



Republic of the Philippines  
Sandiganbayan  
Quezon City

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**FIFTH DIVISION**

PEOPLE OF THE PHILIPPINES,  
*Plaintiff,*

-versus-

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

*Accused.*

Crim. Case No. SB-17-CRM-1762

For: Violation of Sec. 3(e),

R.A. No. 3019, or the Anti-Graft  
and Corrupt Practices Act as  
amended

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PEOPLE OF THE PHILIPPINES,  
*Plaintiff,*

-versus-

EDNA V. CENTENO, and  
JESUSA C. GARCIA,

*Accused.*

Crim. Case No. SB-17-CRM-1763

For: Falsification of Public  
Document

**Present:**

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

Promulgated: May 30, 2018 *Jal*

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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 foregoing 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 Omnibus Term Loan

*Jal*

(OTL) of Caloocan City, the subject matter of one and 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 assailed 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*<sup>1</sup> and *Caños vs. Peralta*.<sup>2</sup>

In its *Comment/Opposition*, the prosecution countered that herein accused have no other purpose but to delay the proceedings, considering that the instant cases are already at trial stage. If what they really intend is to expedite the proceedings, they should have filed the motion at the earliest opportunity and not at this stage when trial has began. The prosecution further alleged that the *Revised Guidelines for Continuous Trial in Criminal Cases* on consolidation of newly filed cases and pending cases with multiple accused requires the Office of the Prosecution to move for consolidation. Moreover, it alleged that the instant cases are different from Criminal Cases Nos. SB-17-CRM-0478 to 0479 which involve different contractors, projects, disbursement vouchers, checks, contracts, point persons and factual backdrops.

To note, 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 of cases may be proper on grounds cited above, it was nonetheless stressed by the Supreme Court in *Neri vs. Sandiganbayan*<sup>3</sup> 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. Thus, if expediency is one of the reasons behind the rule, the consolidation of these cases with those

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

<sup>2</sup> 201 Phil. 422, as cited in *Steel Corporation of the Philippines*

<sup>3</sup> G.R. No. 202243, August 7, 2013

pending with the Second Division will not serve its purpose, considering that the cases pending before this Division are already on trial. Granting the motion for consolidation would unduly delay the disposition of these cases.

**ACCORDINGLY**, in view of the discretionary power of the Court to grant motions on consolidation and after due consideration of the reasons stated, the Court finds no good and sufficient cause to grant the instant motion, thus, the same is hereby **DENIED**.

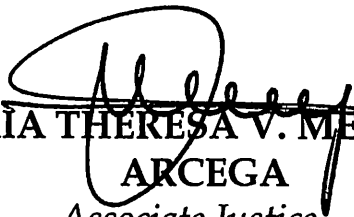
**SO ORDERED.**

  
**MARYANN E. CORPUS - MAÑALAC**  
Associate Justice

**WE CONCUR:**

  
**RAFAEL R. LAGOS**

*Associate Justice*  
*Chairperson*

  
**MARIA THERESA V. MENDOZA -**  
**ARCEGA**  
*Associate Justice*