



Republic of the Philippines

**Sandiganbayan**

Quezon City

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**SEVENTH DIVISION**

*MINUTES of the proceedings held on 06 July 2022.*

*Present:*

Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA----- Chairperson  
Justice ZALDY V. TRESPESES----- Member  
Justice GEORGINA D. HIDALGO----- Member

*The following resolution was adopted:*

***Crim. Case No. SB-09-CRM-0040-0042, 0045-0046, 0048-0050, 0054-0055, 0058-0061, 0068 & 0069 - People vs. Antonio P. Belicena, et al.***

This resolves the following:

1. Accused Sonia Dacasin's "OMNIBUS MOTION TO (a) ALLOW TESTIMONY OF ACCUSED DACASIN, and (b) ALLOW MARKING OF ADDITIONAL DOCUMENTARY EVIDENCE" dated June 13, 2022;<sup>1</sup>
2. Prosecution's "OPPOSITION [TO OMNIBUS MOTION DATED 13 JUNE 2022]" dated June 16, 2022.<sup>2</sup>

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**TRESPESES, J.**

This resolves the Omnibus Motion To (a) Allow testimony of Accused Dacasin, and (b) Allow Marking of Additional Documentary Evidence, and the prosecutions Opposition thereto.

During the hearing held on 9 June 2022, the prosecution opposed the presentation of accused Dacasin's judicial affidavit (JA) on the ground that it contains allegation contrary to the stipulation entered during pre-trial, that accused was connected with Express Colour at the time material to these cases. Accused's counsel, Atty. Tristan R. Turiano, invoked palpable mistake as ground for retracting the stipulation. He said that when they asked for the employment history of accused Dacasin from the SSS, it revealed that she was not in fact an employee of Express Colour. As such, they were constrained to go against what has been stipulated.<sup>3</sup> However, as admitted by accused's

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<sup>1</sup> Record, Vol. 11, pp. 436-433.

<sup>2</sup> Record, Vol. 11, pp. 435-447.

<sup>3</sup> TSN, 9 June 2022, p. 9.

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counsel, the alleged mistake was not laid down as a foundation in the JA. Hence, the instant motion.

**ACCUSED SONIA DACASIN'S OMNIBUS MOTION**

Accused Dacasin argues that while judicial admissions are binding upon the party that agree to the stipulations of facts, Sec. 4 of Rule 129 of the Rules of Evidence provides that such admission may be contradicted upon showing that it was made through palpable mistake. Accused alleges that during the preliminary conference, her previous counsel stipulated that she was an employee or was connected with Express Colour Industries, Inc. However, in her JA, she denied having any relations to the said corporation. It was at the time that her JA was being made that she informed her counsel that she was actually an employee of C&A Human Resources Services, Inc. To support her claim, accused presented her C&A Company ID, Certificates of Tax Withheld on Compensation and SSS Employment History. Thus, she claims that the stipulation made during preliminary conference was a mistake.

Accused also claims that her previous counsel was negligent in admitting during pre-trial that she was an employee, representative or connected with Express Colour without verifying the truth from her. To bind her with the stipulation entered into by her counsel would deprive her of her right to due process as she would not be able to freely testify on her own defense.

Accused further prays for the marking of several documents that were not presented during pre-trial to substantiate her testimony with competent evidence. She claims that the documents requested to be marked as Exhs. 2 to 5 and Exhs. 11 to 14 were only produced for the first time during the preparation of her JA when she informed her counsel that the signatures on the logbook of Express Colour were not made by her. When she was required to back up her claim, she presented the said documents all relating to her employment in another company. Exhs. 6 to 9 are court orders or resolutions which did not exist at the time of the pre-trial proceedings.

**THE PROSECUTION'S OPPOSITION**

The prosecution alleges that accused Dacasin was charged as an employee of Express Colour as stated in the Information. The prosecution and counsels of accused underwent several preliminary conferences to come up with the agreed stipulations. In the Joint Stipulations (JS) which was replicated in the Pre-trial Order (PTO) dated 13 December 2018, it was

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stipulated that accused Sonia Dacasin is an employee, representative and/or connected with Express Colour Industries, Inc. The JS and PTO were never requested to be corrected, amended or withdrawn. During the presentation of evidence, it was guided by the PTO and relied on the stipulations of the parties. As a consequence, the prosecution never presented evidence that accused Dacasin is an employee of Express Colour, as it was already stipulated to by the parties. Moreover, accused never alleged in her JA that she or her counsel made a palpable mistake in making the subject stipulation. It was raised only when the prosecution objected to the intended testimony of accused.

