

RAMON J. ALEGRE, PETITIONER, VS. HON. MANUEL T. REYES, ETC., AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 56923. May 09, 1988

Ponente: NARVASA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-56923/>

NARVASA, J.:

A motion to reopen the trial is quite distinct from a motion for new trial. And it is the refusal of the Trial Court to reopen the case for presentation of additional defense proofs after the close of the trial but before promulgation of judgment, that is the grave error claimed by the petitioner to have been committed in the criminal case against him, resulting in a denial to him of the right to present all the evidence material to his defense.

Petitioner Alegre was indicated in the Court of First Instance of Manila[1] for the felony of malversation of public funds under Article 217 of the Revised Penal Code. The amended information alleged that —

**** in or about and during the period comprised between October 17, 1975 to April 30, 1976 *** (Alegre), being then the President and General Manager of the Philippine Jai-Alai & Amusement Corporation (PJAC), *** and a public officer within the contemplation of law (Art. 203, Penal Code) because of the fiduciary nature of the duties which he exercised in respect to the disbursement of the trust funds impressed with public attributes and character and as such are government funds which he received for and in behalf of the government with the obligation to account for the same, thereby taking part in the performance of public functions in the government, who, by reason of his position in said office, is charged with among others, approving disbursements of Petty Cash Vouchers of said PJAC. did then and there wilfully, unlawfully and feloniously approve Petty Cash Vouchers for the aforesaid period in payment of claims for lost and torn winning tickets and reimbursement of erroneous payments made by the paying cashiers thereat in the total amount of P18,170.00, chargeable against public funds destined for charitable purposes and which were when held in trust by the *** Corporation, and that by his approval of these payments and reimbursements, disbursements were in fact made and charged against said public funds which consisted of dividends for unclaimed winning tickets held in trust by said *** Corporation, and that by approving such disbursements of said amounts the accused through negligence, flagrant recklessness and utter disregard of precautions in safeguarding said public funds, allowed other persons to take, misappropriate, misapply and convert said funds to their own personal use and benefit, to the damage and prejudice of the government in the aforesaid amount of P18,700.80. Philippine Currency."

On arraignment, Alegre entered a plea of not guilty. Trial commenced on November 17, 1977 lasting for about two and a half years, or until March 24, 1980 when the prosecution rested its case. All told, the prosecution presented twenty-nine (29) witnesses and voluminous exhibits, marked from Exhibits A through the KKK, inclusive. Among the documents presented by the State were thirty-three (33) affidavits, admitted over the defendant's objection that they were hearsay since the affiants had not been called to the witness stand for cross-examination.

Alegre's evidence, on the other hand, consisted only of his sole testimony, and a few exhibits. He submitted his proofs during only two trial settings, on September 24, and on September 29, 1980. Memoranda were thereafter

submitted by the parties, inclusive of replies by both of them.

Twelve (12) days or so after receiving a copy of the prosecution's reply memorandum — and before rendition or judgment — Alegre filed under date of February 12, 1981 a "Motion to Reopen Trial for Presentation of Additional Evidence" to prove "that the funds in question are not public funds and are not impressed with a public character," and "that he is not a public officer." His motion specified the matters that would be subject of the additional evidence meant to be presented, including the alleged ultra vires character of the resolution of the Games & Amusements Board of November 21, 1956, involved in the offense charged, and whether it was valid and binding since it had not been published in the Official Gazette; the nature of the funds alleged to have been malversed, as private; circumstances in refutation of particular stated portions of the NBI Report (Exhibit A) presented by the State, as well as the affidavits of more than 30 persons who were never called to the witness stand to personally give evidence of the facts set out in their sworn statements; the fact that payments for lost or torn winning tickets came from an account called "betting dividends payable," not from the account of unclaimed dividends already earmarked for charity; the additional fact that reimbursements of erroneous payments made by cashiers and tellers of PJAC came from the petty cash funds of the corporation and not from said unclaimed dividends declared forfeited in favor of charitable institutions; the standing practice of the PJAC, sanctioned by its Board of Directors, of paying claims for dividends based on lost or torn winning tickets; the fact that Alegre had not personally profited from said practice; and the fact that "(a) PJAC is a private corporation, and (b) that its funds are treated like those of any private entity (itemizing the particulars thereof)." Alegre quite candidly admitted his mistake and oversight in failing to lay these additional proofs before the Court prior to his resting his case, realization of the gravity of the error, and the gaping omissions in his evidence having dawned on him in the course of drawing up his memorandum-in-chief and reply memorandum. The motion was opposed by the prosecution, it being argued in substance that the additional evidence would not affect the essential question of the defendant's guilt or innocence, and that the latter had been accorded adequate time and opportunity to put on all his proofs but he had failed to do so. Alegre filed a reply. Thereafter the motion was denied by the Trial Court, by Order dated February 26, 1981 reading as follows:

"Acting on accused's motion to reopen trial for presentation of additional evidence on the grounds therein specified, to which motion the prosecution filed an opposition putting up point-by-point refutation of the given grounds, and finding the motion not well taken, considering that the accused had all the opportunity to present his evidence to prove his innocence and in fact the record has been extensively saturated with evidence on the points raised in the motion such that further evidence on said points would only be unnecessarily cumulative and a superfluity, the motion is hereby denied."

On the theory that the Trial Court had acted with grave abuse of discretion amounting to lack or excess of jurisdiction in declining to grant reopening under the circumstances, Alegre applied to the Court of Appeals for a writ of certiorari. The Court of Appeals issued a temporary restraining order enjoining the Lower Court from proceeding with promulgation of judgment, and required the Solicitor General to comment in the People's behalf. However, without waiting for the required comment, the Appellate Court dismissed Alegre's petition for certiorari for lack of merit, by Decision dated April 28, 1981.[2]

It was with the objective of reversing the Decision of the Court of Appeals of April 28, 1981 and the Lower Court's Order of February 26, 1981, that Alegre filed with this Court the instant petition for review on certiorari. Acting thereon, this Court issued a temporary restraining order dated May 25, 1981, inhibiting the respondent Judge from further proceeding in Alegre's case.[3]

As pointed out in the opening statement of this opinion, a motion to reopen the trial is different and distinct from a motion for new trial.

For one thing, a motion to reopen may properly be presented only after either or both parties have formally offered, and closed their evidence.[4] but before judgment. On the other hand a motion for new trial is proper only after rendition or promulgation of judgment.[5]

For another, a motion for reopening, unlike a motion for new trial, is not specifically mentioned and prescribed as a remedy by the Rules of Court. There is no specific provision in the Rules of Court governing motions to reopen. It is albeit a recognized procedural recourse or device, deriving validity and acceptance from long, established usage.

A motion for new trial in civil or criminal actions may be applied for and granted only upon specific, well-defined grounds, set forth respectively in Rules 37 (Section 1) and 121 (Section 2). On the other hand, the reopening of a case for the reception of additional evidence after a case has been submitted for decision but before judgment is actually rendered is, it has been said, controlled by no other rule than that of the paramount interests of justice, resting entirely in the sound judicial discretion of a Trial Court; and its concession, or denial, by said Court in the exercise of that discretion will not be reviewed on appeal unless a clear abuse thereof is shown.[6] A brief review of precedents treating of the matter of reopening a trial provides a clearer insight into the nature of the remedy, and is not inutile at this point.

"The reopening of a case for the reception of further evidence before judgment is entered therein is not the granting of a new trial." U.S. v. Visquera. 4 Phil. 380.

"**** was within the power of the judge below to open the case for the admission of further evidence and for the presentation of an amended petition. That was all that the first decision amounted to. Any other rule would work great hardship upon the petitioners in that court, and would require them to commence an entirely new proceeding when a slight amendment in the proceedings already instituted would accomplish the same result." Capellania de Tambobong v. Antonio. 8 Phil. 683. 687-688.

"The (trial) court after hearing the evidence in regard to the commission of the offense, declared the testimony closed. Afterwards, not being entirely satisfied on the subject of amnesty, he gave permission to the parties to summon other witnesses upon that point. This was done, their testimony was taken, and final judgment afterwards rendered. The appellants claim in this court that this was error, and that a new trial can only be granted upon the motion of the defendants. This opening of the case, however, before a judgment is rendered, was not a new trial of the case, and such action was clearly within the discretion of the trial court." United States v. Vizquera, et al.. 4 Phil. 380, 381.

"This Court has already held that the trial court, exercising his discretion within reasonable limits, may reopen the case for the purpose of hearing further proofs upon either side. (U.S. v. Cinco. 8 Phil. Rep.. 388)." U.S. v. Tria. 17 Phil. 303. 308.

"Under the circumstances of the case, it lay within the discretion of the court below to permit the reopening of the case before the rendition of judgment, and it does not appear from the record that in doing so, it abused its discretion." Alvarez v. Guevara Wee, 47 Phil. 12, 13.

"The reopening of the case by the court on its own motion was largely a matter in its discretion and for the orderly administration of justice, and there is no merit in the first assignment of error." Gaas v. Fortich, 54 Phil. 196. 200.

