



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated September 14, 2016 which reads as follows:

“G.R. No. 226285 (Joseph Victor G. Ejercito, Ranulfo BA. Dacalos, and Romualdo C. Delos Santos v. Hon. Roland B. Jurado, Rafael R. Lagos, and Maria Theresa C. Mendoza-Arcega, in their capacity as Presiding Justices of the 5th Division of the Sandiganbayan; Peter Jedd B. Boco, in his capacity as representative of the Office of the Special Prosecutor, et al.).

After a judicious review of the records, the Court resolves to **DISMISS** the instant petition and **AFFIRM** the August 22, 2016 Resolution¹ of the Sandiganbayan Fifth Division (SB) in Crim. Case No. SB-16-CRM-0128 for failure of petitioners Joseph Victor G. Ejercito, Ranulfo BA. Dacalos (Dacalos), and Romualdo C. Delos Santos (Delos Santos; collectively, petitioners) to show that the SB committed grave abuse of discretion amounting to lack or excess of jurisdiction in suspending them *pendente lite* for a period of ninety (90) days.

As correctly ruled by the SB, Section 13² of Republic Act No. 3019 prescribes the *mandatory* suspension of any incumbent public officer who has been charged of a valid information under the said law. As such, no grave abuse of discretion could be attributed to the SB in suspending petitioners

¹ Rollo, pp. 35-40. Penned by Chairperson and Associate Justice Roland B. Jurado with Associate Justices Rafael R. Lagos and Maria Theresa C. Mendoza-Arcega concurring.

² SEC. 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 Seven, 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 of execution and mode of participation, is pending in court, shall be suspended from office. Should he be convicted by final judgment, he shall lose all retirement or gratuity benefits under any law, but if he is acquitted, he shall be entitled to reinstatement and to the salaries and benefits which he failed to receive during suspension, unless in the meantime administrative proceedings have been filed against him.

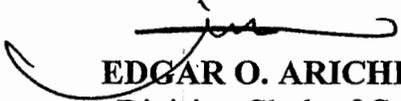
In the event that such convicted officer, who may have been separated from the service, has already received such benefits he shall be liable to reconstitute the same to the government.

pendente lite. As regards the six-month suspension recently completed³ by petitioners Dacalos and Delos Santos, records show that the same was served by way of penalty for their administrative liability for misconduct, as adjudged by the Office of the Ombudsman in its Joint Resolution dated July 29, 2015. Hence, said suspension is separate and distinct from the ninety-day preventive suspension herein ordered by the SB.

Accordingly, the petitioners' application for temporary restraining order and/or writ of preliminary injunction is **DENIED** for lack of merit.

SO ORDERED.” *BERSAMIN, J.*, on official leave.

Very truly yours,


EDGAR O. ARICHETA
Division Clerk of Court

167

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³ See *rollo*, pp. 337 and 339.