



REPUBLIC OF THE PHILIPPINES  
**SANDIGANBAYAN**  
Quezon City

**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
*Plaintiff,*

Crim. Case Nos.  
**SB-16-CRM-0077-0079;**  
**0081-0083**  
*For: Falsification of*  
*Public Document*  
**SB-16-CRM-0080 and**  
**0084**  
*For: Violation of Section*  
*3(e) of R.A. No. 3019*

-versus-

**MARJORIE AGUINALDO DE VEYRA,**  
**ET AL.,**  
*Accused.*

X ----- X

Crim. Case Nos.  
**SB-16-CRM-0439-0442**  
*For: Violation of*  
*Section 3(e) of R.A. No.*  
*3019*  
**SB-16-CRM-0443**  
*For: Malversation of*  
*Public Funds (Article*  
*217 of the Revised Penal*  
*Code)*  
**SB-16-CRM-0443**  
*For: Falsification of*  
*Public Document*

X-----X


**JEJOMAR CABAUTAN BINAY, SR.,  
ET AL.,**

*Accused.*

Present:

Cabotaje-Tang, A.M.,  
*PJ, Chairperson*  
Fernandez, B.R., *J.* and  
Moreno, R.B., *J.*

PROMULGATED:

APRIL 3, 2024 

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**RESOLUTION**

***Moreno, J.:***

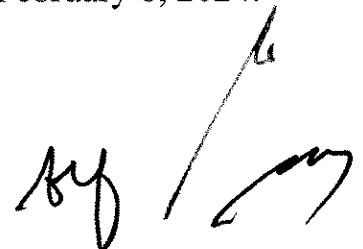
For the Court's resolution are the following:

(1) the *Motion for Reconsideration* <sup>1</sup> filed by accused Efren M. Canlas assailing our January 29, 2024 Resolution<sup>2</sup> denying the Manifestation with Omnibus Motion: (A) To Strike from the Records the Exhibits from the Commission on Audit Special Audit/Notice of Disallowance and to Prohibit the Presentation, Identification, Authentication, and Offer of Such Exhibits; (B) To Strike from the Records Exhibits Attached to the Judicial Affidavits of Previously-Presented Witnesses that Were Sourced from the Commission on Audit's Special Audit/Notice of Disallowance, and Any Portion of the Testimony Relating Thereto; (C) To Forbid Witnesses from the Commission on Audit from Testifying; and (D) To Forbid Any Other Witness from Testifying Based On, or Referring to, any Exhibit Sourced from the Commission on Audit's Special Audit/Notice of Disallowance; and

(2) the Compliance (Re: Cross-Examination of Maria Melinda S. Managhaya-Henson)<sup>3</sup> filed by accused Nelia Barlis through email on January 30, 2024.

The prosecution, through the Office of the Special Prosecutor, filed its Opposition<sup>4</sup> to the Motion for Reconsideration of Canlas on February 12, 2024, and its Comment<sup>5</sup> to the Compliance of Barlis on February 6, 2024.

<sup>1</sup> Record, vol. 29, pp. 140-150.  
<sup>2</sup> Record, vol. 28, pp. 665-671,  
<sup>3</sup> Record, vol. 29, pp. 34-44.  
<sup>4</sup> Id. at 237-244.  
<sup>5</sup> Id. at 34-44.



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The Motion for Reconsideration of accused Canlas and the prosecution's Opposition

In his Motion for Reconsideration, Canlas argued that his Omnibus Motion was not premature, and that the same may even be filed even if no criminal action had been instituted, as contemplated by Section 14, Rule 126 of the Rules of Court. He emphasized that per witness Maria Melinda S. Managhaya-Henson, the documents used in the investigation had been sourced from the COA Fraud Audit Office which conducted the now-voided Special Audit/Notice of Disallowance; and that the said witness started testifying before the COA issued a Notice of Finality of Decision.

Canlas also re-pleaded verbatim in the present motion the salient averments in his previously denied Omnibus Motion.

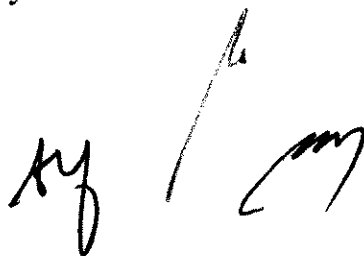
In its Opposition, the prosecution (through the OSP) prayed for the denial of Canlas' motion since the points he raised were mere reiterations or rehash of the arguments in his previous omnibus motion. It added that "Canlas failed to point out errors in the ruling that would warrant the reversal of the subject resolution which was duly promulgated according to the facts and law of the cases."<sup>6</sup>

The Compliance of accused Barlis and the prosecution's Comment

In the Court's Order dated January 25, 2024, we directed, among others, Atty. Lawrence Villanueva, to email to the prosecution "a list of documents he intends to confront witness Atty. Henson with, for review in light of the proposed stipulation of the prosecution that whenever these documents will be presented to Atty. Henson, the latter will answer - *that the witness will not be able to recall if they were part of the documents secured during their fact-finding investigation.*"<sup>7</sup>

In her Compliance, accused Barlis submitted to the Court "the pieces of evidence that were supposed to be shown to prosecution witness Maria Melinda S. Managhaya-Henson, which the latter thru counsel agreed to offer a standard answer"<sup>8</sup>.

