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Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated December 10, 2019 which reads as follows:

G.R. Nos. 242506-10 — LUIS RAMON P. LORENZO, petitioner versus HON. SANDIGANBAYAN SIXTH DIVISION and THE PEOPLE OF THE PHILIPPINES, respondents;

G.R. Nos. 242590-94 — ARTHUR CUA YAP, petitioner versus SANDIGANBAYAN [SIXTH DIVISION] AND PEOPLE OF THE PHILIPPINES, respondents.

“For the Court’s resolution are the (1) Motion to Allow the Sandiganbayan to Resolve Motions for Leave to Travel Abroad;¹ and (2) Motion for Leave to Travel Abroad with Formal Entry of Appearance² filed by petitioner Arthur C. Yap (Yap).

On June 10, 2019, the Court issued a temporary restraining order³ (TRO) enjoining the Sandiganbayan Sixth Division (Sandiganbayan), its representatives, agents, or other persons acting on its behalf from proceeding with the arraignment and trial of Crim. Case Nos. SB-18-CRM-0288 to 0292 (subject criminal cases) pending final adjudication of the instant case.

On June 21, 2019, the Sandiganbayan wrote a letter⁴ to the Court seeking guidance on whether it may act on other incidents such as, but not limited to, motions for authority to travel abroad and the issuance of an order of preventive suspension.

¹ Rollo (G.R. No. 242506-10), pp. 642-646.
² Id. at 666-671.
³ Id. at 309-310.
⁴ Id. at 321-322.

In a Resolution⁵ dated July 29, 2019, the Court directed the Sandiganbayan to submit to the Court for its resolution all incidents and matters that may arise from the proceedings in the subject criminal cases pending final adjudication of the instant case.

On November 11, 2019, Yap filed a Motion to Allow the Sandiganbayan to Resolve Motions for Leave to Travel Abroad,⁶ which reads in part:

8. Since the issuance of the TRO and the cancellation of the previously scheduled trial dates in the Criminal Case, Mr. Yap has made two applications for authority to travel to China to attend international conferences in line with this position as a sitting Governor for the Province of Bohol. Aside from these trips, Mr. Yap foresees that he will have frequent travels abroad in the next several months in order to encourage further commercial investments in Bohol and to promote the Province as a primary tourist destination in the Philippines.

9. For this reason, and to save the time and resources of this Honorable Court, Mr. Yap respectfully requests that this Honorable Court authorize the Sandiganbayan Sixth Division to resolve his future Motions for Leave to Travel Abroad considering that it issued the Hold Departure Order against him. Thus, since the enforcement of the Hold Departure Order had not been restrained by the TRO, Mr. Yap humbly submits that the Sandiganbayan Sixth Division, the issuing court, may still be allowed to act upon motions for leave to travel abroad and issue travel authorities. Moreover, Motions for Leave to Travel Abroad are merely incidental to the main case that the Sandiganbayan Sixth Division may still resolve despite the TRO on the proceedings of the Criminal Case.

10. This Motion is being filed solely for the foregoing reasons and with full deference to the ultimate authority and discretion of this Honorable Court on the matter.⁷

Meanwhile, on November 20, 2019, Yap filed before this Court a Motion for Leave to Travel Abroad requesting that he be allowed to travel with his family on December 21, 2019 to January 3, 2020 to Los Angeles, California, U.S.A.⁸

⁵ Id. at 328-329.

⁶ Id. at 642-646.

⁷ Id. at 644.

⁸ Id. at 666.

According to Yap, he intends to take advantage of the Christmas holiday to spend quality time with his family and to take a much-needed respite from the demands of his work as the Governor of Bohol. The planned trip is also a fulfillment of his promise to his children who want to have a family vacation abroad during the school break.⁹ Quoted below are the details of his intended travel:

6. The international flight of Mr. Yap was arranged by Tripmart Travel Services. The details of his trip are as follows:

6.1 Mr. Yap will depart from Manila on 21 December 2019, Saturday via Philippine Airlines flight PR 112 at 11:25 a.m. The estimated time of MR. Yap's arrival at the Los Angeles International Airport[] is at 10:00 a.m., 21 December 2019, California time.

6.2. Mr. Yap and his family's hotel accommodation was arranged by All Amazing Travel and Tours. Mr. Yap and his family will be staying at The Mayfair Hotel from 21 December 2019 to 02 January 2020.

6.3 On 02 January 2020, Mr. Yap will depart from Los Angeles International Airport via Philippine Airlines flight PR 113 at the estimated departure time of 12:55 p.m. and will arrive at Ninoy Aquino International Airport on 03 January [2020] at the estimated time of 06:25 p.m.¹⁰

Yap assures the Court that he is not a flight risk. He states that he has been previously allowed by this Court to travel abroad and he was able to comply with the requirements set forth in the October 2, 2019 Resolution of the Court on the conditions of his travel.¹¹

Further, Yap undertakes to abide by the terms and conditions that the Court may be imposed on him as regards the instant request.¹²

Considering the foregoing, the Court resolves to grant both Motions filed by Yap.

