

EN BANC

[G.R. No. 231854, October 06, 2020]

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. LEILA L. ANG, ROSALINDA DRIZ, JOEY ANG, ANSON ANG, AND VLADIMIR NIETO, RESPONDENTS.

DECISION

CARANDANG, J.:

This Petition for Review on *Certiorari*^[1] under Rule 45 of the Rules of Court assails the Decision^[2] dated March 1, 2017 and the Resolution^[3] dated May 15, 2017 of the Sandiganbayan (SB), which dismissed the petition for *certiorari*^[4] and motion for reconsideration^[5] filed by petitioner People of the Philippines (People).

Facts of the Case

On April 4, 2005, a Resolution^[6] was issued by the Deputy Ombudsman for Luzon (OMB-Luzon) finding probable cause to indict respondents Leila L. Ang, Rosalinda Driz, Joey Ang, Anson Ang, and Vladimir Nieto as follows:

1. Leila Ang for Falsification of Public Documents (*Criminal Case No. 2005-1046*);
2. Leila Ang, Rosalinda Driz, Joey Ang, Anson Ang, and Vladimir Nieto for Malversation of Public Funds under Article 217 of the Revised Penal Code [RPC] (*Criminal Case No. 2005-1047*); and
3. Leila Ang, Rosalinda Driz, Joey Ang, Anson Ang and Vladimir Nieto for Violation of Section 3(e) of RA 3019 ("Anti-Graft and Corrupt Practices Act") (*Criminal Case No. 2005-1048*).^[7]

Respondents Leila Ang and Rosalinda Driz (officers of Development Bank of the Philippines [DBP]-Lucena City), in conspiracy with respondents Joey Ang, Anson Ang and Vladimir Nieto, were found to have defrauded and swindled the DBP in the total amount of P4,840,884.00^[8] by: (1) the unlawful practice of crediting cash deposits to the current/savings accounts of JEA Construction and Supplies, Cocoland Concrete Products, and Unico Arte without actually depositing cash or with a lesser amount of cash deposited; and (2) concealing the accumulated cash shortage of P4,840,884.00 by passing and/or creating a fictitious journal entry in the Bank's General Ledger Transaction File Report for April 20, 1999 denominated as "Due From Other Banks" when there was no such actual cash deposit made. This was the result of the special-audit and fact-finding investigation conducted by the DBP personnel pursuant to DBP SL Memorandum Order No. 99-007 dated May 3, 1999 to look into the alleged Cash-In-Vault shortage at the DBP-Lucena City Branch.^[9]

On November 10, 2005, three separate Informations were filed by the OMB-Luzon before the Regional Trial Court (RTC) of Lucena, Branch 53. Said criminal cases were first handled by the Office of the City Prosecutor of Lucena City (OCP-Lucena).

Respondent Leila Ang was then the Document Analyst of DBP-Lucena Branch and the authorized Branch General Ledger System and Ticketing System User. Rosalinda Driz was a Branch Teller of said bank. Joey Ang, Anson Ang, and Vladimir Nieto are owners of JEA Construction and Supplies, Cocoland Concrete Products, and Unico Arte.^[10]

On January 5, 2010, the OCP-Lucena received Leila Ang's Amended Accused's Formal Request for Admission by Plaintiff (Request for Admission)^[11] dated December 29, 2009, which Leila Ang filed in relation to Criminal Case No. 2005-1048.^[12]

The OCP-Lucena, thereafter, filed an Amended Motion to Expunge from the Records the Defense's Request for Admission by Plaintiff^[13] dated January 27, 2010. It claimed that the matters sought for admission are either proper subjects of stipulation during the pre-trial, or matters of evidence which should undergo judicial scrutiny during the trial on the merits.^[14]

In a Resolution^[15] dated April 13, 2010, the RTC of Lucena, Branch 53 denied Leila Ang's Request for Admission and ordered that the same be expunged from the records. The RTC ruled that the proposed admission can be tackled and be the proper subject of stipulation during the pre-trial conference of the parties.^[16]

