

JAIME S. DOMDOM, PETITIONER, VS. HON. THIRD AND FIFTH DIVISIONS OF THE SANDIGANBAYAN, COMMISSION ON AUDIT AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. Nos. 182382-83. February 24, 2010

Ponente: CARPIO MORALES, J.

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CARPIO MORALES, J.:

By Affidavit of February 15, 2002, Hilconeda P. Abril, State Auditor V of the Commission on Audit (COA) assigned at the Philippine Crop Insurance Corporation (PCIC), requested the Office of the Ombudsman to conduct a preliminary investigation on the transactions-bases of the claims of Jaime S. Domdom (petitioner) for miscellaneous and extraordinary expenses as a Director of PCIC, the receipts covering which were alleged to be tampered.[1]

After preliminary investigation, the Office of the Ombudsman found probable cause to charge petitioner with nine counts of estafa through falsification of documents in view of irregularities in nine supporting receipts for his claims for miscellaneous and extraordinary expenses, after verification with the establishments he had transacted with. It thus directed the filing of the appropriate Informations with the Sandiganbayan.[2]

The Informations were separately raffled and lodged among the five divisions of the Sandiganbayan. The First, Second and Fifth Divisions granted petitioner's Motions for Consolidation of the cases raffled to them with that having the lowest docket number, SB-07-CRM-0052, which was raffled to the Third Division.[3]

The Sandiganbayan Third Division disallowed the consolidation, however, by Resolutions dated February 12 and May 8, 2008, it holding mainly that the evidence in the cases sought to be consolidated differed[4] from that to be presented in the one which bore the lowest docket number. It is gathered from the records that the Sandiganbayan Fourth Division also denied petitioner's Motion for Consolidation.[5]

Petitioner thus seeks relief from this Court via the present Petition for Certiorari, with prayer for temporary restraining order (TRO) and/or writ of preliminary injunction, to enjoin the different divisions of the Sandiganbayan from further proceeding with the cases against him during the pendency of this petition.[6]

Petitioner argues that, among other things, all the cases against him arose from substantially identical series of transactions involving alleged overstatements of miscellaneous and extraordinary expenses.

Respondent People of the Philippines (People), in its Comment,[7] counters that petitioner failed to file a motion for reconsideration which is a condition precedent to the filing of a petition for certiorari; that the petition was filed out of time since a motion for extension to file such kind of a petition is no longer allowed; that consolidation is a matter of judicial discretion; and that the proceedings in the different divisions of the Sandiganbayan may proceed independently as the Informations charged separate crimes committed on separate occasions.

In the meantime, the Court issued a TRO[8] enjoining all divisions of the Sandiganbayan from further proceeding

with the trial of the cases against petitioner until further orders.

Prefatorily, the People raises procedural questions which the Court shall first address.

Concededly, the settled rule is that a motion for reconsideration is a condition sine qua non for the filing of a petition for certiorari, its purpose being to grant an opportunity for the court a quo to correct any actual or perceived error attributed to it by a re-examination of the legal and factual circumstances of the case.[9]

The rule is, however, circumscribed by well-defined exceptions, such as where the order is a patent nullity because the court a quo had no jurisdiction; where the questions raised in the certiorari proceeding have been duly raised and passed upon by the lower court, or are the same as those raised and passed upon in the lower court; where there is an urgent necessity for the resolution of the question, and any further delay would prejudice the interests of the Government or of the petitioner, or the subject matter of the action is perishable; where, under the circumstances, a motion for reconsideration would be useless; where the petitioner was deprived of due process and there is extreme urgency for relief; where, in a criminal case, relief from an order of arrest is urgent and the grant of such relief by the trial court is improbable; where the proceedings in the lower court are a nullity for lack of due process; where the proceedings were ex parte or in which the petitioner had no opportunity to object; and where the issue raised is one purely of law or where public interest is involved.[10]

The Court finds that the issue raised by petitioner had been duly raised and passed upon by the Sandiganbayan Third Division, it having denied consolidation in two resolutions; that the issue calls for resolution and any further delay would prejudice the interests of petitioner; and that the issue raised is one purely of law, the facts not being contested. There is thus ample justification for relaxing the rule requiring the prior filing of a motion for reconsideration.

On the People's argument that a motion for extension of time to file a petition for certiorari is no longer allowed, the same rests on shaky grounds. Supposedly, the deletion of the following provision in Section 4 of Rule 65 by A.M. No. 07-7-12-SC[11] evinces an intention to absolutely prohibit motions for extension:

"No extension of time to file the petition shall be granted except for the most compelling reason and in no case exceeding fifteen (15) days."

