



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, **SB-18-CRM-0337**  
Plaintiff, For: Violation of Section 3(e)  
of R.A. No. 3019

**SB-18-CRM-0338 and 0339**  
For: Malversation under  
Article 217 of the RPC

*Present*

- versus -

EDGAR G. RAMA, ET AL.,  
Accused.

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

*Promulgated:*

**FEB 17 2021** 

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**RESOLUTION**

**FERNANDEZ, SJ, J.**

This resolves the *Motion for Reconsideration*<sup>1</sup> filed by accused Edgar G. Rama, William G. Surbano, Gorgonia E. Gonzales, Sergio G. Zurita and Nilo B. Gorgonio (henceforth referred to as accused Rama, et al.); and the prosecution's *Comment/Opposition (To the Motion for Reconsideration dated January 29, 2021)*.<sup>2</sup>

In their *Motion for Reconsideration*, accused Rama, et al. pray that the Court reconsider the Resolution dated January 21, 2021, and that these cases be dismissed. They aver:

1. The letter dated December 14, 2020 of Chief Justice Diosdado M. Peralta did not modify the dispositive portion of the decision

<sup>1</sup> Dated January 29, 2021

<sup>2</sup> Dated February 10, 2021

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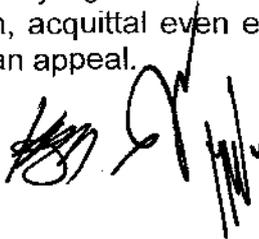
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directing the Sixth Division of the Sandiganbayan to dismiss SB-18-CRM-0337 to 0339.

2. Although the Decision dated July 28, 2020 pertains only to the consolidated petitions of accused Catamco and Perez, it should also apply to them (accused Rama, et al.), under the doctrine of *stare decisis*.
  - a. The case against all accused involved the same set of facts and circumstances. There was only one preliminary investigation for all of them, and they were all charged under the same Information under a conspiracy theory.
  - b. In the Decision dated July 28, 2020, the Supreme Court categorically declared that accused Catamco and Perez's constitutional right to speedy disposition of cases was violated because of unreasonable delay in the conduct of the preliminary investigation. All accused being similarly situated, there would be no reason why there would be no violation of their right to speedy disposition of cases.
  - c. Because the Supreme Court's decision on accused Catamco and Perez's *petition for certiorari* is now part of the legal system of the Philippines, the principle embodied therein should be applied to all persons similarly situated.
3. They never waived their constitutional right to speedy disposition of cases.
4. Although the Supreme Court's decision regarding their *petition for certiorari* had already gained finality, there is no prohibition to apply a subsequent decision of the Supreme Court.
5. Sec. 11, Rule 122 of the Rules of Court provides:

**Sec. 11. Effect of appeal by any of several accused. –**  
(a) An appeal taken by one or more of several accused shall not affect those who did not appeal, except insofar as the judgment of the appellate court is favorable and applicable to the latter.
6. In several cases, the Supreme Court held that said provision applies regardless of the filing or non-filing of an appeal by a co-accused, so long as the judgment was favorable to said accused. Under said provision, acquittal even extends to a co-accused who has withdrawn an appeal.



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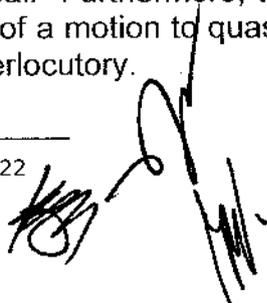
7. The Decision dated July 28, 2020 is favorable to them. Applying Sec. 11, Rule 122 of the Rules of Court, said Decision must also be applied to them.

