

FIRST DIVISION

[G.R. NO. 163996, June 09, 2005]

**JUAN G. RIVERA, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

D E C I S I O N

YNARES-SANTIAGO, J.:

This petition for review on certiorari under Rule 45 of the Rules of Court assails the decision dated May 3, 2004 of the Sandiganbayan,^[1] which convicted petitioner of twelve counts of the crime of falsification by a public officer under Article 171 and one count of the crime of malversation of public funds under Article 217 (4), both of the Revised Penal Code and its resolution dated June 10, 2004,^[2] denying reconsideration thereof and disallowing him to present evidence.

The antecedent facts are as follows:

Petitioner Juan G. Rivera and Eric O. Garcia, municipal mayor and disbursement officer, respectively, of Guinobatan, Albay, were charged before the Sandiganbayan with twelve counts of falsification of public documents and one count of malversation of public funds involving the amount of P1,936,798.64 given to the Municipality of Guinobatan as calamity fund for the victims of the Mayon volcanic eruption. Garcia died on August 25, 2001 and was accordingly dropped from the amended information.

Upon arraignment,^[3] petitioner entered a plea of not guilty to all thirteen cases. A pre-trial was conducted and thereafter trial ensued. On various dates, the prosecution presented its witnesses and offered documentary exhibits. Then, it rested its case.

The defense was scheduled to present evidence on September 29, 2003; however, during the hearing, petitioner's former counsel, Atty. Benjamin C. Belarmino, Jr., informed the court that they have not yet received the resolution on the prosecution's Formal Offer of Exhibits, further manifesting that upon receipt of the resolution, they will ask for leave of court to file demurrer to evidence.

Thereupon, the court directed Atty. Belarmino to file a demurrer to evidence even without leave of court but the latter manifested that he would still discuss the matter with his collaborating counsel.

However, in the order issued by the Sandiganbayan on September 29, 2003, it was stated that petitioner, through counsel, manifested that he would be filing a demurrer to evidence without leave of court within ten (10) days.^[4]

On October 20, 2003, petitioner filed his Demurrer to Evidence^[5] without leave of court to which the prosecution filed its Opposition on October 27, 2003.

Pursuant to Section 23, Rule 119 of The Revised Rules of Criminal Procedure, the Sandiganbayan considered the right of petitioner to present evidence waived and deemed the case submitted for judgment on the basis of the evidence for the prosecution. On May 3, 2004, the Sandiganbayan rendered the assailed decision finding petitioner guilty as charged, the dispositive portion of which states:

WHEREFORE:

A. In Criminal Cases No. 26686 to 26697, the Court finds the accused Juan G. Rivera **GUILTY** beyond reasonable doubt for TWELVE (12) COUNTS of the crime of Falsification by Public Officer defined under Article 171 of the Revised Penal Code, and is hereby sentenced to suffer the penalty of imprisonment of, after applying the indeterminate sentence law, TWO (2) YEARS, FOUR (4) MONTHS, and ONE (1) DAY of prisión correccional as minimum, up to TEN (10) YEARS of prisión mayor, as maximum, for each count;

Fine of Two Thousand Pesos (P2,000.00) for each count, or a total of TWENTY FOUR THOUSAND PESOS (P24,000.00) for all twelve counts; and

All the accessory penalties provided for by law.

B. In Criminal Case No. 26698, the Court finds the accused Juan G. Rivera **GUILTY** beyond reasonable doubt of the crime of Malversation of Public Funds defined under Article 217(4) of the Revised Penal Code, and is hereby sentenced to suffer the penalty of imprisonment of, after applying

i) the indeterminate sentence law, TWELVE (12) YEARS, FIVE (5) MONTHS, and ELEVEN (11) DAYS of reclusion temporal as minimum, up to TWENTY (20) YEARS of reclusion temporal as maximum,

ii) the penalty of perpetual special disqualification,

iii) a fine of SEVEN HUNDRED NINETY FOUR THOUSAND FOUR HUNDRED FORTY FIVE PESOS (P794,445.00).

