

**PEDRO S. CUERPO, SALVADOR SIMBULAN AND FERNANDO H. ROÑO,
PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.***G.R. No. 203382. September 18, 2019*

Ponente: REYES, A., JR., J.

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This is a Petition for Review on Certiorari under Rule 45 of the Rules of Court assailing the January 31, 2012 Decision[1] and September 7, 2012 Resolution[2] of the Sandiganbayan (SB) in Criminal Case No. SB-08-CRM-0019 which found Mayor Pedro S. Cuerpo (Mayor Cuerpo), Engr. Fernando Roño (Engr. Roño) and Barangay Captain Salvador Simbulan (Brgy. Capt. Simbulan) (petitioners) guilty of violating Section 3(e) of Republic Act (R.A.) No. 3019 or the Anti-Graft and Corrupt Practices Act.

The Facts

The instant case emanated from an Information charging petitioners and accused Captain Renato Evasco (Capt. Evasco) of violation of Article 3 (e) of R.A. No. 3019, the accusatory portion of which states:

That during the period August 2002 to October 2003, or sometime prior or subsequent thereto, in Rodriguez, Rizal and within the jurisdiction of this Honorable Court, the above-named accused Pedro Cuerpo, Fernando H. Roño, Salvador Simbulan, Capt. Renato Evasco, all public officers, being Municipal Mayor, Municipal Engineer, Barangay Chairman of Barangay Burgos and Head of Demolition Team, respectively, all of Rodriguez, Rizal, taking advantage of their official positions and committing the offense in relation to their office, conspiring and confederating with each other and with John Does and acting with evident bad faith and manifest partiality did then and there willfully, unlawfully and criminally cause the demolition of the tents and other temporary shelters of private complainants Leticia B. Nanay, Nancy B. Barsubia, Gemma I. Bernal, Maria Victoria G. Ramirez, Crisanta S. Oxina and Adelaida H. Ebio which said private complainants temporarily erected on their land covered by TCT No. 436865, and deprive the said private complainants of the lawful use of their aforesaid land without due process of law and without any legal basis and court order, thereby causing undue injury to the said private complainants and the members of their families.

CONTRARY TO LAW.[3]

The factual and procedural antecedents, as culled from the records of the case, are as follows:

Leticia B. Nanay (Nanay), Nancy B. Barsubia (Barsubia), Gemma I. Bernal (Bernal), Maria Victoria G. Ramirez, Crisanta S. Oxina (Oxina) and Adelaida H. Ebio (Ebio) (private complainants) are among the ninety-three (93) families and members of "Samahang Magkakapitbisig" (Samahan), who used to occupy a parcel of land in Barangay (Brgy.) Valencia, Quezon City as informal settlers. In order to force them to vacate the property, a case was filed before the Metropolitan Trial Court (MeTC) of Quezon City, Branch 355 docketed as Civil (CV) Case No. 35-15452. But to reach a peaceful resolution of the case, the parties entered into a "Kasunduan" to the effect that all the 93 families would voluntarily vacate the property in exchange for P2,250,000.00 as financial assistance.[4]

The Samahan searched and was able to find an 8,250-square meter piece of land for their relocation in Brgy. Burgos, Rodriguez, Rizal. On August 30, 2002, several members of the Samahan went to Mayor Cuerpo to inform him about the impending relocation of the families. Mayor Cuerpo reacted negatively and told them they could not be accepted in the Municipality. He further informed them that before they could transfer, they should first apply for a development permit and develop the property thereafter which means that the Samahan first have to subdivide the lots, build roads, install water, and electrical facilities before they could move in.[5] When the Samahan members inquired for the list of requirements for the application for a development permit from the Municipal Zoning Office, they were provided with a list applicable for a low-cost housing subdivision to be developed by a real estate developer.[6]

