



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, **SB-18-CRM-0240**
Plaintiff, For: Violation of Sec. 3(e)
of R.A. No. 3019

SB-18-CRM-0241
For: Plunder

SB-18-CRM-0242
For: Direct Bribery under
Art. 210 of the RPC

SB-18-CRM-0243
For: Violation of P.D. No. 46

Present

- versus -

AL C. ARGOSINO, ET AL.

Accused.

FERNANDEZ, SJ, J.,
Chairperson

MIRANDA, J. and
TRESPESES,* J.

Promulgated:

MAY 08 2019 *AM*

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves the *Motion for Reconsideration (Re: Resolution dated 15 April 2019)*¹ filed by accused Michael B. Robles.

Accused Robles prays that this Court reverse and set aside the Resolution dated April 15, 2019,² and issue a new one suspending the trial in the present cases. He insists that the proceedings must be suspended on the following grounds:

¹ Dated April 23, 2019; Record, Vol. 14, pp. 234-240

² Record, Vol. 14, pp. 215-219

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1. While a motion to quash on the ground of double jeopardy may be filed anytime, he can no longer file the same once the Court renders its judgment on the three (3) consolidated cases.
2. If the Supreme Court issues a Temporary Restraining Order (TRO) or a Permanent Injunction after this Court had already rendered its judgment, such injunctive relief will no longer have any force and effect.
3. The presentation of witnesses will be a waste of time and resources if the Supreme Court subsequently annuls the affected proceedings.

In its *Comment/Opposition (Re: Accused Robles' Motion for Reconsideration dated 23 April 2019)*,³ the prosecution counters:

1. Accused Robles' arguments are a mere rehash of his claims in his *Motion to Suspend Trial*.
2. Although the Supreme Court has recognized that there are instances where the principal case may be suspended notwithstanding the absence of a TRO or a preliminary injunction issued by a higher court, such instances remain to be the exception, rather than the rule.
3. The continuation of the proceedings will not render the issue of double jeopardy raised in the Supreme Court moot.
4. Accused Robles' contention that injunctive relief will be rendered without force and effect if this Court renders a guilty verdict is based on speculation and conjecture.
5. SB-18-CRM-0240, 0242 and 0243 are jointly tried with SB-18-CRM-0241. Accused Robles' allegation of wasting government time and resources deserves scant consideration.
6. The accused, who are currently detained, are more affected by delays in the proceedings. It is, therefore, with more reason that the trial should proceed.

THE COURT'S RULING

Accused Robles' *Motion for Reconsideration* is bereft of merit. His claim that the issue before the Supreme Court will be rendered

³ Dated April 29, 2019; Record, Vol. 14, pp. 241-246

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moot by the continuation of the proceedings in this Court is grounded on speculation. Moreover, this Court had already addressed his argument that proceeding to trial will just be a waste of time and resources if the Supreme Court annuls the proceedings herein. For convenience, the pertinent portion⁴ of the assailed Resolution is hereunder quoted:

Indeed, the Supreme Court has held that, as an exception, the principal case may be suspended even in the absence of a TRO or preliminary injunction issued by the higher court, applying the rule on judicial courtesy. In *Republic v. Sandiganbayan*, the Supreme Court held that the rule on judicial courtesy applies where "there is a strong probability that the issues before the higher court would be rendered moot and moribund as a result of the continuation of the proceedings in the lower court or court of origin." In that case, therein petitioner assailed, by a Petition for Certiorari, the Sandiganbayan's denial of therein petitioner's Motion for Partial Summary Judgment. The Supreme Court held that merely setting the case for trial would not have the effect of rendering the pending Petition for Certiorari moot.

