that they be re-arraigned. The prosecution did not interpose any objection so the Court granted the motion.

Upon being re-arraigned, accused Faelnar and Paradiang-Cang, assisted by Atty. Entise, after being informed once again of the nature and cause of the accusation against them, pleaded guilty to the charge.

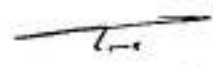
WHEREFORE, the Court finds accused Eugenio Flores Faelnar and Tessa Paradiang-Cang guilty beyond reasonable doubt of *Violation of Section 54, in relation to Section 67, Book V, Title I, Subtitle A of Executive Order No. 292*, otherwise known as the *Administrative Code of 1987*. Conformably with *Section 67* of said law, accused Faelnar and Paradiang-Cang are hereby sentenced to pay a fine of One Thousand (P1,000.00) Pesos each.

The Hold Departure Order issued in this case against the two (2) accused is hereby lifted and set aside. The Bureau of Immigration is directed to remove the names of the two (2) accused in its hold departure list.

GIVEN IN OPEN COURT this 14th day of January 2019, Quezon City, Philippines.



OSCAR F. HERRERA, JR.
Chairman
Associate Justice





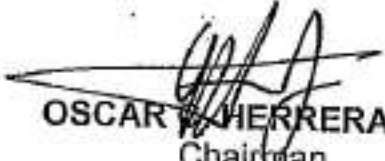
Concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


LORIFEL L. PAHIMNA
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.


OSCAR V. HERRERA, JR.
Chairman
Second Division

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairman'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