



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
Quezon City

SIXTH DIVISION

**PEOPLE OF THE PHILIPPINES,** **SB-22-CRM-0189**  
Plaintiff, For: Violation of Sec. 3(e)  
of R.A. No. 3019

**SB-22-CRM-0192**  
For: Malversation of Public Funds  
Under Art. 217 of the Revised  
Penal Code

- versus -

**TAHA GURO SARIP,**  
Accused.

*Present*

**FERNANDEZ, SJ, J.,**  
Chairperson  
**MIRANDA, J. and**  
**VIVERO, J.**

*Promulgated:*

02 FEB 2023 

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**RESOLUTION**

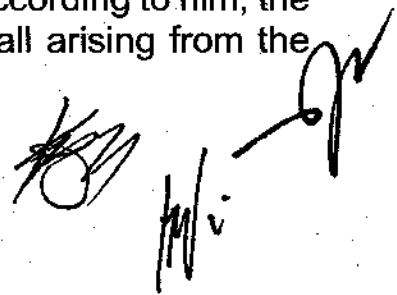
**FERNANDEZ, SJ, J.**

This resolves accused Taha Guro Sarip's *Omnibus Motion for Consolidation and Joint Trial*,<sup>1</sup> and the prosecution's *Comment/Opposition (Re: Omnibus Motion for Consolidation and Joint Trial)*.<sup>2</sup>

In his *Omnibus Motion*, the accused prays that the Court issue an order consolidating SB-22-CRM-0190 and SB-22-CRM-0191, which were raffled to the Seventh and First Divisions of the Sandiganbayan, respectively, with SB-22-CRM-0189 and SB-22-CRM-0192, which are pending before this Court. According to him, the Information in the said cases are closely related, all arising from the

<sup>1</sup> Dated October 25, 2022 and filed on January 17, 2023

<sup>2</sup> Dated January 25, 2023 and filed by electronic mail on January 26, 2023



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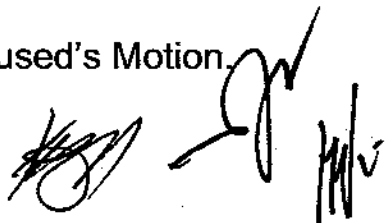
same incident and involving common questions of fact and law. SB-22-CRM-0189 has the lowest docket number so the cases raffled to the other Divisions of the Sandiganbayan must be consolidated with the instant cases.

In its *Comment/Opposition*, the prosecution counters:

1. Contrary to the accused's claims, the cases do not arise from the same incident, and are not closely related. Different sets of witnesses and evidence need to be presented.
  - a. SB-22-CRM-0189 and 0192, which are pending before this Court, cover a series of transactions during the period from April 2011 to November 2012, and involve the utilization of Mindanao State University (MSU)-Buug's funds for the repairs and maintenance of the accused's personal vehicle.
  - b. SB-22-CRM-0190 covers a transaction during the period from August 2013 to July 2014, and involves the procurement of books from C&E Publishing, Inc. without public bidding, and lacking an appropriation. Furthermore, there is an allegation of failure to pay despite the delivery of books, thereby causing undue injury to C&E Publishing, Inc.
  - c. Finally, SB-22-CRM-0191 covers a series of transactions during the period from December 2018 to January 2019, and involves the incurrence of liabilities for hotel accommodations for the accused's official functions despite the lack of supporting documents. It is also alleged that undue injury was caused to Mabini Mansion Hotel & Residential Suites because it was not paid.
2. If consolidation is allowed, after the prosecution presents evidence to prove the crimes committed in connection with the repairs and maintenance of the accused's personal vehicle, the prosecution would not yet be able to rest its case on the subject matter because it would have to present evidence to prove the commission of the crimes in the other cases. Consolidation of the cases raffled to the other Divisions of the Sandiganbayan with those pending before this Court will result in the delay of the resolution of the cases.

**THE COURT'S RULING**

The Court resolves to deny the accused's Motion.



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Sec. 22, Rule 119 of the Rules of Court provides:

**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.

Sec. 4, Rule XIII of the *2018 Revised Internal Rules of the Sandiganbayan* reads:

**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.

(a) 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.

