



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

CELSO OLIVIER TIAMSON DATOR,
Accused.

**CRIM. CASE NO. SB-18-
CRM-0543**

For: Violation of Section 3(e)
of R. A. No. 3019

Present:

QUIROZ, J., Chairperson
CRUZ, J.
TRESPESES, J.*

Promulgated on:

SEP 02 2019

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RESOLUTION

CRUZ, J.

This resolves accused-movant Celso Olivier Tiamson Dator's ("Dator") Omnibus Motions for Reconsideration and Leave of Court to Allow Presentation of Testimonies of Defense Witnesses¹ ("Omnibus Motion") dated 15 July 2019 and the prosecution's Comment/Opposition (to Accused Omnibus Motions for Reconsideration and Leave of Court to Allow Presentation of Testimonies of Defense Witnesses dated 15 July 2019)² dated 24 July 2019.

*Sitting as Special Member of the Fourth Division per Administrative Order No. 570-2018 dated 23 November 2018.

¹ Records, Vol. 2, pp. 248-251.

² *Id.*, pp. 257-263.

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Dator moves for reconsideration of the Order³ dated 25 June 2019 directing him to file his formal offer of evidence within ten (10) days from notice thereof. He claims that he has some significant and material witnesses to present such as the officers and staff of the Municipality of Lucban, Quezon. He argues that it would be a great injustice if he would be required outright to offer exhibits without the presentation and offer of the testimony of the defense witnesses.

The prosecution counters that the Omnibus Motion is a mere scrap of paper for failing to set the same for hearing in violation of Section 4, Rule 15 of the Rules of Court; hence must be denied outright.

It also argues that the Omnibus Motion is obviously dilatory. It claims that Dator fails to offer cogent reasons to allow him to present witnesses in his defense, considering that he voluntarily agreed in the Joint Stipulations⁴ dated 29 January 2019 that witnesses for both the prosecution and the defense will no longer be presented. It points out that he fails to even mention the significance of their testimony that could materially affect the stipulations of facts.

It maintains that the only issue left for the Court's consideration is whether or not, based on the stipulated facts and documentary evidence, accused is guilty as charged in the Information.

On a procedural issue, the prosecution claims that, based on a copy of the Omnibus Motion that it received, Dator did not set it for hearing; hence, it should be treated as a mere scrap of paper. However, the Omnibus Motion filed with the Court by registered mail actually contains a notice of hearing set on 26 July 2019 at 2:00 p.m.; thus, negating the claim of the prosecution.

The apparent procedural defect in the Omnibus Motion is that the notice of hearing is addressed to the Division Clerk of Court instead of to the adverse party, *i.e.*, the prosecution. Section 5, Rule 15 of the Rules of Court requires that the notice of hearing of a motion shall be addressed to all parties concerned. However, jurisprudence considers substantial compliance with this rule when the movant furnishes the counsel for the adverse party with a copy of the motion, coupled with the fact that the trial court acts on said motion by issuing an order setting the hearing thereof on a certain

³ *Id.*, p. 237.

⁴ Records, Vol. 1, pp. 236-257.

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date.⁵ In the present case, records show that Dator through counsel served a copy of his Omnibus Motion by registered mail on the prosecution on 16 July 2019, as shown by a registry receipt attached thereto.⁶ In its Resolution⁷ dated 19 July 2019, the Court acted on the said motion by giving the prosecution five (5) days within which to file its comment/opposition thereto and setting the motion for hearing on 26 July 2019. Thus, Dator substantially complied with Section 5, Rule 15 of the Rules of Court.

Procedural infirmity aside, and in the interest of substantial justice, the Court grants the Omnibus Motion.

In all criminal prosecutions, the accused has the constitutional right to, among others, have compulsory process to secure the attendance of witnesses and the production of evidence in his/her behalf.⁸ As part of due process in criminal proceedings, the accused must be given the opportunity to be heard. Thus:

While the Constitution does not specify the nature of this opportunity, by necessary implication, it means that **the accused should be allowed reasonable freedom to present his defense** if the courts are to give form and substance to this guaranty. Should the trial court **fail to accord an accused reasonable opportunity to submit evidence in his defense**, the exercise by the Court of its *certiorari* jurisdiction is warranted as this amounts to a **denial of due process**.⁹ (Emphasis supplied)

On the foregoing constitutional ground, the Court is willing to relax the rules to afford Dator the opportunity to present his witnesses. After all, the fundamental purpose of procedural rules is to give each party every opportunity to present evidence on his/her behalf in order that substantial justice is achieved.¹⁰ In this regard, even if the Joint Stipulations and the Pre-Trial Order provide that both the prosecution and the accused-movant will no longer present their respective witnesses, the Court may, in the exercise of its judicial prerogative, modify its Pre-Trial Order to allow accused-movant Dator to present witnesses in his defense "to prevent manifest injustice." This judicial discretion finds basis in Section 4, Rule 118 of the Rules of Court, that reads:

 ⁵ *Areza v. Express Savings Bank, Inc.*, G.R. No. 176697, 10 September 2014, citing *Maturan v. Araula*, G.R. No. L-57392, 30 January 1982.