On September 2, 2002, in view of the refusal of Mayor Cuerpo to allow the 93 families to relocate in Brgy. Burgos, Rodriguez, Rizal, because he does not want squatters in Montalban, private complainants instituted a petition docketed as Special Civil Action Case No. 091-02 for Prohibition, Mandamus, and Damages with Prayer for the Issuance of Temporary Restraining Order (TRO), and/or Writ of Preliminary Injunction before the Regional Trial Court (RTC) of San Mateo, Rizal, Branch 75.[7] On September 10, 2002 and October 28, 2002, the RTC of San Mateo, Rizal, Branch 77 denied the prayer for TRO and the families were ordered to apply for building permits in compliance with the National Building Code.[8]

On December 23, 2002, with the financial assistance given to them, the Samahan was able to purchase the piece of land located in Brgy. Burgos, Rodriguez, Rizal. The sale was registered with the Registry of Deeds of Marikina City and Transfer Certificate of Title (TCT) No. 436865 was issued[9] to the families. The lot was then subdivided among the 93 families.[10]

On August 11, 2003, the Samahan, including the private complainants, filed 93 separate applications for Building Permit with the Municipal Engineer. These applications were stamped "Received" by the Office of the Municipal Engineer but were returned by Engr. Roño, the municipal engineer, for lack of a development permit.[11]

On August 15, 2003, because of the refusal of Engr. Roño to process the application for building permit, the applicants amended CV Case No. 091-02 impleading Engr. Roño and asked the trial court to compel him to accept and process the applications for building permits.[12]

On September 17, 2003, the petition was granted by the trial court and directed Mayor Cuerpo and Engr. Roño to accept and process the subject applications for building permits. However, these applications were again returned unprocessed.[13]

On September 22, 2003, because of the Fifth Alias Writ of Demolition issued by the MeTC of Quezon City, Branch 355, in CV Case No. 35-15452, the 93 families including private complainants were forced to leave Barangay Valencia, Quezon City; moved to their purchased lot and built temporary shelters made of lumber and tarpaulin despite the lack of building or development permit. On even date, Brgy. Capt. Simbulan, upon the order of Mayor Cuerpo, arrived and asked for their permit. When they told him they have none, Brgy. Capt. Simbulan informed them that there will be a demolition that afternoon. At around 1:30 p.m., a demolition team consisting of Special Weapons and Tactics and Police Officers led by Capt. Evasco arrived. The demolition team dismantled the makeshift homes and took away lumber, tarpaulin, plywood, and appliances. The demolition team returned the following day and confiscated the remaining lumber, leaving only their personal belongings. During the demolition conducted on October 28, 2003, accused Capt. Evasco handed them a Memorandum dated October 23, 2003 from petitioner Mayor Cuerpo showing that a demolition should have been conducted on October 24, 2003.[14]

Private complainants filed a complaint, claiming that these demolitions were committed with evident bad faith

and manifest partiality, which deprived them of the lawful use of their land without due process of law or any legal basis or court order. Consequently, an Information was filed before the Office of the Ombudsman, where petitioners and Capt. Evasco were charged of violating Section 3(e) of R.A. No. 3019.

Upon arraignment, petitioners pleaded "not guilty." [15] During the pre-trial, the parties stipulated on the following facts:

- At all times material to this case, the following [Petitioners] were then holding the positions opposite their names, to wit:

- Pedro Cuerpo Mayor

- Fernando Roño Municipal Engineer

- Salvador Sirnbulan - Barangay Chairman of Barangay Burgos all of Rodriguez, Rizal.

- On 11 August 2003 the six applicants mentioned in the Information went to the Office of the Municipal Engineer of Rodriguez, Rizal, to submit individual applications for Building Permits in line with their intention to build homes within their property.

- On 19 September 2003, the Office of the Municipal Engineer accepted the letter dated September 18, 2003, the Order of the RTC-Branch 75 of San Mateo Rizal, and a copy of Transfer Certificate of Title No. 436865.

- On 22 September 2003, the families comprising "Samahan" were forced to transfer to their property in Barangay Burgos, Rodriguez, Rizal, due to the Order issued by Branch 35 of the [MeTC], Quezon City, directing the Sheriff to implement the fifth Alias Writ of Demolition against the homes of "Samahan's" members.

