



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
 Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, **SB-18-CRM-0101**
 Plaintiff, For: Violation of Section 3(h)
 of R.A. 3019

*Present**

- versus -

ANTONIO R. FLOIRENDO, JR.,
 Accused.

FERNANDEZ, SJ, J.,
 Chairperson
MIRANDA, J. and
VIVERO, J.

Promulgated:

NOV 25 2020

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves accused Antonio R. Floirendo, Jr.'s *Motion for Reconsideration With Motion to Set Case for Oral Arguments (Re: The Decision Dated 26 August 2020)*,¹ and the prosecution's *Comment/Opposition (Re: Accused Floirendo's Motion for Reconsideration with Motion to Set Case for Oral Arguments)*,² only with respect to the accused' *Motion to Set Case for Oral Arguments*. His *Motion for Reconsideration* will be the subject of a separate Resolution

* The Special Division of Five was automatically dissolved for the resolution of the instant *Motion to Set Case for Oral Arguments* only, after the members thereof arrived at a unanimous opinion. 2018 Revised Internal Rules of the Sandiganbayan. Rule XIII, Sec. 6. Cases Submitted for Decision; Assignment to Ponente. – xxx (m) xxx However, if there is a dissent in cases arising from offenses committed before the effectivity of R.A. No. 10660, the procedure shall be as follows:

xxx

(3) If the vote of the Special Division of Five is not unanimous, the *ponente* of the majority and dissenting opinions shall be determined in accordance with the first paragraph hereof; however, if the Special Division of Five arrives at a unanimous decision, the Special Division of Five shall be automatically dissolved, and the Decision shall be penned by the member of the regular Division who penned the opinion that became the majority opinion. (underscoring supplied)

¹ Dated and filed on September 8, 2020

² Dated and filed by electronic mail on October 12, 2020

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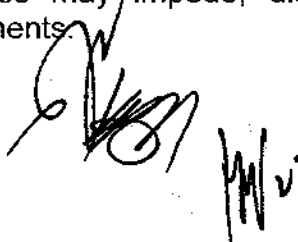
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The accused prays that his *Motion for Reconsideration* be set for oral arguments on the following grounds:

1. The assailed Decision involves an interpretation of the Constitution and pertinent laws that will have far-reaching implications on public office.
2. His arguments will be better ventilated, and the ends of justice and the need for transparency will be better served, through oral arguments.
3. Sec. 3, Rule 1 [sic] of the *2018 Revised Internal Rules of the Sandiganbayan* provides that the Rules of Court, insofar as applicable, shall govern all actions and proceedings before the Sandiganbayan.
4. Sec. 1. of Rule 49 of the Rules of Court allows the conduct of oral arguments.

In its *Comment/Opposition*, the prosecution counters:

1. Sec. 1, Rule X of the *2018 Revised Internal Rules of the Sandiganbayan* provides that a motion for reconsideration of a decision or final order shall be filed within fifteen (15) days from promulgation of the judgment or from notice of the final order or judgment.
2. What is contemplated under the rules is a motion for reconsideration in written form. The conduct of oral arguments is no longer proper, as it would effectively extend the period of the accused to move for reconsideration of the assailed Decision.
3. The accused was given fifteen (15) days to move for reconsideration, and he was able to file a forty-six (46) page *Motion for Reconsideration*. The conduct of oral arguments will only delay the resolution of the present case.
4. Considering the COVID-19 pandemic, the conduct of oral arguments may pose a serious challenge to the safety of all parties concerned. Although the parties may participate through videoconferencing, technological and technical constraints and network-related issues may impede, disrupt, or delay the conduct of oral arguments.

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THE COURT'S RULING

The Court resolves to deny the accused' *Motion to Set Case for Oral Arguments*.