In its Comment, the prosecution submitted for the Court's consideration the answers of witness Henson to the additional cross-examination questions of Atty. Villanueva.



<sup>6</sup> Supra, note 4 at 238.

<sup>7</sup> Record, vol. 29, p. 29. [italics in the original]

<sup>8</sup> Supra note 5 at 34.

**THE COURT'S RULING:**

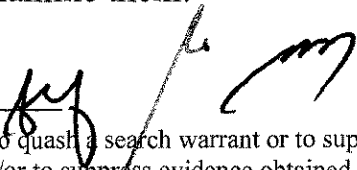
After due consideration, we **deny** the Motion for Reconsideration filed by accused Canlas for lack of merit.

We point out at the outset that the Canlas *essentially reiterated* the arguments he previously raised in his Omnibus Motion. The Court already considered and passed upon these arguments in coming up with our ruling.

We also find Canlas' reliance on Section 14, Rule 126<sup>9</sup> of the Rules of Court to be misplaced. This provision was intended to resolve what is perceived as conflicting decisions on where to file a motion to quash a search warrant or to suppress evidence seized by virtue thereof.<sup>10</sup>

At any rate, the denial of the motion of Canlas to strike out from the records the COA Special Audit/Notice of Disallowance and to prohibit the presentation, identification, authentication, and offer of such exhibits; strike from the records exhibits attached to the judicial affidavits of previously-presented witnesses that were sourced from the COA's Special Audit/Notice of Disallowance, and any portion of the testimony relating thereto; forbid witnesses from the Commission on Audit from Testifying; and forbid any other witness from testifying, were not merely anchored on prematurity alone, but on the prosecutorial discretion in matters relating to the prosecution of the offense/s charged. We reiterate that this discretion encompasses a wide range of activities including, the choice of charge, the decision to proceed or to enter into a plea bargaining agreement, and the selection of the pieces of evidence to present in court. Indeed, the prosecution has the freedom and authority to determine whether to charge a person, what cases to file against them and how to prosecute the case filed before the courts.

We are well-aware of the COA's decision lifting the Fraud Audit Office Special Audit/Notice of Disallowance Nos. 2018-003 to 003. If despite this circumstance, the prosecution is still keen on presenting these pieces of evidence in Court, and corollary, to call on its selected witnesses to testify on such evidence, then it is well within its call and discretion to do so. The Court will not dictate or interfere on how the prosecution wishes to prove its case. In any event, Canlas will still have the opportunity to object to the witnesses' presentation when their testimonies are offered before the Court, and to cross-examine them.

  
<sup>9</sup> Section 14. Motion to quash a search warrant or to suppress evidence; where to file. — A motion to quash a search warrant and/or to suppress evidence obtained thereby may be filed in and acted upon only by the court where the action has been instituted. If no criminal action has been instituted, the motion may be filed in and resolved by the court that issued the search warrant. However, if such court failed to resolve the motion and a criminal case is subsequently filed in another court, the motion shall be resolved by the latter court.

<sup>10</sup> See *Ogayon v. People*, G.R. No. 188794, September 2, 2015.

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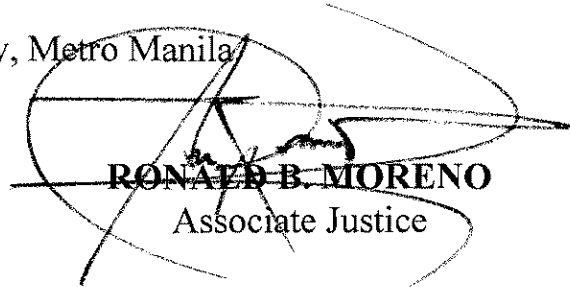
**WHEREFORE**, in light of all the foregoing, the Court:

(1) **DENIES** the Motion for Reconsideration filed by accused Efren M. Canlas for lack of merit; *and*

(2) **NOTES** both the Compliance filed by accused Nelia Barlis and the prosecution's Comment thereto.

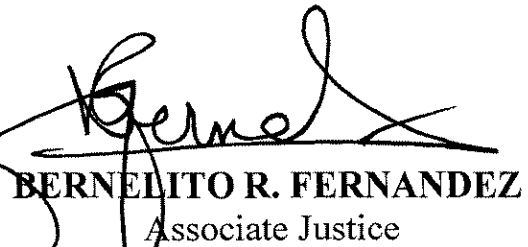
**SO ORDERED.**

Quezon City, Metro Manila

  
**RONALD B. MORENO**  
Associate Justice

**WE CONCUR:**

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

  
**BERNEMITO R. FERNANDEZ**  
Associate Justice