

THIRD DIVISION

[G.R. No. 129913, September 26, 1997]

**DINDO C. RIOS, PETITIONER, VS. THE SECOND DIVISION OF
THE SANDIGANBAYAN, THE PEOPLE OF THE PHILIPPINES, THE
DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT, AND
THE PROVINCIAL GOVERNOR OF ROMBLON, RESPONDENTS.
R E S O L U T I O N**

ROMERO, J.:

This is a petition for *certiorari* to set aside the resolution of the Sandiganbayan, dated March 24, 1997, granting the motion of the Office of the Special Prosecutor (OSP) to suspend petitioner Dindo C. Rios *pendente lite*, and its resolution dated June 25, 1997 denying his Motion for Reconsideration.

On March 6, 1996, an information was filed against petitioner who is the incumbent Mayor of the Municipality of San Fernando, Romblon for alleged unauthorized disposition of confiscated lumber, in violation of Republic Act No. 3019, otherwise known as Anti-Graft and Corrupt Practices Act. The information alleged:

“That on or about May 16, 1994, in San Fernando, Romblon, and within the jurisdiction of this Honorable Court, the above named accused, a public officer, x x x while in the performance and taking advantage of his official functions, and with evident bad faith, did then and there willfully, unlawfully and criminally cause the disposition of confiscated, assorted and sawn tanguile lumber consisting of 1,319 pieces without proper authority therefor, thus, causing undue injury to the Government.”

Before his arraignment, petitioner filed a “Motion to Quash Information and Recall Warrant of Arrest,” dated August 4, 1996, on the ground that the information was invalid as there was no probable cause to hold him liable for violation of Section 3(e), R.A. No. 3019. ^[1]

On September 16, 1996, the OSP filed a “Motion to Suspend Accused (herein petitioner) *Pendente Lite*,” to which petitioner filed an “Opposition,” reiterating the same ground stated in his motion to quash.

The Sandiganbayan overruled the argument in its resolution of October 14, 1996. Thereupon, petitioner filed a verified petition with this Court which was docketed as G.R. No. 126771. Among the issues raised was the alleged invalidity of the information. The Court resolved to deny this petition on December 4, 1996 on the ground that the Sandiganbayan committed no grave abuse of discretion in rendering the questioned judgment.

When petitioner was arraigned on January 20, 1997, he entered a plea of “not guilty” no longer questioning the validity of the information against him.

On March 24, 1997, the Sandiganbayan granted the OSP's motion to suspend petitioner in an order which provides in part:

"WHEREFORE, accused Dindo C. Rios is ordered suspended from his position as Mayor of the Municipality of San Fernando, Romblon and from any other public position he may be holding for a period of ninety (90) days counted from receipt of this Resolution. The Honorable Secretary of the Department of Interior and Local Government, Quezon City, and the Provincial Governor of Romblon, Romblon are ordered furnished with copies of this Resolution so that they may implement the same and report on their actions thereon.

SO ORDERED."

Petitioner filed a motion for reconsideration which was subsequently denied in a resolution dated June 25, 1997. Hence, this petition.

In support of his petition, petitioner posits the following arguments:

"I. THE SANDIGANBAYAN COMMITTED A GRAVE ABUSE OF DISCRETION WHEN IT RULED THAT THE FACTS CHARGED IN THE INFORMATION CONSTITUTE A VIOLATION OF REPUBLIC ACT 3019.

II. THE SANDIGANBAYAN COMMITTED A GRAVE ABUSE OF DISCRETION WHEN IT PROVIDED FOR SUSPENSION OF NINETY (90) DAYS IN CLEAR DISREGARD OF THE PROVISION OF THE LOCAL GOVERNMENT CODE."

The first argument propounded by petitioner has already been passed upon by this Court when it held that the act of disposing of confiscated lumber without prior authority from DENR and the Sangguniang Bayan constituted a violation of Sec. 3(e) of R.A. 3019. [2] Therefore, there is probable cause to hold petitioner liable for such act, for which the information was validly filed. Although any further discussion of this issue would be unnecessary, the Sandiganbayan's ruling is herein reiterated as a reminder to public officials of their crucial role in society and the trust lodged upon them by the people.

The act complained of in this case is "the disposition (by petitioner) of confiscated, assorted and sawn lumber consisting of 1,319 pieces without proper authority therefor, thus causing undue injury to the Government."

Petitioner maintains that the mere fact that he acted beyond the scope of his authority by selling the confiscated lumber without the prior approval of the DENR through its Community Environment and Natural Resources Office and without a resolution from the Sangguniang Bayan, does not constitute a violation of Section 3(e) of R.A. No. 3019. What renders the disposition of lumber contrary to law is any resulting "undue injury" which, however, is absent in this case because the proceeds of the disposition went to the coffers of the Municipal Government.

The Sandiganbayan, however, asserted: