

DINAH C. BARRIGA, PETITIONER, VS. SANDIGANBAYAN (4TH DIVISION) AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. Nos. 179307-09. April 17, 2009

Ponente: NACHURA, J.

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NACHURA, J.:

Before us is a Motion to Resolve Petitioner's Motion for Reconsideration on the Merits^[1] filed by petitioner Dinah C. Barriga.

In the foregoing motion, petitioner insists on the resolution on the merits of her Petition for Certiorari and alleges the following:

1. In a Minute Resolution x x x[,] this Honorable Court denied Petitioner's x x x motion for reconsideration.
2. It may be noted that the Petition as well as Petitioner's motion for reconsideration were summarily denied by this Honorable Court through Minute Resolutions.
3. It is respectfully submitted that the Petition as well as the motions for reconsideration should be resolved on the merits and not summarily denied via Minute Resolutions as the legal principle relied upon by the Petition as well as the motions for reconsiderations was the very decision of this Honorable Court in *Pajaro v. Sandiganbayan*, x x x which squarely held that the dismissal by the Honorable Court of Appeals of the administrative case which is based on the same question of facts as that of the criminal aspect takes away from the Honorable Sandiganbayan the jurisdiction to entertain and try the criminal aspect. The issue here is jurisdiction and the Honorable Sandiganbayan will take its bearings from the Decision of this Honorable Court on the merits in this case.
4. Inasmuch as the Honorable Court of Appeals has already dismissed the administrative aspect against herein Petitioner in CA-G.R. SP No. 00079, this Honorable Court ought to enforce its decision in *Pajaro v. Sandiganbayan* x x x, on the Honorable Sandiganbayan in this ease.
5. At the very least, with all due respect, this Honorable Court must demonstrate in an extended decision why it chooses not to enforce its decision in *Pajaro v. Sandiganbayan* to this case. At least, for the guidance of the Bench and the Bar, with all due respect, it behooves upon this Honorable Court as the bastion of last resort to elucidate why *Pajaro* is not controlling in this case, if said Decision should command the respect of all and sundry. After all, the decision of this Honorable Court is a law to all citizens of this country which ought to be respected and observed.^[2]

We shall first dispose of petitioner's erroneous contention that the summary denial of her petition and her subsequent motions for reconsideration in minute resolutions were not resolved by the Court on the merits.

In *Smith Bell & Co. (Phils.), Inc., et al. v. Court of Appeals, et al.*,^[3] we held that a minute resolution of dismissal of a petition for review on certiorari constitutes an adjudication on the merits of the controversy or subject matter of the petition:

Private respondent's argument must be rejected. That this Court denied Go Thong's Petition for Review in a minute Resolution did not in any way diminish the legal significance of the denial so decreed by this Court. The Supreme Court is no compelled to adopt a definite and stringent rule on how its judgment shall be framed. It has long been settled that this Court has discretion to decide whether a "minute resolution" should be used in lieu of a full-blown decision in any particular case and that a minute Resolution of dismissal of a Petition for Review on Certiorari constitutes an adjudication on the merits of the controversy or subject matter of the Petition. It has been stressed by the Court that the grant of due course to a Petition for Review is "not a matter of right, but of sound judicial discretion; and so there is no need to fully explain the Court's denial. For one thing, the facts and law are already mentioned in the Court of Appeals' opinion." A minute Resolution denying a Petition for Review of a Decision of the Court of Appeals can only mean that the Supreme Court agrees with or adopts the findings and conclusions of the Court of Appeals, in other words, that the Decision sought to be reviewed and set aside is correct.[4]

We elaborated on this further in *Komatsu Industries (Phils.) Inc. v. CA:5*

As early as *Novino, et al. v. Court of Appeals, et al*, it has been stressed that these "resolutions" are not "decisions" within the above constitutional requirements; they merely hold that the petition for review should not be entertained and even ordinary lawyers have all this time so understood it; and the petition to review the decision of the Court of Appeals is not a matter of right but of sound judicial discretion, hence there is no need to fully explain the Court's denial since, for one thing, the facts and the law are already mentioned in the Court of Appeals' decision.

This was reiterated in *Que v. People, et al*, and further clarified in *Munal v. Commission on Audit, et al*. that the constitutional mandate is applicable only in cases "submitted for decision," i.e., given due course and after the filing of briefs or memoranda and/or other pleadings, but not where the petition is refused due course, with the resolution therefore staling the legal basis thereof. Thus, when the Court, after deliberating on a petition and subsequent pleadings, decides to deny due course to the petition and states that the questions raised are factual or there is no reversible error in the respondent court's decision, there is sufficient compliance with the constitutional requirement.

For, as expounded more in detail in *Borromeo v. Court of Appeals, et al*.

The Court reminds all lower courts, lawyers, and litigants that it disposes of the bulk of its cases by minute resolutions and decrees them as final and executory, as where a case is patently without merit, where the issues raised are factual in nature, where the decision appealed from is supported by substantial evidence and is in accord with the facts of the case and the applicable laws, where it is clear from the records that the petition is filed merely to forestall the early execution of judgment and for non-compliance with the rules. The resolution denying due course or dismissing the petition always gives the legal basis. As emphasized in *In Re: Wenceslao Laureia xxx*; "[T]he Court is not 'duty bound' to render signed Decisions all the time. It has ample discretion to formulate Decisions and/or Minute Resolutions, provided a legal basis is given, depending on its evaluation of a case." This is the only way whereby it can act on all cases filed before it and, accordingly discharge its constitutional functions.[6]

From the foregoing rulings, it is beyond cavil that the denial of petitioner's petition and her subsequent motions for reconsideration were adjudication upon merits.

On the applicability of *Pajaro v. Sandiganbayan*[7] ubiquitously invoked by petitioner, we quote with favor the Sandiganbayan's holding:

[3] Accused Barriga's reliance on the case of *Pajaro v. Sandiganbayan* to bolster her argument that the supposed dismissal of the administrative aspect of these cases by the Court of Appeals has effectively deprived the Sandiganbayan of its jurisdiction to entertain and try these criminal cases is clearly misplaced and fails to take into account relevant legal developments. The ruling in *Pajaro v. Sandiganbayan* to the effect that the

Sandiganbayan, being a court of special and limited jurisdiction, is inferior to the Court of Appeals, and as such, may not review, revise or reverse the findings of the latter, is no longer controlling. Under Section 1, P.D. No. 1606, as amended by R.A. No. 8249, the Sandiganbayan has been declared by law as a "special court of the same level as the Court of Appeals and possessing all the inherent powers of a court of justice." Thus, to turn *Pajaro v. Sandiganbayan* on its head, the Court of Appeals, being merely of equal rank to the Sandiganbayan, the same may not review, revise, reverse or even control its findings. In fact, decisions and final orders of the Sandiganbayan are reviewable only by the Supreme Court, x x x Neither can the Court of Appeals impose its findings and conclusions upon the Sandiganbayan, as accused Barriga implies, as only the rulings and decisions of the Supreme Court can serve as binding precedents to the determinations to be made by the Sandiganbayan.[8]

Lastly, nowhere in the Court of Appeals (CA) resolution, which petitioner harps on, does it state that the administrative aspect of the case against her has been dismissed. The slight modification accorded by the CA of its decision was strictly confined to the Ombudsman's authority to directly dismiss or suspend petitioner. This was explicitly set forth in the dispositive portion of the CA resolution, to wit:

WHEREFORE, the Decision in the instant case is MODIFIED in that the Orders of the Office of the Ombudsman dated August 10, 2004 and September 3, 2004 in so far as it directed the implementation of the suspension of petitioner is declared null and void having been made beyond its authority and prematurely. Consequently, the letter of the municipal mayor of Carmen, Cebu dated November 2, 2004 implementing said order is also nullified. Petitioner's immediate reinstatement is in order. No pronouncement as to costs.[9]

WHEREFORE, petitioner's motion to resolve her motion for reconsideration on the merits, which is in reality a third motion for reconsideration, is DENIED for lack of merit. This third motion for reconsideration is EXPUNGED as an unauthorized pleading. This resolution is immediately final and executory, and no further pleadings or motions will be entertained.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Chico-Nazario, and Peralta, JJ., concur.

[1] Rollo, pp. 115-118.

[2] Id. at 115-116.

[3] 274 Phil. 472 (1991).

[4] Id. at 479-480. (Citations omitted.)

[5] 352 Phil. 440 (1998).

[6] Id. at 446-447. (Citations omitted.)

[7] No. L-82001. April 15, 1988, 160 SCRA 763.

[8] Rollo, pp. 24-25.

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