

## THIRD DIVISION

[ G.R. No. 179307-09, April 17, 2009 ]

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

### R E S O L U T I O N

**NACHURA, J.:**

Before us is a Motion to Resolve Petitioner's Motion for Reconsideration on the Merits<sup>[1]</sup> 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.<sup>[2]</sup>

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.*,<sup>[3]</sup> 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 not 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.<sup>[4]</sup>

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