- Upon arrival at their parcel of land in Barangay Burgos, Rodriguez, Rizal, on 22 September 2003, the families put up tents and tarps to serve as their temporary shelter.

- On 22 and 23 September 2003, the temporary shelters put up by the families of "Samahan" members Leticia Nanay, Nancy Barsubia, Gemma Bernal, Maria Victoria Ramirez, Crisanta Oxina and Adelaida Ebio were demolished.

- The private complainants in this case constructed their shanties or temporary shelters on the land they owned in Rodriguez, Rizal.

- The shanties or temporary shelters in question owned by private complainants in this case were constructed on a strip of land described in Transfer Certificate Title No. 436865 issued by the Register of Deeds of Marikina City. [16]

By way of defense, petitioners did not dispute the demolitions that transpired on specified dates but justified that they were done because the families did not have the necessary permit to construct their houses in the subject property. [17]

The SB Ruling

On January 31, 2012, the SB issued the assailed Decision. [18] It found that there was sufficient evidence to conclude the presence of conspiracy among the petitioners. It ruled that the requirement of a development permit by petitioner Engr. Roño and the subsequent order to develop private complainants' property before the issuance of a building permit was in concerted harmony with the instructions of petitioner Mayor Cuerpo not to allow private complainants, who were former informal settlers, to relocate to Burgos, Rodriguez. [19] In the case of,

Brgy. Chairman Simbulan, the SB determined that he exceeded his authority in executing Mayor Cuerpo's demolition order. More than the demolition, he confiscated private complainants' appliances depriving them of their simple properties without due process.[20] To the SB, the petitioners' coordinated acts, starting from the instructions of Mayor Cuerpo to disallow private complainants to relocate in their property and the refusal of Engr. Roño to issue the requested building permits until the carrying out of the directive of Mayor Cuerpo addressed to Engr. Roño, Brgy. Chairman Simbulan and Capt. Evasco which harmoniously and jointly achieved the common purpose of summarily demolishing private complainants' structure constituted conspiracy.[20]

The SB likewise ruled that the prosecution was able to prove beyond reasonable doubt the concurrence of all the essential elements of the offense of Violation of Section 3(e) of R.A. No. 3019 and accordingly convicted the petitioners as charged, viz.:

WHEREFORE, in the light of all the foregoing, the Court finds [petitioners] Mayor PEDRO S. CUERPO, Municipal Engineer FERNANDO ROÑO and Barangay Chairman SALVADOR SIMBULAN GUILTY beyond reasonable doubt of Violation of Section 3 (e) of R.A. No. 3019, and after applying the Indeterminate Sentence Law, hereby imposes upon each of them the penalty of imprisonment ranging from six (6) years and one (1) month as minimum, to nine (9) years, one (1) month and one (1) day as maximum.

They are further perpetually disqualified from holding public office.

Considering that accused [Capt. Evasco] is still at large, let this case be archived with respect to him, and let an Alias Warrant of Arrest be issued against him.

SO ORDERED.[21] (Emphasis in the original)

Petitioners moved for reconsideration alleging that they merely acted in good faith and in compliance with the law. Presenting new arguments, petitioners claimed that there was no demolition that took place; they only prevented the private complainants from constructing their temporary shelters on the subject property. Petitioners also added that they were just exercising their duty to secure the safety of all residents by prohibiting construction on danger zones without the proper permits. They further averred that the structures built may be legally considered nuisance which must be prevented.[22] The SB found no merit in the motion for reconsideration, thus denied the same in a Resolution[23] dated September 7, 2012.

Hence, this recourse.

In the instant petition, petitioners assert that the SB erred in convicting them for the crime of violation of Section 3(e) of R.A. No. 3019. They claim that the prosecution failed to prove the elements of manifest partiality, evident bad faith, or gross inexcusable negligence and undue injury. Petitioners posit that they acted in good faith and in compliance with the law in preventing the 93 families from constructing their houses for lack of development permit, building permit, and location clearance.[25]

Moreover, petitioners impute serious and reversible legal error on the part of the SB in ruling that there was conspiracy among them.[26]

The Issue Before the Court

For the Court's resolution is whether or not the SB correctly convicted petitioners for violation of Section 3(e) of R.A. No. 3019.

