

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,
Plaintiff,

Crim. Case No. SB-17-CRM-0475

For: Violation of Section 3(f)
of R.A. No. 3019, as amended

-versus-

Present:
Herrera, Jr., J. *Chairperson*
Musngi, J. &
Pahimna, J.

Alejandro N. Abarratigue, et al.,
Accused.

Promulgated:
August 2, 2017

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RESOLUTION

HERRERA, JR., J:



Before the Court is a ***Motion For Joint Hearing, Trial, Proceedings And Decision***¹ dated June 7, 2017, filed by accused Alejandro N. Abarratigue, Esmeralda H. Frincillo, Purita D. Cabaganan and Analiza M. Bagro (the Movants), through counsel, praying that the above-entitled case be consolidated for a joint trial with Criminal Cases Nos. SB-16-CRM-0095 to 0098, SB-16-CRM-0548, SB-17-CRM-0285 and 0286 before the First Division of the Court. The plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, filed an ***Opposition (to the Motion For Joint Hearing, Trial, Proceedings and Decision)***² dated July 5, 2017.

The Court finds that the movants' ***Motion For Joint Hearing, etc.*** is meritorious.

Section 22, Rule 119 of the Rules of Criminal Procedure states when consolidation of criminal cases is proper. It provides:

¹ Record, pp. 235-243

² Id, pp. 260-263

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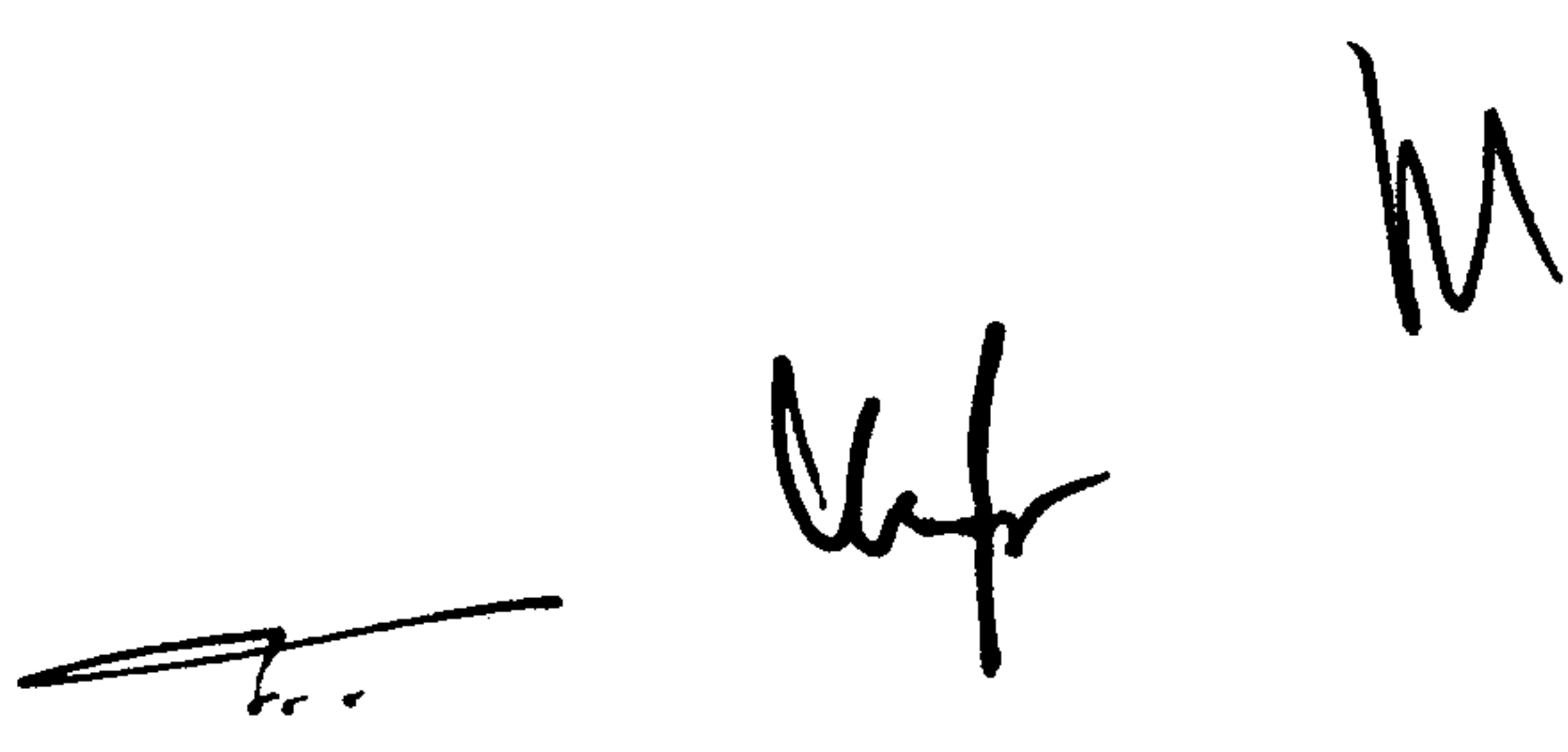
“Sec. 22. Consolidation of trials of related offenses. – Charges for offense founded on the same facts or forming part of a series of offenses of similar character may be tried jointly at the discretion of the court.”