The full text of Section 4 of Rule 65, as amended by A.M. No. 07-7-12-SC, reads:

Sec. 4. When and where to file the petition. - The petition shall be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the petition shall be filed not later than sixty (60) days counted from the notice of the denial of the motion.

If the petition relates to an act or an omission of a municipal trial court or of a corporation, a board, an officer or a person, it shall be filed with the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed with the Court of Appeals or with the Sandiganbayan, whether or not the same is in aid of the court's appellate jurisdiction. If the petition involves an act or an omission of a quasi-judicial agency, unless otherwise provided by law or these rules, the petition shall be filed with and be cognizable only by the Court of Appeals.

In election cases involving an act or an omission of a municipal or a regional trial court, the petition shall be filed exclusively with the Commission on Elections, in aid of its appellate jurisdiction. (underscoring supplied)

That no mention is made in the above-quoted amended Section 4 of Rule 65 of a motion for extension, unlike in the previous formulation, does not make the filing of such pleading absolutely prohibited. If such were the intention, the deleted portion could just have simply been reworded to state that "no extension of time to file the

petition shall be granted." Absent such a prohibition, motions for extension are allowed, subject to the Court's sound discretion. The present petition may thus be allowed, having been filed within the extension sought and, at all events, given its merits.

In *Teston v. Development Bank of the Philippines*,^[12] the Court laid down the requisites for the consolidation of cases, viz:

A court may order several actions pending before it to be tried together where they arise from the same act, event or transaction, involve the same or like issues, and depend largely or substantially on the same evidence, provided that the court has jurisdiction over the cases to be consolidated and that a joint trial will not give one party an undue advantage or prejudice the substantial rights of any of the parties. (emphasis and underscoring supplied.)

The rule allowing consolidation is designed to avoid multiplicity of suits, to guard against oppression or abuse, to prevent delays, to clear congested dockets, and to simplify the work of the trial court - in short, the attainment of justice with the least expense and vexation to the parties-litigants.

Thus, in *Philippine Savings Bank v. Mañalac, Jr.*,^[13] the Court disregarded the technical difference between an action and a proceeding, and upheld the consolidation of a petition for the issuance of a writ of possession with an ordinary civil action in order to achieve a more expeditious resolution of the cases.

In the present case, it would be more in keeping with law and equity if all the cases filed against petitioner were consolidated with that having the lowest docket number pending with the Third Division of the Sandiganbayan. The only notable differences in these cases lie in the date of the transaction, the entity transacted with and amount involved. The charge and core element are the same - estafa through falsification of documents based on alleged overstatements of claims for miscellaneous and extraordinary expenses. Notably, the main witness is also the same - Hilconeda P. Abril.

It need not be underscored that consolidation of cases, when proper, results in the simplification of proceedings which saves time, the resources of the parties and the courts, and a possible major abbreviation of trial. It contributes to the swift dispensation of justice, and is in accord with the aim of affording the parties a just, speedy and inexpensive determination of their cases before the courts. Above all, consolidation avoids the possibility of rendering conflicting decisions in two or more cases which would otherwise require a single judgment.^[14]

WHEREFORE, the petition is GRANTED. The Third Division of the Sandiganbayan is DIRECTED to allow the consolidation of the cases against petitioner for estafa through falsification of documents with SB-07-CRM-0052, which has the lowest docket number pending with it. All other Divisions of the Sandiganbayan are accordingly ORDERED to forward the subject cases to the Third Division.

SO ORDERED.

Puno, C.J., Carpio, Corona, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, and Mendoza, JJ., concur.

[1] Rollo, pp. 22-23.

[2] Id. at 52-66.

[3] Id. at 96-102, 122, 213-214.

[4] Id. at 112, 232.

[5] Id. at 313-314.

[6] Id. at 9-21, 124-142.

[7] Id. at 272-291.

[8] Resolutions of September 2, 2008 and February 24, 2009; rollo, pp. 298-300, 315.

[9] Estate of Salvador Serra Serra v. Heirs of Primitivo Hernaez, G.R. No. 142913, August 9, 2005, 466 SCRA 120, 127.

[10] Tan v. Court of Appeals, 341 Phil. 570, 576-578 (1997).

[11] Amendments to Rules 41, 45, 58 and 65 of the Rules of Court; adopted on December 4, 2007.

[12] G.R. No. 144374, November 11, 2005, 474 SCRA 597, 605.

[13] G.R. No. 145441, April 26, 2005, 457 SCRA 203, 213-214.

[14] Yu, Sr. v. Basilio G. Magno Construction and Development Enterprises, Inc., G.R. Nos. 138701-02, October 17, 2006, 504 SCRA 618, 633.

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