Leila Ang moved for partial reconsideration^[17] and a motion to inhibit^[18] the Presiding Judge. Upon inhibition of Judge Rodolfo D. Obnamia, Jr. of Branch 53, the cases were transferred to RTC of Lucena, Branch 56 presided by Judge Dennis R. Pastrana (Judge Pastrana), who granted Leila Ang's motion for partial reconsideration in the Joint Order dated February 12, 2015.^[19] The RTC ruled that the prosecution failed to deny or oppose the Request for Admission within the 15-day period from receipt of the documents; hence, the facts stated in the Request for Admission are deemed impliedly admitted by the People pursuant to Section 2,^[20] Rule 26 of the Rules of Court.^[21]

The OCP-Lucena filed a Motion for Clarification^[22] arguing in the main that the parties to whom the Request for Admission was addressed were not served with copies of the same. It was only served to the prosecutor, which does not constitute sufficient compliance with Section 1, Rule 26 of the Rules of Court.^[23]

On July 24, 2015, Judge Pastrana issued a Joint Order^[24] denying the Motion for Clarification for being filed out of time. He further declared that the People is represented by the City Prosecutor and it is only through the said public prosecutor that the plaintiff, as a party in the present case, can be served or be deemed served, with the subject Request for Admission. Judge Pastrana further ruled that the implied admissions are also "judicial admissions by the plaintiff under Section 4, Rule 129^[25] of the Rules of Court."^[26]

Subsequently, respondent Leila Ang filed a Manifestation formally adopting in Criminal Case Nos. 2005-1046 and 2005-1047 the People's implied admissions or judicial admissions in Criminal Case No. 2005-1048. The other respondents filed similar manifestations expressing their intent to adopt the implied admissions/judicial admissions declared in Criminal Case No. 2005-1048 insofar as they are concerned.^[27]

On January 14, 2016, Atty. Michael Vernon De Gorio (Atty. De Gorio) formally entered his appearance as special prosecutor pursuant to the Deputization/Authority to Prosecute.^[28]

The People also filed Requests for Admission in the three criminal cases served on Leila Ang, Joey Ang, Anson Ang, Vladimir Nieto, and Rosalinda Driz.^[29]

Upon motion^[30] of the People, the three criminal cases were consolidated as per Order dated May 16, 2016.

Ruling of the Regional Trial Court

In the Joint Order^[31] dated March 10, 2016, the RTC denied the People's Requests for Admission stating that the "judicial admissions (of the People) can no longer be varied or contradicted by a contrary evidence much less by a request for admission directly or indirectly amending such judicial admissions." The RTC took judicial notice of the adoption in Criminal Case Nos. 2005-1046 and 2005-1047 by Leila Ang of the implied admissions declared as judicial admissions in Criminal Case No. 2005-1048.^[32]

The People moved for reconsideration alleging that under Section 3, Rule 26 of the Rules of Court, any admission by a party pursuant to such request is for the purpose of the pending action only and shall not constitute admission by him for any other purpose nor may the same be used against him in any other proceeding. Further, there was no judicial admission, whether verbal or written, made in the course of Criminal Case No. 2005-1048 as required in Section 4, Rule 129 of the Rules of Court.^[33]

In the Joint Order^[34] dated September 5, 2016, the RTC maintained its ruling that the court's judicial notice made on the People's judicial admissions in Criminal Case No. 2005-1048 as also the People's judicial admissions in the closely related and interwoven Criminal Case Nos. 2005-1046 and 2005-1047, which had been stated in the previous Joint Order dated March 10, 2016. The RTC further ruled that in consolidated cases, as in this case, the evidence in each case effectively becomes the evidence of both, and there ceased to exist any need for the deciding judge to take judicial notice of the evidence presented in each case.^[35]

The People filed a Petition for *Certiorari*^[36] (Rule 65) before the SB.

