

MIRIAM DEFENSOR SANTIAGO, PETITIONER, VS. SANDIGANBAYAN, FIRST DIVISION, AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 123792. March 08, 1999

Ponente: PARDO, J.

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PARDO, J.:

The case before the Court is a special civil action for certiorari with preliminary injunction or temporary restraining order assailing the resolutions of the Sandiganbayan, First Division,[1] which ordered the reopening of Criminal Case No. 16698 against petitioner, after the parties had stipulated on the facts and formally offered their respective evidence, and accused had filed her memorandum. The Sandiganbayan reasoned that it reopened the case to allow the prosecution to present a complaining witness "to bring the case to its proper perspective" which is irrelevant to the agreed issues in the case. Worse, the Sandiganbayan did not give the accused an opportunity to rebut the proposed testimony of the prosecution witness.

We grant the petition.

The facts may be related as follows:

In 1988, petitioner Miriam Defensor Santiago was, as alleged in the information, the duly appointed and qualified Commissioner of Immigration and Deportation. However, in the May 8, 1995 elections, she was duly elected Senator of the Philippines, and is presently serving her term of six (6) years.

On May 13, 1991, Special Prosecution Officer Gualberto J. de la Llana filed with the Sandiganbayan, assigned to the First Division, an Information charging Miriam Defensor Santiago with violation of R. A. 3019, Section 3 (e), as amended, committed as follows:

"x x x

"That on or about October 17, 1988, or for sometime prior or subsequent thereto, in Manila, Philippines, and within the jurisdiction of this Honorable Court, accused Miriam Defensor-Santiago, being then the Commissioner of the Commission on Immigration and Deportation, with evident bad faith and manifest partiality, did then and there wilfully, unlawfully and criminally approve the application for legalization of aliens who arrived in the Philippines after January 1, 1984 in violation of Executive Order No. 324 dated April 13, 1988 which does not allow the legalization of the same, thereby causing undue injury to the government and giving unwarranted benefits and advantage to the said aliens in the discharge of the official and administrative functions of said accused.

" CONTRARY TO LAW.

"Manila, Philippines, 9 May, 1991."[2]

On May 19, 1994, the prosecution filed an amended Information, which reads:

"x x x

"That on or about October 17, 1988, or sometime prior or subsequent thereto, in Manila, Philippines, and within the jurisdiction of this Honorable Court, accused MIRIAM DEFENSOR-SANTIAGO, a public officer, being then the Commissioner of the Commission on Immigration and Deportation, with evident bad faith and manifest partiality in the exercise of her official functions, did then and there wilfully, unlawfully and criminally approve the application for legalization of the stay of the following aliens:

- Jhamtani, Shalini Narendra
- Ting Siok Hun
- Ching Suat Liong Ting
- Cu Kui Pein Uy
- Cu Kui Pwe Uy
- Hong Shao Guan
- Hong Xiao Yuan
- Xu Li Xuan
- Qui Ming Xia Ong
- Wu Sui Xin Quiu
- Wu Hong Guan Qiu @ Betty Go
- Wu Hong Ru Qiu @ Mary Go
- Xu Yin Yin Kua
- Hong Shao Hua Xu
- Hong Shao Wei Xu
- Lu Shi Qing
- Lu Shi Tian
- Lu Se Chong
- Shi Qing Yu
- Xu Angun @ Xu An Cin
- Xu Pinting
- Wang Xiu Jin
- Cai Pian Pian
- Cai Wen Xu
- Cai Min Min
- Cai Ping Ping
- Choi Kin Kwok @ Bernardo Suarez
- Yen Liang Ju @ Joslyn Gan

- Cai Ya Nan
- Yen Ling Chien @ Chrismayne Gan
- So Chen Yueh-O
- Cai Ya Rong

who arrived in the Philippines after January 1, 1984 in violation of Executive Order No. 324 dated April 13, 1988 which prohibits the legalization of the said disqualified aliens knowing fully well that said aliens are disqualified, thereby giving unwarranted benefits to said aliens whose stay in the Philippines was unlawfully legalized by said accused.

"CONTRARY TO LAW.

