



REPUBLIC OF THE PHILIPPINES

Sandiganbayan
QUEZON CITY

SEVENTH DIVISION

MINUTES of the proceedings held on January 20, 2023.

Present:

MA. THERESA DOLORES C. GOMEZ-ESTOESTA ----- Chairperson
ZALDY V. TRESPESES ----- Associate Justice
BAYANI H. JACINTO¹ ----- Associate Justice

The following resolution was adopted:

SB-22-CRM-0190 – People of the Philippines vs. Taha Guro Sarip

Before the court is an **Omnibus Motion for Consolidation and Joint Trial** dated October 25, 2022, filed by accused Taha Guro Sarip praying for the consolidation of this case, SB-22-CRM-190, to the Sixth Division before whom Criminal Case Nos. SB-CRM-0189 and SB-CRM-0192 were raffled, which bore the lowest docket number, for joint trial and hearing.

The rules governing consolidation of cases are, as follows:

1. Section 1, Rule 31 of the 2019 Revised Rules of Civil Procedure which provides:

Section 1. Consolidation. – When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all matters in issue in the actions; it may order all actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

2. Its counterpart provision in the Revised Rules of Criminal Procedure is found in Section 22, Rule 119 which admits of a more constricted or narrowed sense, viz:²

Sec. 22. Consolidation of trials of related offenses. – Charges for offenses founded on the same facts or forming part of a series of offenses of similar character may be tried jointly at the discretion of the court.

¹ In Lieu of Justice Georgina Hidalgo per A.O. 014-2023 dated January 17, 2023.

² *Neri v. Sandiganbayan*, G.R. No. 202243, August 7, 2013.

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3. This is complemented in Section 4, Rule XIII of the 2018 Revised Internal Rules of the Sandiganbayan, thus:³

Sec. 4. *Consolidation and Transfer of Cases.* – Cases arising from the same incident or series of incidents, or involving common questions of fact and law, may be consolidated 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.

The requirement for consolidation in all provisions is that the cases should proceed from “*related offenses*” as is the constricted sense in criminal cases, or if its counterpart provision in civil cases be referred to, that they “*involve a common question of law or fact.*” The Internal Rules of the Sandiganbayan would further qualify that these be “*cases arising from the same incident or series of incidents or involving common questions of fact and law.*”

In his quest for consolidation, accused Sarip avers that all Informations filed against him, including the instant case, are founded “*from the same incident and x x x involve common questions of fact and law.*”

At the outset, the claim lacks basis.

As appearing from the allegations in the Informations themselves, the charges filed against the accused pending before this court and the Sixth Division are not at all “*related offenses.*” Neither can they be qualified as founded on the same set of facts or series of offenses of similar character to adduce common questions of fact and law.

The Informations raffled to the Sixth Division under **SB-22-CRM-0189** and **SB-22-CRM-192⁴** arose from the common allegation that public funds were used for the repair and maintenance of accused’s private vehicle, viz:

That in or about the period April 2011 to November 2012 or sometime prior or subsequent thereto, in the Municipality of Buug, Zamboanga Sibugay, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, TAHA GURO SARIP, a high-ranking public official being a Chancellor of the Mindanao State University (MSU)-Buug Campus, Buug, Zamboanga Sibugay, while in the performance of his official function, and committing the offense in relation to his office, acting with evident bad faith, did then and there, willfully, unlawfully and criminally, utilize the amount of NINETY SIX THOUSAND SIX HUNDRED FIFTY SEVEN PESOS and FIFTEEN CENTAVOS (P96,657.15) from MSU-Buug's funds **for the repairs and maintenance of accused's personal vehicle** (Innova with Plate Number KED784), thereby causing undue injury to MSU-Buug in the aforementioned amount.

³ Ibid.

⁴ Records, Information dated March 9, 2020.

J. J. V.

CONTRARY TO LAW.

While in **SB-22-CRM-0190**⁵ raffled before this court, the Information alleged the procurement of books despite the lack of appropriation and public bidding, viz:

That in or about the period August 2013 to July 2014 or sometime prior or subsequent thereto, in the Municipality of Buug, Zamboanga Sibugay Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, TAHA GURO SARIP, a high-ranking public official being a Chancellor of the Mindanao State University (MSU)-Buug Campus, Buug Zamboanga Sibugay, while in the performance of his official function, and committing the offense in relation to his office, acting with evident bad faith or gross inexcusable negligence, did then and there, willfully, unlawfully and criminally, procure books from C&E Publishing Inc. in the amount of ONE MILLION TWO HUNDRED SIXTY ONE THOUSAND THREE HUNDRED ELEVEN PESOS (P1,261,31 1,00) notwithstanding the lack of appropriation and public bidding for the purpose, and fail to pay the said amount to C&E Publishing Inc. despite the latter's delivery of the books to MSU-Buug, thereby, causing undue injury to C&E Publishing Inc. in the aforementioned amount.

CONTRARY TO LAW.

Since the charges filed against the accused are not "related offenses" and cannot be said to involve common questions of fact and law, the Motion should only be denied.

WHEREFORE, the *Omnibus Motion for Consolidation and Joint Trial* filed by accused Taha Guro Sarip is **DENIED**.

SO ORDERED.

GOMEZ-ESTOESTA, J. *Chairperson*

TRESPESES, J.

JACINTO, J.

⁵ Records, Volume 1, p. 1.

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