The Court reviewed the text of the *Information*³ in the above-entitled case, and those in Criminal Cases Nos. SB-16-CRM-0095 to 0098, SB-16-CRM-0548, SB-17-CRM-0285 and 0286, as cited in the movant’s *Motion For Joint Hearing, etc.* The Court noted that the above-entitled case pertains to the alleged illegal withholding by accused Abarratigue, et al. of salary and benefits of a municipal employee Gloria A. Tacad, covering the period July 2010 and thereafter. On the other hand, the cases now with the First division is about the alleged illegal re-assignment by accused Abarratigue of certain municipal employees and the withholding of their salaries and allowances covering the period January 2010 to July 2010 and thereafter. However, perusal of the *Resolution* dated May 18, 2016 of the Office of the Ombudsman and its supporting evidence, which are part of the *Information* filed in the above-entitled case, yield that the issue of alleged withholding of salary and benefits of Gloria Tacad is related to her alleged illegal re-assignment by accused Abarratigue. It appears, therefore, that the above-entitled case is part of a series of offenses of similar character as those in SB-16-CRM-0095 to 0098, SB-16-CRM-0548, SB-17-CRM-0285 and 0286 pending before the First Division of this Court.

WHEREFORE, premises considered, the *Motion For Joint Hearing, Trial, Proceeding And Decision* dated June 7, 2017, filed by accused Alejandro N. Abarratigue, et al., through counsel, is hereby granted. Let this case be consolidated for joint trial with SB-16-CRM-0095 to 0098, SB-16-CRM-0548, SB-17-CRM-0285 and 0286 pending before the First Division of this Court, provided there will be no objection from the chairperson and members thereof.

SO ORDERED.


³ Id, pp. 1-3

The bottom of the page features several handwritten signatures and initials. On the left, there is a signature that appears to be 'L. C. S.'. To its right is another signature that looks like 'U. S. F.'. Further right, there are two distinct initials, 'M' and 'W', written in a cursive style.

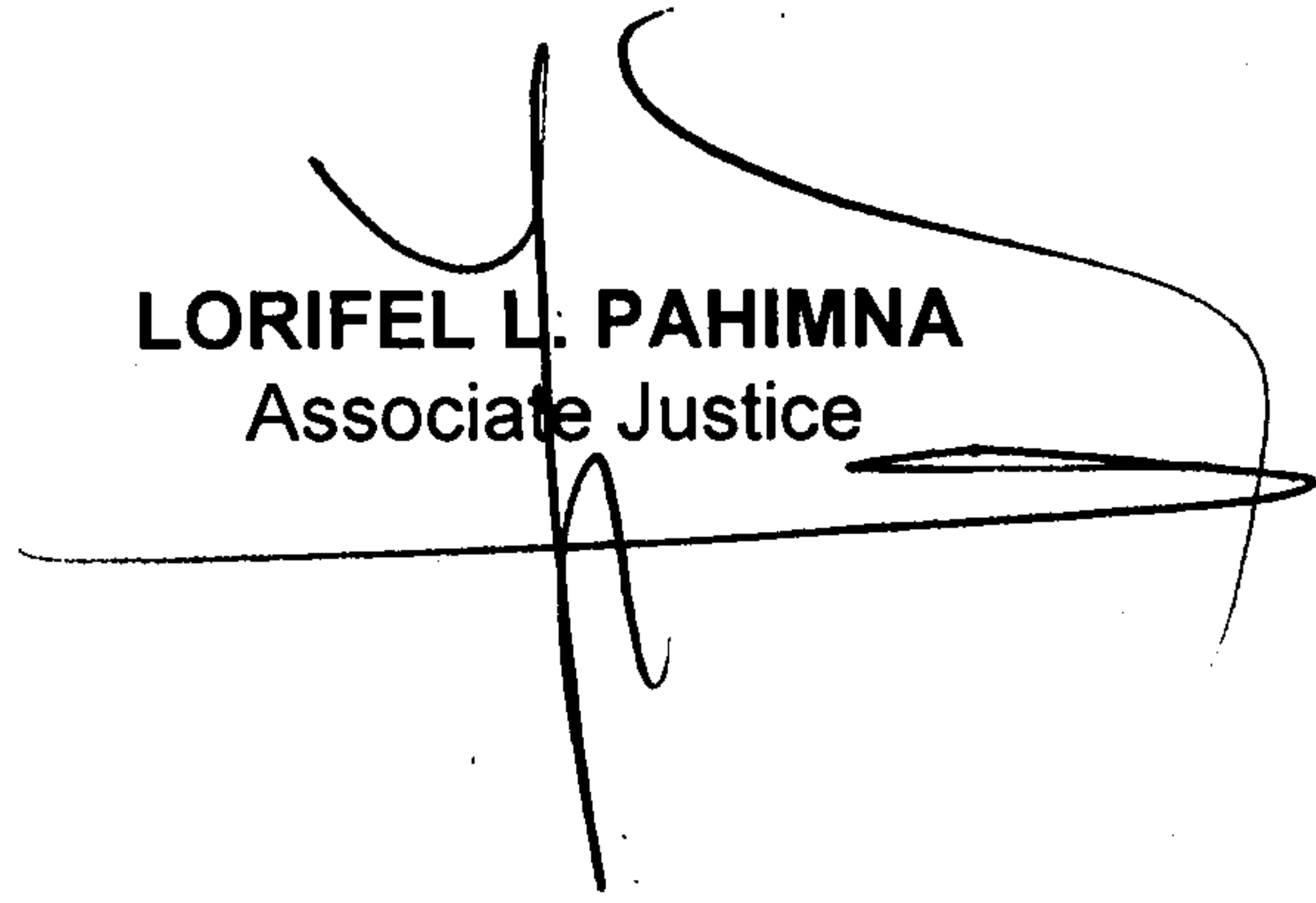


OSCAR L. HERRERA, JR.
Chairperson

We concur:



MICHAEL FREDERICK L. MUSNGI
Associate Justice



LORIFEL L. PAHIMNA
Associate Justice