The Court's Ruling

We deny the petition.

The Rules of Court requires that only questions of law should be raised in petitions filed under Rule 45.[27]

Hence, questions "on whether the prosecution['s] evidence proved the guilt of the accused beyond reasonable doubt; whether the presumption of innocence was properly accorded the accused; whether there was sufficient evidence to support a charge of conspiracy; or whether the defense of good faith was correctly appreciated are all, in varying degrees, questions of fact,"[28] should not be raised in appeals from the SB. This is because, as a rule, "the factual findings of the SB are conclusive on this Court"[29] save for several exceptions. In *Maderazo, et al. v. People, et al.*,[30] these exceptions are as follows:

(1) the conclusion is a finding grounded entirely on speculation, surmise and conjectures; (2) the inference made is manifestly mistaken; (3) there is grave abuse of discretion; (4) the judgment is based on a misapprehension of facts; (5) the findings of fact are conclusions without citation of specific evidence on which they are based; and (6) the findings of fact are premised on an absence of evidence on record.[31] (Citation omitted)

None of these exceptions are present in this case.

This Court, thus, affirms the conviction of the petitioners by the SB for violation of Section 3(e) of R.A. No. 3019.

Section 3(e) of R.A. No. 3019 provides:

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 x

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefit, 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.

Based on the above-stated provision, the elements of violation of Section 3(e) of R.A. No. 3019 are the following:

- (a) that the accused must be a public officer discharging administrative, judicial, or official functions (or a private individual acting in conspiracy with such public officers);
- (b) that he acted with manifest partiality, evident bad faith, or inexcusable negligence; and
- (c) that his action caused any undue injury to any party, including the government, or giving any private party unwarranted benefits, advantage, or preference in the discharge of his functions.[32]

There was concurrence of these elements in this case.

First element. It is undisputed that petitioners were public officers at the time the offense was committed. This was stipulated on by the parties during the pre-trial.[33]

Second element. The prosecution claims that the demolition of their shanties were committed with evident bad faith and manifest partiality, depriving them of the lawful use of their land without due process of law or any legal basis or court order.

The law provides three (3) modes of commission of the crime, namely, through "manifest partiality," "evident bad faith," and/or "gross negligence." [34] There is "manifest partiality" when there is a clear, notorious, or plain inclination or predilection to favor one side or person rather than another. On the other hand, "evident bad faith"

connotes not only bad judgment but also palpably and patently fraudulent and dishonest purpose to do moral obliquity or conscious wrongdoing for some perverse motive or ill will. It contemplates a state of mind affirmatively operating with furtive design or with some motive or self-interest or ill will or for ulterior purposes.[35]

The summary demolition caused the private complainants to file a complaint which was the basis of the information filed before the Office of the Ombudsman. The manner by which the private complainants were summarily displaced was the main justification of the SB in ruling that the element of evident bad faith was present in this case.

We agree.

Section 10, Article XIII of the 1987 Constitution provides the Philippine policy on eviction and demolition, viz:

Section 10. Urban or rural poor dwellers shall not be evicted nor their dwellings demolished, except in accordance with law and a just and humane manner.

No resettlement of urban and rural dwellers shall be undertaken without adequate consultation with them and the communities where they are to be relocated. (Emphasis supplied)

In accordance with this policy, Section 28, Article VII of R.A. No. 7279[36] states that eviction or demolition as a practice is discouraged. It, however, provides situations where eviction or demolition is allowed but prescribes requirements that must be satisfied before an eviction or demolitions involving underprivileged and homeless citizens[37] are considered valid.

Section 28, Article VII of R.A. No. 7279 states:

Sec. 28. Eviction and Demolition. — Eviction or demolition as a practice shall be discouraged. Eviction or demolition, however, may be allowed under the following situations:

- (a) When persons or entities occupy danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waterways, and other public places such as sidewalks, roads, parks, and playgrounds;
- (b) When government infrastructure projects with available funding are about to be implemented; or
- (c) When there is a court order for eviction and demolition.

