



REPUBLIC OF THE PHILIPPINES  
**SANDIGANBAYAN**  
QUEZON CITY

**THIRD DIVISION**

**REPUBLIC OF THE  
PHILIPPINES,**

**Petitioner,**

**SB-14-CVL-0002**

For: Forfeiture of Unlawfully  
Acquired Properties  
under R.A. No. 1379

**- versus -**

*Present:*

**HERNANDO B. PEREZ,  
ROSARIO S. PEREZ, ERNEST  
D. ESCALER, and RAMON  
ANTONIO C. ARCEO JR.,**

**Respondents.**

**CABOTAJE-TANG, P.J.,**  
Chairperson,  
**FERNANDEZ, B., J. and  
MORENO, J.**

*Promulgated:*

AUGUST 22, 2022 

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**RESOLUTION**

**CABOTAJE-TANG, P.J.:**

For resolution is Respondent Ernest De Leon Escaler's "Motion to Expunge from the Records [i] the Manifestation with Submission (Re: Judicial Affidavit of Atty. RJ Andrade Bernal); and [ii] the Judicial Affidavit of Atty. RJ Andrade Bernal" dated July 1, 2022.<sup>1</sup>

  
<sup>1</sup> Record, Vol. VIII, pp. 753-757

**Resolution**

Civil Case No. SB-14-CVL-0002  
Republic v. Perez, *et al.*

-2-

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In his motion, respondent Escaler avers that the Judicial Affidavit of Atty. RJ Bernal was filed out of time as the fifteen-day period granted by the Court expired on June 9, 2022. He further argues that petitioner simply submitted the judicial affidavit, and informed the Court of such submission through its “Manifestation with Submission” dated June 30, 2022, in disregard of the fact that the Court has not yet acted on its *Motion for Partial Reconsideration* dated June 09, 2022 asking for additional time to submit the judicial affidavits of its witnesses. Respondent Escaler likewise repleads and incorporates by way of reference his arguments in his (a) *Opposition [To Petitioner’s Motion for Partial Reconsideration of the Resolution dated May 25, 2022]* dated June 24, 2022, (b) *Reply to Petitioner’s Comment/Opposition* dated June 9, 2022, (c) *Objection/Motion to Expunge from the Records [To the Admission of/the Judicial Affidavit of Atty. Liezel de Leon]* dated June 3, 2022, and (d) *Objection/Motion to Expunge from the Records [To the Admission of/the Judicial Affidavits of Ms. Hedeliza Quiambao Encabo, Mr. Bernard V. Corrales, Atty. Mary Susan S. Guillermo, and Atty. James G. Viernes]*. Therein, respondent Escaler argues that the judicial affidavits submitted by the petitioner should not be admitted or should be expunged from the records for gross violation of the following: (a) 2019 Amendments to the 1997 Rules of Court, (b) the Judicial Affidavit Rule (JAR), (c) A.M. No. 03-1-09,<sup>2</sup> and (d) 2018 Revised Internal Rules of the Sandiganbayan.

Finally, respondent Escaler argues that by submitting the judicial affidavit merely by way of manifestation, there is bad faith on the part of the petitioner as it openly defies the Court’s directive in its *Resolution* dated May 25, 2022.

On July 8, 2022, respondents Perez and Arceo, Jr. filed a *Manifestation* stating that they are adopting respondent Escaler’s motion as their own.<sup>3</sup>

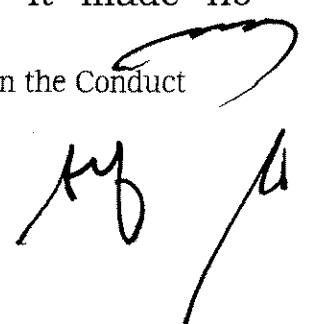
In its *Comment and/or Opposition* dated July 1, 2022,<sup>4</sup> the petitioner avers that in filing its *Manifestation*, it made no

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<sup>2</sup> Guidelines to be Observed by Trial Court Judges and Clerks of Court in the Conduct of Pre-trial and Use of Deposition-Discovery Measure

<sup>3</sup> Record, Vol. VIII, pp. 761-762.

<sup>4</sup> Record, Vol. VIII, pp. 763-766.



