



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-0648, 0653, 1764,
2133, 2138 and
SB-18-CRM-0140

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

- versus -

ENRICO R. ECHIVERRI, ET AL.,
Accused.

X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-649, 0654, 1765,
2134, 2139 and
SB-18-CRM-0141

For: Falsification of Public Document

- versus -

EDNA V. CENTENO, ET AL.,
Accused.

Present

FERNANDEZ, SJ, J.,

Chairperson

MIRANDA, J. and

VIVERO, J.

X-----X

Promulgated:

JUN 14 2018

X-----X

RESOLUTION

FERNANDEZ, SJ, J.

This resolves the separate *Motions*¹ of accused Enrico R. Echiverri, Edna V. Centeno and Jesusa C. Garcia.

¹ All dated May 3, 2018 and filed on May 7, 2018

RESOLUTION

People vs. Echiverri et al./People vs. Centeno, et al.
Criminal Cases No. SB-17-CRM-0648-0649, 0653-0654, 1764-1765, 2133-2134,
2138-2139 and SB-18-CRM-0140-0141

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In their separate but similarly worded Motions, the accused pray that (1) Crim. Cases No. SB-17-CRM-0648-0649, 2133-2134 and SB-18-CRM-0140-0141 be consolidated with Crim. Cases No. SB-17-CRM-0478-0479, pending in the Second Division of the Sandiganbayan; and (2) Crim. Cases No. SB-17-CRM-0653-0654, 1764-1765 and 2138-2139 be consolidated with Crim. Cases No. SB-17-CRM-0650-0651, pending in the Third Division of the Sandiganbayan. They further pray that all the incidents in the present cases be held in abeyance pending the resolution of their motions.

According to the accused, the present cases should be consolidated with the aforementioned cases because the present cases are similar and related to those pending in the Second and Third Divisions of the Sandiganbayan. Crim. Cases No. SB-17-CRM-0478-0479, 0648-0649, 2133-2134 and SB-18-CRM-0140-0141 involve transactions covered by the Omnibus Term Loan (OTL) of Caloocan City, while Crim. Cases No. SB-17-CRM-0650-0651, 0653-0654, 1764-1765 and 2138-2139 involve transactions in connection with the appropriation for *Statutory and Contractual Obligations for 20% Development Projects, Maintenance and Other Operating Expenses (20% IRA for Development Projects)*. Furthermore, consolidation will avoid multiplicity of suits, contribute to the swift dispensation of justice, and avoid the possibility of conflicting decisions rendered in the different cases.

In its *Consolidated Comment/Opposition (Re: Accused's Motion dated May 3, 2018)*,² and *Manifestation*,³ the prosecution counters the factual milieu of the present cases are glaringly different from each other. The present cases involve different contractors and different projects. Necessarily, these would entail the presentation of distinct sets of evidence. Thus, consolidation is improper.

THE COURT'S RULING

The Court resolves to deny the Motions of accused Echiverri, Centeno and Garcia.

² Dated May 17, 2018 and filed on May 21, 2018 (Crim. Cases No. SB-17-0648-0649, 0653-0654, 1764-1765 and SB-18-CRM-0140-0141)

³ Dated May 24, 2018 and filed on May 25, 2018 (Crim. Cases No. SB-17-2133-2134 and 2138-2139), adopting the arguments in the *Consolidated Comment/Opposition* dated May 17, 2018

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2138-2139 and SB-18-CRM-0140-0141

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Rule 119, Sec. 22 of the Rules of Court governs the consolidation of cases. Sec. 22 reads:

Sec. 22. Consolidation of trials and related offenses. – Charges for 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.

On the other hand, Rule XII, Sec. 2 of the *Revised Internal Rules of the Sandiganbayan* provides:

Sec. 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.

Thus, this Court may, in its discretion, direct the consolidation of cases involving the same facts and issues, or forming a series of offenses of similar character.

In *Neri v. Sandiganbayan*,⁴ it was held that consolidation of trial is proper when the requisites therefor are met, *i.e.*, when cases involve related and/or similar facts and issues, or involve the same evidence. However, while consolidation may expedite the proceedings, it may also have the effect of causing delays under some circumstances. To wit:

Jurisprudence has laid down the requisites for consolidation of trial. As held in *Caños v. Peralta*,⁵ joint trial is permissible “where the actions arise from the same act, event or transaction, involve the same or like issues, and depend largely or substantially on the same evidence, provided that the court has jurisdiction over the cases to be consolidated and that a joint trial will not give one party an undue advantage or prejudice the substantial rights of any of the parties.” More elaborately, joint trial is proper

where the offenses charged are similar, related, or connected, or are of the same or similar character or class, or involve or arose out of the same or related or connected acts, occurrences, transactions, series of events, or chain of circumstances, or are based on acts or transactions constituting parts of a common scheme or plan, or are of the same pattern and committed in the same manner, or where there is a common element of substantial importance in their commission, or where the same, or much the same, evidence will be competent and admissible or required in their

⁴ G.R. No. 202243, August 7, 2013
⁵ G.R. No. L-38352, August 19, 1982

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prosecution, and if not joined for trial the repetition or reproduction of substantially the same testimony will be required on each trial.

