



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on October 1, 2019

PRESENT:

HON. SARAH JANE T. FERNANDEZ.....Associate Justice

HON. KARL B. MIRANDA.....Associate Justice

HON. KEVIN NARCE B. VIVERO.....Associate Justice

The following resolution was adopted:

SB-15-CRM-0094 –

PEOPLE vs. BIENVENIDO G. LATAG, ET AL.

During the hearing on January 24, 2019, in the presence of accused Bienvenido G. Latag and Atty. Pedro M. De Leon, Jr., his counsel, the Court granted accused Latag ten (10) days within which to file his Formal Offer of Evidence.¹ Thereafter, in view of accused Latag's failure to file the same within the given period, this Court, in the Resolution dated March 20, 2019,² ordered him to show cause, within five (5) days from receipt thereof, why he should not be deemed to have waived his right to formally offer his documentary evidence.

On July 1, 2019, Atty. De Leon failed to appear in the scheduled hearing, despite notice. Atty. De Leon was directed to show cause why he should not be held in contempt of Court for his failure to appear in the scheduled hearing despite notice.³ On August 5, 2019, Atty. De Leon, again, failed to appear in the scheduled hearing. The Clerk of Court informed the Court that Atty. De Leon called earlier and said that he was stranded in Pampanga.

During the hearing on September 16, 2019, accused Latag and Atty. De Leon, again, failed to appear. The prosecution moved that accused Latag be deemed to have waived his right to file his Formal Offer of Evidence.⁴ The Court **GRANTS** the prosecution's motion.

In *People v. Dichoso*,⁵ the Supreme Court held that therein accused' repeated failure to appear during the scheduled hearings despite having been

¹ Order dated January 24, 2019; Record, Vol. 2, p. 253

² Record, Vol. 2, p. 258-A

³ Order dated July 1, 2019; Record, Vol. 2, p. 305

⁴ Order dated September 16, 2019

⁵ G.R. No. L-51674, March 31, 1980

given the opportunity to present her evidence constituted a waiver, by implication, on her part to present evidence.

Here, accused Latag was given the opportunity to file his Formal Offer of Evidence. When he failed to do so within the given period, this Court gave him an opportunity to explain why he should not be deemed to have waived his right to formally offer his documentary evidence. Accused Latag nonetheless failed to do so. By failing to file his Formal Offer of Evidence, coupled with his counsel's failure to appear in the scheduled hearings despite notice, accused Latag is deemed to have waived his right to file his Formal Offer of Evidence, and to have rested his case.

The hearings set on November 27 and 28, 2019 for the presentation of the prosecution's rebuttal evidence⁶ are maintained. Furnish Atty. De Leon and accused Latag with a copy of this Resolution.

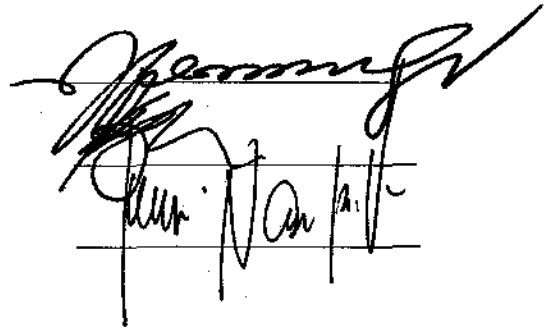
SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J., Chairperson

MIRANDA, J.

VIVERO, J.

The block contains three handwritten signatures in black ink. The top signature is the most prominent and appears to be 'Fernandez'. Below it are two other signatures, one of which appears to be 'Miranda' and the other 'Vivero'. Each signature is written over a horizontal line.

⁶ *Supra.* Note 4