

Case Title:

****Rene Cabarles vs. Hon. Judge Bonifacio Sanz Maceda and People of the Philippines****

Facts:

****Step-by-Step Series of Events:****

1. ****Incident and Charge:****

- On April 25, 1999, Rene Cabarles allegedly murdered Antonio Callosa using a fan knife in Las Piñas City. On June 18, 1999, Cabarles was formally charged with murder.

2. ****Initial Plea and Pre-Trial Schedule:****

- Cabarles pleaded not guilty. The trial court set pre-trial for November 22, 2000, and scheduled hearing dates for the prosecution's evidence on April 18, May 4, 11, 18, and 23, 2001. The defense's evidence was scheduled for June 20, 27; July 4, 18; and August 1, 2001.

3. ****Prosecution's Witness Issues:****

- The prosecution issued subpoenas to Flocerfina Callosa (the deceased's mother), Imelda Pedrosa (eyewitness), Carlos Callosa (the deceased's brother), and Dr. Romeo T. Salen (Police Senior Inspector). However, due to various procedural issues and subpoena service problems, witnesses failed to appear on several dates.

4. ****Testimony and Agreed Stipulations:****

- Carlos Callosa and Police Inspector Prudencio Parejos' testimonies were dispensed with as their subject matters were stipulated and agreed upon by the defense.

5. ****Prosecutor's Final Opportunity and Initial Closing:****

- Due to further absences of witnesses, the judge warned the prosecution to present its evidence at the next hearing or rest its case. Ultimately, the prosecution rested its case on August 1, 2001.

6. ****Defense Presentation and Pre-Judgment Reopening:****

- The defense called two witnesses, including Cabarles. Before judgment was promulgated, Judge Maceda, due to noted procedural mishaps in subpoena issuance, reopened the case on April 1, 2003, to give the prosecution another chance.

7. ****Subsequent Hearings and Witness Examination:****

- Even with further issued subpoenas, one witness appeared for examination. Cabarles objected to this reopening and filed the present petition against Judge Maceda.

****Procedural Posture:****

- Cabarles filed a petition under Rule 65 to annul Judge Maceda's order reopening the case, alleging grave abuse of discretion and violation of his right to a speedy trial.

Issues:

1. ****Grave Abuse of Discretion:****

- Did Judge Maceda act with grave abuse of discretion in reopening the case before judgment, allowing additional evidence from the prosecution after both parties had closed their cases?

2. ****Violation of Due Process and Right to Speedy Disposition:****

- Did the reopening of the case violate Cabarles's constitutional rights to due process and speedy disposition of his case?

Court's Decision:

1. ****Grave Abuse of Discretion:****

- The Court concluded that Judge Maceda did indeed act with grave abuse of discretion. The issuance of the reopening order was done without holding the mandatory hearing as required by Section 24, Rule 119 of the Revised Rules of Criminal Procedure. This constitutes a failure to observe due process, which mandates that both parties must be heard before such an order can be issued.

2. ****Violation of Due Process and Right to Speedy Disposition:****

- ****Due Process:**** The Court reiterated that due process requires notice and an opportunity to be heard, which was not provided when Judge Maceda ordered the reopening without a hearing. Although Section 24 allows for reopening a case even before judgment, it mandates that a hearing be conducted, which was not followed.

- ****Speedy Disposition:**** The discussion became moot due to the nullification of the reopening order. However, the Court expressed that the right to a speedy trial and disposition is not merely a mathematical reckoning but requires considering the delays' justifiability. In this case, the delays involved were not due to the accused but procedural mismanagement and issues with subpoena responses.

Doctrine:

- ****Reopening of a Case:**** Under Section 24, Rule 119 of the Revised Rules of Criminal Procedure, reopening a case before judgment is permissible to prevent a miscarriage of justice, but it requires notice and a hearing. The reopening should be completed within

thirty days.

- **Due Process:** Due process in judicial proceedings mandates that both parties must be given the opportunity to be heard before any procedural changes, such as reopening a case, are made by the court.

- **Speedy Disposition:** The right to a speedy trial is flexible and dependent on the specific circumstances of each case. Inconsistencies caused by procedural lapses and the absence of critical witnesses should not be grounds for indefinite delays.

Class Notes:

- **Section 24, Rule 119 (Revised Rules of Criminal Procedure):**

- Allows reopening of a case to avoid miscarriage of justice

- Requires a hearing before issuing the order

- Must conclude within 30 days from the order

- **Due Process Requirement:**

- Notice and opportunity to be heard

- Applicable before any procedural changes (e.g., reopening a case)

- **Speedy Disposition:**

- Trial must not be attended by unjustifiable delays

- The right is mooted by the nullification of procedurally improper orders

Historical Background:

- This case illustrates the complexities and challenges in balancing judicial discretion with procedural due process within the Philippine judicial system. The judicial practice of reopening cases existed before formally being codified in the Revised Rules of Criminal Procedure (effective December 1, 2000). The case underscores the critical importance of adhering strictly to procedural rules to protect the rights of the accused and maintain the integrity of the judicial process.