The prosecution also avers that no one can be liable for an innocent mistake but the counsels who were negligent in conducting the affairs of their clients bind the latter. In here, it appears that accused's counsel never met with accused Dacasin in preparing for trial. It argues that a prudent and reasonable lawyer would interview clients before accepting their case, failing which would constitute negligence on the part of the counsel. Thus, if accused Dacasin maintains that she is an employee of C&A at the time material to these cases and it is essential part of her defense, said information should have been known by her counsels if they met and conferred with her at any time prior to 2022.

The prosecution also points out that accused's counsel stipulated on her employment at Express and at the same time requested for reservation of employment documents such as SSS Employee Static Information. Thus, it is clear that the stipulation was not mistakenly made but intended to be made and subsequently withdrawn should the reserved exhibits be secured.

**OUR RULING**

The Court **partially grants** accused's motion.

Records show that the prosecution and accused Dacasin entered into stipulation as reflected in the Pre-trial Order dated 13 December 2018, the pertinent portion of which states that:

2. During the period relevant to the subject cases:

- a. Accused Ma. Carmencita C. Camara, Sonia G. Carmona and Sonia L. Dacasin were employees, representatives and/or connected with Express Colour Industries, Inc. (EXPRESS).

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It is settled that stipulations of facts at the pre-trial constitute judicial admission which are binding and conclusive upon the parties.<sup>4</sup> In *Bayas v. Sandiganbayan*,<sup>5</sup> the Supreme Court explained the effects of entering into stipulation, thus:

The new Rules on Criminal Procedure mandate parties to agree on matters of facts, issues and evidence. *Such stipulations are greatly favored because they simplify, shorten or settle litigations in a faster and more convenient manner. They save costs, time and resources of the parties and, at the same time, help unclog court dockets. Once validly entered into, stipulations will not be set aside unless for good cause. They should be enforced especially when they are not false, unreasonable or against good morals and sound public policy. When made before the court, they are conclusive.* And the party who validly made them can be relieved therefrom only upon a showing of collusion, duress, fraud, misrepresentation as to facts, and undue influence; or upon a showing of sufficient cause on such terms as will serve justice in a particular case. (Emphasis supplied)

Further in *Republic v. Sandiganbayan*,<sup>6</sup> it was held that:

A judicial admission is an admission made by a party in the course of the proceedings in the same case, for purposes of the truth of some alleged fact, which said party cannot thereafter disprove. *Indeed, an admission made in the pleading cannot be controverted by the party making such admission and are conclusive as to him, and that all proofs submitted by him contrary thereto or inconsistent therewith should be ignored* whether objection is interposed by a party or not. (Emphasis supplied)

Based on the foregoing, the stipulation that accused Dacasin is an employee of Express Colour at the time material to these cases amounts to judicial admission pursuant to Sec. 4, Rule 129 of the Rules of Court.<sup>7</sup> Considering that the admission is unqualified and definite, this fact no longer requires proof. On the other hand, accused Dacasin is deemed to have waived her right to present evidence to dispute the same. Although the right to present evidence is guaranteed by the Constitution, such right may be waived

<sup>4</sup> *People v. Eyam y Watang*, G.R. No. 184056, 26 November 2012 (699 PHIL 384-392)

<sup>5</sup> G.R. Nos. 143689-91, 12 November 2002 (440 PHIL 54-72)

<sup>6</sup> G.R. Nos. 166859, 169203 & 180702, 12 April 2011 (663 PHIL 212-477)

<sup>7</sup> **Rule 129. What Need Not be Proved**

**Section 4. Judicial admissions.** — An admission, verbal or written, made by the party in the course of the proceedings in the same case, does not require proof. The admission may be contradicted only by showing that it was made through palpable mistake or that no such admission was made.



