



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

RAMSY D. PANES,*

Petitioner,

G.R. No. 234561

Present:

- versus -

GESMUNDO, C.J., Chairperson,
CAGUIOA,
LAZARO-JAVIER,
LOPEZ, M., and
LOPEZ, J., JJ.

PEOPLE OF THE
PHILIPPINES,

Respondent.

Promulgated:

NOV 11 2021

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DECISION

LOPEZ, J., J.:

Before Us is a Petition for Review on *Certiorari*¹ under Rule 45 of the Revised Rules of Court, seeking to reverse and set aside the Decision² dated June 27, 2017 and the Resolution³ dated August 22, 2017 of the Sandiganbayan, in SB-13-CRM-0124, finding petitioner Ramsy D. Panes (*Panes*) guilty of violation of Section 3(j) of Republic Act (R.A.) No. 3019.

The Antecedents

The present controversy involves a case for violation of Section 3(j) of R.A. No. 3019, otherwise known as the “Anti-Graft and Corrupt Practices Act” filed against Panes, then Executive Assistant II of the Office of the Mayor and Officer-in-Charge (*OIC*) of the Permits and Licenses Division of

* Also spelled “Ramsey” in the Sandiganbayan Decision.

¹ *Rollo*, pp. 11-24.

² Penned by Associate Justice Maria Theresa V. Mendoza-Arcega, with Associate Justices Rafael R. Lagos and Reynaldo P. Cruz, concurring; *id.* at 29-46.

³ *Id.* at 48-50.

Victorias City, Negros Occidental, and Severro Palanca (*Palanca*), then Mayor of Victorias City, Negros Occidental, in connection with their issuance of a business permit in favor of Gaudencio Corona (*Corona*), despite not being legally entitled to such permit.

On June 10, 2010, Corona applied for a business permit to operate a *jai-alai* betting station in Victorias City, Negros Occidental. After submission of the necessary documents, he was assessed with all the fees and charges in connection with his application.⁴

Subsequently, on June 23, 2010, Corona was issued a business permit, upon the recommendation of Panes as OIC of the Permits and Licenses Division, and the approval of Palanca.⁵

On July 14, 2010, several persons, identified as Jenard Dequiña (*Dequiña*), Zandro Balerra (*Balerra*) and Rey Gonzales (*Gonzales*) who were tagged as bet collectors and *cobradors* from Cadiz City and the nearby towns of Victorias City, were arrested in connection with their illegal betting activities for *jai-alai*.⁶

The following day, Panes recommended to Palanca that the business permit of Corona be cancelled in view of the latter's failure to install a betting machine from June 24, 2010 to July 14, 2010. Subsequently, on July 15, 2010, Palanca cancelled the business permit of Corona.⁷

On July 30, 2010, private complainant James Francis Anthony Garcia (*Garcia*) filed a Letter Complaint before the Office of the Ombudsman for Visayas (*OMB-Visayas*) against Panes and Palanca, alleging that these two public officials conspired, confederated and took advantage of their public positions in falsifying a public document denominated as Business Permit dated June 23, 2010, by stating and making it appear that Corona is the owner/operator of Dalisay Amusement Games and Recreation Station. They allegedly made false narration of facts in the public document for the issuance of a business permit in favor of Corona so that he can engage in collecting bets for *jai-alai*.⁸

Acting on the complaint, the OMB-Visayas charged Panes and Palanca with violation of Section 3(j) of R.A. No. 3019 in an Information, filed before the Sandiganbayan,⁹ the accusatory portion of which reads:

⁴ *Id.* at 39-40.

⁵ *Id.* at 40.

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.* at 30.

On or about 23 June 2010, or sometime prior or subsequent thereto, in the City of Victorias, Negros Occidental, Philippines, and within the jurisdiction of this Honorable Court, above-named accused SEVERO A. PALANCA, and RAMSEY D. PANES, public officers being then the Mayor and the Officer-in-Charge of the Permits and Licenses Division, respectively, having the authority to issue permits in the City of Victorias, in abuse of their official positions, conspiring and confederating with one another, did then and there willfully, unlawfully, and criminally grant a business permit for the operation of Jai-Alai betting station in the City of Victorias to Gaudencio P. Corona, despite fully knowing that said Corona[,] or the company he was representing[,] had no legislative franchise and other legal requirements to operate said Jai-alai betting station.

