

REPUBLIC OF THE PHILIPPINES
Sandiganbayan
QUEZON CITY

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIM. CASE NO. 27478

PRESENT:

- versus -

PONFERRADA, J.
MIRANDA, &
MUSNGI,* JJ.

ALTAGRACIA VILLAFLOR, ET AL.,
Accused.

Promulgated:

August 14, 2017 *[Signature]*

X -----

R E S O L U T I O N

This resolves the following: (1) Motion for Reconsideration dated May 22, 2017, of the prosecution; (2) Vehement Opposition to the Prosecution's Motion for Reconsideration with Motion to Declare the Prosecution to Have Waived its Right to file a Formal Offer of Exhibits and Rested Its Case, dated June 14, 2017, of accused Manuel Gabisan; and (3) Comment and/or Objection (Re: Prosecution's Motion for Reconsideration) dated July 17, 2017, of all the accused, except Gabisan.

In its Motion, the prosecution seeks to reconsider the Order of the Court dated April 26, 2017, that ordered it to formally offer its exhibits within ten (10) days and gave the accused a similar period to submit their comments and/or objections. The prosecution prays that it be given a chance to present its other witnesses who have shown their willingness to testify and whose testimonies would be relevant and material to prove the allegations in the information.

In its opposition, accused Gabisan claims that the prosecution's motion should be denied because: (1) it was filed out of time because the fifteen (15)

* Special Member in view of the vacancy of the vacancy in the Sixth Division, per Administrative Order No. 124-2017 dated April 4, 2017

[Signatures]

day period should be reckoned from April 26, 2017, when the Order was given in open court, and not from May 9, 2017, when it received its copy of the Order; (2) while the prosecution has the right to due process, it does not have the right to unduly delay the proceedings; and (3) despite its commitment to present its witnesses and with several warnings from the Court, the prosecution failed to comply with the orders of the Court. Since the prosecution did not file its formal offer within the period given by the Court, accused Gabisan insists that it should be declared to have waived its right to do so and be deemed to have rested its case.


All the other accused adopt the opposition of accused Gabisan. They maintain that none of the motions for postponement of the prosecution indicated the willingness and availability of its witnesses to testify, and thus, the postponements have caused unreasonable delay in the resolution of the instant case.

The Court denies the motion.

Upon perusal of the records of this case, it appears that per Resolution dated March 24, 2017, the Court has already warned the prosecution that if it does not present its witnesses in the next settings, it shall be deemed to have waived their presentation. As it is, the prosecution was already given ample time and opportunity to present its witnesses, and despite the Court's warnings, it failed to do so. Hence, the Court is constrained to consider it as a waiver on the part of the prosecution and to terminate the presentation of its testimonial evidence.

WHEREFORE, the prosecution's motion for reconsideration is **DENIED**. However, in the interest of justice, for the last time, the prosecution is given ten (10) days from receipt hereof to formally offer its exhibits, and the defense is given a similar period of ten (10) days from receipt thereof to file its comments/objections. If the prosecution fails to formally offer its exhibits within the said period, it shall be deemed to have waived its right to do so, and the Court shall consider the prosecution to have rested its case.

SO ORDERED.


RODOLFO H. PONFERRADA

Associate Justice
Chairperson


KARL B. MIRANDA
Associate Justice


MICHAEL FREDERICK L. MUSNGI
Associate Justice