



REPUBLIC OF THE PHILIPPINES

**Sandiganbayan**  
QUEZON CITY

**THIRD DIVISION**

**REPUBLIC OF THE  
PHILIPPINES,**

**Petitioner,**

**Civil Case No. 0026**

**- versus -**

**MARIA REMEDIOS ARGANA,  
et al.,**

**Respondents.**

*Present:*

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

*Promulgated:*

November 10, 2022

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## **RESOLUTION**

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

For resolution is the “*Motion for Reconsideration (to the Resolution dated 15 September 2022)*” dated October 10, 2022, filed by respondents Milagros Argana Rogelio, Luis Argana, Jr., Estate of Juanito Rogelio, Amparo Argana Nofuente, Estate of Eufrocino Nofuente, Maria Felicidad Argana-Espeleta and Estate

*By*

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of Gelacio Argana.<sup>1</sup>

In support of their *motion for reconsideration*, the respondent-movants contend that [1] there is no showing that the stipulation in the paragraph 2 of the Pre-Trial Order (PTO) dated May 23, 2022, was done by mistake by the petitioner which can justify its deletion, [2] the PTO dated May 23, 2022, already attained finality when the parties signed the same and there is no good reason to relax the rules for its amendment,<sup>2</sup> and [3] the petitioner's *motion* to amend the description of the documents in the said PTO dated May 23, 2022, has no basis.<sup>3</sup>

Respondent-movants Rogelio, *et al.*, submit that paragraph 2 of the *Stipulated Facts* in the said PTO was duly agreed upon by the parties during the Pre-Trial Conference; the parties are not limited by the *stipulations of fact* contained in their Pre-Trial Briefs but may propound additional *stipulations of fact* during the Pre-Trial Conference; the Pre-Trial Briefs serve merely as a guide for the parties and the Court to expedite the proceedings and assist in the orderly administration of justice; and, what binds the parties is the Pre-Trial Order duly signed by them wherein they are

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<sup>1</sup> pp. 570-577, Vol. XXVI, Record

<sup>2</sup> *Id.*, at p. 574

<sup>3</sup> *Id.*, at pp. 575-576

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given the opportunity to study the same.<sup>4</sup>

On the petitioner's argument that "*there is nothing in the records that would show that it agreed to the stipulation in the second paragraph of the Pre-Trial Order dated May 23, 2022,*" the respondent-movants argue that it is not incumbent upon them to prove that the petitioner agreed with the said stipulation, but the petitioner must show that it did not make such stipulation.<sup>5</sup>

They further contend that it is clear from the records of this case that the subject PTO was duly signed by the counsels of the petitioner: two (2) lawyers from the Office of the Solicitor General (OSG) and one (1) lawyer from the Presidential Commission on Good Government (PCGG). The respondent-movants also allege that the petitioners failed to present any evidence that its counsels were mistaken, defrauded, or coerced into signing the said PTO.<sup>6</sup>

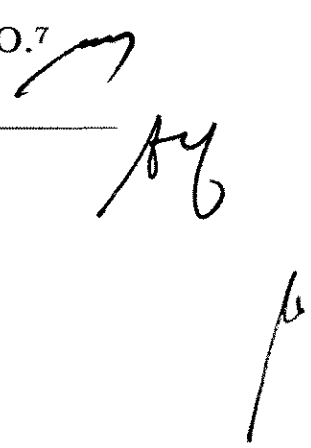
Moreover, they point out that the during the Pre-Trial Conference in this case, the petitioner was represented by Senior State Solicitor Gerald Sotto and there is no evidence that shows that Atty. Sotto did not agree to the stipulation in paragraph 2 of the subject PTO.<sup>7</sup>

<sup>4</sup> *Id.*, at pp. 572-573

<sup>5</sup> *Id.*, at p. 573

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*, at pp. 573-574

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Furthermore, the respondent-movants submit that the subject PTO already attained finality when it was signed by the parties. Thus, there is no reason to relax the rules absent any showing by the petitioner that the subject stipulation was irregularly made, and assuming *arguendo* that there was a mistake in the said PTO, such defect/mistake was cured by the express acquiescence of the lawyers of the petitioner when they affixed their signatures thereon.<sup>8</sup>

