
ATTY. MARIA LOURDES M. LOBIANO-ALVIOLA
Executive Clerk of Court II
Fourth Division, Sandiganbayan

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-18-CRM-0543

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

Present:

- versus -

QUIROZ, J., Chairperson,
CRUZ, J., and
*TRESPESES, J.

CELSO OLIVIER TIAMSON DATOR,
Accused.

Promulgated:


FEB 18 2019

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RESOLUTION


QUIROZ, J.:

For resolution is the Court's Order dated January 9, 2019¹ directing accused Celso Olivier Tiamson Dator, the incumbent Mayor of Lucban, Quezon, to show cause why he should not be suspended *pendente lite* pursuant to Section 13 of Republic Act (R.A.) No. 3019.

 In his Compliance Re: Show Cause Order with Accused Vehement Objection for his Preventive Suspension *Pendente Lite*,² the accused reiterates his continuous objection to the validity of the information and argues that there is as yet no valid information in view of his filing of a petition for *certiorari* before the Supreme Court to assail the denial of his Manifestation with Omnibus Motion dated November 18, 2018 and Manifestation and Supplemetal (sic) dated November 23, 2018.

* Sitting as Special Member per Administrative Order No. 570-2018 dated November 23, 2018.
¹ Record, pp. 171-172.

² Id. at 174-195.



The Court finds no merit in the contentions of the accused.

The pendency of the accused's petition for *certiorari* is of no moment for the mere elevation of an interlocutory matter to the Supreme Court through a petition for *certiorari* under Rule 65 of the Rules of Court, like in the present case, does not by itself merit a suspension of the proceedings before a public respondent, unless a temporary restraining order or a writ of preliminary injunction has been issued against the public respondent.³ This is in line with Section 7 of Rule 65 of the Revised Rules of Court which provides that x x x [t]he petition shall not interrupt the course of the principal case unless a temporary restraining order or a writ of preliminary injunction has been issued, enjoining the public respondent from further proceeding with the case.

Consequently, taking into consideration that the validity of the information had already been passed upon by the Court in its Order dated January 9, 2019 denying the accused's Manifestation with Omnibus Motion dated November 18, 2018 and Manifestation and Supplemental (sic) dated November 23, 2018, and that the accused had been arraigned and had pleaded Not Guilty to the offense as charged in the herein Information, it is beyond question that the suspension of the accused must issue as a matter of course pursuant to Section 13 of Republic Act No. 3019.⁴

WHEREFORE, premises considered, accused Celso Olivier Tiamson Dator is hereby **SUSPENDED** as **Municipal Mayor of the Municipality of Luchan, Quezón** *pendente lite* and is hereby directed to **CEASE** and **DESIST** from performing and/or exercising the functions and duties, as well as receiving and/or enjoying the salaries, benefits, and privileges of his present public position or any other public office or position he may now or hereafter be holding, effective upon notice hereof and continuing for a period of ninety (90) days.

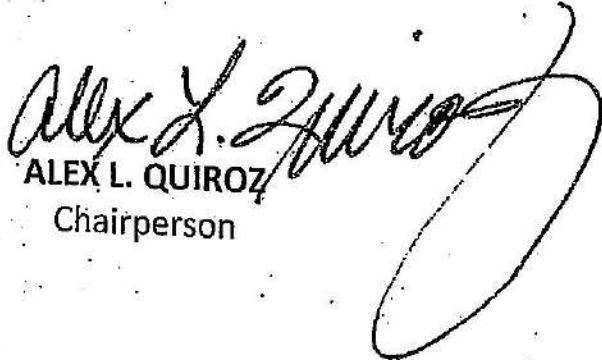
Let a copy of this Resolution be furnished the Secretary of the Department of Interior and Local Government for the proper implementation of the order of preventive suspension on said accused. Said office is requested to apprise this Court of its action thereon within five (5) days from receipt hereof. The suspension of the accused shall be


³ *Parañaque Kings Enterprises, Inc. v. Santos*, G.R. No. 194638, July 2, 2014.


⁴ **Section 13. Suspension and loss of benefits.** — Any incumbent public officer against whom any criminal prosecution under a valid information under this Act or under Title 7, Book II of the Revised Penal Code or for any offense involving fraud upon government or public funds or property, whether as a simple or as a complex offense and in whatever stage or execution and mode of participation, is pending in court, shall be suspended from office. xxx

deemed automatically lifted upon expiration of the ninety (90)-day period from the implementation of this Resolution.

SO ORDERED.


ALEX L. QUIROZ
Chairperson


REYNALDO P. CRUZ
Associate Justice


ZALDY V. TRESPESES
Associate Justice