Ruling of the Sandiganbayan

In the Decision^[37] dated March 1, 2017, the Sandiganbayan dismissed the petition for lack of merit. The SB ruled that no palpable error was committed by the RTC in declaring that the implied admissions are regarded as judicial admissions in Criminal Case Nos. 2005-1046, 1047, and 1048. While it may be true that Section 3, Rule 26 of the Rules of Court limits the effects of an implied admission only for the purpose of the pending action, the consolidation of these cases extended the effect of such implied admission to the other cases.^[38] The SB declared that even assuming that the RTC committed mistakes in arriving at the conclusions in the questioned orders, these can be taken only as errors of judgment, and not errors of jurisdiction which are correctible by *certiorari*. The SB also noted infirmities in the petition itself: (1) lacks proper verification; and (2) questionable authority on the part of Atty. De Gorio to file the instant petition and sign the certificate of non-forum shopping – whether he appeared as a "special prosecutor" of the Ombudsman or as counsel "under the supervision and control" of the Provincial or City Prosecutor of Lucena City.^[39]

The People moved for reconsideration but it was denied in the Resolution dated May 15, 2017.^[40]

Hence, the People filed this Petition for Review on *Certiorari*^[41] under Rule 45 invoking the following grounds in support of the petition, viz.:

-I-

THE HONORABLE SANDIGANBAYAN GRAVELY ERRED AND DECIDED A QUESTION OF SUBSTANCE IN A MANNER NOT IN ACCORD WITH LAW AND JURISPRUDENCE WHEN: (A) IT CONCLUDED THAT THE DEPUTIZED COUNSEL IS NOT AUTHORIZED TO REPRESENT THE PETITIONER BEFORE THE SANDIGANBAYAN; (B) IT QUESTIONED THE OSP'S NON-FILING OF ENTRY OF APPEARANCE BEFORE SAID COURT.

-II-

THE HONORABLE SANDIGANBAYAN COMMITTED REVERSIBLE ERROR WHEN IT CONCLUDED THAT THE TRIAL COURT DID NOT COMMIT GRAVE ABUSE OF DISCRETION, DESPITE THE FACT THAT THE TRIAL COURT ACTED WITH INDIFFERENT DISREGARD OF CONTROLLING JURISPRUDENCE AND THE PROCEDURAL RULES INVOLVED, AMOUNTING TO AN EVASION OF A POSITIVE DUTY OR A VIRTUAL REFUSAL TO PERFORM A DUTY ENJOINED BY LAW, OR TO ACT AT ALL IN CONTEMPLATION OF LAW.

-III-

THE SANDIGANBAYAN COMMITTED REVERSIBLE ERROR WHEN IT CONCLUDED THAT THE TRIAL COURT DID NOT COMMIT GRAVE ABUSE OF DISCRETION, DESPITE THE FACT THAT THE TRIAL COURT IGNORED THE CLEAR AND FUNDAMENTAL

The People's Arguments

The People averred that the SB erred when it agreed with the RTC that the consolidation of the three criminal cases extended the effect of the alleged implied admissions in the graft case to the other cases. The intent of the People in moving for the consolidation of the criminal cases was only for purposes of joint trial under Section 22, Rule 119 of the Rules of Court, and not for "actual consolidation" resulting to a merger of evidence found in Section 1, Rule 31 of the Rules of Court. Actual consolidation of Criminal Case Nos. 2005-1046 to 2005-1048 is not proper because: *first*, the accused in all those cases are not the same;^[43] and *second*, actual consolidation was not intended by the parties and the RTC as borne by the records of the cases.^[44] Thus, the People argued that it was an error for the RTC to take judicial notice of the so-called "implied admissions" in Criminal Case No. 2005-1048 as supposedly "judicial admissions" and according the same omnibus application in all the three cases, supposedly on the basis of the consolidation of the said criminal cases. Further, it asserted that the so-called implied admissions under Section 3, Rule 26 of the Rules of Court in Criminal Case No. 2005-1048 applies to Criminal Case No. 2005-1048 only and shall not constitute an admission "for any other purpose nor may the same be used against the People in any other proceedings."^[45] Since the implied admissions obtained under Rule 26 are nonverbal and not written, they cannot be considered as judicial admissions under Rule 129 of the Rules of Court. Also, the parties to whom the Requests for Admission were addressed were not furnished nor served with a copy of the same especially since the matters set forth therein specifically inquire into their "personal knowledge" of certain acts, events or transactions (which are obviously not within the personal knowledge of then handling public prosecutor).^[46]