To further support their arguments, the respondent-movants invoke the cases of *Lazaro, et al., v. Court of Appeals*<sup>9</sup> and *Ti v. Diño*<sup>10</sup> and argue that the relaxation of the procedural rules in the interest of substantial justice is only applicable to exceptionally meritorious cases, and the fact that the record of this case is voluminous is not a justifiable reason for the failure of the petitioner to timely object to the subject PTO.<sup>11</sup>

Lastly, respondent-movants Rogelio, *et al.*, submit that the petitioner's *motion to amend the description of the documents* contained in the subject PTO to allegedly "*reflect their true nature*" has no basis. According to them, the petitioner failed to [1] identify

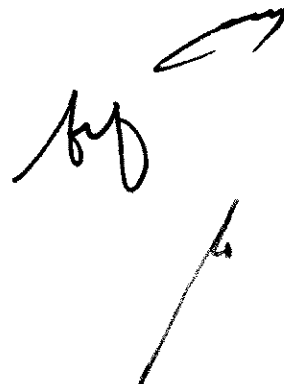
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<sup>8</sup> *Id.*, at p. 574

<sup>9</sup> 330 SCRA 208 (2000)

<sup>10</sup> 844 SCRA 44 (2017)

<sup>11</sup> *Id.*, at p. 575

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therein the exhibits mentioned in the said PTO that it wishes to amend, [2] specifically state the alleged defects in the description of each exhibit that would justify the amendment in its description.<sup>12</sup>

In its “*Comment (on the Motion for Reconsideration)*” dated October 24, 2022,<sup>13</sup> the petitioner contends that the Court correctly observed that the questioned stipulation was a mere proposal of the respondent-movants; the petitioner did not agree to such stipulation; and, the extent of the stipulation of the petitioner was only insofar as the receipt by Mayor Argana of his government salary and representation allowances is concerned.<sup>14</sup>

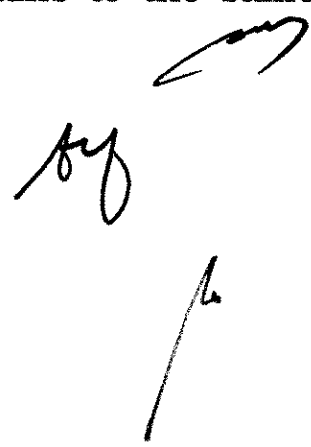
On the amendments made on the list of the petitioner’s documentary exhibits, it reiterates that the said amendment is being simply made to reflect the true nature and description of the documents for the convenience of the Court and the parties. According to the petitioner, the amendment in issue will not affect or prejudice the substantial rights of the respondents because the list of exhibits contained in the above-mentioned *Motion to Amend Pre-Trial Order* dated September 5, 2022, pertains to the same

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<sup>12</sup> *Id.*, at p. 576

<sup>13</sup> *Id.*, at pp.760-762

<sup>14</sup> *Id.*, at p. 761

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documents that were presented and pre-marked during the Pre-Trial Conference of this case.<sup>15</sup>

### **THE RULING OF THE COURT**

The respondent-movants' present *motion for reconsideration* challenges the Court's Resolution promulgated on September 15, 2022,<sup>16</sup> wherein it ordered the amendment of the said PTO, thereby removing paragraph 2 from the list of stipulated facts.<sup>17</sup> For better understanding, paragraph 2 of the subject PTO reads:

2. Mayor Argana was a practicing lawyer, which was one of the sources of his income. Mayor Argana likewise received income from various businesses, including fish pens, pawnshops, scrap metal business, bowling alleys, and billiard halls.

In the questioned *Resolution*, the Court held that the above-mentioned "*stipulation*" is a mere proposal of the respondents, and the petitioner did not agree to such stipulation.<sup>18</sup> Therein, the Court noted the following stipulations of fact reflected in the Pre-Trial Brief of the petitioner:<sup>19</sup>

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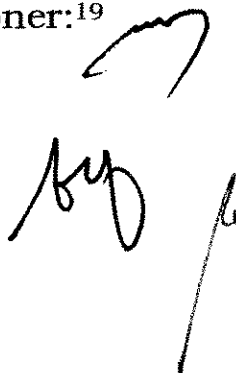
<sup>15</sup> *Id.*, at p. 761

<sup>16</sup> pp. 511-515, Vol. XXIV, Records

<sup>17</sup> *Id.*, at p. 514

<sup>18</sup> *Id.*, at p. 514

<sup>19</sup> *Id.*, at p. 513

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**Pre-Trial Brief dated October 1, 2018, filed by the  
petitioner**

1. The late Maximino A. Argana was Mayor of the Municipality of Muntinlupa, Metro Manila from 1964 to 1967 and from 1972 up to his death
2. His approximate aggregate salaries and representation allowance as such public official during his incumbency as Mayor is P412,212.00.

