



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:

September 9, 2022 

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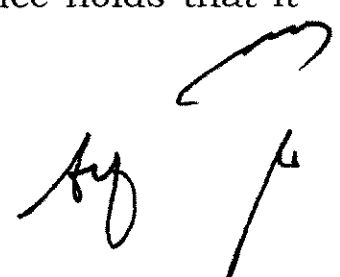
RESOLUTION

CABOTAJE-TANG, P.J.:

For resolution is the “*Motion for Reconsideration*” dated August 11, 2022, filed by respondents Hernando B. Perez and Ramon Antonio C. Arceo, Jr.¹

In their motion, respondents Perez and Arceo aver that the granting of the petitioner’s motions despite the finding of fault on its part is not in accord with jurisprudence. They claim that a litigant cannot barely invoke the plea of the substantial interest of justice to compel a court to suspend or allow non-observance of procedural rules as jurisprudence holds that it

¹ Record, Vol. IX, pp. 83-88



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can only be invoked for the most persuasive or exceptionally meritorious reasons.²

Respondents argue that the petitioner has not given a persuasive reason nor has it presented an exceptionally meritorious case to merit the relaxation of the rules, viz: (1) in its *Motion for Inclusion of Exhibits and Witnesses in the Pre-trial Order* dated May 31, 2022, the petitioner merely alleged that “upon further review, it finds it necessary to include the exhibits,” which according to the respondents is untenable in light of the fact that the petitioner already had a chance to review its evidence and witnesses, and (2) in its *Motion for Partial Reconsideration* dated June 09, 2022, the petitioner’s claim that the COVID-19 pandemic impeded its efforts to confer with witnesses is untenable considering that this case was filed in 2014 and a previous notice of pre-trial had already been issued in 2018.

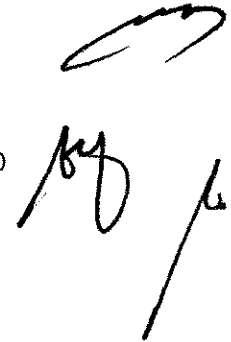
In its “*Comment/Opposition*” dated August 15, 2022,³ the petitioner maintains that the cases cited by respondents Perez and Arceo, Jr. in support of their motion are misplaced. It argues that the cited cases all involve a blatant disregard of the rules by the parties therein, which is absent in this case. The petitioner likewise highlights the peculiar situation present in this case, i.e. the threat of the COVID-19 infection, wherein current safety protocols and mobility restrictions impede its ability to confer with its witnesses. Finally, it insists that the grant of the previous motions do not unduly prejudice the respondents as they will still have ample time to prepare and examine the petitioner’s witnesses.

THE RULING OF THE COURT

We find the motion unmeritorious.

To be sure, the granting of the petitioner’s motions in the Court’s Resolution dated July 28, 2022 was made in the exercise of the Court’ discretion, not upon finding that the

² Citing Lazaro et al. v. Court of Appeals, G.R. No. 137761, April 6, 2000
³ Record, Vol. IX, pp. 104-108

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petitioner's justifications were meritorious, but rather to achieve a full resolution of the case based on the merits, viz:

I. Motion for Inclusion of Exhibits and Witnesses in the Pre-Trial Order

... ..

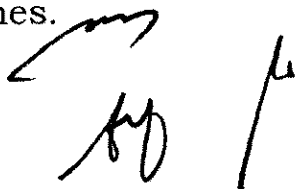
After a careful consideration of the circumstances of this case, the Court grants the inclusion of the additional documents and witnesses in the Pre-Trial Order considering that the Pre-Trial Order has not been issued yet. As we earlier stated, the court, in the exercise of its judicial discretion, can relax compliance with procedural rules of even the most mandatory character, if doing so would serve the ends of justice. In this case, the additional marking of evidence and inclusion of witnesses would not unduly prejudice the respondents since the prosecution has not even begun with the presentation of its evidence.

... ..

III. Motion for Partial Reconsideration

... ..

Nonetheless, in the higher interest of justice, the Court is giving the petitioner **ONE FINAL OPPORTUNITY** to submit the judicial affidavits of all its witnesses to ensure that the merits of the case will be fully ventilated. It is well-settled that courts, in the exercise of its equity jurisdiction, may disregard procedural lapses, so that a case may be resolved on its merits based on the evidence presented by the parties.²⁸ No further extension shall be granted to the petitioner, considering that the petitioner had ample opportunity throughout the years to obtain the testimonies of its witnesses, even those not residing in the Philippines.



