



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-11-CRM-0251
For: Violation of Sec. 3(e)
of R.A. No. 3019

- versus -

Present:

FERNANDEZ, SJ, J. *Chairperson*
MIRANDA, J.,
VIVERO, J.

RODOLFO H. DE MESA, ET. AL.,
Accused.

Promulgated:

APR 22 2019

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RESOLUTION

FERNANDEZ SJ, J.

For Resolution is accused Rodolfo H. De Mesa's *Compliance with Motion to Hold in Abeyance the Rendition of Decision in SB-11-CRM-0251.*¹

Accused De Mesa asks this Court to defer the rendition of its decision in the present case until the termination of the trial in SB-12-CRM-0029 to 0030. Accused De Mesa points out that said two cases were consolidated with the present case, pursuant to the April 6, 2018 Order of this Court (4th Division). He maintains that a single judgment in the three cases serves the purpose of consolidation, *i.e.*, avoiding conflicting decisions in two or more cases.

The prosecution, in its *Comment and Opposition,*² opposed the Motion for the following reasons:

a) The additional evidence to be presented and further proceedings in SB-12-CRM-0029 to 0030 will prolong the disposition of the present case, in violation of the pertinent rules on period for promulgation of judgments; and

¹ Dated February 24, 2019; Filed on February 26, 2019.

² Dated March 5, 2019; Filed on March 6, 2019.

Resolution

People vs. Rodolfo H. De Mesa, et. al.
Criminal Cases No. SB-11-CRM-0251

Page 2 of 5

X-----X

b) The nature of the present case, *i.e.*, for violation of Section 3(e) of R.A No. 3019, is entirely different from the two other cases for *Falsification of Public Documents*; the judgment in the present case and in SB-12-CRM-0029 to 0030 will not necessarily be the same.

Accused De Mesa's Motion is denied.

Under the **2002 Revised Internal Rules of the Sandiganbayan**,³ after cases are raffled, 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 assigned,⁴ *viz*:

Sec. 2. Consolidation and Transfer 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.

(a) *Before Cases are Raffled.* – Should the propriety of consolidation appears upon the filing of the cases concerned as determined by the Raffle Committee, all such cases shall be consolidated and considered as one case for purposes of the raffle and inventory of pending cases assigned to each of the Divisions.

(b) *After Cases are Raffled.* – Should the propriety of such consolidation become apparent only after the cases are raffled, consolidation may be effected upon written motion of a litigant concerned filed with the Division taking cognizance of the case to be consolidated. If the motion is granted, consolidation shall be made to the Division in which the lowest docket number is assigned. x x x⁵

The 4th Division of this Court, in its April 5, 2018 Resolution, granted the *Motion to Consolidate* after determining that the causes of action in SB

³ A.M. No. 02-6-07-SB, August 28, 2002; the Rules effective during the raffle of this case.

⁴ *Id.*, Section 2, Rule XII.

⁵ *Id.*, emphasis and underscoring supplied.

Resolution

People vs. Rodolfo H. De Mesa, et. al.
Criminal Cases No. SB-11-CRM-0251

Page 3 of 5

X-----X

12-CRM-0029 to 0030 arose from the same incident that is the subject of the present case, *i.e.*, the illegal payment of government funds for a patrol boat, which accused allegedly falsely made to appear to have been delivered to the Provincial Government of Bataan.⁶

Thus, the Order of the 4th Division is for the consolidation of said cases to the 6th Division. It is the 6th Division, to which both cases were consolidated, that would determine whether to consolidate the cases, pursuant to **Section 1, Rule 31 of the Rules of Court**, for joint hearing or trial. Thus:

Section 1. Consolidation. – When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.⁷

Consolidation is a procedural device given to the court to aid in the handling of cases in its docket.⁸ Consolidation is ordered to resolve matters and incidents expeditiously and prevent unnecessary costs or delay. Specifically, it is designed “to avoid multiplicity of suits, guard against oppression and abuse, attain justice with the least expense and vexation to the litigants.”⁹

In *Neri v. Sandiganbayan*,¹⁰ the Supreme Court emphasized that the primordial purpose of consolidation is the swift dispensation of justice through a speedy and inexpensive determination of cases, thus:

Whether as a procedural tool to aid the court in dispatching its official business in criminal or civil cases, the rule allowing consolidation—in whatsoever sense it is taken, be it as a merger of several causes of actions/cases, in the sense of actual consolidation, or merely joint trial—is designed, among other reasons, to avoid multiplicity of suits, guard against oppression and abuse, attain justice with the least expense and vexation to the litigants.

