



Republic of the Philippines  
*Sandiganbayan*  
Quezon City

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SEVENTH DIVISION

*MINUTES of the proceedings held on September 6, 2017*

*Present:*

*MA. THERESA DOLORES C. GOMEZ-ESTOESTA* ----- *Chairperson*  
*ZALDY V. TRESPESES* ----- *Associate Justice*  
*BAYANI H. JACINTO\** ----- *Associate Justice*

The following resolution was adopted:

***SB-16-CRM-0110 to 0113 – People v. Gerry M. Buhain***

Before the Court are the following:

1. Accused Gerry M. Buhain's "MOTION FOR RECONSIDERATION" dated August 1, 2017 (Record, Vol. 2, pp. 174-176); and
2. The Prosecution's "OPPOSITION TO THE ACCUSED'S MOTION FOR RECONSIDERATION" dated August 29, 2017 (Record, Vol. 2, pp. 181-184).

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This resolves accused Gerry M. Buhain's *Motion for Reconsideration* of this Court's Resolution dated July 20, 2017<sup>1</sup> admitting in evidence the exhibits offered by the Prosecution. Accused Buhain did not file his Comment on the Prosecution's Formal Offer of Evidence, and was deemed to have waived his right to do so.

In the *Motion* filed by his counsel, the latter averred that it was not accused's intention to waive his right to comment on the Formal Offer of Evidence, and had valid objections to the admission of the Prosecution's exhibits. While accused's counsel was still connected with Ligon Solis & Florendo Law Office in Makati City where the Formal Offer of Evidence was sent, he has held office in Quezon City since January 2017, where he kept the case folder of these cases as primary handling lawyer. He expected the Formal

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\* Per A.O. No. 284-2017 dated August 18, 2017

<sup>1</sup> Records, Vol. 2, pp. 169-170

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Offer of Evidence to be sent to his Quezon City Office where the Joint Stipulation of Facts was in fact coursed.

The Prosecution countered that it was Ligon Solis & Florendo Law Office that was indicated in the Joint Stipulation of Facts, being accused Buhain's counsel of record, and no Notice of Change of Address has been filed as regards the Quezon City office. They accommodated the Quezon City address just to facilitate the receipt of the Joint Stipulation of Facts for the signatures of accused Buhain and his counsel.

The *Motion* is bereft of merit.

The rule is that when a party is represented by counsel in an action in court, notices of all kinds including motions, pleadings and orders must be served on the counsel. And notice to such counsel is notice to the client.<sup>2</sup>


As correctly pointed out by the Prosecution, the Records bear out that accused Buhain's counsel of record is *Ligon Solis & Florendo Law Firm*, with address at *Penthouse, ZETA Building, 191 Salcedo Street, Legaspi Village, Makati City*. The Prosecution's Formal Offer of Evidence was sent to this address. Counsel for the accused acknowledges that he remains part of this law office; hence, service to such law office operates as service to him, as part of the law office. Given the scenario described by the counsel for the accused, and absent a formal notice to guide this Court, it is not the duty of the Prosecution, or this Court, but that of the law office and its members, to ensure that pleadings, notices or orders sent to the counsel of record, in these cases, Ligon Solis & Florendo, end up in the hands of the member handling the same.

WHEREFORE, in view of the foregoing, accused Buhain's *Motion for Reconsideration* is **DENIED** for lack of merit.

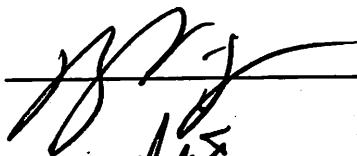
Let the initial presentation of defense evidence proceed on September 19, October 17 and 19, 2017, all at 8:30 a.m., as previously scheduled. Accused is directed to comply with the Revised Guidelines on Continuous Trial of Criminal Cases in the presentation of his evidence proper.

SO ORDERED.

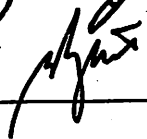
GOMEZ-ESTOESTA, J., *Chairperson*

  
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TRESPESES, J.

  
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JACINTO, J.

  
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<sup>2</sup> *GCP-Manny Transport Services, Inc. v. Principe, et al.*, G.R. No. 141484, November 11, 2005