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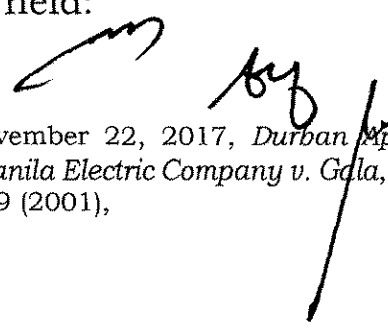
Jurisprudence is replete with pronouncements that the Court, in the exercise of its equity jurisdiction, can disregard procedural lapses to allow the full ventilation of the merits of the case.⁴ In *Malixi v. Baltazar*,⁵ the Supreme Court reversed the decision of the Court of Appeals dismissing the petition on procedural grounds, and ruled that the circumstances of the case warrant the liberal application of the rules, viz:

Due to compelling circumstances in this case, this Court opts for a liberal application of procedural rules. First, Department Personnel Order No. 2008-1452, which designated respondent as Officer-in-Charge of Bataan General Hospital, was signed by then Department of Health Secretary Duque. Duque was also the signatory in the 2008 Memorandum of Agreement, the undated Supplemental Memorandum of Agreement, and the June 16, 2009 Memorandum of Agreement, which were the bases of respondent's secondment. Duque was later appointed as Civil Service Commission Chairman and signed the October 17, 2011 Decision and the July 17, 2012 Resolution of the Civil Service Commission, dismissing the complaint against respondent. Clearly, a conflict of interest existed when the public officer authorizing the secondment of respondent was also the same person dismissing the complaint questioning respondent's secondment.

Second, resolving the merits of the case would "give more efficacy to the constitutional mandate on the accountability of public officers and employees[.]" In *Executive Judge Paredes v. Moreno*, this Court found respondent "guilty of conduct prejudicial to the best interest of the service" for his continued absence of almost three (3) months. This Court held:

⁴ See *Malixi v. Baltazar*, G.R. No. 208224, November 22, 2017, *Durban Apartments Corporation v. Catacutan*, 514 Phil. 187 (2005), *Manila Electric Company v. Gala*, 683 Phil. 356 (2012), *Paras v. Judge Baldado*, 406 Phil. 589 (2001),

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His misconduct is prejudicial to the service. Although a mere employee/laborer in the City Court of Manila, respondent is as much duty-bound to serve with the highest degree of responsibility, integrity, loyalty and efficiency as all other public officers and employees . . . We find respondent's shortcomings to warrant a sanction to serve as deterrent not only to him but also to other court employees who shall commit the same or any and all forms of official misconduct which undermine the people's faith in their fitness for public service.

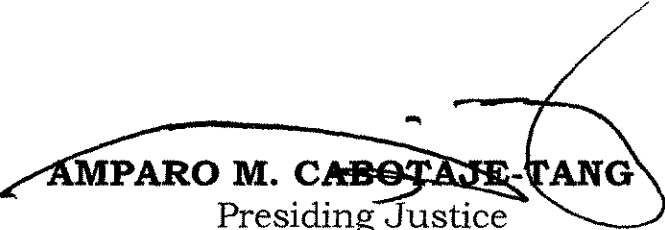
Furthermore, in the interest of judicial economy, the Court of Appeals should avoid dismissal of cases based merely on technical grounds. Judicial economy requires the prosecution of cases "with the least cost to the parties" and to the courts' time, effort, and resources.⁶

Heedful of the above teaching, we find no reason to reverse our earlier ruling.

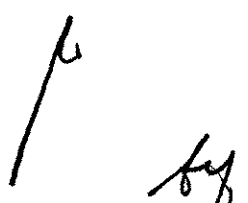
WHEREFORE, the "*Motion for Reconsideration*" dated August 11, 2022, filed by respondents Hernando B. Perez and Ramon Antonio C. Arceo, Jr., is **DENIED** for lack of merit.

SO ORDERED.

Quezon City, Metro Manila


AMPARO M. CABOTAJE-TANG
Presiding Justice
Chairperson

⁶ Emphasis supplied

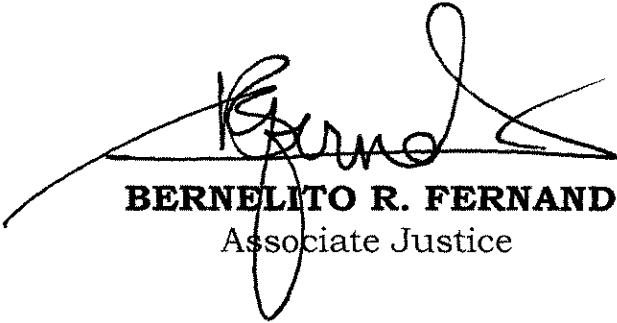


Resolution

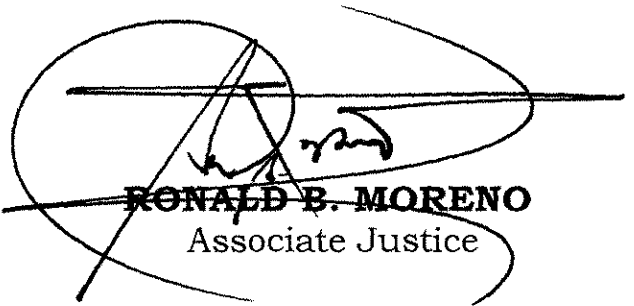
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WE CONCUR:



BERNELITO R. FERNANDEZ
Associate Justice



RONALD B. MORENO
Associate Justice