CONTRARY TO LAW.¹⁰

Upon arraignment, both Panes and Palanca, on separate dates, pleaded not guilty to the crime as charged.¹¹

During pre-trial, the prosecution admitted that the business permit was issued to Corona on June 23, 2010, and that the same was cancelled, upon the orders of Palanca on July 15, 2010. On the other hand, the defense stipulated on the following: (1) the identity of the accused; (2) the jurisdiction of the court; (3) the names and positions of the accused; and (4) the authenticity and genuineness and due execution of the common exhibits.¹²

After pre-trial, trial on the merits ensued.

For the prosecution, the following witnesses were presented: (1) Garcia; (2) Miguel Carreon (*Carreon*) and; (3) Wilfredo Ismael Picasso III (*Picasso III*).

Garcia testified that Panes recommended to Palanca the approval of the business permit in favor of Corona under the business name, Dalisay Amusement Games and Recreation Station (*Dalisay*), although the latter was neither the owner nor an operator of Dalisay. As per DTI Permit and Certificate of Business Name of Registration issued in Makati City on May 27, 2010, Dalisay is actually owned by a certain Dalisay Enriquez Tampus.¹³

Furthermore, Garcia averred that after the issuance of the business permit in favor Corona, he never saw an office building at No. 18 Gonzaga St., Victorias City purportedly for the gaming operation of Dalisay. The truth is, the said address is actually owned by a certain Renato Kasiple, a

¹⁰ *Id.* 30.

¹¹ *Id.* at 31.

¹² *Id.*

¹³ *Id.* at 32.

very close friend of his late father.¹⁴

Garcia also claimed that Corona operated the *jai-alai* betting station, employing *cobradors* even without a business establishment. In fact, several bet collectors associated with Corona were apprehended by the police, as shown in the Counter-Affidavit filed by one Dequiña in connection with his illegal gambling case, stating that “Dequiña was the Operation Manager of the Branch Operator, Corona, together with Gonzales, designated as runner and Balerra assigned as Totalizer/Grosser.”¹⁵

Garcia also claimed that there seemed to be some “accommodation” in favor of Corona in the processing of his business permit as it took him only a day to apply for and to secure the same. According to Garcia, the immediate issuance of a business permit to Corona was unusual as it would normally take four to five days to secure a permit because the inspection requirement had to be scheduled.¹⁶

Finally, Garcia asseverated that Corona’s business permit was eventually cancelled on account of his failure to submit the necessary documents for the operation of *jai-alai*, rendering its prior operation illegal.¹⁷

Meanwhile, the testimonies of witnesses Carreon, Chairperson of Meridien Vista Gaming Corporation (Meridien) and Picasso III, Post-Evaluator of the Business Management Team for Business Registration of the DTI, were dispensed with based on the stipulations entered into at the pre-trial stage of the proceedings.¹⁸

For the defense, Panes was presented as the lone witness. He admitted that he was appointed by Palanca as Executive Assistant II and at the same time, the OIC of the Business Permit and Licenses Division of Victorias City, Negros Occidental.¹⁹

Panes averred that sometime in June 2010, Corona filed a letter request for the issuance of a business permit to operate a *jai-alai* betting station. He alleged that prior to his receipt of the letter request, the same was already approved by Palanca as there appears the phrase “Approved by Honorable Severo A. Palanca, City Mayor.” He then instructed Corona to submit the required documents in support of his application and upon receipt of the documents, a business permit was issued in his favor. However, he

¹⁴ *Id.*

¹⁵ *Id.* at 33.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at 34.

