



REPUBLIC OF THE PHILIPPINES

**Sandiganbayan**  
QUEZON CITY

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**SEVENTH DIVISION**

*MINUTES of the proceedings held on February 16, 2023.*

*Present:*

*Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA----- Chairperson*  
*Justice ZALDY V. TRESPESES----- Member*  
*Justice GEORGINA D. HIDALGO----- Member*

*The following resolution was adopted:*

***Crim. Case No. SB-16-CRM-0249 to 0251 - People vs. Rozzano Rufino B. Biazon, et al.***

This resolves the following:

1. Mario L. Relampagos's "MOTION FOR RECONSIDERATION" dated 6 February 2023;<sup>1</sup>
2. The prosecution's "OPPOSITION to the Motion for Reconsideration dated February 6, 2023 filed by accused Mario L. Relampagos" dated 9 February 2023.<sup>2</sup>

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**TRESPESES, J.:**

Submitted for the court's resolution is accused Mario L. Relampagos's (hereafter, "accused") motion seeking reconsideration of our 31 January 2023 Resolution<sup>3</sup> denying his demurrer to evidence, as well as the prosecution's comment/opposition thereto.

**ACCUSED'S MOTION FOR RECONSIDERATION**

In his motion, accused Relampagos insists that a fugitive from justice is entitled to a demurrer to evidence.

Accused notes that in denying his demurrer, the court cited *Estrada v. People*,<sup>4</sup> which quoted *People v. Tabag*.<sup>5</sup> In turn, *Tabag* references *People v.*

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<sup>1</sup> Record, Vol. 17, pp. 524-651.

<sup>2</sup> Record, Vol. 18, pp. 17-20.

<sup>3</sup> Record, Vol. 17, pp. 438-479.

<sup>4</sup> 505 Phil. 339-360 (2005).

<sup>5</sup> 335 Phil. 579-601 (1997).

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*Salas*<sup>6</sup> and *Gimenez v. Nazareno*,<sup>7</sup> which discussed the fugitives from justice's waiver of the right to present evidence on their own behalf and to confront and cross-examine the witnesses who testified against them.

Relampagos argues that these cases only explain that court proceedings should not be stymied by accused becoming fugitives from justice and that trial should proceed notwithstanding their absence. They do not particularly involve a demurrer to evidence.

He also contends that the factual backdrop in *Estrada* is different from that in the instant case. In *Estrada*, accused jumped bail and her lawyer was found guilty of contempt of court for failing to explain her client's absence.

Further, he differentiates the case at bar with *Philippine Rabbit Bus Lines, Inc. v. People*<sup>8</sup> and *People v. Piad*.<sup>9</sup> He claims that said cases involve accused interposing appeals, while the present case involves sufficiency of evidence and not the accused's exercise of a mere statutory privilege.

Relampagos underscores that because a demurrer involves the sufficiency of evidence against the accused, it relates to the Constitutional guarantees of presumption of innocence and the right to speedy trial and speedy disposition of his case. For this reason, the denial of his demurrer offends his sacrosanct rights.

In support of his argument that the rights denied to a fugitive from justice do not include the right to the grant of a demurrer, Relampagos cites Elizabeth Herath's article in the Harvard International Law Journal entitled "*Trials in Absentia: Jurisprudence and Commentary on the Judgment in Chief Prosecutor v. Abul Kalam Azad in the Bangladesh International Crimes Tribunal*."<sup>10</sup> Accused mentions various cases cited in the said article, which ends with a summary that under the International Covenant on Civil and Political Rights ( ICCPR ) and various jurisprudence, the accused must be legally represented before a trial *in absentia* can be legitimately held.

Accused Relampagos then asserts that neither municipal nor international law exculpates the prosecution from discharging its burden of proof when the accused jumps bail. Neither do these laws require an accused fugitive from justice to present evidence, notwithstanding the failure of the prosecution to prove his or her guilt beyond reasonable doubt.

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<sup>6</sup> 227 Phil. 152-156 (1986).

<sup>7</sup> 243 Phil. 274-281 (1988).

<sup>8</sup> 471 Phil. 415-440 (2004).

<sup>9</sup> 779 Phil. 136-150 (2016).

