



REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
Quezon City  
THIRD DIVISION

**PEOPLE OF THE PHILIPPINES,**  
*Plaintiff,*

Criminal Case Nos.  
**SB-15-CRM-0037-0042**  
*For: Violation of Section 3(e)*  
*of R.A. No. 3019*

-versus-

**SB-15-CRM-0043-0048**  
*For: Malversation*

**SB-15-CRM-0049-0053**  
*For: Direct Bribery*

**SAMUEL M. DANGWA, ET AL.,**  
*Accused.*

Present:  
**Cabotaje-Tang, A.M., P.J.,**  
*Chairperson*  
**Fernandez, B.R., J. and**  
**Moreno, R.B., J.**

*Promulgated:*

APRIL 29, 2022

X ----- X

**RESOLUTION**

**Moreno, J.:**

For resolution is the prosecution's *Motion for Reconsideration*<sup>1</sup> assailing this Court's March 17, 2022 Order that essentially disallowed witness Atty. RJ A. Bernal to testify and identify the documents<sup>2</sup> not listed in the Pre-Trial Order dated January 15, 2018.

In its motion, the prosecution prayed that Atty. Bernal be allowed to testify and identify the documents not listed in the Pre-Trial Order. It argued that under the Revised Rules of Criminal Procedure, a Pre-trial Order may

<sup>1</sup> Record, pp. 269-293.

<sup>2</sup> Specifically the corporate documents of the Ginintuang Alay sa Magsasaka Foundation, Inc. (GAMFI) and JCLN Global Properties Development Corporation (JCLN Global Properties).

be modified by the court to prevent manifest injustice. The prosecution explained that at the time the Informations in the present case had been filed, it had yet to receive the bank inquiry report of the AMLC. It added that the prosecution had no way of knowing during the pre-trial stage that the bank accounts of GAMFI and JCLN Global Properties were involved in the scheme to defraud the government of the PDAF. According to the prosecution, the State is also entitled to justice and fairness like the accused.

The prosecution additionally claimed that it should be given the chance to “get into the record all the relevant evidence at its disposal to prove the charges”<sup>3</sup> since the court could anyway reject what is inadmissible. It emphasized that the corporate documents of GAMFI and JCLN Global Properties are relevant and material to the issues in these cases. According to the prosecution, the accused’s right to due process is not violated considering that they can still cross-examine the witness and present controverting evidence.

The prosecution likewise maintained that the right of the State to prosecute is as significant as the right of an accused to a speedy trial.

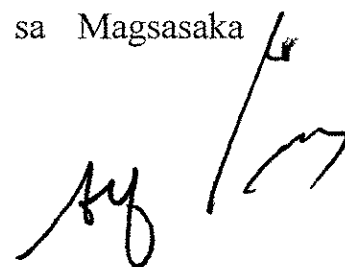
In his *Comment On and Opposition to the Motion for Reconsideration*,<sup>4</sup> accused Erwin C. Dangwa prayed for the denial of the prosecution’s motion for reconsideration. He claimed that the involvement of other funds and/or other NGOs are inadmissible since the only public funds involved in the Informations filed were the PDAF; and that the only NGOs involved are CARED, SDPFFI and POPDFI.

In her *Comment/Opposition x x x*,<sup>5</sup> accused Janet Lim Napoles countered that the prosecution slept on their remedy considering that they did not file any motion to amend the Pre-Trial Order. She added that the Informations did not pertain to GAMFI or JCLN, and the substantial amendment to the Information being indirectly sought by the prosecution should not be allowed without a re-investigation or another preliminary investigation. Napoles added that her right to be informed of the nature and cause of the accusation against her will be violated if Atty. Bernal will be allowed to testify.

In his *Comment and/or Opposition x x x*,<sup>6</sup> accused Dennis Cunanan prayed for the denial of the prosecution’s motion for reconsideration, contending that the prosecution did not file any motion to amend the Pre-Trial Order when it learned of the AMLC’s report as early as January 2020. He maintained that it would be prejudicial to him “if the JCLN Global Properties Development Corp. and Ginintuang Alay sa Magsasaka

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<sup>3</sup> Record, p. 278.  
<sup>4</sup> *Id.* at 299-303.  
<sup>5</sup> *Id.* at 304-319.  
<sup>6</sup> *Id.* at 421-424.



Foundation, Inc.'s documents will be allowed considering that the Information does not list these two (2) NGOs.”<sup>7</sup>

### **THE COURT’S RULING**

After due consideration, the Court resolves to **deny** the prosecution’s *Motion for Reconsideration*.

