



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN

Quezon City

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

**Crim. Case Nos. SB-11-CRM-0032
and 0034**

-versus-

LAURO L. BAJA, JR.,
Accused.

Present:

QUIROZ, J. Chairperson
CRUZ, J.
JACINTO, J.

Promulgated on:

JAN 10 2019 / *[Signature]*

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RESOLUTION

CRUZ, J.

This resolves the (1) Motion for Leave to Reopen the Proceedings dated 08 October 2018 of accused Lauro L. Baja, Jr., ("Baja"); (2) Prosecution's Comment/Opposition (Re: Motion for Leave to Reopen Proceedings dated October 8, 2018) dated 22 October 2018; and (3) Accused Baja's Reply (With Motion for Leave to Admit) dated 31 October 2018.

Accused Baja invokes Section 24, Rule 119 of the Revised Rules of Criminal Procedure, moving¹ for the reopening of the criminal proceedings to prevent an alleged miscarriage of justice. Mainly, he asks for leave to present additional evidence, consisting of the respective testimonies of the COA and Lexington Insurance Corporation, to prove that: (1) he did not violate any COA Circular in the handling and disposal of the subject insurance proceeds, and (2) he did not misappropriate the said insurance proceeds as it was used as payment for the actual repairs made in the official residence. He insists that in jurisprudence the Supreme Court upholds this

¹ Records, Vol. III, pp. 528-536

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remedy of reopening of cases to present additional evidence in order to prevent a miscarriage of justice. Likewise, he avers that the reopening of cases would serve the paramount interest of justice, and since his right to liberty is at stake, he should not be deprived of another opportunity to prove his innocence.

The prosecution opposed² accused Baja's motion, arguing that the COA's findings may have probative value, but the presentation thereof is not a pre-requisite before the Court can render a decision. The prosecution maintains that the Court, in the exercise of its discretion, can make its independent findings based on the evidence to determine the guilt or innocence of the accused. The prosecution further emphasizes that accused Baja's innocence cannot be inferred from the COA's non-issuance of an Audit Observation Memorandum ("AOM"), Notice of Suspension ("NOS") or Notice of Disallowance ("NOD"). The prosecution asserts that the insurance proceeds were not reflected in the Department of Foreign Affairs ("DFA") books because it was hidden when it was deposited in a separate account, and thus, it cannot be audited by the COA. The prosecution also points out that no post-audit can be conducted because the insurance proceeds are receipts of the government and not disbursements of public funds. In addition, the prosecution intimates that the presentation of the insurance company cannot remedy the lack of probative value of the receipts accused Baja presented as evidence. The prosecution explains that admissibility of evidence is different from giving the evidence its probative weight. Thus, even if the receipts were admitted into evidence, it does not follow that the Court will accord them with probative value.

In his Reply,³ accused Baja essentially reiterated the contentions he raised in his motion.

The remedy of reopening of criminal cases is provided in Section 24, Rule 119 of the Revised Rules on Criminal Procedure, to wit:

Section 24. *Reopening.* – At any time before finality of judgment of conviction, the judge may, *motu proprio* or upon motion, with hearing in either case, reopen the proceedings to avoid a miscarriage of justice. The proceedings shall be terminated within thirty (30) days from the order granting it.

Essentially, jurisprudence states that the only controlling guideline for the re-opening of cases is the paramount interest of

² Records, Vol. III, pp. 595-599

³ Records, Vol. III, pp. 600-605

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justice, emphasizing that the remedy was meant to prevent a miscarriage of justice.⁴ Thus, in order to appease any suspicion of an alleged miscarriage of justice, the accused is allowed to present his additional evidence.

WHEREFORE, premises considered, accused Lauro L. Baja, Jr.'s Motion for Leave to Reopen the Proceedings dated 08 October 2018, is hereby **GRANTED**. Let the case be set for hearing on 04 and 05 March 2019, at 1:30 P.M., for further reception of defense evidence.

SO ORDERED.


REYNALDO P. CRUZ
Associate Justice

We Concur:


ALEX L. QUIROZ
Chairperson/
Associate Justice


BAYANI H. JACINTO
Associate Justice

⁴ Rene Cabarles vs. Hon. Judge Bonifacio Sanz Maceda and the People of the Philippines (G. R. No. 161330, February 20, 2007)