



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

THIRD DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Criminal Case No.
SB-19-CRM-0001-0002
*For: Violation of Section
3(e), R.A. No. 3019*
SB-19-CRM-0003
*For: Violation of Article
217, Revised Penal Code*
SB-19-CRM-0004
*For: Violation of Article
217 in rel. to. Article 171
of the Revised Penal Code*

-versus-

**ANTONIO YRIGON ORTIZ,
ET AL.,**
Accused,

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

PROMULGATED:

September 9, 2022 *jb*

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RESOLUTION

Moreno, J.:

For resolution is the *Ex-Parte Urgent Motion for Consolidation*¹ filed by accused Petronila A. Balmaceda, Thelma B. Melegrito and Leoncio G.

¹ Records, vol. VI, pp. 530-532.

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Balisi on August 1, 2022. The prosecution (through the Office of the Special Prosecutor) filed its *Opposition x x x*² to the motion for consolidation on August 10, 2022.

In their motion filed before this Court's Third Division, Balmaceda, et al. sought to consolidate Criminal Case No. 22-CRM-143 (for violation of Section 4(a) of Republic Act No. 9160, as amended) – pending in the Court's Second Division – with Criminal Case Nos. SB-19-CRM-0001-0002 (for violation of Section 3(e), R.A. No. 3019) and Criminal Case Nos. SB-19-CRM-0003 - 0004 (for malversation of public funds under Article 217 of the Revised Penal Code) at the Third Division “with the conformity of the Honorable Justices of the Second Division.”³ They pointed out that since the lower numbered cases (i.e., Criminal Case Nos. SB-19-CRM-0001 to 0002 and Criminal Case Nos. SB-19-CRM-0003 to 0004) had been assigned to this Court's Third Division, Criminal Case No. 22-CRM-143 should be consolidated with the former at the Third Division.⁴

Balmaceda, et al. additionally claimed that their motion “is being filed for purposes of expediency, economy and facility in the administration of justice.”⁵

In its *Consolidated Opposition*, the prosecution (through the Office of the Special Prosecutor) prayed for the denial of the movants' motion for lack of merit. It countered that the present motion for consolidation should have been filed before this Court's Second Division pursuant to Section 4(b), Rule XIII, Part IV of the 2018 Revised Internal Rules of the Sandiganbayan.

The prosecution additionally argued that the accused-movants' motion would only stall the proceedings and delay the resolution of the cases, considering that: the proceedings in the subject cases are in different stages; and, the complexity of the issues in Criminal Case No. 22-CRM-143 would necessitate the presentation of additional evidence. It additionally posited that there had been no indication that the other accused – Dennis L. Cunanan and Ma. Rosalinda M. Lacsamana – had similar intention to have the subject cases consolidated.

THE COURT'S RULING:

After due consideration, we **deny** the *Ex-Parte Urgent Motion for Consolidation*⁶ filed by accused Balmaceda, Melegrito and Balisi.

² *Id.* at 596-601.

³ *Id.* at 531.

⁴ *Id.*

⁵ *Id.*

⁶ Records, vol. VI, pp. 530-532.



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The 2018 Revised Internal Rules of the Sandiganbayan allows the consolidation and transfer of cases arising from the same incident or series of incidents, or involving common questions of fact and law *in the Division to which the case bearing the lowest docket number is assigned*, in order to promote the speedy disposition of cases, and serve the convenience of the parties and the interest of justice.⁷

Nonetheless, Section 4(b) Rule XIII, Part IV of the 2018 Revised Internal Rules of the Sandiganbayan lays down the proper procedure as regards the consolidation of cases *after the case are raffled*, as in this case, as follows:

Section 4. Consolidation and Transfer of Cases –

X X X X

(b) *After the Cases are Raffled.* — If the propriety of such consolidation becomes apparent only after the cases are raffled, consolidation may be effected *motu proprio* by the Division or upon written motion of a litigant concerned **filed with the Division taking cognizance of the case to be consolidated**. If the motion is granted, consolidation shall be made to the Division with the lowest docket number, and if the latter accepts the consolidation, it may transfer to the former, an equivalent number of cases of approximately the same number of parties, age, nature and stage in the proceedings, with proper notice to the parties in said cases.⁸

Following this Section, the movants **should have filed their motion with the Court's Second Division – the Division taking cognizance of the case to be consolidated (that is, SB-22-CRM-0143)**. Accordingly, it is only after the Second Division grants the motion could the consolidation be made to this Division where the cases with the lowest docket number are pending. The accused-movants' procedural faux pax cannot be overlooked as the 2018 Internal Rules were designed to provide order to the proceedings and internal operations of the Anti-Graft Court.

As earlier stated, consolidation may be allowed in order to promote the speedy disposition of cases, and serve the convenience of the parties and the interest of justice. In the present case however, and as intimated by the prosecution, consolidation of the subject cases may not serve this purpose considering that the proceedings of the cases before this Division and that of SB-22-CRM-0143 assigned to the Second Division are in different stages. We additionally note that the other accused have not indicated their acquiescence to the consolidation.

⁷ See Section 4, Rule XIII, Part IV of the 2018 Revised Internal Rules of the Sandiganbayan..

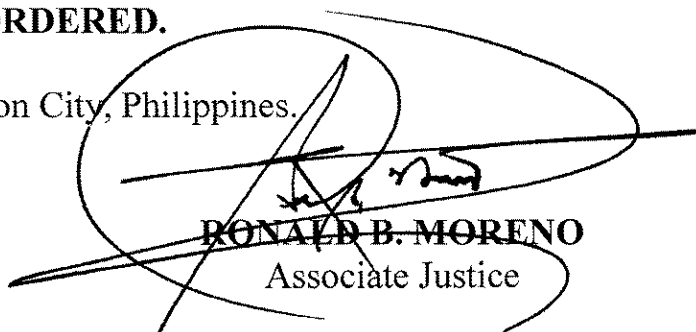
⁸ Emphasis supplied.

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WHEREFORE, premises considered, the *Ex-Parte Urgent Motion for Consolidation* filed by accused Petronila A. Balmaceda, Thelma B. Melegrito and Leoncio G. Balisi is hereby **DENIED** for lack of merit.

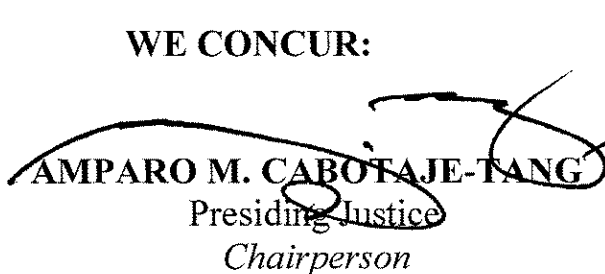
SO ORDERED.

Quezon City, Philippines.

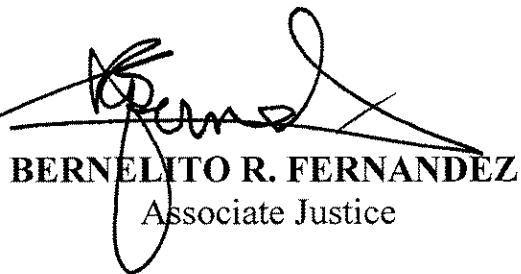


RONALD B. MORENO
Associate Justice

WE CONCUR:



AMPARO M. CABOTAJE-TANG
Presiding Justice
Chairperson



BERNELITO R. FERNANDEZ
Associate Justice