In addition, the People claimed that the SB erred when it concluded that Atty. De Gorio, the deputized counsel, is not authorized to represent the People before the SB. The Deputization/Authority to Prosecute issued by the OMB clearly authorizes Atty. Gorio to represent the prosecution in all proceedings relative to the criminal cases in issue, for as long as the proceedings with the RTC have not been concluded. When Atty. Gorio filed the petition for *certiorari* before the SB challenging the adverse orders of the RTC, he was clothed with authority to do so.^[47]

Leila Ang's Comment

Leila Ang moved for the outright dismissal of the present petition for being filed out of time. She claimed that the counting of the 15-day period should start on May 17, 2017 when the Solicitor General received a copy of the Resolution dated May 15, 2017 and not from May 30, 2017 only when the said Resolution was allegedly indorsed by the Solicitor General to the Special Prosecutor. The receipt of the Resolution by the Solicitor General is receipt by the People. Hence, when the Special Prosecutor moved for extension on June 14, 2017, there was no more time to extend.^[48] Likewise, Leila Ang posited that there are technical flaws to the instant petition warranting its dismissal, *i.e.*, Atty. De Gorio is not authorized to represent the People, he did not state his Professional Tax Receipt in the past petition, he violated the deputization given to him when he signed the petition for *certiorari* on his own and without the approval and signature of the Deputy Ombudsman for Luzon and the Provincial Prosecutor or City Prosecutor, among others.^[49]

Further, Leila Ang claimed that the modes of discovery especially the Request for Admission under Rule 26 of the Rules of Court also apply to criminal cases pursuant to Section 3, Rule 1 of the Rules of Court.^[50] She pointed out that the subjects of the instant petition are the Joint Orders dated March 10, 2016 and September 5, 2016, and not any other order like the Joint Order dated February 12, 2015 and July 24, 2015, which had become final and executory, declaring the People's implied admissions as judicial admissions in Criminal Case No. 2005-1048.^[51] As regards the People's assertion of actual consolidation, Leila Ang did not have actual consolidation in mind but consolidation for purposes of joint trial such that only one trial proceeding will be conducted for the three cases. The three criminal cases will not lose their respective identities and will still be decided individually. In fact, the motion for consolidation filed by the People was opposed by Leila Ang. Now, what the People wants is the avoidance of the logical and legal effect of consolidation by erroneously claiming that the consolidation granted by the RTC is a merger or fusion of the three closely related criminal cases into only one case.^[52]

Leila Ang also averred that admissions obtained through requests for admissions are also considered judicial admissions. She maintained that the adoption of the People's implied admissions declared as judicial admissions in Criminal Case No. 2005-1048 as also the People's implied admissions and judicial admissions in Criminal Case Nos. 2005-1046 and 2005-1047 is allowed. Such taking of judicial notice by the RTC of the People's judicial admissions in, and for purposes of, Criminal Case Nos. 2005-1046 and 2005-1047, is not prohibited and without legal basis.^[53]

Respondents Vladimir Nieto, Rosalinda Driz, and Joey Ang filed a Manifestation that they are adopting *in toto* Leila Ang's Comment on the petition as also their own Comment.^[54]

Ruling of the Court

The petition is granted.

Before resolving the issues raised in this petition, the Court should determine, first and foremost, whether a Request for Admission under Rule 26 of the Rules of Civil Procedure is applicable in criminal proceedings.

Applicability of Modes of Discovery In Criminal Proceedings

The rules regarding modes of discovery, along with the effects of noncompliance therewith, are outlined in Rules 23 to 29 of the 1997 Rules of Civil Procedure. While the discovery procedures contained in these provisions have been primarily applied to civil proceedings in order to facilitate speedy resolution of cases, there is no specific and express provision in the Rules regarding their

applicability in criminal proceedings. Notwithstanding such observation, there have been past members of the Court who opined that some discovery procedures in the Rules of Civil Procedure may also be applied in criminal proceedings.