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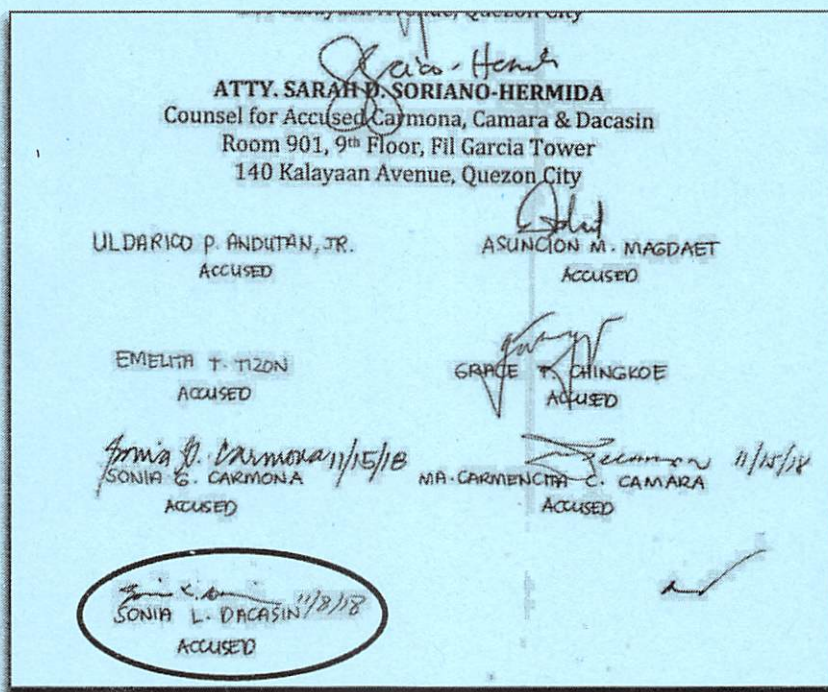
expressly or impliedly.<sup>8</sup> Thus, the rule that no proof need be offered as to any facts admitted during a pre-trial hearing applies.

While it is true that the stipulation of facts stated in the pre-trial order amounts to an admission, this is not an absolute and inflexible rule. To contradict one's own admission, the person who made the same must show that it was made through palpable mistake or that no such admission was made.

In here, accused Dacasin claims that the stipulation made during the pre-trial was a mistake. She even faults her counsel whom she claims was negligent in admitting that she was an employee of or connected with Express Colour without verifying the truth from her. She argues that to bind her with the admission made by her lawyer would effectively deprive her of her right to due process since she would not be able to freely testify in her own defense.

We are not convinced.

It has been held that the acts of a lawyer in the defense or the prosecution of a case are the acts of the client. The rule extends even to the mistakes and the simple negligence committed by the counsel.<sup>9</sup> In these cases, while accused puts blame on her counsel, a look at the last (below) and on each and every page of the Joint Stipulation shows that not only her counsel but accused also signed the JS.



<sup>8</sup> *People v. Bodoso y Bolor*, G.R. No. 188129, 5 July 2010 (637 PHIL 565-590)

<sup>9</sup> *Bayas v. Sandiganbayan*, G.R. Nos. 143689-91, 12 November 2002 (440 PHIL 54-72)



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The signature of accused Dacasin on the Joint Stipulation signifying her conformity to the stipulation negates the claim of mistake or even negligence by her counsel. If accused Dacasin believes that the joint stipulation does not reflect the truth of the matter, she should not have signed the same or should have raised her objection as soon as the pre-trial order was issued. However, accused did not move to be relieved from the stipulation or did not ask that the pre-trial order be recalled or corrected. Thus, she is bound by the stipulation and it may now be used in evidence against her.

The ruling in *People v. Siaton y Bate* is clear that once stipulations are reduced into writing and signed by the parties and their counsels, they become binding on the parties who made them. They become judicial admissions of the facts stipulated and even placed at a disadvantageous position, a party may not be allowed to rescind them unilaterally.<sup>10</sup> From the foregoing, the stipulation that accused was an employee, representative and/or connected with Express Colour remains.

However, although accused is barred from presenting evidence contrary to the admission, the Court cannot prevent her from taking the witness stand. It is settled that in all criminal prosecutions, accused are entitled to testify as witnesses in their own behalf but subject to cross-examination on matters covered by direct examination.<sup>11</sup> Further, Section 14, par. (1), Article III of the 1987 Constitution provides that "*(n)o person shall be held to answer for a criminal offense without due process of law.*" Due process includes a fair and impartial trial and a reasonable opportunity to present one's defense.