<sup>10</sup> Elizabeth Herath, *Trials in Absentia: Jurisprudence and Commentary on the Judgment in Chief Prosecutor v. Abul Kalam Azad in the Bangladesh International Crimes Tribunal*, Harvard International Law Journal, Volume 55, June 2014.

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He stresses that, in fact, under Section 23 of Rule 119 of the Rules of Court regarding demurrer to evidence, the court may *motu proprio* dismiss the charge in case of insufficiency of evidence. Hence, there is no reason why he should not be acquitted now as the prosecution failed to discharge its burden of proof insofar as he is concerned. The prosecution's failure cannot be cured by the presentation of evidence by the accused (a fugitive from justice) or that of his remaining co-accused.

Moreover, Relampagos points out that the Internal Rules of the Sandiganbayan that "where a case involves several accused, and some of the accused did not file such demurrer, the demurrer may be resolved or decided simultaneously or jointly with the main decision after the presentation of evidence for the other accused" is qualified by the phrase "for the orderly disposition of the case." Considering that the court's grant of the other accused's demurrers did not affect the orderly disposition of the present case, there is no reason why his demurrer should await the conclusion of the presentation of the remaining accused.

Finally, accused cites the Resolution dated 26 January 2023 of the Fourth Division of the Sandiganbayan in *People v. Seachon-Lanete*, Criminal Case Nos. SB-15-CRM-0055 to 0065, which granted his demurrer to evidence.

**THE PROSECUTION'S COMMENT/OPPOSITION**

In its Opposition, the prosecution seeks the denial of the motion of accused Relampagos. It reiterates that accused Relampagos premeditatedly fled out of the country solely to escape this criminal proceeding, having lost faith in the judicial system. As a fugitive from justice, accused Relampagos exhibited contempt of the authority of this court in the administration of justice. His act should never be tolerated, much less rewarded. Thus, he should face the consequences of being a fugitive from justice as he also enjoys its "perks."

It underscores that the Supreme Court already ruled that fugitives from justice lose their standing in court when they abscond and that they are not entitled to judicial relief. Thus, unless Relampagos surrenders and faces this criminal proceeding, he is deemed to have waived his right to seek judicial relief, including a demurrer to evidence.

Moreover, the prosecution emphasizes that the burden of proof-as to the criminal participation of accused Relampagos was sufficiently discharged and his guilt was proven beyond reasonable doubt for violation of Section 3(e) of RA No. 3019, as amended, and Article 217 of the Revised Penal Code, as amended. His participation is independent of the participation of his staff or

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subordinates at the Department of Budget and Management (DBM), namely, Rosario S. Nunez, Lalaine N. Paule and Marilou D. Bare.

The prosecution insists that the subject NCA (Exhibit C-2) and Advice of NCA (Exhibit C-3) for these cases clearly show the actual signatures of accused Relampagos. Exhibits C-2 and C-3 merely indicated the name of "Rolando G. Andaya, Jr." as DBM Secretary. However, Secretary Andaya only signed the SARO (Exhibit C) in accordance with their operational procedure (Exhibit C-7). The actual signatures in the NCA (Exhibit C-2) and Advice of NCA (Exhibit C-3) belong to Relampagos, being the official signatory therein. Exhibit C-7, page 1, specifically provides that accused Mario L. Relampagos is the authorized signatory for the NCA for all PDAF releases.

It points out that the signatures on the said NCA and Advice of NCA belong to accused Relampagos. This can be easily seen by comparing his signature therein with his signatures as the administering officer in the SALNs filed by accused Nunez, Paule and Bare (Exhibits E to E-25), as well as his signatures on all his pleadings filed with this court before he absconded.

The prosecution adds that the witness from the Commission on Audit (COA), Joan Agnes Nini Alfafaras (Alfafaras), already testified on the numerous lapses of the DBM in the release of this subject SARO, including the NCA signed by Relampagos, which was ultimately diverted to the "Napoles controlled NGO, PSDFI" and which was COA's basis for issuing a notice of disallowance to Relampagos and his co-accused.