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

1. The arguments in accused Rama, et al.'s *Motion for Reconsideration* are a mere rehash of their arguments in their *Omnibus Motion*. These had already been found to be without merit in the assailed Resolution.
2. In the letter dated December 14, 2020, it was clarified that the Supreme Court's Decision dated July 28, 2020 applies only to accused Catamco and Perez. Had the same intended to dismiss the entire case and include the other accused, it would have, in no uncertain terms been provided in the Decision.
3. In *Shioji v. Harvey*,<sup>3</sup> it was held that a lower court has no supervisory jurisdiction to interpret or to reverse the judgment of the high court. It is erroneous for accused Rama, et al. to ask the Sixth Division of the Sandiganbayan to interpret the Decision dated July 28, 2020 in their favor when it is clear that the dismissal of the cases apply only to accused Catamco and Perez. It would have the effect of reversing the Supreme Court's Resolution dated July 1, 2019 in G.R. Nos. 243648 and 243691-92 dismissing accused Rama, et al.'s petition for certiorari.
4. The doctrine of *stare decisis* does not apply. Under said doctrine, a principle of law applicable to a certain state of facts will apply to future cases. Here, the conclusion reached in the Decision dated July 28, 2020 cannot be applied retroactively in resolving accused Rama, et al.'s *Omnibus Motion* because the matter raised therein had already been resolved in the Supreme Court's Resolution dated July 1, 2019.
5. Said Supreme Court's Resolution was a disposition on the merits. When the Supreme Court does not find any reversible error in the decision of the lower court and denies the petition, it means that it agrees, and adopts the findings and conclusions of the lower court.
6. Sec. 11, Rule 122 of the Rules of Court does not apply. The assailed Resolution is not a judgment and is beyond the ambit of an appeal. Furthermore, the Supreme Court has ruled that the denial of a motion to quash is not appealable because it is merely interlocutory.

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<sup>3</sup> G.R. No. 18940, April 27, 1922



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THE COURT'S RULING

The *Motion for Reconsideration* of accused Rama, et al. is bereft of merit, and must be denied.

*First*, the letter dated December 14, 2020 of Hon. Diosdado M. Peralta did not at all modify the dispositive portion of the Decision dated July 28, 2020 of the Supreme Court (First Division) in G.R. 243560-62 and 243261-63. Said letter merely emphasized that the directive in the dispositive portion was intended to apply only to accused Catamco and Perez. It was never intended to apply to the other accused as well.

*Second*, as pointed out by the prosecution, the doctrine of *stare decisis* finds no application in the matter at hand. In *Umali v. The Judicial and Bar Council*,<sup>4</sup> the Supreme Court discussed the doctrine of *stare decisis* as follows:

As stated in the beginning of this *ponencia*, *stare decisis et non quieta movere* is a doctrine which means to adhere to precedents and **not to unsettle things which are established**. This is embodied in Article 8 of the Civil Code of the Philippines which provides, thus:

ART. 8. Judicial decisions applying or interpreting the laws or the Constitution shall form a part of the legal system of the Philippines.

The doctrine enjoins adherence to judicial precedents and requires courts in a country to follow the rule established in a decision of the Supreme Court thereof. That decision becomes a judicial precedent to be followed in subsequent cases by all courts in the land. The doctrine is based on the principle that **once a question of law has been examined and decided, it should be deemed settled and closed to further argument**. The same is grounded on the necessity for securing certainty and stability of judicial decisions, thus, time and again, the court has held that it is a very desirable and necessary judicial practice that **when a court has laid down a principle of law as applicable to a certain state of facts, it will adhere to that principle and apply it to all future cases in which the facts are substantially the same**. It simply means that for the sake of certainty, a conclusion reached in one case should be applied to those that follow if the facts are substantially the same, even though the parties may be different. It proceeds from the first principle of justice that, absent any powerful countervailing considerations, like cases ought to be decided alike. Thus, where the same questions relating to the same event have been put forward

<sup>4</sup> G.R. No. 228628, July 25, 2017

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by the parties similarly situated as in a previous case litigated and decided by a competent court, the rule of *stare decisis* is a bar to any attempt to relitigate the same issue. The doctrine has assumed such value in our judicial system that the Court has ruled that “[a]bandonment thereof must be based only on strong and compelling reasons, otherwise, the becoming virtue of predictability which is expected from this Court would be immeasurably affected and the public’s confidence in the stability of the solemn pronouncements diminished.” **Verily, only upon showing that circumstances attendant in a particular case override the great benefits derived by our judicial system from the doctrine of *stare decisis* can the courts be justified in setting aside the same.**