In the execution of eviction or demolition orders involving underprivileged and homeless citizens, the following shall be mandatory:

- (1) Notice upon the effected persons or entities at least thirty (30) days prior to the date of eviction or demolition;
- (2) Adequate consultations on the matter of settlement with the duly designated representatives of the families to be resettled and the affected communities in the areas where they are to be relocated;
- (3) Presence of local government officials or their representatives during eviction or demolition;
- (4) Proper identification of all persons taking part in the demolition;
- (5) Execution of eviction or demolition only during regular office hours from Mondays to Fridays and during good weather, unless the affected families consent otherwise;
- (6) No use of heavy equipment for demolition except for structures that are permanent and of concrete materials;

(7) Proper uniforms for members of the Philippine National Police who shall occupy the first line of law enforcement and observe proper disturbance control procedures; and

(8) Adequate relocation, whether temporary or permanent: Provided, however, That in cases of eviction and demolition pursuant to a court order involving underprivileged and homeless citizens, relocation shall be undertaken by the local government unit concerned and the National Housing Authority with the assistance of other government agencies within forty-five (45) days from service of notice of final judgment by the court, after which period the said order shall be executed: Provided, further, That should relocation not be possible within the said period, financial assistance in the amount equivalent to the prevailing minimum daily wage multiplied by sixty (60) days shall be extended to the affected families by the local government unit concerned.

This Department of the Interior and Local Government and the Housing and Urban Development Coordinating Council shall jointly promulgate the necessary rules and regulations to carry out the above provision. (Emphasis supplied)

Summary eviction and demolition are also allowed.[38] However, they are permitted only in cases pertaining to identified[39] professional squatters, squatting syndicates and new squatter families, which are not the case here.

"Professional squatters" refer to individuals or groups who occupy lands without the express consent of the landowner and who have sufficient income for legitimate housing. They are persons who have previously been awarded homelots or housing units by the Government but who sold, leased or transferred the same to settle illegally in the same place or in another urban area, and non-bona fide occupants and intruders of lands reserved for socialized housing. The term shall not apply to individuals or groups who simply rent land and housing from professional squatters or squatting syndicates.[40] "Squatting syndicates", on the other hand, refers to groups of persons engaged in the business of squatter housing for profit or gain.[41] While "new squatter" refers to individual groups who occupy land without the express consent of the landowner after March 28, 1992. Their structures shall be dismantled and appropriate charges shall be filed against them by the proper authorities if they refuse to vacate the premises.[42]

Records are bereft of information that any of the 93 families as members of the Samahan, including private complainants, were identified by the Local Government Unit as squatter families, thus, they cannot be considered professional squatters or members of a squatting syndicate. Neither can they be considered new squatter families because the construction of makeshift homes was made on their own property.

Also, private complainants who were just evicted from their previous dwelling place for squatting may be considered "underprivileged and homeless citizens" or individuals or families residing in urban and urbanizable areas whose income or combined household income falls within the poverty threshold as defined by the National Economic and Development Authority and who do not own housing facilities. This shall include those who live in makeshift dwelling units and do not enjoy security of tenure.[43] With no other place to go, private complainants were forced to transfer to the lot they were able to purchase using the settlement money for voluntarily vacating the property where they used to live. Unfortunately, on the day of their transfer, the temporary shelters they constructed which were made of lumber and tarpaulin were summarily demolished for their failure to present a building and development permit.