In *People v. Webb*,^[55] former Chief Justices Hilario G. Davide and Reynato S. Puno were both in agreement in their respective separate opinion and concurring opinion that discovery procedures in the Rules of Civil Procedure could very well be applied in criminal cases. Former Chief Justice Hilario G. Davide pointed out that provisions of Rule 24 may be applied suppletorily to the taking of depositions of witnesses in criminal cases. On the other hand, Former Chief Justice Reynato S. Puno suggested that since "[t]he liberalization of discovery and deposition rules in civil litigation highly satisfied the objective of enhancing the truth-seeking process"^[56] and that there is a "growing realization that disclosure, rather than suppression, of relevant materials ordinarily promotes the proper administration of criminal justice,"^[57] an expansive interpretation should be made allowing the utilization of civil discovery procedures in criminal cases. He further pointed out rhetorically that "prosecutors should not treat litigation like a game of poker where surprises can be sprung and where gain by guile is not punished."^[58]

Note should be made, however, that in said case of *Webb*, the Court, speaking through Associate Justice Consuelo Ynares-Santiago, denied Webb's request to take the oral depositions of five citizens and residents of the United States before the proper consular officer of the Philippines in Washington D.C. and California, as the case may be. In his Motion before the RTC, Webb claimed that said persons, being residents of the United States, may not therefore be compelled by subpoena to testify since the court had no jurisdiction over them. He further averred that the taking of oral depositions of the aforementioned individuals whose testimonies are allegedly 'material and indispensable' to establish his innocence of the crime charged is sanctioned by Section 4, Rule 24 of the Revised Rules of Court. The RTC denied Webb's motion stating that the same is not allowed by Section 4, Rule 24 and Sections 4 and 5 of Rule 119 of the Revised Rules of Court. Webb elevated the case to the CA which granted his petition for *certiorari* (Rule 65) and allowed the taking of deposition of said witnesses before the proper consular officer. The People assailed the Decision of the CA before the Court *via* Rule 45. In granting the petition, the Court ruled that the depositions proposed to be taken from the U.S. based witnesses would merely be corroborative or cumulative in nature. Further, it is pointed out that the defense has already presented at least 57 witnesses and 464 documentary exhibits, many of them of the exact nature as those to be produced or testified to by the proposed foreign deponents. The evidence on the matter sought to be proved in the United States could not possibly add anything substantial to the defense evidence involved.^[59]

In the case of *Cuenco Vda. De Manguerra v. Risos*,^[60] the Court, through former Associate Justice Antonio Eduardo B. Nachura explained that, while it is true that the Rules of Civil Procedure suppletorily applies in criminal proceedings, the same type of proceedings are primarily governed by the Revised Rules of Criminal Procedure.^[61] For this reason, there was no cogent reason to suppletorily apply Rule 23 (Depositions Pending Action) in criminal proceedings.^[62]

The case of *Cuenco Vda. De Manguerra*, likewise, involves a motion for the taking of deposition of Concepcion, due to her weak physical condition and old age which limited her freedom of mobility. The criminal case for *estafa* was pending in the RTC of Cebu City and Concepcion was confined at the Makati Medical Center. The RTC granted the motion and the deposition-taking, after several motions for change of venue, was taken at Concepcion's residence. The CA declared void any deposition that may have been taken. The Court affirmed the CA Decision and held that:

It is true that Section 3, Rule 1 of the Rules of Court provides that the rules of civil procedure apply to all actions, civil or criminal, and special proceedings. In effect, it says that the rules of civil procedure have suppletory application to criminal cases. However, it is likewise true that criminal proceedings are primarily governed by the Revised Rules of Criminal Procedure. Considering that Rule 119 adequately and squarely covers the situation in the instant case, we find no cogent reason to apply Rule 23 suppletorily or otherwise.