"Manila, Philippines, May 19, 1994."[3]

At the arraignment on June 27, 1994, the accused entered a plea of not guilty.[4] Consequently, the Sandiganbayan scheduled the case for pre-trial conference on August 29, 1994 at 8:00 a.m.[5] On August 29, 1994, the Sandiganbayan ordered the parties to inform it by October 10, 1994, whether or not they intended to present other evidence more particularly testimonial evidence.[6]

On January 7, 1995, the parties submitted to the Sandiganbayan, a stipulation of facts, worded as follows:

"x x x

"1. Executive Order No. 324 entitled "Waiving Passport Requirements for Immigrants under Certain Conditions", dated April 13, 1988, was promulgated pursuant to Section 47 (A)(3) of C.A. No. 613, as amended, the Philippines Immigration Act of 1940, which provides that:

" Notwithstanding the provisions of this Act, the President is authorized:

"(a) when the public interest so warrants:

xxx xxx xxx

(3) to waive the passport requirements for immigrants, under such conditions as he may prescribe."

" 2. Executive Order No. 324 provides that an alien may apply with the Commissioner of Immigration and Deportation for waiver of passport requirements during a 12-month period beginning on a date to be designated by the Commissioner.

" 3. The Order provides, among other things, that the alien " must establish that he entered the Philippines before January 1, 1984 and that he has resided continuously in the Philippines in an unlawful status from such date to the filing of his application".

" 4. Accused Miriam Defensor Santiago, as the then Commissioner of Immigration and Deportation, was authorized and obliged by Executive Order No. 324 to apply and administer and enforce its provisions.

"5. Except for Choi Kin Kwok @ Bernardo Suarez who arrived on July 26, 1975 (Exh. "AA") and So Chen Yueh-O who arrived on May 9, 1979 (Exh. "EE"), the persons named in the information as having been admitted by the Board of Commissioners of the Commission on Immigration, presided by accused Miriam Defensor Santiago, entered the Philippines after January 1, 1984.

"6. Except for Choi Kin Kwok @ Bernardo Suarez and So Chen Yeah-O, the persons named in the information applied jointly with their husbands/fathers/mothers who were themselves qualified, having entered the Philippines before January 1, 1984.

"7. As Commissioner of Immigration and Deportation, accused Miriam Defensor Santiago, is empowered under paragraph 11 of Executive Order No. 324 to waive exclusion grounds under the Immigration Act "for humanitarian purposes to assure family unity or for public interest."

" 8. The Board of Commissioners of the Commission on Immigration and Deportation, composed of accused Miriam Defensor Santiago and two (2) Associate Commissioners, waived the passport requirements of alien wives and minor children, arriving after January 1, 1984, of qualified aliens who had themselves arrived in the Philippines before January 1, 1984 and who were otherwise eligible under the terms and conditions of Executive Order No. 324 for humanitarian purposes in the interest of allowing family unity.

" 9. The main issue in this case is whether the accused Miriam Defensor Santiago had the right to waive the requirement in Executive order No. 324 that the alien applicant" must establish that he entered the Philippines before January 1, 1984 and that he has resided continuously in the Philippines in an unlawful status from such date to the filing of his application."

"Manila, Philippines, January 7, 1994."[7]

On January 30, 1995, the parties submitted supplemental stipulations and motion for time to file written formal offer of evidence and memorandum, the full text of which is as follows:

" 1. The accused admits the genuineness and due execution of all the exhibits which were pre-marked by the prosecution on September 29, 1994, Exhibits "A" to "NN", inclusive, together with all their sub-markings.

" 2. The prosecution admits the genuineness and due execution of all the exhibits which were pre-marked by the accused on October 25, 1994, Exhibits "1" to " 17", inclusive, together with all their sub-markings.

" 3. Since the aforementioned exhibits are still in the possession of the parties, they will, respectively, make a formal offer of the same in writing within fifteen (15) days from today.

" 4. The parties will file their respective memorandum and reply memorandum after the above documentary evidence shall have been admitted by the Honorable Court."[8]

Nonetheless, the parties did not indicate whether or not they would present any testimonial evidence.

