



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, **SB-17-CRM-1490**
Plaintiff, For: Violation of Section 3(e)
of Republic Act No. 3019

Present

- versus -

ELEANDRO JESUS F.
MADRONA, ET AL.,

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

Accused.

Promulgated:

JUL 05 2022

X-----X

RESOLUTION

FERNANDEZ, SJ, J.

This resolves the *Urgent Motion for Reinvestigation With Leave of Court*¹ filed by accused Elisa D. Morales, and the prosecution's *Opposition Re: Urgent Motion for Reinvestigation with Leave of Court filed by accused Elisa D. Morales.*²

In her Motion, accused Morales prays that the Court issue an order allowing the conduct of preliminary investigation insofar as she is concerned. She avers:

1. She was denied due process because she was not actually notified of the preliminary investigation before the Office of the Ombudsman.

¹ Dated June 13, 2022; Record, Vol. 6, pp. 101-108, 114-122

² Dated June 21, 2022 and filed by electronic mail on June 22, 2022

RESOLUTION

People vs. Madrona, et al.
SB-17-CRM-1490

Page 2 of 5

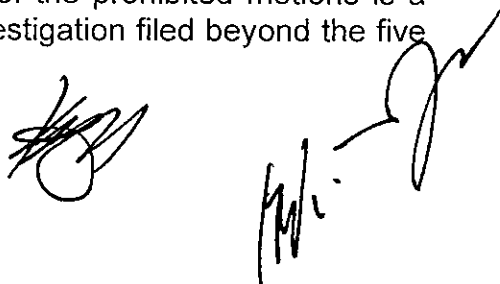
X -----X

2. She was not aware of the present case and the proceedings before the Office of the Ombudsman. She learned about the present case only on May 26, 2022.
 - a. On May 26, 2022, she returned to the Philippines from the United States where she has been residing since 2018. She was held up inside the airport, and was eventually advised to go to the Sandiganbayan for the processing of the "Request for Certificate of Not the Same Person."
 - b. On the same day, she proceeded to the Sandiganbayan where she was informed that she is one of the accused in the present case.
3. The instant motion is not prohibited under the *Revised Guidelines for Continuous Trial of Criminal Cases*³ (*Revised Guidelines*). She was not notified of the proceedings before the Ombudsman, and as a result, she failed to participate in the preliminary investigation.
 - a. Since birth, and even at the time of her arrival in the Philippines, her address in the Philippines has always been No. 1027 Cebu St., Sampaloc, Manila, as shown in her Certificate of Live Birth and Marriage Contract.
 - b. Despite having the same address ever since, she never received any notice pertaining to the preliminary investigation, nor was she furnished a copy of the complaint filed against her.

The prosecution counters:

1. Accused Morales claims that her address, as shown in her Certificate of Live Birth and Marriage Contract, has always been No. 1027 Cebu St., Sampaloc, Manila. However, the said documents were not attached to her Motion.
2. Accused Morales' Motion is a prohibited motion and should be denied outright.
 - a. Her Motion was filed beyond the reglementary period for filing the same. She became aware of the case against her on May 26, 2022, but she filed her Motion only on June 14, 2022. Under Item No. III (2) (b) (ii) of the *Revised Guidelines*, one of the prohibited motions is a motion for preliminary investigation filed beyond the five

³ A.M. No. 15-06-10-SC



RESOLUTION

People vs. Madrona, et al.
SB-17-CRM-1490

Page 3 of 5

X -----X

(5)-day reglementary period under Sec. 6, or [when preliminary investigation is required under] Sec. 8 of Rule 112[, or allowed in inquest proceedings and the accused failed to participate in the preliminary investigation despite due notice].

- b. Accused Morales failed to comply with Sec. 10, Rule 15 of the 2019 Amendments to the 1997 Rules of Civil Procedure.⁴

THE COURT'S RULING

The Court resolves to grant accused Morales' Motion.

Sec. 2 (c), Rule VII of the 2018 Revised Internal Rules of the Sandiganbayan (2018 Internal Rules)⁵ provides:

Section 2. Prohibited Motions. – The following are prohibited motions:

x x x

(c) Motion for reinvestigation of the prosecutor recommending the filing of information once the information has been filed before the Sandiganbayan [1] if the motion is filed without prior leave of court; [2] when preliminary investigation is not required under Section 8, Rule 112; and [3] when the regular preliminary investigation is required and has been actually conducted, and the grounds relied upon in the motion are not meritorious, such as issues or credibility, admissibility of evidence, innocence of the accused, or lack of due process when the accused was actually notified, among others;

x x x

(underscoring supplied)

Here, accused Morales claims that she was denied due process because she did not receive notices from the Office of the Ombudsman. The records show that a copy of the Office of the Ombudsman's *Joint Resolution* dated October 9, 2014 for therein respondent Elisa D. Morales was sent to Unit D, 5th West Gate Tower, Investment Drive

⁴ Sec. 10. *Motion for leave.* – A motion for leave to file a pleading or motion shall be accompanied by the pleading or motion sought to be admitted.