In terms of its effects on the prompt disposition of cases, consolidation could cut both ways. It may expedite trial or it could cause delays. Cognizant of this dichotomy, the Court, in *Dacanay v. People*,⁶ stated the dictum that “the resulting inconvenience and expense on the part of the government cannot be given preference over the right to a speedy trial and the protection of a person’s life, liberty or property.” Indeed, the right to a speedy resolution of cases can also be affected by consolidation. As we intoned in *People v. Sandiganbayan*,⁷ a case involving the denial by the anti-graft court of the prosecution’s motion to consolidate a criminal case for indirect bribery with another case for plunder, consolidation should be refused if it will unduly expose a party, private respondent in that instance, to totally unrelated testimonies, delay the resolution of the indirect bribery case, muddle the issues, and expose him to the inconveniences of a lengthy and complicated legal battle in the plunder case. Consolidation, the Court added, has also been rendered inadvisable by supervening events—in particular, if the testimonies sought to be introduced in the joint trial had already been heard in the earlier case.

Indeed, the present cases involve transactions which have certain similarities, in that they are covered by the Omnibus Term Loan (in Crim. Cases No. SB-17-CRM-0648-0649, 2133-2134 and SB-18-CRM-0140-0141) and the 20% IRA for Development Projects (in Crim. Cases No. SB-17-CRM-0653-0654, 1764-1765 and 2138-2139). But the fact remains that the subject transactions involve different contractors and projects. Necessarily, different sets of evidence corresponding to each project will be presented. If the cases are tried jointly, instead of being able to dispose of the cases pertaining to the individual projects, the Court will be able to render its judgment and dispose of all cases only after the evidence pertaining to all of the subject transactions have been presented. Rather than expediting the proceedings in the separate cases, consolidating the present cases may cause delay in the disposition of cases.

WHEREFORE, the Court rules as follows:



⁶ G.R. No. 101302, January 25, 1995

⁷ G.R. No. 149495, August 21, 2003

RESOLUTION

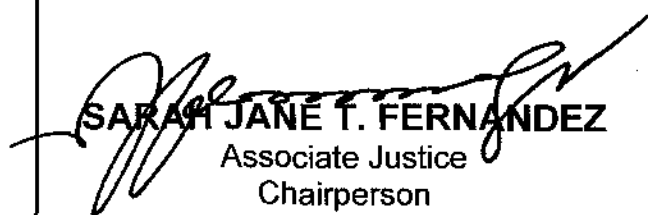
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2138-2139 and SB-18-CRM-0140-0141

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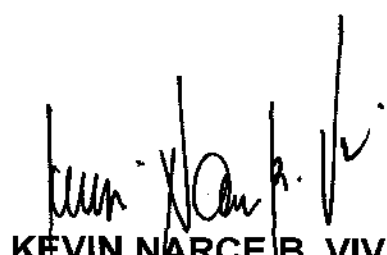
1. Accused Echiverri, Centeno and Garcia's *Motion* in Crim. Cases No. SB-17-CRM-0648 and 0649 is hereby DENIED for lack of merit.
2. Accused Echiverri, Centeno and Garcia's *Motion* in Crim. Cases No. SB-17-CRM-0653 and 0654 is hereby DENIED for lack of merit.
3. Accused Echiverri, Centeno and Garcia's *Motion* in Crim. Cases No. SB-17-CRM-1764 and 1765 is hereby DENIED for lack of merit.
4. Accused Echiverri, Centeno and Garcia's *Motion* in Crim. Cases No. SB-17-CRM-2133 and 2134 is hereby DENIED for lack of merit.
5. Accused Echiverri, Centeno and Garcia's *Motion* in Crim. Cases No. SB-17-CRM-2138 and 2139 is hereby DENIED for lack of merit.
6. Accused Echiverri, Centeno and Garcia's *Motion* in Crim. Cases No. SB-18-CRM-0140 and 0141 is hereby DENIED for lack of merit.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

WE CONCUR:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice