

Sandigan drops nuisance suits vs. Bicol official



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THE Sandiganbayan dropped 18 nuisance suits against a former provincial board member of Camarines Sur province after the Office of the Ombudsman ruled the lack of probable cause in the usurpation of authority case.

In a seven-page resolution, the anti-graft court's First Division dismissed the cases of Carlo-magno Batalla whom the Ombudsman charged with abusing his function after he signed 18 daily time records (DTRs) of his confidential employees.

The complainant said that Batalla signed 18 DTRs of Xandrex Batalla, Juliana dela Cruz and Henry Perez whom the Ombudsman initially ruled as job order workers assigned at the Provincial Governor's Office.

However, in a reinvestigation the three were found to be employees under Batalla's office.

"It appears that the ones signing the DTRs of the employees assigned to [the board members] were the respective board members themselves . . . If indeed, the complainant believes that the acts of the accused are criminal in nature, why did he not charge all the board members of Camarines Sur who like the accused signed the respective DTRs of their confidential employees?" the Ombudsman ruled.

State prosecutors revisited the case after Batalla filed a motion for reconsideration and ruled that even if Batalla was not the governor, he has the capacity to sign the DTRs of his confidential employees because they were assigned to him.

The anti-graft agency dismissed the case at the Ombudsman level and filed a motion to withdraw the 18 counts of criminal charges from the Sandiganbayan.

Following suit, the anti-graft court granted the motion of the Ombudsman.

"The rule is that as far as crimes cognizable by the Sandiganbayan are concerned, the determination of probable cause during the preliminary investigation or reinvestigation is a function that belongs to the Office of the Ombudsman," the Sandiganbayan ruling read.

The magistrates said that the Ombudsman did not commit any grave abuse of discretion, thus, would not interfere with the decision of the Ombudsman.