Pre-trial is an answer to the clarion call for the speedy disposition of cases.<sup>8</sup> Pre-trial promotes efficiency of case proceedings by allowing the parties to stipulate on facts and admissions that no longer need proof, and to agree on key issues, among others. It protects the right to speedy trial without compromising substantive justice.<sup>9</sup>

We emphasize that the rules on pre-trial are not technicalities that the parties may ignore or trifle with, its objective being the simplification, abbreviation and expedition of the trial, if not its dispensation.

More importantly, Section 4 of Rule 118 of the Revised Rules of Criminal Procedure mandates that the matters agreed upon in the pre-trial conference and as stated in the pre-trial order shall bind the parties, thus:

**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.**<sup>10</sup>

This was reiterated in paragraph B(1) of A.M. No. 03-1-09-SC<sup>11</sup> dated July 19, 2004.

Clearly, the parties are bound by stipulations and admissions made in the Pre-trial Order and absent any showing of manifest injustice.

In the present case, it is not disputed that the corporate documents of the Ginintuang Alay sa Magsasaka Foundation, Inc. (GAMFI) and JCLN Global Properties Development Corporation (JCLN Global Properties) were not listed in the Pre-Trial Order. Notably, the prosecution failed to immediately file any motion for correction or inclusion of additional pieces of evidence even after the termination of the investigation conducted by the AMLAC. To now allow Atty. Bernal to testify and identify the

<sup>7</sup> *Id.* at 422.

<sup>8</sup> See *Chingkoe v. Republic*, G.R. No. 183608, July 13, 2013.

<sup>9</sup> See *Bank of the Philippine Islands v. Spouses Genuino*, G.R. No. 208792, July 22, 2015.

<sup>10</sup> Emphasis ours.

<sup>11</sup> RE: PROPOSED RULE ON GUIDELINES TO BE OBSERVED BY TRIAL COURT JUDGES AND CLERKS OF COURT IN THE CONDUCT OF PRE-TRIAL AND USE OF DEPOSITION-DISCOVERY MEASURES, July 19, 2004.

aforementioned documents would be contrary to the Revised Rules of Criminal Procedure vis-à-vis the Revised Guidelines on Continuous Trial and the Guidelines to be Observed in the Conduct of Pre-trial, more so since almost four (4) years have already lapsed from the issuance of the Pre-trial Order.

We are aware that the courts may modify the pre-trial order to prevent manifest injustice. There is nothing in the present case that leads us to conclude that the disallowing Atty. Bernal testify and identify the subject documents would lead to an apparent miscarriage of justice.

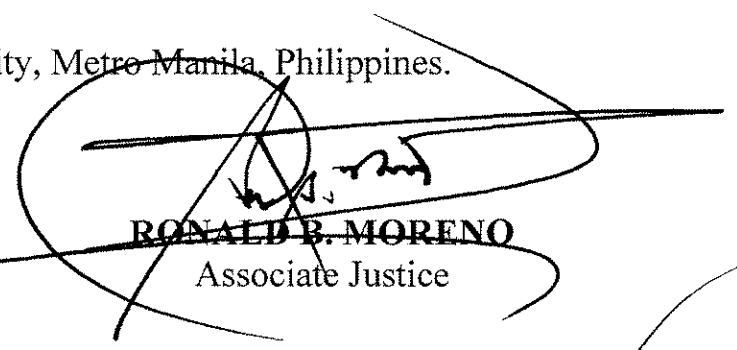
To recall, the prosecution previously filed a *Motion to Recall Witness* where it essentially prayed that it be allowed to recall to the witness stand Atty. Eunice Dalisay-Salazar, or in case of her unavailability, an equally competent witness from the SEC, to produce and identify the corporate documents of JCLN Global Properties Development Corp. and Ginintuang Alay sa Magsasaka Foundation, Inc. This Court acted favorably on this motion, and granted the recall of Atty. Eunice Dalisay-Salazar as prosecution witness.

It bears pointing out that the documents that will be identified by the Atty. Dalisay-Salazar are also the same documents that the prosecution seeks to identify through Atty. Bernal.

**WHEREFORE**, premises considered, the prosecution's *Motion for Reconsideration* is hereby **DENIED**.

**SO ORDERED.**

Quezon City, Metro Manila, Philippines.



**RONALD B. MORENO**  
Associate Justice

WE CONCUR:



**AMPARO M. CABOTAJE-TANG**  
*Presiding Justice, Chairperson*



**BERNELITO R. FERNANDEZ**  
*Associate Justice*