



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

QUEZON CITY

SEVENTH DIVISION

MINUTES of the proceedings held on March 13, 2023.

Present:

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

The following resolution was adopted:

CRIMINAL CASE NOS. SB-16-CRM-0173 TO 0178

PEOPLE v. RODOLFO G. VALENCIA, ET AL.

Before the Court are the following:

1. Accused Mario L Relampagos' "**MOTION FOR RECONSIDERATION**" dated February 26, 2023; and
2. Prosecution's "**COMMENT/OPPOSITION** to the Motion for Reconsideration dated February 26, 2023 filed by accused/fugitive Mario L. Relampagos" dated March 9, 2023.

GOMEZ-ESTOESTA, J.:

Accused Relampagos seeks a reversal of this court's *Resolution* dated February 16, 2023 denying his *Demurrer to Evidence*.¹ He claims to be entitled to such relief notwithstanding that he is a fugitive from justice.

He argues that pertinent rules and jurisprudence do not show that the "reliefs" that a fugitive from justice is not entitled to include a demurrer to evidence. The cases deal with proceedings not being hamstrung by an accused becoming a fugitive from justice, and this is not a concern in a demurrer to

¹ *Records*, Vol. 18, pp. 66-193.

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evidence. Neither is a demurrer akin to an appeal, which is a statutory privilege.

Under the International Covenant on Civil and Political Rights (ICCPR), trial in absentia does not mean that the accused may not be represented by counsel. Citing foreign jurisprudence, accused Relampagos explains that the defendant has the right to legal representation, even if he/she is absent from trial. The prosecution must still present sufficient evidence against an accused who is a fugitive from justice, and such accused should not be made to present his defense when there is insufficient evidence against him/her in the first place. Indeed, Rule 119, Section 23, allows the court to *motu proprio* dismiss a case for insufficiency of evidence.

The wisdom behind a demurrer to evidence is defeated if accused Relampagos be kept in a limbo notwithstanding the lack of evidence against him. He has the constitutional right to the presumption of innocence and the speedy disposition of cases against him. The internal rules of the Sandiganbayan encourages the orderly disposition of cases, and since this court has already resolved the demurrer filed by the other accused, the resolution of accused Relampagos' demurrer would not affect the orderly disposition of these cases. In fact, this court has granted accused Relampagos' *Motion for Leave to file Demurrer to Evidence*.

Finally, accused Relampagos points to the prosecution as the one making a mockery of the judicial system. The wave of dismissal of the charges against him prove that they are baseless, and should not have been filed had the prosecution been more circumspect in the exercise of its powers. The NBI did not even recommend the prosecution of accused Relampagos. And yet, over 300 cases have been filed against him before the Sandiganbayan, with the recommended bail adding up to around ₱25 Million.

In its *Comment/Opposition*,² the prosecution emphasizes that under *Phil. Rabbit Bus Lines, Inc. v. People of the Philippines*,³ the denial of availment of judicial relief **“applies not only to the accused who jumps bail during appeal, but also to one who does so during the trial.”** This is the case law on the matter, and should be made to apply to accused Relampagos. By fleeing, he exhibited contempt of this court's authority, and instead of accusing the prosecution of making a mockery of the judicial proceedings, he should just show up, face the charges against him, and avail of the remedies he is now claiming.

In any event, the resolution on Nuñez, Paule and Bare did not touch upon the charges against accused Relampagos. The charges against him were proven by the prosecution beyond reasonable doubt. The NCAs and ANCAIs show his signature. It is irrelevant which office released the SAROs and the

² Records, Vol. 18, pp. 210-215.

³ G.R. No. 147703, April 14, 2004.

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NCAAs since it was accused Relampagos who signed the NCAs and the ANCAIs. The witness from COA, in turn, testified on the numerous lapses in the release of the SAROs, NCAs, and ANCAIs.

Accused Relampagos could have withdrawn the huge amounts of bail he posted if he claims he has been acquitted in some cases, but these have been forfeited precisely because he absconded. Finally, the prosecution did not wish to discuss accused Relampagos's arguments on the inapplicable cases and the proceedings before other divisions, since they are not binding on this court.

The motion is bereft of merit.

Accused Relampagos has raised the very same arguments in his *Motion for Reconsideration* of the denial of his *Demurrer to Evidence* in *People vs. Rozzano Rufino B. Biazon, et al.*,⁴ which is also pending before this court. In denying his *Motion*, the court's ruling is, thus:

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 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.

⁴ SB-16-CRM-0249 to 0251.

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

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*,⁶ 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

⁵ In these cases, counsel for accused Relampagos filed a *Motion to be Relieved as Counsel* on February 5, 2018 (*Records*, Vol. 8, pp. 261-262), which the court denied in its Resolution dated February 22, 2018 (*Records*, Vol. 8, pp. 285-286).

⁶ 400 Phil. 127-142 (2000)

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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 indication of guilt."⁷

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*:⁸

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.

⁷ *People v. Prades*, 355 Phil. 150-172 (1998).

⁸ A.M. No. 18-11-09-SC (Resolution), 22 January 2019.

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The grant or denial of the demurrer to evidence rests entirely within the sound discretion of the trial court.⁹ 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 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

⁹ *Mangaoang v. Bank of the Philippine Islands*, G.R. No. 260380 (Notice), 19 October 2022.

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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.

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.¹⁰

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

¹⁰ *De Mesa v. Pepsi Cola Products Phils. Inc. (Resolution)*, 504 Phil. 685-691(2005).

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by a competent court, the rule of *stare decisis* is a bar to any attempt to relitigate the same issue.¹¹

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.

The same ruling shall be applied in every way at this instance.

WHEREFORE, the *Motion for Reconsideration* of accused Mario L. Relampagos is DENIED for lack of merit.

SO ORDERED.


MA. THERESA DOLORES C. GOMEZ-ESTOESTA
Associate Justice, Chairperson

WE CONCUR:


ZALDY V. TRESPESES
Associate Justice


GEORGINA D. HIDALGO
Associate Justice

¹¹ *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).