Finally, the prosecution asserts that the copy of a Sandiganbayan Resolution in another case attached to the motion of accused Relampagos is plainly irrelevant, misleading and hearsay and should therefore be stricken off the records for lack of basis. Relampagos anchors some of his arguments on the said Resolution. However, said Resolution is not part of the records of these cases. Moreover, the parties therein are not the same parties herein. Thus, the parties to these cases are not privy thereto. Evidently, the ruling in the other Sandiganbayan case is not binding herein.

**OUR RULING**

The grounds cited by accused Relampagos for questioning the assailed resolution may be summed up as follows: (1) the circumstances in the present case is different from that in the cases cited in the Resolution; (2) the demurrer is excluded from the reliefs which fugitives from justice are not entitled to, allegedly based on a cited legal journal; (3) the denial of his demurrer impinges on his constitutional right to be presumed innocent and to a speedy disposition of his case; (4) granting his demurrer now will not affect the

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orderly disposition of cases; and (5) his demurrer has been granted by another division of the Sandiganbayan.

The court finds no merit in the said arguments to warrant a reconsideration of the questioned Resolution.

1. *The cases cited in the assailed Resolution illustrate legal principles pertinent to the instant case.*

We are not persuaded by accused's argument seeking reconsideration of the assailed Resolution on the ground that the cases cited therein are different from the cases at bar.

Nowhere in the questioned Resolution was it declared that the cited cases are on all fours with the instant cases. Instead, the cited cases illustrate the principles pertinent herein. First, fugitives from justice placed themselves beyond the pale and protection of the law, so unless they surrender, they lose their standing in court and waive their right to seek judicial relief. Second, where an accused had been arraigned prior to becoming a fugitive from justice, trial *in absentia* may be conducted, and at the conclusion of which the judgment shall issue.

2. *The legal journal cited by accused Relampagos does not support his claim that a fugitive from justice may not be denied the right to a demurrer.*

In support of his position that the "reliefs" which may be denied a fugitive from justice do not extend to a demurrer to evidence, accused extensively cites a Harvard International Law Journal article by Elizabeth Herath entitled "*Trials in Absentia: Jurisprudence and Commentary on the Judgment in Chief Prosecutor v. Abul Kalam Azad in the Bangladesh International Crimes Tribunal.*"

However, on its face, the cited article only pertains to the necessity of an accused's legal representation in a trial *in absentia*. Thus, the court finds no relation between the accused's theory and his supposed legal basis therefor.

Aside from the lack of reasonable relation between accused's argument and substantiation, there is also a lack of factual basis therefor.

The matter of accused Relampagos's legal representation during trial *in absentia* is currently not in issue. While he was earlier at risk of not being

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represented by counsel when the latter filed a "Motion to be Relieved as Counsel" dated 5 February 2018,<sup>11</sup> or soon after he jumped bail, the court denied his counsel's motion in its Resolution dated 22 February 2018.<sup>12</sup> Thus, during this ongoing trial *in absentia*, Relampagos continues to be represented by the same counsel.

3. *Denying a demurrer violates neither an accused's right to be presumed innocent nor his right to a speedy disposition of his case.*

Accused Relampagos insinuates that, because a demurrer to evidence questions the sufficiency of evidence to convict him, the court's denial thereof violates his constitutional right to be presumed innocent, as well as his right to speedy disposition of his case.

This is simply not true.

Denying a demurrer violates neither an accused's right to be presumed innocent nor his right to a speedy disposition of his case. In *Te v. Court of Appeals*,<sup>13</sup> the Supreme Court had occasion to explain:

The Court also finds it necessary to correct petitioner's misimpression that by denying his demurrer to evidence in view of the existence of a *prima facie* case against him, the trial court was already making a pronouncement that he is liable for the offense charged. As correctly held by the Court of Appeals, the order of the RTC denying the demurrer was not an adjudication on the merits but merely an evaluation of the sufficiency of the prosecution's evidence to determine whether or not a full-blown trial would be necessary to resolve the case. The RTC's observation that there was a *prima facie* case against petitioner only meant that the prosecution had presented sufficient evidence to sustain its proposition that petitioner had committed the offense of bigamy, and unless petitioner presents evidence to rebut the same, such would be the conclusion. Said declaration by the RTC should not be construed as a pronouncement of petitioner's guilt. It was precisely because of such finding that the trial court denied the demurrer, in order that petitioner may present evidence in his defense and allow said court to resolve the case based on the evidence adduced by both parties. (Underscoring supplied.)

