



Republic of the Philippines

Sandiganbayan

Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on 16 July 2019.

Present:

Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA----- Chairperson

Justice ZALDY V. TRESPESES----- Member

Justice GEORGINA D. HIDALGO----- Member

The following resolution was adopted:

Crim. Case No. 26352-26353- People vs. FRANCISCO REYES, et al.

This resolves the following:

1. Accused Dickson Lim's "MOTION WITH LEAVE OF COURT TO ADMIT ATTACHED SUPPLEMENTAL MOTION FOR RECONSIDERATION" dated 1 July 2019.¹

TRESPESES, J.

This resolves the Motion for Leave of Court to Admit Attached Supplemental Motion for Reconsideration filed by accused Lim, through counsel.

In his motion for leave, accused Lim alleges that on 26 April 2019, the Macavinta & Sta. Ana Law Offices filed a Motion for Reconsideration for him and accused Margarito Chu Chan. On 17 May 2019, the Herrera Teehankee and Cabrera Law Offices filed an Entry of Appearance notifying the Court that it is now the new counsel for accused Lim. Subsequently, the Macavinta & Sta. Ana Law Offices withdrew as counsel for said accused.

Accused Lim now prays for leave of court to admit the supplemental motion for reconsideration which expounds the grounds cited in his motion for reconsideration. He claims that the supplemental motion raises arguments and issues which he could not raise in the motion for reconsideration due to conflict with the arguments and/or defenses for accused Chan.

¹ Record, Vol. 12, pp. 34-50.

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On 5 July 2019, Prosecutor orally opposed the motion in open court on the ground that the 15-day period of time to file motion for reconsideration has been unduly prolonged.

RULING

We **deny** the motion for lack of merit.

The propriety and substance of supplemental pleadings are prescribed under Section 6, Rule 10, of the Rules of Court, which provides that:

Sec. 6. Supplemental Pleadings. — Upon motion of a party the court may, upon reasonable notice and upon such terms as are just, **permit him to serve a supplemental pleading setting forth transactions, occurrences or events which have happened since the date of the pleading sought to be supplemented.** The adverse party may plead thereto within ten (10) days from notice of the order admitting the supplemental pleading. (Emphasis supplied)

In *Ada v. Baylon citing Young v. Spouses Sy*,² the Supreme Court explained the purpose of a supplemental pleading. Thus:

As its very name denotes, a supplemental pleading only serves to bolster or add something to the primary pleading. A supplement exists side by side with the original. It does not replace that which it supplements. Moreover, a supplemental pleading assumes that the original pleading is to stand and that the issues joined with the original pleading remained an issue to be tried in the action. It is but a continuation of the complaint. ***Its usual office is to set up new facts which justify, enlarge or change the kind of relief with respect to the same subject matter as the controversy referred to in the original complaint.***

The purpose of the supplemental pleading is to bring into the records new facts which will enlarge or change the kind of relief to which the plaintiff is entitled; hence, any supplemental facts which further develop the original right of action, or extend to vary the relief, are available by way of supplemental complaint even though they themselves constitute a right of action. (Emphasis supplied)

It is clear from the foregoing that the contents of a supplemental pleading should deal with transactions, occurrences or events which took place *after* the date of the pleading it seeks to supplement.

² 692 Phil. 432-454 (2012).

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Minute Resolution

People v. Francisco Reyes, et al.

Crim. Case Nos. 26352-26353

Page 3 of 4

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In this case, accused Dickson Lim did not raise new matters or additional facts that transpired after the filing of the original motion for reconsideration. During the hearing on the motion for leave on 5 July 2019, said accused's counsel confirmed that the grounds invoked in the Supplemental Motion for Reconsideration are the same grounds raised in the original Motion for Reconsideration filed on 26 April 2019.³ Accused's counsel did not say that the arguments in the original motion for reconsideration is not enough; he only claims that the supplemental motion merely expounded the grounds in the motion for reconsideration.⁴

Considering that the supplemental motion for reconsideration only amplifies the grounds already invoked in the original motion for reconsideration, it will not serve any useful purpose as it is a mere superfluity. Thus, to consider it would only result in the delay in the administration of justice.

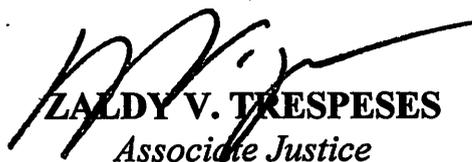
From the foregoing, the Court finds it procedurally unsound to give accused leeway in filing superfluous motion. It should be stressed that rules of procedure do not exist for the convenience of the litigants. These rules are established to provide order to and enhance the efficiency of our judicial system. They are not to be trifled with lightly or overlooked by the mere expedience of invoking substantial justice.⁵

Finally, accused Lim's claim of change of new counsel will not also justify the filing of a supplemental motion because accused is bound by his previous counsel's acts.

WHEREFORE, premises considered, accused Dickson Lim's motion for leave is **DENIED**. Consequently, the attached Supplemental Motion for Reconsideration is denied admission.

SO ORDERED.

Quezon City, Philippines.


ZALDY V. TRESPESES
Associate Justice

³ TSN, 5 July 2019, p. 4.

⁴ Supra note 4.

⁵ *Heirs of Feraren v. Court of Appeals*, 674 Phil. 358-370 (2011).

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WE CONCUR:


MA. THERESA DOLORES C. GOMEZ-ESTOESTA
Associate Justice
Chairperson


GEORGINA D. HIDALGO
Associate Justice

7