¹⁹ *Id.* at 36.

informed Corona that the business permit is only temporary or provisional pending the installation of at least one betting station machine within two weeks from the issuance of the permit. When Corona failed to comply with the requirement, he recommended the cancellation of the business permit. Panes also claimed that, despite the non-submission by Corona of the required documents, he had no choice but to approve the pending application “because the mayor had already approved the same.”²⁰

During the pendency of the case, Palanca died, which resulted to the dismissal of his criminal case based on Article 89 of the Revised Penal Code (*RPC*).²¹

Meanwhile, the proceedings against Panes continued and after trial, the Sandiganbayan rendered the assailed Decision dated June 27, 2017, finding him guilty beyond reasonable doubt for violation of Section 3(j) of R.A. No. 3019, the dispositive portion of which reads:

WHEREFORE, premises considered, the Court finds the accused Ramsey D. Panes GUILTY beyond reasonable doubt of violation of Section 3 (j) of Republic Act No. 3019 and is hereby sentenced to suffer the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month[,] as minimum[,] to eight (8) years[,] as maximum. In addition, he shall suffer the penalty of perpetual disqualification from public office.

SO ORDERED.²²

In convicting Panes, the Sandiganbayan held that all the elements for violation of Section 3(j) of R.A. No. 3019 are present. More specifically, it was sufficiently established that Panes, in conspiracy with Palanca, granted a business permit to Corona to engage in a *jai-alai* betting station despite knowing that he was not legally entitled to it. *Firstly*, *jai-alai* is a prohibited game under existing laws. The documents submitted by Corona do not show that Dalisay and Meridien, the entities from which Corona derives his authority to engage in *jai-alai* possess any legislative franchise to operate betting stations outside of the Cagayan Special Economic Zone and Free Port (*CSEZFP*), or that they can license out such authority to third persons. As the OIC of the Permits and Licenses Division, it was the duty of Panes to review, examine and assess the documents submitted, and ensure that the nature of the business applied for is not contrary to existing laws. *Secondly*, Corona was issued a business permit under the business name, “Dalisay Amusement Games and Recreation Station,” despite the lack of evidence showing that he is the owner/operator thereof.²³

²⁰ *Id.* at 37.

²¹ *Id.* at 44-45.

²² *Id.* at 46.

²³ *Id.* at 42-43.

As for Panes' defense, the Sandiganbayan held that he cannot claim good faith in recommending the approval of the business permit because a mere perusal of the documents submitted by Corona readily shows its inadequacy and impropriety. Panes' contention that Corona's business permit is provisional and his subsequent recommendation for its revocation, was also immaterial because the crime had already been committed after the approval and issuance of the subject business permit. The belated revocation of the permit after the arrest of Dequifia, Balerra and Gonzales, the *cobradors* of Corona also negated the latter's claim that no bet collection for *jai-alai* had taken place.

Aggrieved, Panes filed a Motion for Reconsideration,²⁴ claiming that he could have not recommended the approval of the business permit in favor of Corona because when he received the letter request, the same was already approved by Palanca. Neither can he be held liable for the crime charged because the subsequent cancellation of Corona's business permit evinced his good faith and lack of malice.

On August 22, 2017, the Sandiganbayan denied the Motion for Reconsideration for lack of merit.²⁵

Unperturbed by the setback, Panes resorted to this present petition for review on *certiorari*.

Issue

Whether or not the guilt of petitioner for violation of Section 3(j) of R.A. No. 3019 was proven beyond reasonable doubt.

Our Ruling

The petition is bereft of merit.

At the outset, it bears pointing out that in appeals from the Sandiganbayan, as in this case, only questions of law and not questions of fact may be raised. Issues brought to this Court on whether the prosecution was able to prove the guilt of the accused beyond reasonable doubt, whether the presumption of innocence was sufficiently debunked, whether or not conspiracy was satisfactorily established, or whether or not good faith was properly appreciated, are all, invariably, questions of fact.²⁶

²⁴ *Id.* at 51.

²⁵ *Id.* at 48-50.

²⁶ *SPO1 Lihaylihay v. People*, 715 Phil. 722, 728 (2013).

