

**GOVERNOR MARIANO J. PIMENTEL AND LILIA L. SALUN-AT,
PETITIONERS, VS. JUSTICES FRANCIS E. GARCHITORENA, REGINO
HERMOSISIMA, JR. AND CIPRIANO A. DEL ROSARIO, RESPONDENTS.**

G.R. Nos. 98340-42. April 10, 1992

Ponente: GRINO-AQUINO, J.

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GRINO-AQUINO, J.:

Assailed in this petition for certiorari is the suspension by the Sandiganbayan of petitioners Mariano J. Pimentel, provincial governor of Quirino province, Lilia L. Salun-at, the provincial secretary, and Edgardo Merjudio, the private secretary of the Governor, in SB Crim. Cases Nos. 13834-36 and 16540 where they face four (4) counts of Falsification of Public Documents and in SB Crim. Case No. 16560 where they are charged with Violation of Section 3(h) of the Anti-Graft and Corrupt Practices Act.

In Crim. Cases Nos. 13834, 13835 and 13836, the petitioners, Pimentel and Salun-at, are accused of having falsified or caused the falsification of the excerpts from the minutes of the regular sessions of the Sangguniang Panlalawigan of Quirino province on August 15, 1988 and September 19, 1988 by making it appear therein that:

- (a) on August 15, 1988, Resolution No. 116-A was passed appropriating P5,000 as supplementary aid for the family of Crisostomo Antonio, the victim of an accident within the provincial capitol compound, but the truth is that no such resolution was approved and adopted;
- (b) on September 19, 1988, Resolution No. 136 was passed and approved implementing the Supplemental Budget No. 4, and Appropriation Ordinance No. 4 in the amount of P294,000, although the truth is that no such resolution was passed and approved.
- (c) also on September 19, 1988, Resolution No. 137 implementing the Supplemental Budget No. 2, and Appropriation Ordinance No. 5 in the amount of P189,770.44 was supposedly passed and approved, although the truth is that no such resolution was passed and approved.

In Crim. Case No. 16560, the petitioner, Governor Mariano J. Pimentel, was charged with having illegally granted to his son-in-law and co-accused Edgardo Merjudio, the lease of a government building in the capitol grounds together with the equipment therein, to be operated as a canteen, although there was no formal lease contract between the provincial government and Merjudio, nor a resolution awarding such lease to him.

On motion of the prosecution, the Sandiganbayan (First and Second Division) suspended Governor Pimentel pendente lite pursuant to Section 13 of R.A. 3019 as amended, which reads:

“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 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 of execution and mode of participation, is pending in court, shall be suspended from office. x x x (Underscoring supplied.)” (p. 68, Rollo.)

The purpose of the suspension order is to prevent the accused from using his position and the powers and prerogatives of his office to influence potential witnesses or tamper with records which may be vital in the prosecution of the case against him.

In the aforementioned criminal cases, however, while the suspension of Governor Pimentel and the Provincial Secretary, Mrs. Salun-at, was proper because the informations against them charge “offense(s) involving fraud against the government or public funds or property x x x” (Sec. 13 of R.A. 3019), still, in the light of our decisions in *Deloso vs. Sandiganbayan*, 173 SCRA 409; *Dormal vs. Sandiganbayan*, 177 SCRA 354; and *Gonzaga vs. Sandiganbayan*, G.R. No. 96131, September 6, 1991, such suspension may not exceed the maximum period of ninety (90) days fixed in Section 42 of P.D. No. 807.

Since the petitioners were suspended from their positions on April 15, 1991, their suspension has already exceeded the maximum limit of ninety (90) days, hence, it should now be lifted.

The preventive suspension of petitioners Pimentel and Merjudio in Crim. Case No. 16560 was fixed for a period of ninety (90) days, from August 2, 1991, or up to November 1, 1991 yet. Their prayer to lift the said suspension, if it has not yet been done, is proper and meritorious.

WHEREFORE, the petitions are granted. The orders of suspension dated April 15, 1991 and August 2, 1991 issued respectively by the First and Second Divisions of the Sandiganbayan, are hereby lifted. No pronouncement as to costs.

SO ORDERED.

Narvasa, C.J., Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Padilla, Bidin, Medialdea, Regalado, Davide, Jr., Romero, and Nocon, JJ., concur.
Bellosillo, J., on leave.

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