

## FIRST DIVISION

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

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

### D E C I S I O N

**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,<sup>[1]</sup> 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."<sup>[2]</sup>

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:

1. Jhamtani, Shalini Narendra
2. Ting Siok Hun
3. Ching Suat Liong Ting
4. Cu Kui Pein Uy
5. Cu Kui Pwe Uy
6. Hong Shao Guan
7. Hong Xiao Yuan
8. Xu Li Xuan
9. Qui Ming Xia Ong
10. Wu Sui Xin Quiu
11. Wu Hong Guan Qiu @ Betty Go
12. Wu Hong Ru Qiu @ Mary Go
13. Xu Yin Yin Kua
14. Hong Shao Hua Xu
15. Hong Shao Wei Xu
16. Lu Shi Qing

17. Lu Shi Tian
18. Lu Se Chong
19. Shi Qing Yu
20. Xu Angun @ Xu An Cin
21. Xu Pinting
22. Wang Xiu Jin
23. Cai Pian Pian
24. Cai Wen Xu
25. Cai Min Min
26. Cai Ping Ping
27. Choi Kin Kwok @ Bernardo Suarez
28. Yen Liang Ju @ Joslyn Gan
29. Cai Ya Nan
30. Yen Ling Chien @ Chrismayne Gan
31. So Chen Yueh-O
32. 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."<sup>[3]</sup>

At the arraignment on June 27, 1994, the accused entered a plea of not guilty.<sup>[4]</sup> Consequently, the Sandiganbayan scheduled the case for pre-trial conference on August 29, 1994 at 8:00 a.m.<sup>[5]</sup> 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.<sup>[6]</sup>

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