



Republic of the Philippines
Sandiganbayan
Quezon City

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

EMMANUEL C. ANDAYA, ET AL.,
Accused.

SB-12-CRM-0252

For: Violation of Sec. 3(e)
of R.A. 3019, as amended

SB-12-CRM-0253

For: Violation of Sec. 3(g)
of R.A. 3019, as amended

Present:

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

Promulgated:

December 17, 2018 *Jal*

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RESOLUTION

CORPUS - MAÑALAC, J.:

Up at bench for resolution is a **Manifestation and Motion, with Leave of Court, to Allow Late Filing of Formal Offer of Documentary Evidence and for Admission of the same** filed by all the accused on November 23, 2018.

To recall, during the hearing held on July 25, 2018, Atty. Melinda Diaz Salcedo, counsel for accused Banda, Enriquez, Andaya, Samson and Lagumen, was given fifteen (15) days within which to file their Formal Offer of Evidence, while the prosecution was given a similar period from receipt within which to file any comment. Atty. Eusebio M. Avila, counsel for accused Sillona, manifested that he is adopting the documents to be formally offered by Atty. Salcedo.

Notwithstanding the additional ten (10) day period from August 9, 2018 granted for the accused to file the Formal Offer of Evidence, however, the accused failed to comply.

Here came Atty. Avila, who filed the present Manifestation and Motion for all the accused, imploring the Court's indulgence to allow the late filing of their Formal Offer of Evidence and to admit the same in the paramount interest of justice. He explained that unknown to him, Atty. Salcedo inadvertently failed to file the Formal Offer as she transferred to a new office and her staff was new. She was also on travel to Bangkok so he was requested to file the Formal Offer of Evidence for all the accused.

The prosecution opposed the belated filing of the Formal Offer of Evidence, which had been past three (3) months already and that the accused are bound by their counsel's failure to timely file.

THE COURT'S RULING

Over the objection of the prosecution, so that the case will be resolve on the merits in the interest of substantial justice which is primordial, the Court resolves to grant the present motion.

It bears stressing that the Supreme Court in the case of *Heirs of Pedro Pasag, et al. vs. Spouses Lorenzo and Florintina Parocha, et al.*,¹ explained the necessity of filing of a Formal Offer of Evidence, viz:

"A formal offer is necessary because judges are mandated to rest their findings of facts and their judgment only and strictly upon the evidence offered by the parties at the trial. Its function is to enable the trial judge to know the purpose or purposes for which the proponent is presenting the evidence. On the other hand, this allows opposing parties to examine the evidence and object to its admissibility. Moreover, it facilitates review as the appellate court will not be required to review documents not previously scrutinized by the trial court."

In *Metro Rail Transit Corporation vs. Court of Tax Appeals, et al.*,² the Supreme Court ruled that:

"It is the policy of the Court to afford party-litigants the amplest opportunity to enable them to have their cases justly determined, free from constraints of technicalities. Since the rules of procedures are mere tools designed to facilitate the attainment of justice, it is well

¹ *Heirs of Pedro Pasag, et al. vs. Spouses Lorenzo and Florintina Parocha, et al.*, G.R. No. 155483, April 27, 2007

² *Metro Rail Transit Corporation v. Court of Tax Appeals, et al.*, G.R. No.166273, September 21, 2005

recognized that this Court is empowered to suspend its operation, or except a particular case from its operation, when the rigid application thereof tends to frustrate rather promote the ends of justice.”

Court litigations being primarily in search of truth, the best way to ferret such truth is to give both parties the fullest opportunity to adduced proofs. Thusly, in contemplation thereof, the Court is inclined to relax the rigid enforcement of the period given for the accused to file the Formal Offer of Evidence, as by doing otherwise, legitimate defenses would be barred by mere technicalities. For equity reasons, considering that the accused nonetheless filed the Formal Offer of Evidence, albeit belatedly, there is basis to admit the same.

The pronouncement of the Supreme Court in the case of *Republic of the Philippines vs. Fe Roa Gimenez, et. al.*³, is germane, viz:

The purpose of procedure is not to thwart justice. Its proper aim is to facilitate the application of justice to the rival claims of contending parties. It was created not to hinder and delay but to facilitate and promote the administration of justice. It does not constitute the thing itself which courts are always striving to secure to litigants. It is designed as a means best adapted to obtain that thing. In other words, it is a means to an end. It is the means by which the powers of the court are made effective in just judgments. When it loses the character of the one and takes on that of the other the administration of justice becomes incomplete and unsatisfactory and lays itself open to grave criticism.

Furthermore, “subsequent and substantial compliance... may call for the relaxation of the rules of procedure. xxx” [emphasis supplied].

While accused counsel’s failure to file the formal offer of evidence binds the client, the same is not without exception. In *Henry Ong Lay Hin vs. Court of Appeals*,⁴ it was held that:

The general rule is that the negligence of counsel binds the client, even mistakes in the application of procedural rules. The exception to the rule is “when the reckless or gross negligence of the counsel deprives the client of due process of law.

³ Republic of the Philippines vs. Fe Roa Gimenez, et. al., G.R. No. 174673, January 11, 2016

⁴ Henry Ong Lay Hin vs. Court of Appeals, G.R. No.191972, January 26, 2015


Verily, a rigid application of the technical rules of procedure, which are mere tools designed to facilitate the attainment of justice, would not approximate the attainment of the goal it sets if it would instead be used to defeat a party's full opportunity to present its evidence.

WHEREFORE, the motion is GRANTED. As prayed for, the **Joint Formal Offer of Documentary Evidence (For all accused)** is ADMITTED. The prosecution is given ten (10) days from notice hereof within which to file its Comment or Opposition thereto. Thereafter, the incident shall be deemed for resolution.

SO ORDERED.


MARYANN E. CORPUS - MAÑALAC
Associate Justice

WE CONCUR:


RAFAEL R. LAGOS
Chairperson
Associate Justice


MARIA THERESA V. MENDOZA - ARCEGA
Associate Justice