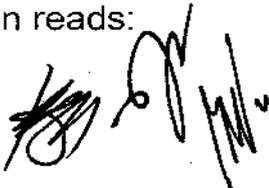
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It is apparent that under the doctrine of *stare decisis*, a principle of law applicable to a certain state of facts will be applied to all future cases where the facts are substantially the same. Here, there is no “future case in which the facts are substantially the same” to speak of.

To recall, in their *Omnibus Motion*, accused Rama, et al. moved for the dismissal of the present cases on the ground that the Supreme Court (First Division), in the Decision dated July 28, 2020, ordered the Sandiganbayan to dismiss these cases. This Court denied said *Omnibus Motion* because, as discussed in the assailed Resolution, the Supreme Court’s directive in the dispositive portion of said Decision was intended to apply to accused Catamco and Perez only, and not to the rest of the accused in these cases.

This Court was not called upon to determine if accused Rama, et al.’s constitutional right to speedy disposition of cases has been violated. In fact, this Court had already ruled on the matter of whether or not there was a violation of accused Rama, et al.’s right to speedy disposition of cases in this Court’s Resolutions dated August 7, 2018 and October 12, 2018. The matter had been finally settled in the Supreme Court (Third Division)’s Resolution dated July 1, 2019 in G.R. Nos. 2436498 and 243691-92, dismissing accused Rama, et al.’s petition for certiorari assailing said Resolutions dated August 7, 2018 and October 12, 2018. There being no “future case” to speak of, there is nothing to which the ruling in the Decision dated July 28, 2020 will apply.

Finally, Sec. 11(a), Rule 122 of the Rules of Court also finds no application. Said provision reads:



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**Sec. 11. Effect of appeal by any of several accused. –**

(a) An appeal taken by one or more of several accused shall not affect those who did not appeal, except insofar as the judgment of the appellate court is favorable and applicable to the latter.

(underscoring supplied)

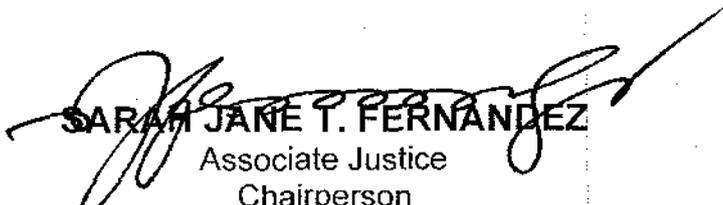
A cursory reading of the provision would show that it pertains to the effect of the judgment of the appellate court on the accused who did not appeal. Here, there is no judgment that has been appealed to the Supreme Court. The respective petitions for certiorari filed by the accused were brought under Rule 65 of the Rules of Court. The Supreme Court (First Division) issued the Decision dated July 28, 2020 in the exercise of its original jurisdiction,<sup>5</sup> not its appellate jurisdiction.

In fine, accused Rama, et al. have failed to convince this Court that the reversal of the assailed Resolution is warranted.

**WHEREFORE**, the *Motion for Reconsideration* of accused Rama, Surbano, Gonzales, Zurita and Gorgonio is hereby **DENIED** for lack of merit.

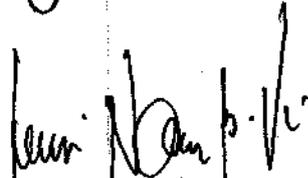
The hearings for the initial presentation of defense evidence previously set on April 14 and 15, 2021, and all Wednesdays and Thursdays thereafter, are maintained.

SO ORDERED.

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

**We Concur:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**KEVIN NARCE B. VIVERO**  
Associate Justice

<sup>5</sup> Please see *Tagle v. Equitable PCI Bank*, G.R. No. 172299, April 22, 2008