

THIRD DIVISION

[G.R. Nos. 143689-91, November 12, 2002]

SIXTO M. BAYAS AND ERNESTO T. MATUDAY, PETITIONERS, VS. THE SANDIGANBAYAN (FIRST DIVISION), THE PEOPLE OF THE PHILIPPINES AND THE OFFICE OF THE SPECIAL PROSECUTOR, RESPONDENTS.

DECISION

PANGANIBAN, J.:

May pretrial stipulations duly signed by the accused and their counsel be unilaterally withdrawn before the commencement of the trial? To this main issue, the answer is "No." Stipulations freely and voluntarily made are valid and binding and will not be set aside unless for good cause. The Rules of Court mandate parties in a criminal case to stipulate facts. Once they have validly and voluntarily signed the stipulations, the accused and their counsel may not set these aside on the mere pretext that they may be placed at a disadvantage during the trial.

Statement of the Case

Before us is a Petition for Certiorari under Rule 65 of the Rules of Court, praying for the setting aside of the April 28, 2000^[1] and the May 26, 2000^[2] Orders of the Sandiganbayan^[3] (SBN) in Criminal Case Nos. 25280-82. The first Order denied petitioners' Motion to Withdraw the Joint Stipulation of Facts and Documents,^[4] while the second denied reconsideration.^[5]

The Facts

On May 6, 1999, three Informations^[6] were filed before the SBN, charging Petitioners Ernesto T. Matuday and Sixto M. Bayas with violation of Section 3(e) of RA No. 3019, as amended; and two counts of malversation through falsification penalized under Article 217, in relation to Article 171, of the Revised Penal Code. They were charged in their capacities as municipal mayor and municipal treasurer, respectively, of the Municipality of Kabayan, Province of Benguet.

During their arraignment on September 21, 1999, petitioners pled "not guilty." The pretrial conference scheduled on October 15, 1999 was cancelled and reset to November 5, 1999, because the counsel for the accused, Atty. Jose M. Molintas, was not prepared.^[7] On November 5, 1999, the pretrial was again cancelled because of the absence of Atty. Molintas, who was allegedly "suffering from the flu." Nonetheless, the Sandiganbayan urged the accused to discuss with their counsel the stipulation of facts drafted by Ombudsman Prosecutor II Evelyn T. Lucero. They were asked to do so, so that at the resumption of the pretrial on December 10, 1999, they could expeditiously pass upon all other matters that still remained to be resolved.^[8]

On December 10, 1999, the parties submitted a "Joint Stipulation of Facts and Documents," which had been duly signed by the two accused (herein petitioners), Atty. Molintas and Prosecutor Lucero. It is reproduced hereunder:

"JOINT STIPULATION OF FACTS AND DOCUMENTS

"COME NOW the accused, counsel for the accused and the Prosecution, by and through the undersigned Special Prosecution Officer, Office of the Special Prosecutor, unto the Honorable Court, most respectfully aver: THAT -

"1. After a conference the Defense and the Prosecution admitted the following facts as follows:

"a. Accused Ernesto Matuday was then the Municipal Mayor and accused Sixto Bayas was and [is] still the Municipal Treasurer and designated Municipal Accountant both of Kabayan, Benguet during the period relevant to this case;

"b. Both of the accused admit the disbursement of the amount of P510,000.00 and P55,000.00.

"2. The Prosecution and Defense jointly admit the following documents as their respective documentary exhibits x x x ([with] reservation to mark additional exhibits during the trial of the case) as follows:

'For the Prosecution Common Exhibits	Exhibits for the Defense	Description
'A'	'1'	COA Report dated February 29, 1996
'B'	'2'	COA Memorandum Dated September 25, 1996
'C'	'3'	Page of journal entry of the office of the Municipal Accountant
'D'	'4'	Resolution No. 138 of the Sanguniang Bayan of the Municipality of Kabayan Benguet carried on August 15, 1996
'E'	'5'	Transcript of the [S]tenographic