As complimentary principle, it is settled that the findings of fact of the Sandiganbayan in cases before this Court are binding and conclusive in the absence of a showing that they come under the established exceptions, such as: (1) when the conclusion is a finding grounded entirely on speculation, surmises and conjectures; (2) the inference made is manifestly mistaken; (3) there is a grave abuse of discretion; 4) the judgment is based on misapprehension of facts; (5) said findings of facts are conclusions without citation of specific evidence on which they are based; and (6) the findings of fact of the Sandiganbayan are premised on the absence of evidence on record.²⁷

In this case, petitioner failed to allege, much less prove, that the present case falls under any of the recognized exceptions to compel us to veer away from the judgment of conviction rendered by the Sandiganbayan.

To recall, petitioner was charged and convicted for violation of Section 3(j) of R.A. No. 3019 or the Anti-Graft and Corrupt Practices Act, which 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

(j) Knowingly approving or granting any license, permit, privilege or benefit in favor of any person not qualified for or not legally entitled to such license, permit, privilege or advantage or of a mere representative or dummy of one who is not so qualified or entitled.

Thus, to sustain a conviction for violation of Section 3(j) of R.A. No. 3019, the following elements must concur:

- 1) The accused is a public officer;
- 2) He is charged with the duty or has the authority or competence to approve or grant license, permit, privilege or benefit to qualified persons; and
- 3) He knowingly approves or grants a license, permit, privilege or benefit in favor (i) of a person not qualified or not legally entitled to such license, permit, privilege or advantage, or (ii) of a mere representative or dummy of one who is not so qualified or entitled.

In this case, all the foregoing elements are present.

²⁷ *Coloma, Jr. vs. Hon. Sandiganbayan*, 744 Phil. 214, 227 (2014).

The Sandiganbayan accurately opined that there is no dispute as to the presence of the *first* and *second* elements.²⁸ Petitioner is a public officer at the time of the commission of the crime, discharging his duties as OIC of the Permits and Licenses Division of the City Government of Victorias City, Negros Occidental.

As to the *third* element, Palanca, upon the recommendation of petitioner as OIC of the Permits and Licenses Division, granted a business permit in favor of Corona, despite knowing fully well that he is not legally entitled to such permit.

The Sandiganbayan pointed out that Corona applied for a business permit to engage in a Franchise Tax/Betting Station in Victorias City, Negros Occidental. Considering the nature of the business for which he applied a business permit, petitioner, as the OIC should have been alerted since the operation of *jai-alai* is proscribed under existing laws.²⁹

Presidential Decree (P.D.) No. 1602,³⁰ as amended by R.A. No. 9287³¹ expressly punishes any person who takes part in all forms of illegal gambling activities, specifically illegal numbers games. In R.A. No. 9287, illegal numbers game has been defined as any form of illegal gambling activity which uses numbers or combinations thereof as factors in giving out jackpots. One kind of illegal number game explicitly outlawed is *jai-alai*, referred to as *Masiao*.

Relatedly, as early as 1975, P.D. No. 771³² has already revoked the power and authority of local government units to grant franchise, license, permit, and regulate wages or betting by the public on *jai-alai* and other forms of gambling.³³ It further states that the permit or franchise to operate, maintain and establish *jai-alai* and other forms of gambling shall be issued by the national government upon proper application and verification of the qualifications of the applicant.³⁴

²⁸ *Rollo*, p. 41.

²⁹ *Id.* at 42.

³⁰ PRESCRIBING STIFFER PENALTIES ON ILLEGAL GAMBLING.

³¹ AN ACT INCREASING THE PENALTIES FOR ILLEGAL NUMBERS GAMES, AMENDING CERTAIN PROVISIONS OF PRESIDENTIAL DECREE NO. 1602, AND FOR OTHER PURPOSES.

³² REVOKING ALL POWERS AND AUTHORITY OF LOCAL GOVERNMENT TO GRANT FRANCHISE, LICENSE OR PERMIT AND REGULATE WAGERS OR BETTING BY THE PUBLIC ON HORSE AND DOG RACES, JAI-ALAI OR BASQUE PELOTA, AND OTHER FORMS OF GAMBLING.

