



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,


-versus-

SB-12-CRM-0314 to 0379

ANTONIO P. BELICENA, et al.,
Accused.

Present:
ECONG, J.
LAGOS, J. and
SAN GASPAR, J.

PROMULGATED:

29 JANUARY 2024 

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RESOLUTION

Econg, J:

This resolves the Omnibus Motion¹ filed by the prosecution, together with the Consolidated Manifestation and Motion² filed by accused Charmelle P. Recoter.

The prosecution stated that:

1. The sixty-six (66) Informations for Estafa thru Falsification of Public Documents under Article 315 in relation to Article 171 of the Revised Penal Code and

¹ Omnibus Motion dated January 3, 2024.

² Consolidated Manifestation and Motion dated January 14, 2024.



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Violation of Section 3(e) of Republic Act No. 3019 were filed against the accused on December 9, 2012.

2. The Court dismissed the cases against accused Pacifico R. Cruz on May 11, 2015 by reason of *res judicata* considering that Pilipinas Shell Petroleum Corporation, represented by accused Cruz, was found to be a transferee in good faith and for value in the ruling in *Pilipinas Shell Petroleum Corporation v. Commissioner of Internal Revenue*.³ The Motion for Reconsideration of the said Resolution was denied by the Court on August 24, 2015.
3. The cases against accused Celso M. Legarda were dismissed because of the ruling in *Petron Corporation v. Commissioner of Internal Revenue*⁴ and *Commissioner of Internal Revenue v. Petron Corporation*⁵ where Petron Corporation, represented by accused Legarda, was found to be a transferee in good faith and for value of the Tax Credit Certificates.
4. The Court issued Resolutions archiving the cases against them while the other accused remained at large.
5. The Court approved the bond posted by accused Recoter on August 24, 2023 and revived the cases against her. Her arraignment was set on September 18, 2023.
6. Accused Recoter filed a Consolidated Motion to Quash Informations on September 8, 2023 on the ground of inordinate delay. The Court denied said Motion. The Court also denied the Motion for Reconsideration of accused Recoter on November 6, 2023.
7. The arraignment of accused Recoter was set on January 30, 2024.
8. The prosecutors have secured the authority of the Honorable Ombudsman for the withdrawal of all the Informations in these cases on the ground that the vital witnesses and evidence for the prosecution are no

³ G.R. No. 172598, December 21, 2007.

⁴ G.R. No. 180385, July 20, 2010.

⁵ G.R. No. 185568, March 21, 2012.

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longer available. The OMB Memorandum dated December 4, 2023 provides:

"WHEREFORE, it is respectfully recommended that this Memorandum be APPROVED and the prosecution be authorized to withdraw the Informations in SB-12-CRM-0314 to 0379."

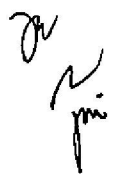
The prosecution then prayed that the Informations against accused Recoter be withdrawn. The prosecution also prayed that the cases against the other accused in these cases be revived and that the Informations against them be withdrawn.

In her Motion, accused Recoter manifested that she interposes no objection to the Omnibus Motion of the prosecution. She prays that the cash bail she posted for her provisional liberty in the amount of Php 70,000.00 be released.

A scrutiny of the records show that the allegations against the accused in these cases present factual issues that need the conduct of a trial or the presentation of evidence. Evidence as defined under the Rules of Court is the means of ascertaining in a judicial proceeding the truth respecting a matter of fact.⁶ It is the means of proving a fact. To ascertain whether the accused committed the alleged acts is a question of fact which necessitates evidence for its resolution. However, the prosecution found that the vital witnesses and evidence that they need to prosecute the accused are no longer available. They are now seeking the revival of the archived cases and the withdrawal of the Informations in the said cases.

This Court deems it appropriate and practical to grant the Motion of the prosecution. It would be futile to proceed with the trial in these cases when the prosecution would not be able to present vital witnesses and evidence needed to put the accused on trial and convict them. It would also be pointless to let the cases remain archived and delay their disposition. Considering that the important witnesses and evidence are no longer available as stated by the prosecution, it is then necessary to revive the archived cases, withdraw all the Informations in the said cases as well as the cases against accused Recoter, and finally unclog the dockets of the Court, a laudable objective.

⁶ Rule 128, Section 1, Rules of Court.



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WHEREFORE, in view of the foregoing, the Omnibus Motion of the prosecution is **GRANTED**. The withdrawal of the Informations against accused Charmelle P. Recoter is granted. The archived cases against the other accused are revived, and the withdrawal of the Informations against the other accused in SB-12-CRM-0314 to SB-12-CRM-0379 is granted.

The amounts deposited in cash as bail for the provisional liberty of the accused are ordered released, subject to the usual accounting and auditing procedure.

SO ORDERED.

Quezon City, Metro Manila, Philippines.

Geraldine Faith A. Econg
GERALDINE FAITH A. ECONG
Associate Justice

WE CONCUR:

Rafael R. Lagos
RAFAEL R. LAGOS*
Associate Justice

Juliet M. Manalo-San Gaspar
JULIET M. MANALO-SAN GASPAR
Associate Justice

*Sitting as Special Member per Adm. Order No. 019-2023, dated January 23, 2023.