

SECOND DIVISION

[G.R. No. 238815, March 18, 2019]

**RAQUIL-ALI M. LUCMAN, PETITIONER, V. PEOPLE OF THE
PHILIPPINES AND SANDIGANBAYAN 2ND DIVISION,
RESPONDENTS.**

DECISION

PERLAS-BERNABE, J.:

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