³³ SECTION 1. Any provision of law to the contrary notwithstanding, the authority of Chartered Cities and other local governments to issue license, permit or any form of franchise to operate, maintain and establish horse and dog race tracks, jai-alai or other forms of gambling is hereby revoked.

³⁴ SECTION 2. Hereafter all permit or franchise to operate, maintain and establish horse and dog race tracks, jai-alai and other forms of gambling shall be issued by the national government upon proper application and verification of the qualifications of the applicant: Provided, That local governments may, upon clearance from the Chief of Constabulary and during town fiestas and holidays, continue to issue permits for minor games which are usually enjoyed by the people during such celebrations.

Thus, as OIC of the Permits and Licenses Division, petitioner should have been aware that local government units are no longer clothed with the authority to grant franchise, license, or permit for the operation of *jai-alai* and other forms of gambling. To validly operate *jai-alai*, the applicant must first obtain a statutory authorization, or an express legislative grant from Congress allowing the same.

In *Lim v. Pacquing*,³⁵ this Court upheld the validity and constitutionality of P.D. No. 711 and recognized that the said law has affirmed the government policy that franchises to operate *jai-alais* are for the national government (not local governments) to consider and approve. This Court further ruled therein that while *Jai-Alai* as a sport is not illegal *per se*, the acceptance of bets or wagers on the results of *jai-alai* is gambling. It is a criminal offense punishable under Articles 195-199 of the RPC, unless it is shown that a later or special law had been passed allowing it.³⁶

In this case, the documents submitted by Corona in support of his application for a business permit readily shows that he was neither licensed nor authorized to engage in a *jai-alai* betting station in Victorias City, Negros Occidental.

The Sandiganbayan noted that Corona derives his supposed authority to engage in *jai-alai* betting from Dalisay. In turn, Dalisay attributes its authority to operate *jai-alai* betting from Meridien,³⁷ a gaming corporation authorized to operate as such, on the condition that it is conducted within the confines of the CSEZFP.³⁸ However, as pointed out by the Sandiganbayan, the Certificate of Registration of Meridien does not show that it is a holder of a legislative franchise to set-up and operate betting stations outside of CSEZFP, or that it was permitted to license out such authority to third persons such as Dalisay.³⁹ Accordingly, if Dalisay was not legally authorized by Meridien to conduct *jai-alai* betting stations outside of the CSEZFP, it logically follows that Dalisay cannot in itself vest authority to Corona, its representative to operate *jai-alai* in any other place.

Furthermore, the Certification issued by then Secretary Jose Mari B. Ponce of the Cagayan Economic Zone Authority stating that “Meridien was authorized to set up betting stations in any place as may be allowed by law in support of the Virtual Games conducted inside the Cagayan Freeport,” buttresses the Sandiganbayan’s conclusion that there must first be an authorization issued by the concerned government agency allowing Meridien to set up betting stations in any place outside of the Cagayan

³⁵ 310 Phil. 722 (1995).

³⁶ *Lim v. Pacquing*, *id.* at 761.

³⁷ *Rollo*, p. 42.

³⁸ *Id.* at 43.

³⁹ *Id.*

Freeport.⁴⁰ However, nowhere in the documents submitted by Corona shows that Meridien was granted such authority.

In this regard, it is decisively clear that Corona had no legal authority to engage in the business of betting station in Victorias City, Negros Occidental, more so for *jai-alai*. This lack of legal authority could have not escaped petitioner's attention because as OIC, he was charged with the duty to examine, assess, and scrutinize the sufficiency of the documents submitted by an applicant. However, despite the apparent inadequacy of the documents submitted by Corona, petitioner still recommended for the approval of his application, which led to the issuance of the business permit.