To reiterate, the conditional examination of a prosecution witness for the purpose of taking his deposition should be made before the court, or at least before the judge, where the case is pending. Such is the clear mandate of Section 15, Rule 119 of the *Rules*. We find no necessity to depart from, or to relax, this rule. As correctly held by the CA, if the deposition is made elsewhere, the accused may not be able to attend, as when he is under detention: More importantly, this requirement ensures that the judge would be able to observe the witness' deportment to enable him to properly assess his credibility. This is especially true when the witness' testimony is crucial to the prosecution's case.

While we recognize the prosecution's right to preserve its witness' testimony to prove its case, we cannot disregard rules which are designed mainly for the protection of the accused's constitutional rights. The giving of testimony during trial is the general rule. The conditional examination of a witness outside of the trial is only an exception, and as such, calls for a strict construction of the rules.^[63]

Eventually, the ruling in *Cuenco Vda. De Manguerra* was later on expounded and clarified by former Associate Justice Arturo D. Brion in an *En Banc* Decision in the case of *Republic v. Sandiganbayan*,^[64] where it was held that "depositions are not meant as substitute for the actual testimony in open court of a party or witness."^[65] Generally, the deponent must be presented for oral examination in open court at the trial or hearing. This is a requirement of the rules on evidence under Section 1, Rule 132^[66] of the Rules of Court. Even if an "opportunity for cross-examination was afforded during the taking of the deposition,"^[67] such examination "must normally be accorded a party at the time that the testimonial evidence is actually presented against him [or her] during the trial or hearing of a case."^[68] Thus, any deposition taken by the prosecution will be considered hearsay due to the "adverse party's lack of opportunity to cross-examine the out-of-court declarant."^[69] In this case, the Court ruled that the Bane deposition is not admissible under the rules of evidence. By way of deposition upon oral examination, Maurice V. Bane's (Bane) deposition was taken before the Consul General Ernesto Castro of the Philippine Embassy in London, England. The Court saw no reason why the deposition could not have been taken while Bane was still here in the Philippines and held that it "can only express dismay on why the petitioner had to let Bane leave the Philippines before taking his deposition despite having knowledge already of the substance of what he would testify on."^[70]

Subsequently, Associate Justice Estela M. Perlas-Bernabe in *Go v. People*^[71] echoed the ruling in *Cuenco Vda. De Manguerra*, which

refused the application of Rule 23 to criminal proceedings. In this case, the private prosecutor filed a motion to take oral deposition of Li Luen Ping, the private complainant, alleging that he was being treated for lung infection at the Cambodia Charity Hospital in Laos, Cambodia and that, upon doctor's advice, he could not make the long travel to the Philippines by reason of ill health. The MeTC granted the motion. Harry L. Go (Go) filed a petition for *certiorari* before the RTC which declared null and void the MeTC ruling. The prosecution elevated the case to the CA which allowed the taking of oral depositions in Laos, Cambodia. *Via* Rule 45, Go assailed the Decision of the CA before the Court. In the Decision dated July 18, 2012, the Court disallowed the deposition-taking in Laos, Cambodia explaining that the conditional examination of a prosecution witness must take place at no other place than the court where the case is pending. It upheld the right of the accused to public trial and the right to confrontation of witnesses.^[72] The Court further observed that Li Luen Ping had managed to attend the initial trial proceedings before the MeTC of Manila on September 9, 2004. At that time, Li Luen Ping's old age and fragile constitution should have been unmistakably apparent and yet the prosecution failed to act with zeal and foresight in having his deposition or testimony taken before the MeTC pursuant to Section 15, Rule 119 of the Revised Rules of Court.^[73]

