



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **09 March 2020** which reads as follows:*

“G.R. No. 250962 (Noel Angulo, Billy Fuertes, Rose Marrero, and Josephine Pasarita¹ v. People of the Philippines). – The Court **NOTES** the copy furnished the Court of the manifestation with motion to dismiss dated February 18, 2020 of Public Attorney’s Office filed in the Court of Appeals (CA), stating that Rosito Sisgon (Sisgon), one of the accused-appellants, died on November 23, 2018, prior to promulgation of the CA’s June 27, 2019 Decision, and praying that the case be dismissed against accused-appellant Sisgon, as his criminal liability was extinguished upon his death.

After a judicious study of the case, the Court resolves to **DENY** the instant petition² and **AFFIRM** the June 27, 2019 Decision³ and the December 6, 2019 Resolution⁴ of the CA in CA-G.R. CR No. 40466 for failure of petitioners Noel Angulo, Billy Fuertes, Rose Marrero, and Josephine Pasarita (petitioners) to sufficiently show that the CA committed any reversible error in affirming their conviction,⁵ under Section 46, in relation to Section 124 (3) of Republic Act No. 6938,⁶ otherwise known as the “Cooperative Code of the Philippines.”

As correctly ruled by the CA, the elements⁷ of the crime charged were sufficiently established, as it was shown that each of the petitioners, as members

¹ Erroneously referred to as “Josephin Pasarita” and “Osephine Pasarita” in some parts of the *rollo*.

² *Rollo*, pp. 13-36.

³ *Id.* at 44-55. Penned by Associate Justice Gabriel T. Robeniol with Associate Justices Ramon R. Garcia and Eduardo B. Peralta, Jr., concurring.

⁴ *Id.* at 57-58.

⁵ See RTC Decision dated July 17, 2017, penned by Presiding Judge Consuelo Amog-Bocar; *id.* at 72-90.


⁶ Entitled “AN ACT TO ORDAIN A COOPERATIVE CODE OF THE PHILIPPINES,” approved on March 10, 1990.

⁷ The essential elements of violation of Section 46 of RA 6938 are the following: (1) that the offender is a director, officer or committee member; and (2) that the offender willfully and knowingly: (a) votes for or assents to patently unlawful acts; (b) is guilty of gross negligence or bad faith in directing the affairs of the cooperative; or (c) acquires any personal or pecuniary interest in conflict with their duty

of the Board of Directors of Bulawen Dairy Multi-Purpose Cooperative (BDMPC), acted in bad faith in directing the affairs of the cooperative by failing to promptly disclose the receipt of funds from the Department of Agrarian Reform to the members of BDMPC, and in using the same to grant loans in their own favor without the required approval of the cooperative's general membership, which is in violation of its by-laws.⁸ It bears stressing that factual findings of trial courts, especially when affirmed by the CA, deserve respect and finality by this Court,⁹ although there are exceptions to this rule,¹⁰ none of which obtain in this case.

SO ORDERED.”

Very truly yours,


TERESITA AQUINO TUAZON
Deputy Division Clerk of Court *Wh: 8/24*
24 AUG 2020

PUBLIC ATTORNEY'S OFFICE (reg)
Special & Appealed Cases Service
Department of Justice
PAO-DOJ Agencies Building
NIA Road corner East Avenue
1104 Diliman, Quezon City

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 71
Iba, Zambales
(Crim. Case No. RTC-6015-1)

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-1-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
Supreme Court, Manila

COURT OF APPEALS (x)
Ma. Orosa Street
Ermita, 1000 Manila
CA-G.R. CR No. 40466

Please notify the Court of any change in your address.
GR250962. 03/09/2020(195 & 214)URES

as such directors, officers or committee member. (*Asistio v. People*, G.R. No. 200465, April 20, 2015.)

See also *rollo*, pp. 51-52.

⁸ See *rollo*, pp. 52-54.

⁹ See *Pacific Airways Corporation v. Tonda*, 441 Phil. 156, 162 (2002).

¹⁰ See *Spouses Aboitiz v. Spouses Po*, G.R. Nos. 208450 and 208497, June 5, 2017, 825 SCRA 457, 499.