On January 31, 1995, the Sandiganbayan gave the parties fifteen (15) days within which to formally offer their respective documentary evidence, thirty (30) days after receipt of the ruling on the offer to submit their respective memoranda and fifteen (15) days thereafter to file their reply if they so desire. Thereafter, the case will be deemed submitted for resolution.[9] On May 25, 1995, the prosecution filed with the Sandiganbayan a Manifestation and Motion praying the court to reopen the case to allow the prosecution to present witnesses "to bring the case to its proper perspective in the light of the admission of the exhibits already marked and admitted by the Honorable Court."

On June 19, 1995, petitioner filed her opposition to the manifestation and motion arguing that the motion was out of place as the prosecution had rested its case with its formal offer of evidence, that the exhibits were public documents which were self evident, that there were only legal issues involved, and the testimonial evidence to be introduced would be immaterial and irrelevant to the agreed issues in the case.

On August 3, 1995, respondent Sandiganbayan issued a resolution ordering a reopening of the case, and allowing the prosecution to present the testimony of complainant Rodolfo Pedellaga to show the accused's "evident bad faith and manifest partiality."

On August 18, 1998, petitioner filed a motion for reconsideration of the Sandiganbayan's resolution dated August 3, 1995.

On January 25, 1996, respondent Sandiganbayan issued a resolution denying petitioner's motion for reconsideration.

Hence, this petition.

On March 11, 1996, we required respondents to comment on the petition. On June 5, 1996, respondents, through The Special Prosecutor, Office of the Ombudsman, filed their comment.

We now resolve to give due course to the petition.

We recognize that even after the parties have closed their evidence, the court in its discretion may re-open the case for the reception of further evidence. However, such re-opening must not prejudice the accused or deny him the opportunity to introduce counter evidence.[10]

In this instance, we find no well-grounded reason for the Sandiganbayan to re-open the case to allow the prosecution to adduce testimonial evidence to show "evident bad faith and manifest partiality" of the accused.

First, the parties agreed that there were no factual issues involved; only questions of law.

Second, the proposed testimony of complainant Pedellaga that the accused "berated" him and ordered him to process the applications for legalization of stay of certain aliens even without payment of filing fees would not constitute proof of "evident bad faith and manifest partiality." Petitioner simply wanted expeditious action on the applications, a prerogative of the head of office. The alleged loss of revenue to the government from non-payment of legalization fees is not charged in the amended information.

In any event, payment of the filing fees may be done before the Commissioner takes final action on the applications with no loss of revenue to the government. After all, filing fees are considered regulatory in nature, not imposed for revenue purposes. Hence, the proposed testimony of complaining witness was not material or within the issues raised.

What is more, in ordering the reopening of the case, the Sandiganbayan did not give petitioner an opportunity to rebut the evidence to be introduced by the prosecution, a virtual denial of due process that will obviously prejudice the substantial rights of the accused.

In so ruling, the Sandiganbayan incurred in error, amounting to grave abuse of discretion, and depriving petitioner of her day in court.

WHEREFORE, the Court hereby GRANTS the petition for certiorari and ANNULS the resolutions of the Sandiganbayan, dated August 3, 1995, and January 25, 1996, in Criminal Case No. 16698.

The Court orders the Sandiganbayan to forthwith decide Criminal Case No. 16698, which has been pending for almost eight (8) years from the filing of the original information, within a reasonable time not exceeding six (6) months from notice.

No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Melo, and Kapunan, JJ., concur.

[1] Hon. Francis E. Garchitorena, Presiding Justice; Hon. Jose S. Balajadia, Associate Justice (now retired); and Hon. Minita V. Chico-Nazario, Associate Justice, members.

[2] Annex "C", Comment, Rollo, pp. 127-128.

[3] Annex "I", Comment, Rollo, pp. 156-158

[4] Original Record, Vol. II, Sandiganbayan, p. 525.

[5] Idem.

[6] Annex "C", Petition, Rollo, pp. 38-39; Original Record, Vol. III, Sandiganbayan, pp. 47-48.

[7] Annex "L", Comment, Rollo, pp. 163-165.

[8] Annex "L-1", Comment, Rollo, pp. 166-167.

[9] Annex "M", Comment, Rollo, p. 168.

[10] Cf. Justice Florenz D. Regalado, Remedial Law Compendium, Vol. II, Seventh Revised Edition, 1995, third printing, 1997, p. 427.

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