. . . .

6. ***Except for his government salary and representation allowances the said deceased had no other known sources of income which may justify acquisition of the aforementioned assets.***<sup>20</sup>

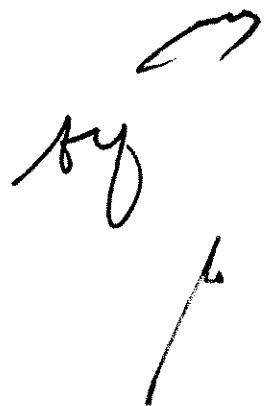
To be sure, Item No. 6 of the said Pre-Trial Brief repudiates Item No. 1.02 of the respondents' Joint Pre-Trial Brief dated October 8, 2018. Notably, the wordings of Item No. 1.02 are similar to the above-mentioned paragraph 2 of the subject PTO.

Plainly, the pronouncement of the Court in its challenged *Resolution* promulgated on September 15, 2022, was made after its perusal of the records of this case,<sup>21</sup> and after a second look at the records. The Court thus maintains its finding that there is no indication that the petitioner agreed to the proposed stipulation

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<sup>20</sup> pp. 236-237, Vol. IX, Record; Emphasis supplied

<sup>21</sup> *Id.*, at p. 513

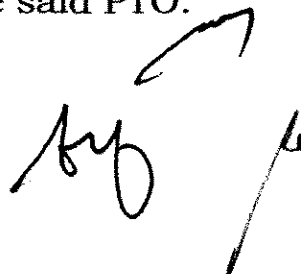
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made by the respondents in Item No. 1.02 of their Joint Pre-Trial Brief.

On the respondent-movants' argument that the subject PTO can no longer be amended, and it has already attained finality because it was already signed by the two (2) lawyers from the OSG and one (1) lawyer from the PCGG after their review, it must be pointed out that these matters are mere reiterations of the issues they raised when they interposed their objection to the petitioner's *Motion to Amend Pre-Trial Order* during the hearing on September 14, 2022. Plainly, the same were duly passed upon and considered by the Court in its challenged *Resolution*.

Also, it bears noting that Rule 18, Section 7 of A.M. No. 19-10-20-SC, or the *2019 Amendments to the 1997 Rules of Civil Procedure*, allows the modification of the contents of the Pre-Trial Order before trial to prevent manifest injustice. Thus, taking into consideration the arguments raised by the parties and applying existing laws and rules, the Court granted the petitioner's *Motion to Admit Pre-Trial Order*, and the subject PTO was amended by [1] deleting the above-mentioned stipulation, and [2] reflecting the nature and description of the documents of the petitioner in the list of documentary exhibits in the said PTO.

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In sum, the respondent-movants have utterly failed to raise any new or substantial matters that would warrant a reconsideration of the Court's *Resolution* promulgated on September 15, 2022.

**WHEREFORE**, the "*Motion for Reconsideration (to the Resolution dated 15 September 2022)*" dated October 10, 2022, filed by respondents Milagros Argana Rogelio, Luis Argana, Jr., Estate of Juanito Rogelio, Amparo Argana Nofuente, Estate of Eufrocinio Nofuente, Maria Felicidad Argana-Espeleta and Estate of Gelacio Argana,<sup>22</sup> is **DENIED** for lack of merit and for being *pro-forma*.

**SO ORDERED.**

Quezon City, Metro Manila

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

**WE CONCUR:**

  
**BERNELITO R. FERNANDEZ**  
Associate Justice

  
**RONALD B. MORENO**  
Associate Justice

<sup>22</sup> pp. 570-577, Vol. XXVI, Record