Verily, the Court has no discretion to deny accused Dacasin of this right which she equally demands. Based on the foregoing, the Court is of the position that if accused Dacasin would want to testify in her own behalf, she may do so subject to cross-examination as to any matter stated in her direct examination or connected therewith. To completely prevent accused from testifying as witness and present evidence in her own behalf would necessarily violate accused's fundamental right guaranteed under the Constitution. Thus, the Court holds that accused Dacasin should be allowed to testify so as not to deny her of her right to due process provided that her testimony would only cover matters not contrary to the stipulation made during the pre-trial.

As to accused Dacasin's prayer for the marking of additional exhibits, it should be noted that the court has the discretion to allow introduction of additional evidence during trial other than those that had been previously

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<sup>10</sup> *People v. Siaton y Bate*, G.R. No. 208353, 4 July 2016.

<sup>11</sup> Sec. 1(d), Rule 115 of the Revised Rules of Criminal Procedure.

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marked and identified during pre-trial. In fact, the Guidelines on Pre-trial<sup>12</sup> does not proscribe the submission of additional evidence even after trial has already commenced if there is a showing that production thereof is for a good cause. Further, in *Marquez v. Sandiganbayan*,<sup>13</sup> the Supreme Court held that accused should be given an opportunity to substantiate their defense, thus:

While the Constitution does not specify the nature of this opportunity, by necessary implication, it means that the accused should be allowed reasonable freedom to present his defense if the courts are to give form and substance to this guaranty. Should the trial court fail to accord an accused reasonable opportunity to submit evidence in his defense, the exercise by the Court of its certiorari jurisdiction is warranted as this amount to a denial of due process.

Accordingly, the Court allows the marking of additional exhibits. Exhs. 6 to 9 are allowed as they are court orders or resolutions issued after the conclusion of the pre-trial proceedings in the instant cases. Logically, they do not exist yet during the marking of exhibits. Exh. 5 (SSS Employment History) is allowed as accused reserved the marking of SSS Employment Static Information during pre-trial, but it should be noted that it is subject to the Court's appreciation upon resolution of the case. Exhs. 10 to 13 are also allowed because based on accused's JA, they are to be presented only for the purpose of showing the alleged genuine signature of accused. However, the Court cannot allow the introduction of Exhs. 2 to 4 as they are contrary to the stipulation made during the pre-trial.

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<sup>12</sup> A.M. No. 03-1-09-SC (Guidelines to be Observed by Trial Court Judges and Clerks of Court in the Conduct of Pre-trial and Use of Deposition-Discovery Measures)

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2. After the arraignment, the court shall forthwith set the pre-trial conference within thirty days from the date of arraignment, and issue an order: (a) requiring the private offended party to appear thereat for purposes of plea-bargaining except for violations of the Comprehensive Dangerous Drugs Act of 2002, and for other matters requiring his presence; 12 (b) referring the case to the Branch COC, if warranted, for a preliminary conference to be set at least three days prior to the pre-trial to mark the documents or exhibits to be presented by the parties and copies thereof to be attached to the records after comparison and to consider other matters as may aid in its prompt disposition; and (c) ***informing the parties that no evidence shall be allowed to be presented and offered during the trial other than those identified and marked during the pre-trial except when allowed by the court for good cause shown.*** A copy of the order is hereto attached as Annex "E". In mediatable cases, the judge shall refer the parties and their counsel to the PMC unit for purposes of mediation if available.

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<sup>13</sup> G.R. Nos. 187912-14, [January 31, 2011], 656 PHIL 177-188)

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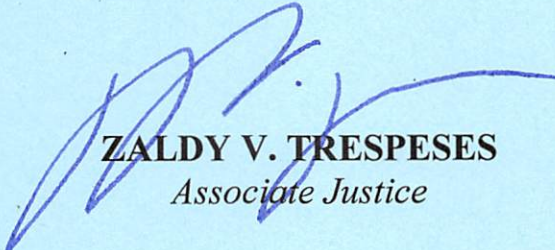
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**WHEREFORE**, premises considered, accused Sonia L. Dacasin's Omnibus Motion is **PARTIALLY GRANTED**. As such, the Court allows accused Dacasin to testify but only on matters not covered by the stipulation made during the pre-trial. Further, the Court allows the marking of accused's Exhs. 5 to 13.


**SO ORDERED.**

Quezon City, Philippines.




**ZALDY V. TRESPESES**  
*Associate Justice*

WE CONCUR:



**MA. THERESA DOLORES C. GOMEZ-ESTOESTA**  
*Associate Justice*  
**Chairperson**



**GEORGINA D. HIDALGO**  
*Associate Justice*

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