Based on the foregoing, petitioners' acts were clearly committed with evident bad faith. The demolition of private complainants' houses was precipitated by the refusal of Engr. Roño to issue a building permit for failure of the 93 families to secure a development permit. The summary removal of private complainants' makeshift homes constructed in their private property by the demolition team headed by Brgy. Chairman Simbulan and Capt. Evasco upon the instruction of Mayor Cuerpo was made in blatant disregard of private complainants' right to due process and was done without observance of the applicable laws on demolition. The summary demolition took

place on September 22, 2003, a few hours after private complainants moved into their property. It went on the following day, September 23, 2003, when the demolition team confiscated the remaining construction materials leaving only private complainants' personal belongings. On October 23, 2003, Mayor Cuerpo issued a Memorandum addressed to Engr. Roño, Brgy. Chairman Simbulan and Capt. Evasco ordering them to undertake a second demolition on October 24, 2003, but actually took place on October 28, 2003. Said demolition was also without prior notice or court order and was aggravated by the confiscation by the demolition team of private complainant's lumber, tarpaulin and some appliances. Clearly, their action contemplates ill will, which constitutes evident bad faith and in blatant disregard of the state policy to uphold the constitutionally guaranteed rights of private complainants as part of the disadvantaged sector of the society.

Granting that private complainants' shanties were constructed without the necessary building or development permits, this fact does not automatically necessitate the summary demolition. "[P]roperty rights are involved, thereby needing notices and opportunity to be heard as provided for in the constitutionally guaranteed right of due process." [44] Without compliance with the laws allowing for eviction and demolition, petitioners were not justified in employing procedural sidesteps in displacing private complainants from their property by a mere Memorandum ordering for summary demolition issued by Mayor Cuerpo. Petitioners should have undergone the appropriate proceeding as set out in the law.

Third and last element. Undue means illegal, immoral, unlawful, void of equity and moderations while injury is defined as any wrong or damage done to another, either in his person, or in his rights, reputation or property; the invasion of any legally protected interests of another. "It is required that the undue injury caused by the positive or passive acts of the accused be quantifiable and demonstrable and proven to the point of moral certainty." [45]

In this case, the undue injury caused to the private complainant is evident from the testimonies of the witnesses that the demolition team confiscated some of the private complainants' construction materials, appliances, and personal belongings. As testified to, the private complainants' sustained undue injury as a result of the summary demolition and confiscation in the following quantifiable amounts: Nanay - P101,600.00; [46] Barsubia - P100,000.00; [47] Ramirez - P30,000.00; [48] Oxina - P120,000.00; [49] and Ebio - P45,000.00. [50] These were not controverted by the petitioners.

Moreover, "proof of the extent of damage is not essential, it being sufficient that the injury suffered or the benefit received is perceived to be substantial enough and not merely negligible." [51]

Undoubtedly, all the elements of the crimes as charged are present in this case. Thus, "the Court finds no reason to overturn the SB's findings, as there is no showing that it overlooked, misunderstood, or misapplied the surrounding facts and circumstances of this case, and considering further the fact that it was in the best position to assess and determine the credibility of the parties' witnesses." [52] As such, petitioners' conviction for violation of Section 3(e) of R.A. No. 3019 must stand.

As regards the proper penalty to be imposed, Section 9(a) of R.A. No. 3019, as amended, provides:

SECTION 9. Penalties for violations. — (a) Any public officer or private person committing any of the unlawful acts or omissions enumerated in Sections 3, 4, 5 and 6 of this Act shall be punished with imprisonment for not less than six years and one month nor more than fifteen years, perpetual disqualification from public office, and confiscation or forfeiture in favor of the Government of any prohibited interest and unexplained wealth manifestly out of proportion to his salary and other lawful income. [53] (Emphasis supplied)

Applying the Indeterminate Sentence Law, [54] the SB correctly sentenced petitioners to suffer the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to nine (9) years, one

(1) month, and one (1) day, as maximum, with perpetual disqualification from public office.

WHEREFORE, premises considered, we hereby DENY the petition for lack of merit and thereby AFFIRM the January 31, 2012 Decision and the September 7, 2012 Resolution of the Sandiganbayan in Criminal Case No. SB-08-CRM-0019.

SO ORDERED.

Leonen (Acting Chairperson), Caguioa,* and Inting, JJ., concur.
Hernando J., on leave.

[*] Designated additional Member per Raffle dated September 11, 2019.

[1] Penned by Associate Justice Teresita V. Diaz-Baldos and concurred in by Associate Justices Napoleon E. Inoturan and Oscar C. Herrera, Jr., rollo, pp. 46-78.