**Resolution**

Civil Case No. SB-14-CVL-0002  
Republic v. Perez, *et al.*

-3-

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assumption that its *Motion for Partial Reconsideration* would be granted by this Court. As stated in its manifestation, it contends that it was submitting the judicial affidavit in good faith and without intention to defy the directive of the Court in its *Resolution* dated May 25, 2022 nor pre-empt the resolution of its motion for partial reconsideration. Furthermore, it claims that insofar as respondent Escaler reiterates his previous submissions, grounds and arguments, it likewise adopts its counterarguments raised and discussed in its *Comments/Opposition*<sup>5</sup> to respondent's respective motions. Finally, it prays that the Court considers its arguments raised in its *Motion for Partial Reconsideration* as sufficient justification for submitting the judicial affidavit of Atty. Bernal and its attachments beyond the June 09, 2022 deadline.

**THE RULING OF THE COURT**

The Court merely **NOTES** the motion as the issue at hand has become moot and academic.

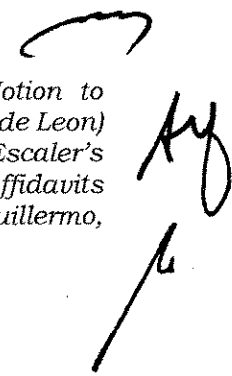
It bears noting that in our *Resolution* promulgated in July 28, 2022, we denied respondent Escaler's *Objection/Motion* to Expunge from the records the judicial affidavits of Atty. Liezel de Leon, Ms. Hedeliza Enacob, Mr. Bernard Corrales, Atty. Mary Susan Guillermo, and Atty. James Viernez, and granted petitioner's *Motion for Partial Reconsideration*. Accordingly, we ordered the petitioner to submit the judicial affidavits of all its witnesses within fifteen (15) days from notice of said Resolution.

Undoubtedly, the judicial affidavit of Atty. RJ Andrade Bernal was submitted within the additional period granted by the Court as it was filed on June 30, 2022.

**WHEREFORE,** respondent Ernest De Leon Escaler's "*Motion to Expunge from the Records [i] the Manifestation with Submission (Re: Judicial Affidavit of Atty. RJ Andrade Bernal)*;

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<sup>5</sup> *Comment/Opposition to Respondent Ernest De Leon Escaler's Objection/Motion to Expunge from the Records (To the Admission of/the Judicial Affidavit of Atty. Liezel de Leon) dated June 7, 2022, and Comment/Opposition to Respondent Ernest De Leon Escaler's Objection/Motion to Expunge from the Records [To the Admission of/the Judicial Affidavits of Ms. Hedeliza Quiambao Encabo, Mr. Bernard V. Corrales, Atty. Mary Susan S. Guillermo, and Atty. James G. Viernes) dated June 28, 2022.*



**Resolution**

Civil Case No. SB-14-CVL-0002  
Republic v. Perez, *et al.*

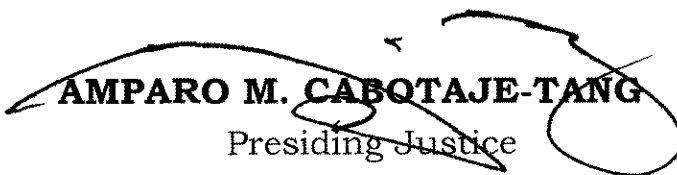
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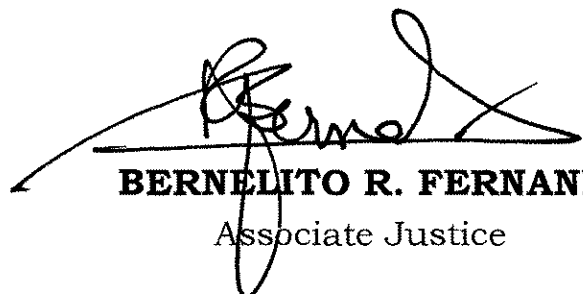
and [ii] the Judicial Affidavit of Atty. RJ Andrade Bernal ” dated July 1, 2022 is **NOTED** for being moot and academic.

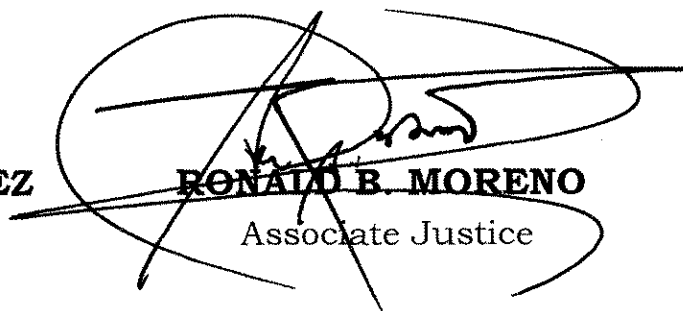
**SO ORDERED.**

Quezon City, Metro Manila

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

**WE CONCUR:**

  
**BERNELITO R. FERNANDEZ**  
Associate Justice

  
**RONALD B. MORENO**  
Associate Justice