

RAQUIL-ALI M. LUCMAN, PETITIONER, V. PEOPLE OF THE PHILIPPINES AND SANDIGANBAYAN 2ND DIVISION, RESPONDENTS.*G.R. No. 238815. March 18, 2019*

Ponente: PERLAS-BERNABE, J.

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Assailed in this petition for review on certiorari[1] are the Decision[2] dated March 9, 2018 and the Resolution[3] dated April 23, 2018 of the Sandiganbayan (SB) in Crim. Case No. SB-13-CRM-0595, which found petitioner Raquil-Ali M. Lucman (Lucman) guilty beyond reasonable doubt of violation of Section 3 (c) of Republic Act No. (RA) 3019,[4] entitled the "Anti-Graft and Corrupt Practices Act."

The Facts

The instant case stemmed from an Information[5] charging Lucman of violation of Section 3 (c) of RA 3019, the accusatory portion of which states:

On 8 September 2009 to 16 October 2009, or sometime prior or subsequent thereto in General Santos City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, RACQUIL-ALI M. LUCMAN, a public officer being then the OIC-Regional Executive Director of the Department of Environment and Natural Resources, Region XII, committing the offense in relation to and in abuse of his office, did then and there [willfully], unlawfully, and criminally request for himself the amount of Two Million Five Hundred Thousand Pesos (P2,500,000.00) from Sergio Balolong, Aladin Saydala, and Hadji Abdulwahid D. Bualan, and actually receive the amount of One Million Five Hundred Thousand Pesos (P1,500,000.00) from the said parties, in consideration for the assistance of accused Lucman in the investigation, processing, and approval of the aforementioned parties' application over two (2) parcels of alienable and disposable public lands located at Brgys. Olympog and Tambler, General Santos City.

CONTRARY TO LAW.[6]

The prosecution alleged that sometime in August 2009, private complainants Hadji Abdulwahid D. Bualan (Bualan), Sergio Balolong (Balolong), and Aladin Saydala (Saydala; collectively, private complainants) went to the office of Lucman, then the Officer-in-Charge (OIC)-Regional Executive Director (RED) of the Department of Environment and Natural Resources (DENR), Region XII, to discuss with the latter their intended applications for the issuance of Free Patent title. During the said meeting, Lucman allegedly demanded Two Million Five Hundred Thousand Pesos (P2,500,000.00) from them as consideration for the grant of their applications. Private complainants acceded but asked to pay in installments.[7] Subsequently, on September 4, 2009, Bualan applied for Free Patents on behalf of Balolong and Saydala before the Community Environment and Natural Resources Office (CENRO) of General Santos City. On September 8, 2009, Lucman called up Bualan and demanded Five Hundred Thousand Pesos (P500,000.00) as part of their agreement, as the former needed the money for his trip to Manila. Complying with Lucman's demand, Bualan proceeded to Tambler International Airport where he gave Five Hundred Thousand Pesos (P500,000.00) to Lucman's driver for which the latter signed a cash voucher.[8] Thereafter, Bualan regularly followed up their applications with Lucman, but the latter told him to wait for two

(2) to three (3) months for approval.[9] On October 16, 2009, Lucman again called up Bualan and told him to go to the house of Balolong for the payment of One Million Pesos (P1,000,000.00). Thereat, Balolong allegedly issued a check worth One Million Pesos (P1,000,000.00) for which Lucman signed a check voucher.[10] However, despite the payment of a total of One Million Five Hundred Thousand Pesos (P1,500,000.00), their applications remained pending. Thus, private complainants filed a joint complaint before the Office of the City Prosecutor of General Santos City.[11]

Pleading "not guilty" to the charge,[12] Lucman denied demanding and receiving money from private complainants for and in consideration of the approval of their Free Patent applications. He claimed that Bualan merely wanted to destroy his honor and integrity.[13] He further claimed that Bualan's testimony cannot be given any weight since it was not corroborated either by other witnesses or by supporting documents.[14]

The SB Ruling

In a Decision[15] dated March 9, 2018, the SB found Lucman guilty beyond reasonable doubt of the crime charged, and accordingly, sentenced him to suffer the penalty of imprisonment for a period of six (6) years and one (1) month with perpetual disqualification to hold public office.[16]

The SB found that the prosecution had established all the elements for violation of Section 3 (c) of RA 3019, considering that: (a) Lucman was the OIC-RED of the DENR, Region XII at the time of the commission of the offense; (b) as the OIC-RED, he had authority to grant applications for Free Patent, such as the ones applied for by private complainants; (c) he demanded Two Million Five Hundred Thousand Pesos (P2,500,000.00) and actually received One Million Five Hundred Thousand Pesos (P1,500,000.00) from private complainants; and (d) the amount was for and in consideration of the grant of such applications.[17]

Aggrieved, Lucman moved for reconsideration,[18] which was, however, denied in a Resolution[19] dated April 23, 2018; hence, this petition.

The Issue Before the Court

The primordial issue for the Court's resolution is whether or not the SB correctly convicted Lucman for the crime of violation of Section 3 (c) of RA 3019.

The Court's Ruling

The petition is without merit.