As regards the Motion to Allow the Sandiganbayan to Resolve Motions for Leave to Travel Abroad filed by Yap, while the

⁹ Id. at 666-667.

¹⁰ Id. at 667.

¹¹ Id. at 538-540 and 667.

¹² Id. at 668.

Sandiganbayan had been previously ordered by the Court to submit before it all incidents and matters that may arise from the proceedings in the subject criminal cases, the Court also considers the points raised by Yap in the instant Motion. Hence, in the interests of time and efficiency, the Court deems it proper to allow the Sandiganbayan to rule on Motions for Leave to Travel Abroad that may subsequently be filed by either Yap or his co-petitioner Luis Ramon P. Lorenzo (Lorenzo).

As for Yap's instant Motion for Leave to Travel Abroad on December 21, 2019 to January 3, 2020 to Los Angeles, California, U.S.A, the Court also grants the same, subject to his compliance with the conditions imposed on him.

WHEREFORE, the Motion for Leave to Travel Abroad with Formal Entry of Appearance filed by petitioner Arthur C. Yap is **GRANTED**, subject to the following conditions:

- a. He shall file a manifestation before the Sandiganbayan Executive Clerk of Court informing the latter of the final departure date from the Philippines, the final arrival date to the Philippines, and all pertinent flight information relating to his travels, including travel information to and from the place indicated in his Motion;
- b. His travel itinerary shall be limited to the place stated in his Motion;
- c. Within five (5) days after his return, he shall proceed to the Sandiganbayan Executive Clerk of Court and present his passport and photocopies of the pages indicating the stamp regarding his exit from and arrival in the Philippines, duly authenticated by the Sandiganbayan Executive Clerk of Court after a comparison with the original; and
- d. He shall post a cash bond of ₱500,000.00 within five (5) days from notice of this Resolution with the Sandiganbayan Executive Clerk of Court to ensure his return to the Philippines. Failure to post the bond within five (5) days from notice will result in the denial of his Urgent Motion for Leave to Travel Abroad. The Sandiganbayan Executive

Clerk of Court shall furnish this Court with a report confirming payment of the cash bond within five (5) days of payment.

Upon his return, the Sandiganbayan Executive Clerk of Court shall file a report with the First Division Clerk of Court within 15 days from the date of his appearance before it to confirm his compliance with all conditions of this Resolution.

Petitioners Arthur C. Yap and Luis Ramon P. Lorenzo are hereby **ORDERED** to submit their subsequent Motions for Leave to Travel Abroad to the Sandiganbayan Sixth Division for resolution.

The following are **NOTED**: (1) the submission with manifestation in support of urgent motion for leave to travel abroad, by petitioner in G.R. Nos. 242590-94; (2) the supplemental submission of petitioner in G.R. Nos. 242590-94 of a copy of the travel authority issued by the Department of Interior and Local Government approving his request to travel from October 13 to 18, 2019, exclusive of travel time; (3) the manifestation of petitioner in G.R. Nos. 242506-10 in compliance with the Resolution dated September 9, 2019; (4) the compliance with the Resolution dated October 2, 2019 granting the urgent motion for leave to travel abroad of petitioner from October 13 to 20, 2019, by the Executive Clerk of Court, Sandiganbayan, Sixth Division, stating that on October 11, 2019, petitioner Arthur Cua Yap posted a cash bond in the amount of P500,000.00 and has paid the legal fees, with thereto attached copy of the official receipts; (5) the compliance with the Resolution dated October 2, 2019, by the Executive Clerk of Court, Sandiganbayan, Sixth Division, submitting the copies of the pertinent pages of petitioner Arthur C. Yap's passport, verified and compared with the original; and (6) the compliance with the Resolution dated September 9, 2019 which granted the petitioner's motion for leave to travel from October 1 to 17, 2019, by the Executive Clerk of Court, Sandiganbayan, Sixth Division, with submission of copies of the pertinent pages of petitioner Luis Ramon P. Lorenzo's passport and boarding pass that were verified and compared with the original copies thereof.

The petitioner is hereby required to file a **REPLY** to the comment/opposition of the Office of the Special Prosecutor on the petition for certiorari with prayer for the issuance of a temporary restraining order in G.R. Nos. 242506-10, within ten (10) days from notice hereof.

Petitioner Luis Ramon P. Lorenzo and the Executive Clerk of Court, Sandiganbayan, Sixth Division, are likewise hereby required to **SUBMIT** within five (5) days from notice hereof, soft copies in compact disc, USB or e-mail containing the PDF files of: (a) the signed manifestation dated October 21, 2019; and (b) the signed compliances (with submissions) with

the Resolutions dated September 9, 2019 and October 2, 2019, and the signed compliance with the Resolution dated October 2, 2019, respectively, pursuant to A.M. Nos. 10-3-7-SC and 11-9-4-SC.

SO ORDERED.”

Very truly yours,

LIBRADA C. BUENA
Division Clerk of Court *Librada*

By:

Maria Teresa B. Sibulo
MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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(Criminal Case Nos. SB-18-CRM-0288 to 0292)

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[Handwritten signature]