If there is anyone whose action impacts on his right to be presumed innocent, it is accused Relampagos himself when he jumped bail. It is well established in this jurisdiction that "flight is the evasion of the course of justice by voluntarily withdrawing oneself in order to avoid arrest, detention or the institution or continuance of criminal proceedings. It is considered an

<sup>11</sup> Record, Vol. 8, pp. 113-115.

<sup>12</sup> Id. at 138-139.

<sup>13</sup> 400 Phil. 127-142 (2000)

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indication of guilt.”<sup>14</sup>

Similarly, the accused’s right to a speedy disposition of the case does not necessarily entail the grant of a fugitive from justice’s demurrer to evidence. As the Supreme Court reminds in *Re: Elvira N. Enalbes*:<sup>15</sup>

Courts are not unmindful of the right to speedy disposition of cases enshrined in the Constitution. Magistrates are obliged to render justice in the swiftest way possible to ensure that rights of litigants are protected. Nevertheless, they should not hesitate to step back, reflect, and reevaluate their position even if doing so means deferring the final disposition of the case. Indeed, justice does not equate with hastily giving one's due if it is found to be prejudicial. At the end of the day, the duty of the courts is to dispense justice in accordance with law. (Underscoring supplied.)

In the instant case, denying accused Relampagos’s demurrer on the ground that he is a fugitive from justice and stating that judgment will be rendered after conclusion of the trial *in absentia* are in accordance with law and prevailing jurisprudence, as discussed in the assailed Resolution.

Hence, there is no basis for the accused’s claim that the court’s denial of his demurrer impinges on his constitutional rights as an accused.

4. *The denial of accused’s demurrer for being a fugitive from justice is pursuant to the orderly disposition of cases and, in general, the orderly administration of justice.*

Accused Relampagos runs around in circles trying to argue that fugitives from justice are entitled to the grant of demurrer because there exists a legal provision on demurrer to evidence.

The grant or denial of the demurrer to evidence rests entirely within the sound discretion of the trial court.<sup>16</sup> More particularly, in this case, the court’s denial of Relampagos’s demurrer is but an exercise of its discretion on *when* to rule on the sufficiency of the evidence against an accused.

This is, in fact, the essence of the provision on demurrer to evidence. Section 23, Rule 119 of the Rules of Court provides:

Sec. 23. Demurrer to evidence. – After the prosecution rests its case, the court may dismiss the action on the ground of insufficiency of evidence (1) on its own initiative after giving the prosecution the opportunity to be

<sup>14</sup> *People v. Prades*, 355 Phil. 150-172 (1998).

<sup>15</sup> A.M. No. 18-11-09-SC (Resolution), 22 January 2019.

<sup>16</sup> *Mangoang v. Bank of the Philippine Islands*, G.R. No. 260380 (Notice), 19 October 2022.

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heard or (2) upon demurrer to evidence filed by the accused with or without leave of court.

If the court denies the demurrer to evidence filed with leave of court, the accused may adduce evidence in his defense. When the demurrer to evidence is filed without leave of court, the accused waives the right to present evidence and submits the case for judgment on the basis of the evidence for the prosecution.

The motion for leave of court to file demurrer to evidence shall specifically state its grounds and shall be filed within a non-extendible period of five (5) days after the prosecution rests its case. The prosecution may oppose the motion within a non-extendible period of five (5) days from its receipt.

If leave of court is granted, the accused shall file the demurrer to evidence within a non-extendible period of ten (10) days from notice. The prosecution may oppose the demurrer to evidence within a similar period from its receipt.

The order denying the motion for leave of court to file demurrer to evidence or the demurrer itself shall not be reviewable by appeal or by certiorari before judgment.