⁶ Records, Vol. 2, p. 255.

⁷ *Id.*, p. 251-A.

⁸ Section 14(2), Article III, 1987 Philippine Constitution.

⁹ *Marquez v. Sandiganbayan*, G.R. Nos. 187912-14, 31 January 2011.

¹⁰ *Go v. Tan*, G.R. No. 130330, 26 September 2003.



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Section 4. Pre-trial order. — After the pre-trial conference, the court shall issue an order reciting the actions taken, the facts stipulated, and evidence marked. Such order shall bind the parties, limit the trial to matters not disposed of, and control the course of the action during the trial, **unless modified by the court to prevent manifest injustice.** (Emphasis supplied)

In the same manner, the Court directed in its Pre-Trial Order the following:

Let the Pre-Trial Order bind the parties, limit the trial to matters not disposed of and control the course of the proceedings in this case **unless modified by the Court to prevent manifest injustice.**¹¹ (Emphasis supplied)

While the Court recognizes that stipulations reduced into writing and signed by the parties and their counsel become binding on the parties who made them,¹² such rule admits of exceptions. In *Bayas v. Sandiganbayan*,¹³ the Supreme Court mentioned several grounds in which such stipulations may be set aside, as follows:

Once validly entered into, stipulations will not be set aside unless for good cause. They should be enforced especially when they are not false, unreasonable or against good morals and sound public policy. When made before the court, they are conclusive. And the party who validly made them can be relieved therefrom only upon a showing of collusion, duress, fraud, misrepresentation as to facts, and undue influence; or **upon a showing of sufficient cause on such terms as will serve justice in a particular case.** Moreover, **the power to relieve a party from a stipulation validly made lies in the court's sound discretion** which, unless exercised with grave abuse, will not be disturbed on appeal. (Emphasis supplied)

It also bears emphasis that the agreement of both parties to waive the presentation of their respective witnesses does not delve into stipulations of facts but to the manner of presentation and offer of evidence that is subject to the control of the Court. Considering that the facts as well as documents stipulated by the prosecution and accused-movant Dator assisted by his counsel as contained in the Joint Stipulations and in the Pre-Trial Order will remain undisturbed and that the course of the proceedings will not be substantially altered, the Court, under such circumstances, will allow accused-movant Dator to present his witnesses. However, the witnesses to be presented by him should be limited to those mentioned in the Joint

¹¹ Records, Vol. 1, p. 285.

¹² *Eastern Shipping Lines, Inc. v. BPI/MS Insurance Corp.*, G.R. No. 182864, 12 January 2015.

¹³ G.R. Nos. 143689-91, 12 November 2002.

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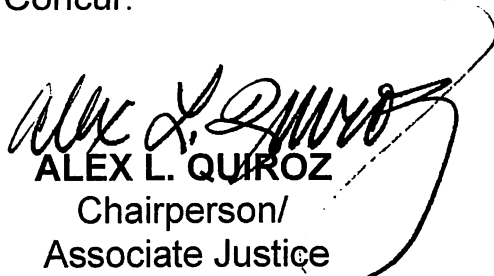
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Stipulations as adopted in the Pre-Trial Order.¹⁴ He should also be ordered to submit to the Court the substance of his witnesses' respective testimonies that will be included in the Amended Pre-Trial Order to be issued by the Court.


WHEREFORE, premises considered, the Court **GRANTS** accused-movant Celso Olivier Tiamson Dator's Omnibus Motion and **ALLOWS** him to present his witnesses limited to those mentioned in the Pre-Trial Order. Accordingly, the Court **VACATES** and **SETS ASIDE** its Order dated 25 June 2019 but only as far as it requires him to file his formal offer of evidence within the given period. The Court further **ORDERS** him to submit within five (5) days from receipt of this Resolution a Manifestation/Compliance stating therein the substance of the respective testimonies of his witnesses, with copy served on the prosecution, so that the Pre-Trial Order will be amended accordingly to guide and control the subsequent proceedings in this case.

SO ORDERED.


REYNALDO P. CRUZ
Associate Justice

We Concur:


ALEX L. QUIROZ
Chairperson/
Associate Justice


ZALDY V. TRESPESES*
Associate Justice

¹⁴ The witnesses for the defense, as stated in the Joint Stipulations and the Pre-Trial Order, are the following:

1. Mely O. Villenas, Municipal Budget Officer/HRMO designate;
2. Geronima A. Bustos;
3. Maria Lyncelle Dator;
4. The accused himself.

* Sitting as Special Member of the Fourth Division per Administrative Order No. 570-2018 dated 23 November 2018.