Sec. 1, Rule X of the *2018 Revised Internal Rules of the Sandiganbayan (2018 Internal Rules)* provides for the filing of a motion for reconsideration of a decision. It reads:

RULE X MOTION FOR NEW TRIAL OR RECONSIDERATION

Sec. 1. *Period to File Motion for New Trial or Reconsideration.*
– A Motion for New Trial or Reconsideration of a decision or final order shall be filed within fifteen (15) calendar days from promulgation of the judgment or from notice of the final order or judgment. The motion shall be decided within thirty (30) calendar days from the date of submission for resolution.

In contrast, the provisions for interlocutory or incidental motions read:

RULE VII MOTIONS

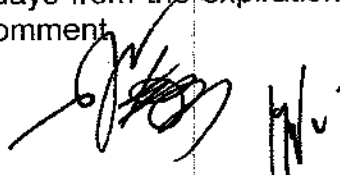
Section 1. *Motion Day.* – Except for motions which may be acted upon *ex parte*, all motions shall be scheduled for hearing on a Friday, or if that day is non-working holiday, on the next working day. However, a Division may designate for justifiable reason any other motion day, provided that the parties shall be duly notified thereof.

In all litigated motions, the movant shall file proof of service to the adverse party, pursuant to Section 13 of Rule 13 of the 1997 Rules of Civil Procedure; otherwise, the Sandiganbayan may not give due course thereto.

Motions requiring immediate action may be acted upon on shorter notice.

In appealed cases, the provision of Sec. 3, Rule 49 of the 1997 Rules of Civil Procedure, on Motions shall apply.

Sec. 4. *Period to comment and to resolve.* – In case of meritorious motions, the comment of the adverse party shall be filed within a period of ten (10) calendar days from notice or receipt of the order of the Sandiganbayan to file the same, and it shall resolve the motion within a period of thirty (30) days from the expiration of the ten (10)-day period, with or without comment.



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At its discretion, the Sandiganbayan may set the motion for hearing within a period of ten (10) days from the expiration of the ten (10)-day period to file comment, in which case the same shall be submitted for resolution after the termination of the hearing, and shall be resolved within a non-extendible period of ten (10) calendar days thereafter.

Reply and memorandum shall not be allowed.

(underscoring supplied)

From the aforequoted provisions, it can be gleaned that unlike in interlocutory or incidental motions, where Sections 1 and 4 of Rule VII expressly provide for hearings, the provision for motions for reconsideration of a decision or final order—Section 1 of Rule X—only provides for the periods for filing such motion for reconsideration, and for resolving such motion, thus, indicating that the Court need not set such motion for hearing.

Nonetheless, while it appears that hearings or oral arguments are unnecessary for motions for reconsideration of a decision or final order, there is no prohibition against the conduct of oral arguments.

Sec. 1, Rule 49 of the Rules of Court, which allows oral arguments, provides:

Sec. 1. When allowed. – At its own instance or upon motion of a party, the court may hear the parties in oral argument on the merits of a case, or on any material incident in connection therewith.

The oral argument shall be limited to such matters as the court may specify in its order or resolution.

(underscoring supplied)

However, it bears stressing that the use of the word “may” indicates that whether to allow the conduct of oral arguments is left to the Court’s discretion.³

After examining the accused’ arguments in his *Motion for Reconsideration*, the Court finds that it is unnecessary to conduct oral arguments, the accused, having already discussed his grounds for his motion at length. The Court can resolve his *Motion for Reconsideration*

³ Please see *De Ocampo v. Secretary of Justice*, G.R. No. 147932, January 25, 2006

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on the basis of his arguments therein. Conducting oral arguments will merely delay the resolution of the accused' instant *Motion for Reconsideration*.

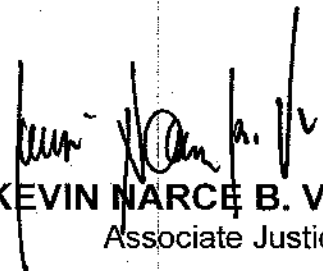
WHEREFORE, the accused' *Motion to Set Case for Oral Arguments* is hereby DENIED for lack of merit.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice