



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

SPECIAL THIRD DIVISION

**PEOPLE OF THE
PHILIPPINES,**

Plaintiff,

**Criminal Cases Nos. SB-
17-CRM-0650 to 0651,
and Criminal Cases Nos.
SB-17-CRM-0655 to 0656**

For: *Violation of Section 3 (e) of
Republic Act No. 3019 and
falsification of public
documents*

- versus -


Present:

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

Accused.

CABOTAJE-TANG, P.J.,
Chairperson,
**FERNANDEZ, B., J. and
FERNANDEZ, S.J., J.¹**

Promulgated:

JUNE 29, 2018 

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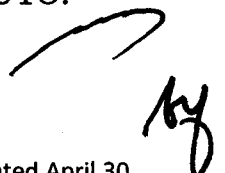

RESOLUTION

CABOTAJE-TANG, P.J.:

For resolution is accused Enrico R. Echiverri, Edna V. Centeno and Jesusa C. Garcia's "*Motion*" dated May 3, 2018.²

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

² pp. 354-355, Record

Resolution

Criminal Cases Nos. SB-17-CRM-0650 to 0651 and SB-17-CRM-0655 to 0656
People vs. Echiverri, *et al.*

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In the said *motion*, accused Echiverri, *et al.*, pray that Criminal Cases Nos. SB-17-CRM-0650 to 0651 be consolidated with Criminal Cases Nos. SB-17-CRM-0655 to 0656 which are pending with the Third Division. They aver that these four (4) cases are founded on the same facts, namely: “*the appropriation for Statutory and Contractual Obligation for 20% Development Projects, Maintenance and Other Operating Expenses as representing the 20% IRA for local development projects.*”

The accused-movants further explain that the said transactions are the subject matter of the same *audit report* and *notice of disallowance* issued by the Commission on Audit of Caloocan City which eventually became the basis of the indictment of the accused by the Office of the Ombudsman.³

In its “*Comment/Opposition Re: Motion dated 3 May 2018*” dated May 16, 2018,⁴ the prosecution points out that Criminal Cases Nos. SB-17-CRM-0655 to 0656, and Criminal Cases Nos. SB-17-CRM-0650 to 0651 are all pending and already being jointly heard before the Third Division. Thus, there is no need to move for the consolidation of the aforesaid cases.⁵

THE RULING OF THE COURT

The Court finds the subject *motion* moot and academic.

As aptly pointed out by the prosecution, Criminal Cases Nos. SB-17-CRM-0650 to 0651 and Criminal Cases Nos. SB-17-CRM-0655 to 0656 are already being jointly heard and tried before the Third Division.

In ***Neri v. Sandiganbayan***,⁶ the Supreme Court, citing the case of ***Republic v. Sandiganbayan***,⁷ held that the term

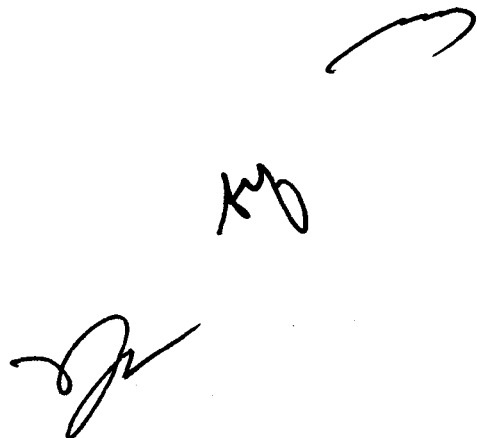
³ p. 355, *Id*

⁴ pp. 358-360, *Id*

⁵ p. 358, *Id*

⁶ 703 SCRA 350 (2013)

⁷ 662 SCRA 152 (2011)

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Resolution

Criminal Cases Nos. SB-17-CRM-0650 to 0651 and SB-17-CRM-0655 to 0656
People vs. Echiverri, *et al.*

-3-

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“consolidation” is used in three (3) different senses or concepts, to wit:

1. Where all except one of several actions are stayed until one is tried, in which case the judgment in one trial is conclusive as to the others. This is not actually consolidation but is referred to as such. (quasi consolidation);
2. Where several actions are combined into one, lose their separate identity, and become a single action in which a single judgment is rendered. This is illustrated by a situation where several actions are pending between the same parties stating claims which might have been set out originally in one complaint. (actual consolidation); and,
3. **Where several actions are ordered to be tried together but each retains its separate character and requires the entry of a separate judgment.**⁸ This type of consolidation does not merge the suits into a single action, or cause the parties to one action to be parties to the other. (consolidation for trial)

Notably, in its *Resolution* promulgated on April 17, 2017, the Third Division accepted the transfer of Criminal Cases Nos. SB-17-CRM-0650 to 0651 and Criminal Cases Nos. SB-17-CRM-0655 to 0656 from the Seventh Division.⁹ Thus, the subject *motion* which seeks to consolidate Criminal Cases Nos. SB-17-CRM-0650 to 0651 with Criminal Cases Nos. SB-17-CRM-0655 to 0656 is moot and academic.

WHEREFORE, accused Enrico R. Echiverri, Edna V. Centeno and Jesusa C. Garcia’s “*Motion*” dated May 3, 2018, is merely **NOTED** for being moot and academic.

⁸ Emphasis supplied

⁹ Criminal Case No. SB-17-CRM-0650; p. 211, Record



Resolution

Criminal Cases Nos. SB-17-CRM-0650 to
0651 and SB-17-CRM-0655 to 0656
People vs. Echiverri, *et al.*

-4-

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SO ORDERED.

Quezon City, Metro Manila



AMPARO M. CABOTAJE-TANG


Presiding Justice
Chairperson

WE CONCUR:



BERNELITO R. FERNANDEZ

Associate Justice



SARAH JANE T. FERNANDEZ

Associate Justice