By way of restitution, the accused is likewise ordered to indemnify the government in the same amount of SEVEN HUNDRED NINETY FOUR THOUSAND FOUR HUNDRED FORTY FIVE PESOS (P794,445.00); and

All the accessory penalties provided for by law.

SO ORDERED.^[6]

On May 17, 2004, petitioner moved for reconsideration of the decision and further moved that he be allowed to present evidence.^[7] The same, however, was denied in

a resolution dated June 10, 2004, the dispositive portion of which reads:

WHEREFORE, premises considered, this Court is constrained to DENY the omnibus motion for reconsideration.

SO ORDERED.^[8]

Hence, this petition for review on certiorari.^[9]

The sole issue for resolution is whether or not the assailed decision and resolution of the Sandiganbayan should be set aside to allow petitioner to present evidence despite the demurrer to evidence filed.

Petitioner prays that in the interest of justice he be allowed to present evidence in view of the severity of the penalty imposed on him which is imprisonment of about 140 years. He asserts that he was unaware of the consequences of the action taken by his former counsel when he manifested that they were opting to file a demurrer to evidence. He also claims that the Sandiganbayan made no searching inquiry to determine whether he fully understood the legal ramifications of filing a demurrer to evidence without leave of court. He submits that by its filing, he was totally unaware and did not comprehend that he was in effect waiving his constitutional right to present evidence and be heard.

The petition is meritorious.

We recognize the importance of procedural rules in insuring the effective enforcement of substantive rights through the orderly and speedy administration of justice.^[10] However, the rules of procedure ought not to be applied in a very rigid technical sense, as they are used only to help secure, not override substantial justice. If a technical and rigid enforcement of the rules is made, their aim would be defeated.^[11] That the Court has the power to set aside its own rules in the higher interests of justice is well-entrenched in our jurisprudence.^[12]

The adjudication of cases involving the transcendental matter of life and liberty of a person, requires our utmost consideration.^[13] The Constitution ordains that due process must be observed in cases involving a possible deprivation of life, liberty, or property.^[14]

In the case at bar, the extreme penalty of more than a double-life sentence was imposed. No less than his liberty is at stake here.^[15] Consequently, this case deserves to be deliberated upon, moreso because after the initial assessment by the Sandiganbayan, petitioner's only and last resort is with this Court.

A demurrer to evidence is defined as "an objection by one of the parties in an action, to the effect that the evidence which his adversary produced is insufficient in point of law, whether true or not, to make out a case or sustain the issue".^[16] The party demurring challenges the sufficiency of the whole evidence to sustain a verdict.^[17] In passing upon the sufficiency of the evidence raised in a demurrer, the court is merely required to ascertain whether there is competent or sufficient proof to sustain the indictment or to support a verdict of guilt.^[18]

The transcript of stenographic notes taken during the hearing held on September 29, 2003 is reproduced herein, to wit:

CHAIRMAN:
Call the cases.

INTERPRETER:
Criminal Cases Nos. 26686-97 and 26698 entitled, People versus Juan Rivera, for trial.

PROSECUTOR:
Respectfully appearing for the People, your Honor.

COUNSEL:
Same appearance for the accused, your Honor.

CHAIRMAN:
Ready? It's your turn now to present evidence (referring to defense counsel).

COUNSEL:
Your Honor please, last week, we received a telegram from this Court, wherein we were notified that the prosecution's Formal Offer of Exhibits has been resolved. But we have not received the final Resolution, your Honor.

CHAIRMAN:
Will that be a justification for asking for a postponement? Don't you think of preparing for today's hearing?

COUNSEL:
I don't intend, your Honor, to request for postponement, however, we have thought that upon receipt of said Resolution, we will be asking for leave of court to file demurrer to evidence.

CHAIRMAN:
You file your demurrer to evidence, just file it without leave of court.

COUNSEL:
I will have to discuss this matter yet with my collaborating counsel, your Honor.

CHAIRMAN:
You do that, since you are the lead counsel.
Where is the accused?

COUNSEL:
He is in court, your Honor.

CHAIRMAN:
Okay, just tell us if you are not ready, but do not say you are still going