		Notes taken during the close door session of the Sangguniang Bayan [,] Kabayan, Benguet on August 15, 1996 at 1:50 P.M.
'F'	'6'	Result of the Statement of Investigation conducted on March 24, 1997
'For Criminal Cases Nos. 25280-25281		
'G'	'7'	Undated disbursement Voucher No. 401-9505186 For the payment of Mobilization fee for the various Projects at Kabayan, Benguet for P510,000.00
'H'	'8'	Check No. 60915S-1 for P510,000.00 dated May 4, 1995 signed by both Accused Mayor Matuday and Treasurer Bayas
'H-1'	'8-a'	Dorsal Portion of Check No. 60915 S-1
'H-1-a'	'8-a-1'	Signature of some accused Mayor Matuday at the Dorsal portion of Check No. 60915-S-1
'Criminal Cases Nos. 25282-25280		
'I'	'a'	Check No. 609177 for P55,000.00 dated June 28, 1995 signed by

		Mayor Matuday and Treasurer Bayas
'I-1'	'9-a'	Dorsal portion of Check No. 609177
'I-1-a'	'9-a-1'	Signature of Yolanda Millanes
'I-1-b'	'9-a-2'	Signature of Mayor Matuday
'J'	'10'	Undated disbursement Voucher for P55,000.00

"3. The Defense shall present at least four witness while the Prosecution opts not to present any witness considering that Defense admitted all the documentary evidence of the Prosecution.

"Quezon City, December 10, 1999.

(signed)	(signed)
ATTY. JOSE M. MOLINTAS	ATTY. EVELYN TAGUBA LUCERO
Counsel for Accused Ombudsman	Prosecutor II
(signed)	(signed)
SIXTO BAYAS	ERNESTO MATUDAY
Accused	Accused" ^[9]

On January 14, 2000, the pretrial conference was again scuttled due to the absence of Atty. Molintas. The hearing was rescheduled for February 14, 2000. However, on February 7, 2000, he moved to withdraw as counsel for the accused. His motion was granted by the anti-graft court in an Order dated February 14, 2000. In the same Order, the pretrial was rescheduled for March 31, 2000, to give the accused ample time to employ a new counsel.

On April 26, 2000, the accused, represented by their new counsel, Atty. Cecilia M. Cinco, moved to withdraw the Joint Stipulation of Facts and Documents. Specifically, they sought to withdraw, first, Stipulation 1(b) which states that "Both the accused admit the disbursement of the amount of P510,000.00 and P55,000.00"; and second, Exhibits "1" to "8-a". They invoked their constitutional right to be presumed innocent until proven guilty.

Ruling of the Sandiganbayan

The Sandiganbayan justified its denial of petitioners' Motion to Withdraw Joint Stipulation of Facts and Documents in this wise:

"x x x. [For] the fact that there [was] express statement from Atty. Rogelio A. Cortes this morning that neither fraud nor any other mistake of a serious character vitiated the consent of the parties when they affixed their conformity to the stipulations of facts, the reason put forth by the accused or movant's counsel at this time, is that if these stipulations were to remain, then the accused might as well not present any evidence on the entire accusation against him as this will already be supported by the evidence on record. While the court, indeed, sees this as a possibility, that, by itself, is not a ground for withdrawing any stipulation freely and knowingly made and given."^[10]

In the second assailed Order, the anti-graft court denied reconsideration and reiterated its previous stand, as follows:

"x x x. The fact that the stipulation of facts leaves less or no room for the accused to defend himself is not a ground for setting aside a pre-trial order; in fact, an accused can plead guilty if he so desires or make admissions as he deems appropriate and truthful, even if in the mind of the new counsel, it gave very few opportunities to present contesting evidence."^[11]

It then added that "the pre-trial order shall remain. The admissions therein contained can be used in this case and for whatever purpose the Rules on Evidence will allow."

Hence, this Petition.^[12]

The Issues

In their Memorandum, petitioners raise the following issues for the Court's consideration:

"I

Whether or not respondent Sandiganbayan committed grave abuse of discretion amounting to lack or excess of jurisdiction in denying petitioners' Motion to Withdraw the Joint Stipulation of Facts and Documents, considering the relevant facts and applicable laws and rules.

"II

Whether or not the denial by respondent Sandiganbayan of the withdrawal of the Joint Stipulation of Facts and Documents would result in manifest injustice and impairment of the constitutional rights of the petitioners.

"III

Whether or not there is a law or rule which would bar petitioners from withdrawing their Joint Stipulation of Facts and Documents from the respondent Sandiganbayan."^[13]

Plainly put, the issue raised by petitioners is whether they may be allowed to withdraw unilaterally from the Joint Stipulation of Facts and Documents.