In *Neri v. Sandiganbayan*,<sup>3</sup> the Supreme Court held that consolidation of trial is proper where the actions arise from the same act, event or transaction, involve the same or like issues, and depend largely or substantially on the same evidence. However, the Supreme Court also recognized that while consolidation may expedite trial, it could also cause delays. Consolidation, if proper, should be ordered if the objects and purposes underlying the rule of consolidation, *i.e.* the swift dispensation of justice with the least expense and vexation to the parties, will be achieved. Conversely, consolidation should be denied if it will subvert the aims of consolidation. *Viz.:*

Jurisprudence has laid down the requisites for consolidation of trial. As held in *Caños v. Peralta*, joint trial is permissible “where

<sup>3</sup> G.R. No. 202243, August 7, 2013

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the [actions] arise from the same act, event or transaction, involve the same or like issues, and depend largely or substantially on the same evidence, provided that the court has jurisdiction over the cases to be consolidated and that a joint trial will not give one party an undue advantage or prejudice the substantial rights of any of the parties." More elaborately, joint trial is proper

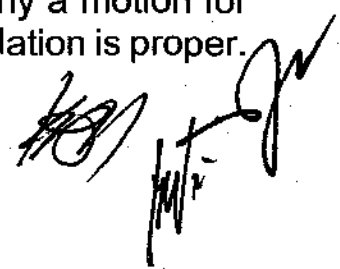
where the offenses charged are similar, related, or connected, or are of the same or similar character or class, or involve or arose out of the same or related or connected acts, occurrences, transactions, series of events, or chain of circumstances, or are based on acts or transactions constituting parts of a common scheme or plan, or are of the same pattern and committed in the same manner, or where there is a common element of substantial importance in their commission, or where the same, or much the same, evidence will be competent and admissible or required in their prosecution, and if not joined for trial the repetition or reproduction of substantially the same testimony will be required on each trial.

In terms of its effects on the prompt disposition of cases, consolidation could cut both ways. It may expedite trial or it could cause delays. Cognizant of this dichotomy, the Court, in *Dacanay v. People*, stated the dictum that "the resulting inconvenience and expense on the part of the government cannot be given preference over the right to a speedy trial and the protection of a person's life, liberty or property." Indeed, the right to a speedy resolution of cases can also be affected by consolidation. As we intoned in *People v. Sandiganbayan*, a case involving the denial by the anti-graft court of the prosecution's motion to consolidate a criminal case for indirect bribery with another case for plunder, consolidation should be refused if it will unduly expose a party, private respondent in that instance, to totally unrelated testimonies, delay the resolution of the indirect bribery case, muddle the issues, and expose him to the inconveniences of a lengthy and complicated legal battle in the plunder case. Consolidation, the Court added, has also been rendered inadvisable by supervening events – in particular, if the testimonies sought to be introduced in the joint trial had already been heard in the earlier case.

x x x

Clearly then, consolidation, assuming it to be proper owing to the existence of the element of commonality of the lineage of the offenses charged contemplated in Sec. 22 of Rule 119, should be ordered to achieve all the objects and purposes underlying the rule on consolidation, foremost of which, to stress, is the swift dispensation of justice with the least expense and vexation to the parties. It should, however, be denied if it subverts any of the aims of consolidation. x x x

Therefore, in determining whether to grant or deny a motion for consolidation, the Court must, first, determine if consolidation is proper.

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If proper, the Court must then determine if the objects and purposes of consolidation, *i.e.*, the swift dispensation of justice with the least expense and vexation to the parties, will be achieved.

Here, consolidation is not proper. As pointed out by the prosecution, the cases raffled to the other Divisions of the Sandiganbayan and those pending before this Court arose from separate and unrelated transactions or events, do not involve the same or similar issues, and will not rely on substantially the same evidence. It is unnecessary to determine if consolidation will contribute to the objects and purposes thereof.

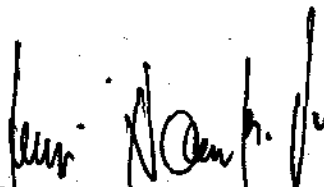
**WHEREFORE**, the accused's *Omnibus Motion for Consolidation and Joint Trial* is hereby **DENIED** for lack of merit.

SO ORDERED.

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

**We Concur:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**KEVIN NARCE B. VIVERO**  
Associate Justice