



REPUBLIC OF THE PHILIPPINES  
**SANDIGANBAYAN**  
QUEZON CITY

**SPECIAL THIRD DIVISION**

**PEOPLE OF THE  
PHILIPPINES,**

**Plaintiff,**

**Criminal Case No. SB-17-  
CRM-0480**

For: *Violation of Section 3 (e) of  
Republic Act No. 3019*

**- versus -**

**Criminal Case No. SB-17-  
CRM-0481**

For: *Falsification of public  
document*


**ENRICO R. ECHIVERRI., et  
al.,**

**Accused.**

*Present:*

**CABOTAJE-TANG, P.J.,**  
Chairperson,  
**FERNANDEZ, B., J. and**  
**FERNANDEZ, S.J., J.<sup>1</sup>**

*Promulgated:*

*JUNE 29, 2018* 

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**RESOLUTION**

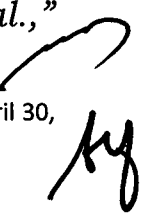

**CABOTAJE-TANG, P.J.:**

For resolution is accused Enrico R. Echiverri, Edna V. Centeno and Jesusa C. Garcia's "*Motion*" dated May 3, 2018.<sup>2</sup>

Accused Echiverri, *et al.*, pray that Criminal Cases Nos. SB-17-CRM-0478 to 0479 entitled "*People v. Echiverri, et al.*,"

<sup>1</sup> Sitting as a special member of the Third Division as per Administrative Order No. 262-2018 dated April 30, 2018

<sup>2</sup> pp. 435-437, Vol. II, Record

**Resolution**

Criminal Cases Nos. SB-17-CRM-0480 to  
0481  
People vs. Echiverri, *et al.*

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which are pending with the Second Division be consolidated with Criminal Cases Nos. SB-17-CRM-0480 to 0481 which are being heard by the Third Division.<sup>3</sup>

The accused-movants claim that the above-mentioned cases are "*founded on the same facts*," i.e.; the appropriation for the city development projects covered by the Omnibus Team Loan (OTL) of Caloocan City.<sup>4</sup> According to the accused-movants, the questioned transactions in the said cases are covered by the same *audit report* and *notice of disallowance* issued by the Commission on Audit-Caloocan which eventually became the basis of their subsequent indictment with the Office of the Ombudsman.<sup>5</sup>

In its "*Comment/Opposition Re: Motion dated 3 May 2018*" dated May 16, 2018,<sup>6</sup> the prosecution contends that the consolidation of the afore-said cases is improper due to the fact that [1] the *Information* in SB-17-CRM-0480 was amended; hence, the issues in the said cases may not be the same<sup>7</sup> and [2] it had already begun with its presentation of evidence in Criminal Cases Nos. SB-17-CRM-0480 to 0481, unlike in Criminal Cases Nos. SB-17-CRM-0478 to 0479.<sup>8</sup>

Lastly, the prosecution submits that the consolidation of the above-mentioned cases may not achieve the purpose of consolidation but may otherwise cause confusion and undue delay in the resolution of cases.<sup>9</sup>

**THE RULING OF THE COURT**

The Court finds the subject *motion* bereft of merit.

As aptly pointed out by the prosecution, it had already started with its presentation of evidence in Criminal Cases Nos.

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<sup>3</sup> p. 435, *id*

<sup>4</sup> p. 435, *id*

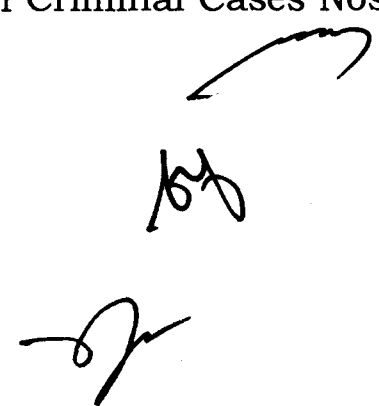
<sup>5</sup> p. 436, *id*

<sup>6</sup> pp. 446-448, *id*

<sup>7</sup> p. 446, *id*

<sup>8</sup> p. 446, *id*

<sup>9</sup> p. 447, *id*

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**Resolution**

-3-

Criminal Cases Nos. SB-17-CRM-0480 to  
0481  
People vs. Echiverri, *et al.*

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SB-17-CRM-0480 to 0481<sup>10</sup> unlike in Criminal Cases Nos. SB-17-CRM-0478 to 0479, wherein the presentation of the prosecution's evidence is set on September 17, 18, 24 and 25, October 8, 9, 15, 16, 29 and 30, 2018.<sup>11</sup>

In *Neri v. Sandiganbayan*,<sup>12</sup> the Supreme Court emphasized that the foremost object and purpose underlying the rule on consolidation is the ***swift dispensation of justice with least expense and vexation to the parties.***<sup>13</sup>

As above shown, Criminal Cases Nos. SB-17-CRM-0480 to 0481 and Criminal Cases Nos. SB-17-CRM-0478 to 0479 are at different stages in their proceedings. Thus, the primary purpose of consolidation, i.e., preventing delay in the resolution of cases, will not likely be achieved should these four (4) cases be consolidated.

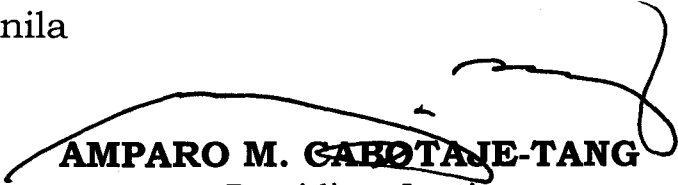
To stress, consolidation of cases ought to be refused if it will unduly expose a party to the inconveniences of a lengthy trial.<sup>14</sup>

In sum, the Court does not find any good and/or cogent reason to consolidate Criminal Cases Nos. SB-17-CRM-0480 to 0481 with Criminal Cases Nos. SB-17-CRM-0478 to 0479.

**WHEREFORE**, accused Enrico R. Echiverri, Edna V. Centeno and Jesusa C. Garcia's "*Motion*" dated May 3, 2018, is **DENIED** for lack of merit.

**SO ORDERED.**

Quezon City, Metro Manila

  
**AMPARO M. GABOTANE-TANG**  
Presiding Justice  
Chairperson

<sup>10</sup> p.451, *Id*

<sup>11</sup> Criminal Cases Nos. SB-17-CRM-0478 to 0479; p. 572, Record

<sup>12</sup> 703 SCRA 350 (2013)

<sup>13</sup> Emphasis supplied

<sup>14</sup> See *Neri v. Sandiganbayan*, 703 SCRA 350 (2013); *Republic v. Sandiganbayan*, 662 SCRA 152 (2011); *Dacanay v. People*, 240 SCRA 490 (1995)

*ty*



**Resolution**

Criminal Cases Nos. SB-17-CRM-0480 to  
0481  
People vs. Echiverri, *et al.*

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**WE CONCUR:**



**BERNELITO R. FERNANDEZ**  
Associate Justice



**SARAH JANE T. FERNANDEZ**  
Associate Justice