Section 3 (c) of RA 3019 states:

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

(c) Directly or indirectly requesting or receiving any gift, present or other pecuniary or material benefit, for himself or for another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any Government permit or license, in consideration for the help given or to be given, without prejudice to Section thirteen of this Act.

As may be gleaned from above, the elements of the crime charged are as follows: (1) the offender is a public officer; (2) he has secured or obtained, or would secure or obtain, for a person any government permit or license; (3) he directly or indirectly requested or received from said person any gift, present or other pecuniary or material

benefit for himself or for another; and (4) he requested or received the gift, present or other pecuniary or material benefit in consideration for help given or to be given.[20]

After a judicious review of the case, the Court is convinced that the SB correctly convicted Lucman for violating Section 3 (c) of RA 3019. It is undisputed that Lucman was a public officer at the time the offense was committed, then being the OIC-RED of the DENR, Region XII. As the OIC-RED, he had the authority to grant applications for Free Patents, such as the ones filed by private complainants.[21] It was likewise established through the testimony of Bualan and the evidence on record that Lucman demanded Two Million Five Hundred Thousand Pesos (P2,500,000.00) and actually received One Million Five Hundred Thousand Pesos (P1,500,000.00)[22] from private complainants, and that these amounts were for and in consideration of the grant of their applications.[23]

In view of the foregoing, 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.[24] As such, Lucman's conviction for violation of Section 3 (c) of RA 3019 must stand.

As regards the proper penalty to be imposed on Lucman, Section 9 (a)[25] of RA 3019, as amended,[26] states that the prescribed penalties for a violation of the said crime includes, inter alia, imprisonment for a period of six (6) years and one (1) month to fifteen (15) years and perpetual disqualification from public office. Taking into consideration the provision of the Indeterminate Sentence Law,[27] which states that "in imposing a prison sentence for an offense punished by acts of the Philippine Legislature, otherwise than by the Revised Penal Code, the court shall order the accused to be imprisoned for a minimum term, which shall not be less than the minimum term of imprisonment provided by law for the offense, and for a maximum term which shall not exceed the maximum fixed law,"[28] the Court deems it proper to modify Lucman's sentence to imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to nine (9) years, as maximum, with perpetual disqualification to hold public office.

WHEREFORE, the petition is DENIED. The Decision dated March 9, 2018 and the Resolution dated April 23, 2018 of the Sandiganbayan in Crim. Case No. SB-13-CRM-0595 are hereby AFFIRMED with MODIFICATION. Petitioner Raquil-Ali M. Lucman is found GUILTY beyond reasonable doubt of the crime of violation of Section 3 (c) of Republic Act No. 3019 or the "Anti-Graft and Corrupt Practices Act," and accordingly, sentenced to suffer the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to nine (9) years, as maximum, with perpetual disqualification from public office.

SO ORDERED.

Carpio,[*] (Acting C.J., Chairperson), Caguioa, J. Reyes, Jr., and Lazaro-Javier, JJ., concur.

[*] Acting Chief Justice per Special Order No. 2644 dated March 15, 2019.

[1] Rollo, pp. 5-30.

[2] Id. at 31-39. Penned by Associate Justice Lorifel L. Pahimna with Chairperson Oscar C. Herrera, Jr. and Associate Justice Michael Frederick L. Musngi, concurring.

[3] Id. at 41-43.

[4] (August 17, 1960).

[5] Not attached to the rollo.

[6] See rollo, pp. 31-32.

[7] See id. at 33-34.

[8] See id. at 34.

[9] See id.

[10] See id.

[11] See id. at 34-35.

[12] Id. at 32.

[13] See id. at 35.

[14] Id. at 16.

[15] Id. at 31-39.

[16] See id. at 38.

[17] See id. at 35-36.

[18] See motion for reconsideration dated March 19, 2018; id. at 45-58.

[19] Id. at 41-43.

[20] *Mendoza-Ong v. Sandiganbayan*, 460 Phil. 311, 318 (2003); and *Tecson v Sandiganbayan*, 376 Phil. 191, 201 (1999).

[21] See rollo, pp. 35-36.

[22] See id. at 34.

[23] See id. at 36.

[24] See *Cahulogan v. People*, G.R. No. 225695, March 21, 2018; citing *Peralta v. People*, G.R. No. 221991, August 30, 2017, 838 SCRA 350, 360.

[25] 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. x x xx

[26] Batas Pambansa Blg. 195, entitled "AN ACT AMENDING SECTIONS EIGHT, NINE, TEN, ELEVEN, AND THIRTEEN OF REPUBLIC ACT NUMBERED THIRTY HUNDRED AND NINETEEN, OTHERWISE KNOWN AS THE ANTI-GRAFT AND CORRUPT PRACTICES ACT" (March 16, 1982).

[27] Act No. 4103, entitled "AN ACT TO PROVIDE FOR AN INDETERMINATE SENTENCE AND PAROLE FOR ALL PERSONS CONVICTED OF CERTAIN CRIMES BY THE COURTS OF THE PHILIPPINE ISLANDS; TO CREATE A BOARD OF INDETERMINATE SENTENCE AND TO PROVIDE FUNDS THEREFOR; AND FOR OTHER PURPOSES" (December 5, 1933).

[28] See Act No. 4103, Section 1.

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