Significantly, the lack of legal authority of Corona to operate a *jai-alai* betting station was further highlighted by the discrepancy between the Provisional Authority granted by Meridien to Dalisay and the Certification issued to Corona in support of his claim that Dalisay was operating under the legislative franchise of Meridien. The Certification issued to Corona by Dalisay authorizing him to open, set-up and operate a branch office as betting station and as sub-collecting agent in Victorias City was issued on June 10, 2010, or way ahead of the Provisional Authority issued by Meridien to Dalisay on July 1, 2010. This should have further cautioned petitioner because Corona could not have been authorized by Dalisay when the latter has yet been granted authority by Meridien to operate a betting station for *jai-alai* at that time. Relevant on this point are the following observations of the Sandiganbayan:

x x x. There also appears no business connection between Meridien and Dalisay. The only evidence submitted that could establish the business connection is the Provisional Authority issued by Miguel D. Carreon, Chairman of Meridien, to Dalisay, wherein it is stated that "*It is understood that this Provisional Authority is not an authority to operate but is issued to you as a confirmation to the approving Local Government Unit authorities that you have been pre-qualified as an Off-Fronton Agency. Final Authority will be issued upon your full compliance with all the requirements as well as upon securing the necessary local permits.*" On June 20, 2010, Dalisay, through its regional representative Atty. Pedro S. Diamante, issued a Certification which authorizes Corona to open, set-up and operate a branch office as Betting Station and as Sub-Collecting Agent of Dalisay in the City of Victorias, Negros Occidental. **There appears to be a discrepancy because the Provisional Authority is dated 1 July 2010, while the Certification issued to Corona is June 20, 2010.** x x x.⁴¹ (Emphasis and italics supplied)

⁴⁰ *Id.*

⁴¹ *Id.*

Compounding petitioner's transgression is the fact that Corona was issued a business permit as the owner/operator of Dalisay Amusement Games located at No. 18 Gonzaga St., Victorias City, Negros Occidental, despite the absence of any documentary evidence to support the same. As pointed out by the Sandiganbayan, the DTI Certification submitted by Corona showed that Dalisay is located at Dolores Street, Barangay 66, Pasay City and owned by a certain Dalisay Enriquez Tampus.⁴² Clearly, the issuance of a business permit in favor of Corona as owner/operator of Dalisay is bereft of any basis.

Notably, petitioner had not refuted the insufficiency of the documents submitted by Corona in support of his application for a business permit. The only defense of petitioner is that, he could not have recommended the approval of the business permit because when he received the letter request of Corona, the same was already approved by Palanca.

The contention is untenable.

As OIC of the Permits and Licenses Division, it was petitioner who initially examines and evaluates the documents of the applicant before recommending the approval of the business permit. It was also incumbent upon him to ensure the eligibility of the applicant as well as the propriety of the applicant's business. His duty to recommend is, therefore, not perfunctory or a mere mechanical act. It requires the exercise of discretion, especially since, the issuance of a business permit is not a right but a mere privilege. It is granted only after the applicant has complied with the necessary documents, permits and licenses from other concerned government agencies, and whose business is not contrary to law. Here, petitioner cannot feign ignorance that there was something amiss in Corona's application, for a mere perusal of the documents submitted shows its inadequacy and impropriety. Thus, when he recommended for its approval despite these apparent irregularities, he clearly violated Section 3(j) of R.A. No. 3019.

Furthermore, the Sandiganbayan aptly held that, it is only the letter request that was approved by Palanca. The same letter request was then forwarded to petitioner's office precisely to be assessed, examined and scrutinized by him.⁴³ In fact, there is no dispute that upon receipt of the letter request, it was him who required Corona to submit the necessary papers and complete documents in order that his application can be processed.⁴⁴ This confirms that before the issuance of a business permit, the application of the applicant, as well as its supporting documents are first referred to him for scrutiny, examination and evaluation. Hence, if petitioner only did his duty and exercised prudence, he could have stopped at

⁴² *Id.*

⁴³ *Id.* at 49.

⁴⁴ *Id.* at 37.

this early stage the processing of Corona's application and prevented the eventual issuance of the business permit.