"**** It is within the discretion of the court whether or not to admit further evidence after the party offering the evidence has rested. and this discretion will not be reviewed except where it has clearly been abused. (64 C.J., 160). More, it is within the sound discretion of the court whether or not it will allow the case to be reopened for the further introduction of evidence after a motion or request for a non-suit, or a demurrer to the evidence, and the case may be reopened after the court has announced its intention as to its ruling on the request, motion or

demurrer, or has granted it or has denied the same, or after the motion has been granted, if the order has not been written, or entered upon the minutes or signed. (64 C.J.. 164)

"In this jurisdiction this rule has been followed. After the parties have produced their respective direct proofs, they are allowed to offer rebutting evidence only, but. it has been held, the court, for good reasons, in the furtherance of justice, may permit them to offer evidence upon their original case, and its ruling will not be disturbed in the appellate court where no abuse of discretion appears. (Siuliong & Co. v. Ylagan, 43 Phil., 393; U.S. v. Alviar. 36 Phil. 804) So. generally, additional evidence is allowed when it is newly discovered, or where it has been omitted through inadvertence or mistake, or where the purpose of the evidence is to correct evidence previously offered. (I Moran's Comments on the Rules of Court. 2d ed.. 545; 64 C.J.. 160-163.) The omission to present evidence on the testator's knowledge of Spanish had not been deliberate. It was due to a misapprehension or oversight." Lopez v. Liboro. 81 Phil. 429. 433.

In light of the foregoing jurisprudence, and the relevant facts, it appears that the Trial Court had acted unreasonably, capriciously, whimsically, and oppressively in spurning Alegre's plea for reopening the trial so that he might present additional evidence. The record shows that it took the prosecution no less than two and a half years to adduce its proofs: the accused presented evidence within a span of five (5) days and only on two (2) hearing dates. The prosecution called to the stand twenty-nine (29) witnesses and introduced more than sixty (60) exhibits; the accused offered naught but his sole testimony and a few documents. There was withal no undue delay in Alegre's presentation of his motion to reopen. Of significance, too, is the absence of showing of any substantial prejudice to the State which would have been occasioned by the reception of Alegre's preferred additional evidence. There was moreover a frank avowal of error and oversight on Alegre's part; he had quite apparently underestimated the State's evidence and overrated his own meager proofs. All these circumstances, taken together, should have persuaded the Trial Judge to give the accused the few hearing dates that the presentation of his additional evidence would have entailed; and the resultant delay in the termination of the trial would certainly not have caused serious or substantial injury to the State's cause. It was moreover unreasonable, in the premises, for the Trial Court to justify denial of the application for reopening by simply adverting to the fact that "the accused had (been given) all the opportunity to present his evidence" — which the accused does not at all deny, but as to which he pleads that serious error on his part prevented him from fully availing of that opportunity — or by stressing that "the record has been extensively saturated with evidence on the points raised in the motion such that further evidence on said points would only be unnecessarily cumulative and a superfluity" — since the "saturating evidence" did not proceed from the appellant, in the first place, and hence his additional evidence would not be cumulative thereto but in refutation thereof, and could not, in any event, be characterized as "a superfluity." By extension, It was reversible error for the Court of Appeals to have sustained the Trial Court's aforesaid action.

WHEREFORE, the Decision of the Court of Appeals dated April 21, 1981 and the Order of the Trial Court dated February 26, 1981 thereby affirmed, are hereby REVERSED AND SET ASIDE. The respondent Judge is hereby ORDERED to reopen the case for reception of the petitioner Alegre's preferred evidence in accordance with the rules of evidence, and under the control of said Judge. Without pronouncement as to costs.

SO ORDERED.

Cruz, Gancayco and Griño-Aquino, JJ., concur.

[1] Branch IX. then presided over by Hon. Manuel T. Reyes.

[2] Rollo, pp. 192-196; the Decision was written by Villaluz.. J.. with De la Fuente and Victoriano. JJ..

concurring.

[3] Crim. Case No. 29185.

[4] SEE Rule 132. C. Section 35 to 38. Rules of Court. The situation is different from that where a party at the rebuttal stage, wishes to present additional evidence-in-chief which he may do only by prior leave of court in accordance with Section 1 (f). Rule 30 (in relation to civil case) and Section 3 (c) Rule 119 (as regards criminal actions).

[5] SEE Rule 37 (re civil case) and Rule 121 (re criminal cases).

[6] SEE Moran. Comment on the Rules. 1979 cd.. vol. 2 pp. 212-213. citing cases: Francisco. The Revised Rules. 1966 cd.. Vol. 2 p. 494. also citing cases.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.