



Republic of the Philippines
Sandiganbayan
Quezon City

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

Crim. Case No. **SB-17-CRM-0646**
For: Violation of Sec. 3(e),
R.A. No. 3019, as amended

ENRICO R. ECHIVERRI,
EDNA V. CENTENO, and
JESUSA C. GARCIA,

Accused.

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PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

Crim. Case No. **SB-17-CRM-0647**
For: Falsification of Public
Documents

EDNA V. CENTENO, and
JESUSA C. GARCIA,

Accused.

Present:
Lagos, I., Chairperson,
Mendoza-Arcega and
Corpus-Mañalac, II.

Promulgated: May 30, 2018 *fel*

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RESOLUTION

CORPUS-MAÑALAC, J.:

Before the Court is a *Motion [for Consolidation]* filed by accused Enrico R. Echiverri, Edna V. Centeno, and Jesusa C. Garcia, as well as the prosecution's *Comment/Opposition* thereto.

Said accused moved to consolidate the afore-captioned cases with Criminal Cases Nos. SB-17-CRM-0478 to 0479 entitled "*People of the Philippines vs. Enrico Echiverri, et. al.,*" pending before the Second Division, which has the lowest docket number, allegedly involving the same accused, issues, and provenance. It was alleged that the instant cases and those pending before the Second Division are founded on the same facts, *viz:* the appropriation for the city development projects covered by the

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Omnibus Term Loan (OTL) of Caloocan City, which is the subject matter of the same audit report and notice of disallowance issued by the local office of the Commission on Audit of Caloocan City. Being such, it was asserted that consolidation is proper in order to avoid multiplicity of suits, guard against oppression and abuse, prevent delays, clear congested dockets and to simplify the work of the trial court with the aim of attaining justice at the least expense and vexation to the litigants, citing the cases of *Querubin vs. Palanca*¹ and *Caños vs. Peralta*.²

In its *Comment*, the prosecution countered that the instant Criminal Cases Nos. SB-17-CRM-0646 to 0647 involve the restoration of T. Samson Street Extension & Improvement of Drainage System in Barangay 167 (Llano Road-Existing Creek), which is different from the project subject of the cases pending before the Second Division.

Primarily, the consolidation of criminal cases is a matter of judicial discretion.

Section 22, Rule 119 of the Revised Rules of Court provides:

Section 22. Consolidation of trials of related offenses - Charges of offenses 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. (Emphasis supplied.)

On the other hand, Section 2 of Rule XII of the Revised Internal Rules of the Sandiganbayan reads:

Section 2. Consolidation of Cases. - Cases arising from the same incident or series of incidents, or involving common questions of fact and law, may be consolidated in the Division to which the case bearing the lowest docket number is raffled.

While it is true that consolidation may be proper in certain cases on the grounds above-cited, it was nonetheless stressed by the Supreme Court in *Neri vs. Sandiganbayan*³ that the swift dispensation of justice with the least expense and vexation to the parties is the foremost object and purpose underlying the rule on consolidation. If expediency is one of the reasons behind the rule, consolidation will not serve its purpose in these cases, considering that the cases pending before this Division are already on trial stage, whereas, granting the motion for consolidation with the cases pending at the Second Division, which are still at the Pre-trial stage, would unduly delay their disposition.

¹ 141 Phil, 432, as cited in *People vs. Sandiganbayan*, G.R. No. 149495, August 31, 2003

² 201 Phil. 422, as cited in *Steel Corporation of the Philippines*

³ G.R. No. 202243, August 7, 2013

ACCORDINGLY, after due consideration of the reasons stated, the Court finds no good and sufficient cause to grant the motion, thus, the same is hereby DENIED.

SO ORDERED.


MARYANN E. CORPUS - MAÑALAC
Associate Justice

WE CONCUR:


RAFAEL R. LAGOS

Associate Justice
Chairperson


MARIA THERESA V. MENDOZA -

ARCEGA
Associate Justice