[2] Id. at 79-90.

[3] Id. at 46-47.

[4] Id. at 63-64.

[5] Id. at 64.

[6] Id. at 56.

[7] Id. at 64-65.

[8] Id. at 128.

[9] Id. at 65, May 23, 2003.

[10] Id.

[11] Id.

[12] Id. at 128.

[13] Id. at 65.

[14] Id. at 65-66.

[15] Id. at 47.

[16] Id. at 48-49.

[17] Id. at 66;

[18] Id. at 46-78.

[19] Id. at 72.

[20] Id. at 73.

[20] Id. at 74.

[21] Id. at 77.

[22] Id. at 91-112.

[23] Id. at 79-90.

[25] Id. at 9-44.

[26] Id.

[27] Pascual v. Burgos, et al. 116 Phil. 167, 182 (2016).

[28] Raymundo E. Zapanta v. People, 759 Phil. 156, 170 (2015).

[29] Jaca v. People, et al. 702 Phil. 210, 238 (2013).

[30] 762 Phil. 685, 692 (2015).

[31] Id. at 692.

[32] See Senator Jinggoy Ejercito Estrada v. Office of the Ombudsman, Hon. Sandiganbayan, , Office of the Ombudsman, Field Investigation Office, National Bureau of Investigation, and Atty. Levito D. Baligod, G.R. Nos. 212761-62; John Raymundo De Asis v. Conchita Carpio Morales, in her official capacity as Ombudsman, People of the Philippines, and Sandiganbayan, Fifth Division, G.R. Nos. 213473- 74; and Janet Lim Napoles v. Conchita Carpio Morales, in her official capacity as Ombudsman, People of the Philippines, and Sandiganbayan, Fifth Division, G.R. Nos. 213538-39, July 31, 2018.

[33] Rollo, p. 48.

[34] Fuentes v. People, 808 Phil. 586, 593 (2017).

[35] Id. at 594.

[36] The Urban Development and Housing Act (UDHA) of 1992.

[37] Section 3(t), Article I of RA 7279.

[38] Section 27, Article VII of RA 7279; Section 2, IRR governing summary eviction.

[39] Section 2, par. 2.0, IRR governing summary eviction.

2.0. Squatter families identified by the Local Government Unit (LGU) in cooperation with the Presidential Commission of the Urban Poor (PCUP), Philippine National Police (PNP) and accredited Urban Poor organization (UPO) as professional squatters or members of squatting syndicates as defined in the Act.

[40] Section 3 (m), Article I of RA 7279; Section 1, par. 2.0, IRR governing summary eviction.

[41] Section 3 (s), Article I of RA 7279; Section 1, par. 3.0, IRR governing summary eviction.

[42] Section 1, par. 4.0, IRR governing summary eviction.

[43] Section 3 (t), Article I of RA 7279;

[44] Aquino v. Municipality of Malay, Aklan, et al. 744 Phil. 497, 512 (2014).

[45] See Dr. Posadas, et al. v. Sandiganbayan, et al., 714 Phil. 248, 274-275 (2013). Citations omitted.

[46] Rollo, p. 55.

[47] Id.

[48] Id. at 53.

[49] Id. at 55.

[50] Id. at 53.

[51] *Fuentes v. People*, supra note 33 at 597.

[52] *Raquil-Ali M. Lucman v. People of the Philippines and Sandiganbayan 2nd Division*, G.R. No. 238815, March 18, 2019.

[53] Emphasis supplied.

[54] SEC. 1. Hereafter, in imposing a prison sentence for an offense punished by the Revised Penal Code, or its amendments, the court shall sentence the accused to an indeterminate sentence the maximum term of which shall be that which, in view of the attending circumstances, could be properly imposed under the rules of the said Code, and to a minimum which shall be within the range of the penalty next lower to that prescribed by the Code for the offense; and if the offense is punished by any other law, the court shall sentence the accused to an indeterminate sentence, the maximum term of which shall not exceed the maximum fixed by said law and the minimum shall not be less than the minimum term prescribed by the same. (Emphasis supplied)

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