⁵ A.M. No. 13-7-05-SB

RESOLUTION

People vs. Madrona, et al.
SB-17-CRM-1490

Page 4 of 5

x -----x

Madrigal Business Park, Ayala Alabang, Muntinlupa City.⁶ A copy of the Office of the Ombudsman's *Joint Order* dated February 9, 2016 was also sent to the same address,⁷ which appears to be the address of Feshan Philippines, Inc. However, there is no proof that accused Morales actually received the said copies, or any notice from the Office of the Ombudsman for that matter. Thus, accused Morales' *Urgent Motion for Reinvestigation* on the ground of lack of due process is not a prohibited motion under the *2018 Internal Rules*.

Next, the five (5)-day reglementary period being referred to in Item No. III. 2. (b) ii. of the *Revised Guidelines*, and in Sec. 2(b), Rule VII of the *2018 Internal Rules*, does not apply to the matter at hand. The provision of the *2018 Internal Rules* reads:

(b) Motion for preliminary investigation filed beyond the five (5)-day reglementary period in inquest proceedings under Section 6, Rule 112, or when preliminary investigation is required under Section 8, Rule 112, or allowed in inquest proceedings and the accused failed to participate in the preliminary investigation despite due notice;

(emphasis and underscoring supplied)

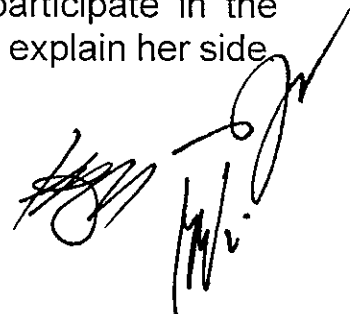
It is immediately apparent that the period pertains to inquest proceedings, or to instances when the accused failed to participate in the preliminary investigation despite due notice. The aforementioned provision cannot apply to the present case.

Finally, due process is satisfied when the parties are afforded fair and reasonable opportunity to explain their side of the controversy or an opportunity to move for a reconsideration of the action or ruling complained of.⁸ It appears that accused Morales was not able to participate in the preliminary investigation and file her motion for reconsideration of the Ombudsman's *Joint Resolution* because she did not actually receive notices from the Office of the Ombudsman. To afford her due process, she must be allowed to participate in the preliminary investigation to give her the opportunity to explain her side.

⁶ Record, Vol. 1, pp. 29, 32

⁷ Record, Vol. 1, pp. 41-42

⁸ *Velasco v. Sandiganbayan*, G.R. No. 169253, February 20, 2013, citing *Redulla v. Sandiganbayan (First Division)*, G.R. No. 167973, February 28, 2007



RESOLUTION

People vs. Madrona, et al.

SB-17-CRM-1490

Page 5 of 5

X-----X

WHEREFORE, accused Morales' *Urgent Motion for Reinvestigation* is hereby GRANTED. The Office of the Ombudsman is DIRECTED to conduct a reinvestigation as to accused Morales. It is further DIRECTED to inform this Court of its action thereon within a non-extendible period of sixty (60) days from receipt of this Resolution. The proceedings are suspended as to accused Morales pending the conduct of the reinvestigation.

The Court NOTES the *Formal Entry of Appearance*⁹ by ERIC P. FUENTES LAW OFFICE, through Attys. Eric P. Fuentes and Iriz Chryzl Romero-Tapao. Henceforth, let all notices and copies of resolutions, orders, and other court processes be served on said counsel for accused Morales at:

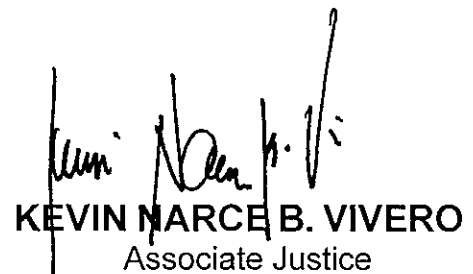
ERIC P. FUENTES LAW OFFICE
1458 Laon Laan cor. Navarra St.,
Sampaloc Manila 1015

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


KEVIN MARCE B. VIVERO
Associate Justice

⁹ Dated June 13, 2022; Record, Vol. 6, pp. 99-100