Later, in *Sara Lee Philippines, Inc. v. Macatlang*, the Supreme Court, reiterating said ruling, had the occasion to discuss the exception contemplated in the High Court's previous rulings on the application of the rule on judicial courtesy. To wit:

We do not agree. In the recent case of *Trajano v. Uniwide Sales Warehouse Club*, this Court gave a brief discourse on judicial courtesy, which concept was first introduced in *Eternal Gardens Memorial Park Corp. v. Court of Appeals*, to wit:

x x x [t]he principle of judicial courtesy to justify the suspension of the proceedings before the lower court even without an injunctive writ or order from the higher court. In that case, we pronounced that "[d]ue respect for the Supreme Court and practical and ethical considerations should have prompted the appellate court to wait for the final determination of the petition [for certiorari] before taking cognizance of the case and trying to render moot exactly what was before this [C]ourt." We subsequently reiterated the concept of judicial courtesy in *Joy Mart Consolidated Corp. v. Court of Appeals*.

We, however, have qualified and limited the application of judicial courtesy in *Go v. Abrogar* and *Republic v. Sandiganbayan*. In these cases, we expressly delimited the application of judicial courtesy to maintain the efficacy of Section 7, Rule 65 of the Rules of Court, and held that the principle of judicial courtesy applies only "if there is a strong probability that the issues before the higher court would be rendered moot and moribund as a result of the continuation of the proceedings in the lower court." Through these cases, we clarified that the principle of judicial courtesy remains to be the exception rather than the rule.

The Corporations' argument is specious. Judicial courtesy indeed applies if there is a strong probability that the issues before the higher

⁴ Resolution dated April 15, 2019, pp. 3-4; Record, Vol. 14, pp. 217-218

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court would be rendered moot as a result of the continuation of the proceedings in the lower court. This is the exception contemplated in the aforesaid ruling and it obtains in this case. The 19 December 2006 ruling of the NLRC would moot the appeal filed before the higher courts because the issue involves the appeal bond which is an indispensable requirement to the perfection of the appeal before the NLRC. Unless the issue is resolved, the NLRC should be precluded from ruling on the merits on the case. This is the essence of judicial courtesy.

(underscoring supplied)

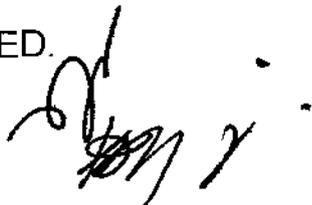
Consistent with the aforesaid rulings, the Supreme Court, again, held in *Oca v. Custodio*, that the rule on judicial courtesy applies only if the continuation of the proceedings in the lower court will render moot the issue raised in the higher court.

The exception contemplated in the Supreme Court's rulings does not obtain in the present cases, and hence, there is no justification for the suspension of the joint trial. The failure to file a motion to quash on the ground of double jeopardy prior to arraignment is not deemed a waiver of an objection on such ground. Because the issue may be raised at any time, the continuation of the proceedings in this Court will not render the issue before the Supreme Court moot. Furthermore, SB-18-CRM-0240, 0242 and 0243 will be jointly tried with SB-18-CRM-0241. The Supreme Court's resolution of the issue before it will not affect SB-18-CRM-0241. Assuming that the Supreme Court later finds that any or all of the offenses charged in SB-18-CRM-0240, 0242 and 0243 are absorbed in Plunder, and accordingly quashes the pertinent Information(s), or dismisses the pertinent case(s), the proceedings in SB-18-CRM-0241 and the remaining case(s), if any, will remain unaffected.

Inasmuch as accused Robles has failed to show how proceeding to trial will render the matters he raised in the Supreme Court moot, there is nothing in his Motion that would warrant the reversal or modification of the assailed Resolution.

WHEREFORE, the Motion for Reconsideration of accused Robles is hereby DENIED for lack of merit.

SO ORDERED.

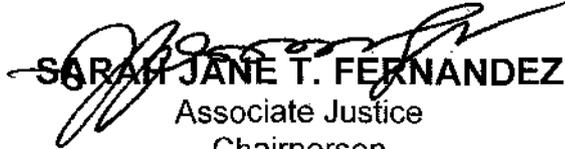
A handwritten signature in black ink, appearing to be "J. M. J.", is written over the text "SO ORDERED."

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SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


ZALDY V. TRESPESES
Associate Justice