Further, to dispel any and all doubts on petitioner's guilt, he admitted in his Reply⁴⁵ dated July 19, 2019 that while the power to issue the business permit rests with the City Mayor, it was his job as OIC "to check the documents attached and recommend for its issuance."⁴⁶ From his own admission, he cannot now disavow his participation in the wrongful issuance of business permit in favor of Corona. Neither can he successfully claim that he only acted under the compulsion of Palanca, who already approved the letter request. It must be noted that petitioner also claimed that it was him who told Corona that the business permit issued to him was only temporary and conditional because one of the requirements is for him to install at least one betting station machine within two weeks from the issuance of the permit. When Corona failed to comply, it was also him who recommended that the business permit of Corona be cancelled.⁴⁷ This strongly proves that his duty as OIC is not ministerial, but involves the exercise of discretion. Upon checking the documents and requirements of an applicant, he can decide to recommend, or not to recommend the issuance of a license and can even impose a condition on the applicant. He can also recommend the revocation of the business permit even after the same was already approved by the City Mayor, as he did in this case. Plainly, petitioner's duty as OIC is far from being ministerial in which no exercise of judgment or discretion is allowed. Thus, if he had not recommended the approval of Corona's business permit, the same would have not been issued in the first place.

In the same vein, petitioner cannot evade criminal liability by invoking good faith and lack of malice when the business permit was cancelled. What the law punishes is the act of knowingly granting or issuing a license or permit to an applicant who is not qualified or legally entitled to such license or permit. Hence, the cancellation of Corona's business permit is immaterial as the crime had already been consummated the moment the subject permit was issued to Corona despite not being qualified or legally entitled to such business permit.

Moreover, the timing of the cancellation of the business permit is highly suspicious as it was done only after the *cobradors* of Corona were arrested by the police. Needless to say, the subsequent cancellation of the business permit was a mere afterthought, and thus, will not negate the finding of his criminal liability.

⁴⁵ *Id.* at 291-296.


⁴⁶ *Id.* at 293.

⁴⁷ *Id.* at 37, 40, 293.

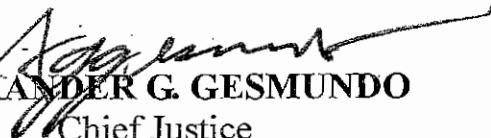
All told, petitioner has not raised any new or novel issue to impel a possible modification much less reversal or setting aside of the assailed rulings of the Sandiganbayan. As discussed above, the Sandiganbayan considered the totality of the evidence presented, which led the same to conclude that petitioner is guilty beyond reasonable doubt of violation of Section 3(j) of R.A. No. 3019. Further, there being no showing that the Sandiganbayan committed any misapprehension of facts or rendered judgment contrary to law, its findings and conclusions are entitled to great respect and will not be overturned by this Court.

WHEREFORE, premises considered, the Petition for Review on *Certiorari* is **DENIED**. The Decision dated June 27, 2017 and the Resolution dated August 22, 2017 of the Sandiganbayan in SB-13-CRM-0124 are hereby **AFFIRMED**. Ramsy D. Panes is hereby found **GUILTY** beyond reasonable doubt of violation of Section 3(j) of Republic Act No. 3019 and is sentenced to suffer the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to eight (8) years, as maximum. In addition, he shall suffer the penalty of perpetual disqualification from public office.

SO ORDERED.


JHOSEP LOPEZ
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice

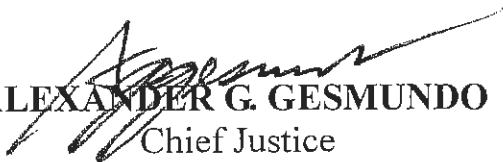

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

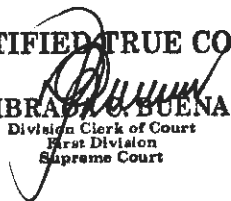

MARIO V. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice

CERTIFIED TRUE COPY


LIBRADA C. BUENA
Division Clerk of Court
First Division
Supreme Court