Moreover, as accused himself notes, the Sandiganbayan particularly has the option of resolving a demurrer to evidence *either* within forty-five (45) calendar days from its submission, *or* simultaneously with the main decision, where the case involves several accused, not all of whom filed a demurrer. This is provided under Section 8, Rule VIII of the Internal Rules of the Sandiganbayan, thus:

Sec. 8. Demurrer to Evidence. – The filing of a demurrer to evidence shall be governed by Section 23, Rule 119 of the Revised Rules of Criminal Procedure and shall be resolved or decided within forty-five (45) calendar days from its submission, However, where a case involves several accused, and one or some of the accused did not file such demurrer, the demurrer may be resolved or decided simultaneously or jointly with the main decision after the presentation of evidence for the other accused, for the orderly disposition of the case. (Underscoring supplied.)

Accused misses the point when he insists that ruling on his demurrer now will not affect the orderly disposition of the case. Part of the orderly disposition of the case, and more generally, the orderly administration of justice, is the court's enforcement of measures to implement its rules, uphold the dignity of the judiciary, and punish actions which impede, obstruct, and degrade the administration of justice. One such measure is the application of the principle that fugitives from justice lose their standing in court and, until they surrender, are not entitled to judicial reliefs.

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As correctly averred by the prosecution, the accused cannot be rewarded for trifling with court processes. There would be grave inequity if an accused who is not willing to subject himself to the court's authority is allowed to use the court's processes and resources only when it is convenient for him.

5. *The cited Resolution of the Sandiganbayan in another case does not merit the reconsideration of the assailed Resolution.*

Finally, we find no merit in accused Relampagos's reasoning that this court should grant his demurrer notwithstanding that he is currently a fugitive from justice, just because another Division of the Sandiganbayan did so.

Accused alludes to the principle of *stare decisis*. As explained by the High Court, *stare decisis* requires courts to follow a rule already established by a *final decision of the Supreme Court*:

The principle of *stare decisis et non quieta movere* is entrenched in Article 8 of the Civil Code, to wit:

ART. 8. Judicial decisions applying or interpreting the laws or the Constitution shall form a part of the legal system of the Philippines.

It enjoins adherence to judicial precedents. It requires our courts to follow a rule already established in a final decision of the Supreme Court. That decision becomes a judicial precedent to be followed in subsequent cases by all courts in the land. The doctrine of *stare decisis* is based on the principle that once a question of law has been examined and decided, it should be deemed settled and closed to further argument.<sup>17</sup>

In another case, the Supreme Court further explained:

Time and again, the Court has held that it is a very desirable and necessary judicial practice that when a court has laid down a principle of law as applicable to a certain state of facts, it will adhere to that principle and apply it to all future cases in which the facts are substantially the same. *Stare decisis et non quieta movere*. Stand by the decisions and disturb not what is settled. *Stare decisis* simply means that for the sake of certainty, a conclusion reached in one case should be applied to those that follow if the facts are substantially the same, even though the parties may be different. It proceeds from the first principle of justice that, absent any powerful countervailing considerations, like cases ought to be decided alike. Thus, where the same questions relating to the same event have been put forward by the parties similarly situated as in a previous case litigated and decided by a competent court, the rule of *stare decisis* is a bar to any attempt to

<sup>17</sup> *De Mesa v. Pepsi Cola Products Phils. Inc. (Resolution)*, 504 Phil. 685-691(2005).

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relitigate the same issue.<sup>18</sup>

Evidently, the principle of *stare decisis* does not apply herein. It is clear from a cursory comparison of the said Resolution attached by accused Relampagos in his Motion and the instant case that the parties and the subject matter are different. More importantly, it is obvious that the Resolution was not penned by the Supreme Court, but by another division of the Sandiganbayan.

In fine, there is nothing in accused Relampagos's motion which warrants the reconsideration of the 31 January 2023 Resolution of this court.

**WHEREFORE**, in view of the foregoing, the motion for reconsideration of accused Mario L. Relampagos is **DENIED** for lack of merit.

**SO ORDERED.**

Quezon City, Philippines.

  
**ZALDY V. TRESPESES**  
*Associate Justice*

WE CONCUR:

  
**MA. THERESA DOLORES C. GOMEZ-ESTOESTA**  
*Associate Justice*

  
**GEORGINA D. HIDALGO**  
*Associate Justice*

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<sup>18</sup> *Cu v. Small Business Guarantee and Finance Corp.*, G.R. No. 218381, 14 July 2021, quoting *Ty v. Banco Filipino Savings & Mortgage Bank*, 511 Phil. 510, 520-521 (2005).