Recently, in the case of *People v. Sergio*,^[74] the Court, speaking through Associate Justice Ramon Paul L. Hernando, allowed the taking of deposition through written interrogatories of Mary Jane Sergio (Mary Jane) before our Consular Office and officials in Indonesia pursuant to the Rules of Court and principles of jurisdiction. Mary Jane was convicted of drug trafficking and sentenced to death by the Indonesian Government and is presently confined in a prison facility in Indonesia. The Philippine Government requested the Indonesian Government to suspend the scheduled execution of Mary Jane. It informed the Indonesian Government that the recruiters and traffickers of Mary Jane were already in police custody, and her testimony is vital in the prosecution of Cristina and Julius, her recruiters who were charged with qualified trafficking in person, illegal recruitment, and *estafa*. The Indonesian President granted Mary Jane an indefinite reprieve, to afford her an opportunity to present her case against Cristina, Julius, and a certain "Ike." The State then filed a motion to take the deposition upon written interrogatories of Mary Jane before the RTC of Sto. Domingo, Nueva Ecija, Branch 88, which granted the motion. Julius and Cristina assailed the ruling to the CA *via* a petition for *certiorari*. The CA reversed the Resolution of the RTC ratiocinating, among others that, pursuant to Section 15, Rule 119 of the Rules of Court the taking of deposition of Mary Jane or her conditional examination must be made not in Indonesia but before the court where the case is pending. The State elevated the case to the Court which granted the petition. The Court held that Section 15, Rule 119^[75] of the Rules of Court is inapplicable in light of the unusual circumstances surrounding the case. Mary Jane's imprisonment in Indonesia and the conditions attached to her reprieve denied her of any opportunity to decide for herself to voluntarily appear and testify before the trial court in Nueva Ecija. The denial by the CA deprived Mary Jane and the People of their right to due process by presenting their case against the accused. By not allowing Mary Jane to testify through written interrogatories, the CA deprived her of the opportunity to prove her innocence before the Indonesian authorities and for the Philippine Government the chance to comply with the conditions set for the grant of reprieve to Mary Jane. Also, there is no violation of the constitutional right to confrontation of a witness since the terms and conditions laid down by the trial court ensure that Cristina and Julius are given ample opportunity to cross-examine Mary Jane by way of written interrogatories.^[76] In conclusion, the Court suppletorily applied the provisions of Rule 23 of the Rules of Court considering the extraordinary factual circumstances surrounding the case of Mary Jane. While depositions are recognized under Rule 23 of the Rules of Civil Procedure, the Court held that it may be applied suppletorily in criminal proceedings so long as there is compelling reason – in this case, the conditions^[77] of Mary Jane's reprieve and her imprisonment in Indonesia.

Despite the aforementioned rulings and opinions regarding the possibility of suppletorily applying the civil discovery procedures, there have been no express discussions regarding the nature and application of **requests for admission** in criminal proceedings, the pivotal matter in this petition.

Request for Admission Under Rule 26 of the Rules of Civil Procedure

Rule 26 of the Rules of Civil Procedure, which delves on admission by adverse party, is reproduced in verbatim as follows:

RULE 26

Admission by Adverse Party

Section 1. *Request for admission.* – At any time after issues have been joined, a party may file and serve upon any other party a written request for the admission by the latter of the genuineness of any material and relevant document described in and exhibited with the request or of the truth of any material and relevant matter of fact set forth in the request. Copies of the documents shall be delivered with the request unless copy have already been furnished.

Section 2. *Implied admission.* – Each of the matters of which an admission is requested shall be deemed admitted unless, within a period designated in the request, which shall not be less than fifteen (15) days after service thereof, or within such further time as the court may allow on motion, the party to whom the request is directed files and serves upon the party requesting the admission a sworn statement either denying specifically the matters of which an admission is requested or setting forth in detail the reasons why he cannot truthfully either admit or deny those matters. Objections to any request for admission shall be submitted to the court by the party requested within the period for and prior to the filing of his sworn statement as contemplated in the preceding paragraph and his compliance therewith shall be deferred until such objections are resolved, which resolution shall be made as early as practicable.

Section 3. *Effect of admission.* – Any admission made by a party pursuant to such request is for the purpose of the pending action only and shall not constitute an admission by him for any other purpose nor may the same be used against him in any other proceeding.

Section 4. *Withdrawal.* – The court may allow the party making an admission under the Rule, whether express or implied, to withdraw or amend it upon such terms as may be just.

Section 5. *Effect of failure to file and serve request for admission.* – Unless otherwise allowed by the court for good cause shown and to prevent a failure of justice a party who fails to file and serve a request for admission on the adverse party of