⁶ Resolution dated April 5, 2018 (4th Division), page 2.

⁷ Underscoring supplied.

⁸ *Neri v Sandiganbayan*, G.R. No. 202243, August 7, 2013, 703 SCRA 350.

⁹ *Palanca v. Querubin*, Nos. L-29510-31, November 29, 1969, 30 SCRA 738, 745.

¹⁰ *Supra* note 8.

Resolution

People vs. Rodolfo H. De Mesa, et. al.
Criminal Cases No. SB-11-CRM-0251

Page 4 of 5

X-----X

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Clearly then, consolidation, assuming it to be proper owing to the existence of the element of commonality of the lineage of the offenses charged contemplated in Sec. 22 of Rule 119, should be ordered to achieve all the objects and purposes underlying the rule on consolidation, foremost of which, to stress, is the swift dispensation of justice with the least expense and vexation to the parties. It should, however, be denied if it subverts any of the aims of consolidation. x x x ¹¹

While it would have been ideal to try the cases jointly at the onset of the proceedings, the deferment of the resolution of the present case at this point will be inconsistent with the foremost purpose of consolidation, *i.e.*, swift dispensation of justice with the least expense and vexation to the parties.

First, it must be noted that SB-12-CRM-0029 to 0030 and the present case involve different accused, thus:

	SB-11-CRM-0251 (present case)	SB-12-CRM-0029 to 0030
Offense	Violation of Sec. 3(e) of R.A. No. 3019	Falsification by Public Officer under Art. 171 (4) of the Revised Penal Code
Accused	<ol style="list-style-type: none"> 1. <u>Rodolfo H. De Mesa</u> 2. Imelda D. Inieto 3. Angelita M. Villanueva 4. Pedro D. Baluyot 5. Francisco T. Caparas 6. Evangeline A. Diaz 7. <u>Alicia R. Magpantay</u> 8. <u>Emerlinda S. Talento</u> 9. <u>Ludivina G. Banzon</u> 10. <u>Godofredo A. De Guzman</u> 11. <u>Enrico T. Yuzon</u> 12. <u>Ernesto R. Asistin</u> 	<ol style="list-style-type: none"> 1. Imelda D. Inieto 2. Angelita M. Villanueva 3. Pedro Baluyot 4. Francisco Caparas 5. Evangeline A. Diaz

¹¹ Emphasis and underscoring supplied.

Resolution

People vs. Rodolfo H. De Mesa, et. al.
Criminal Cases No. SB-11-CRM-0251

Page 5 of 5

X-----X

Second, the present case has already been submitted for decision upon the parties' filing of their respective Memoranda.¹² To hold in abeyance the rendition of the decision is to unnecessarily delay the resolution of this case.

In *Neri*, one of the reasons cited by the Supreme Court for the denial of the consolidation of Neri's case with Abalos' case was that Neri's case was already in an advanced stage, while in the Abalos' case, the prosecution has just started to present evidence, where Neri was one of the principal witnesses

Further, while an order granting consolidation may indeed allow the parties to adopt the evidence already offered and admitted in the present case,¹³ the parties may nonetheless agree to adopt and reproduce the same evidence, with leave of Court, even if the cases were not consolidated.

Finally, there is no merit in accused De Mesa's theory that there should be a single judgment in this case and in SB-12-CRM-0029 to 0030. To put it simply, since the 2 sets of cases were not consolidated, it is not necessary for this Court to render a single judgment.

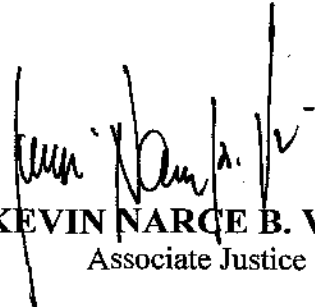
WHEREFORE, the instant *Motion to Hold in Abeyance the Rendition of Decision in SB-11-CRM-0251* is hereby **DENIED** for lack of merit.

SO ORDERED.
ffw


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

WE CONCUR:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice

¹² Minute Resolution dated January 25, 2019.
¹³ Revised Guidelines for Continuous Trial of Criminal Cases, A.M. No. 15-06-10-SC, II(5)(b).