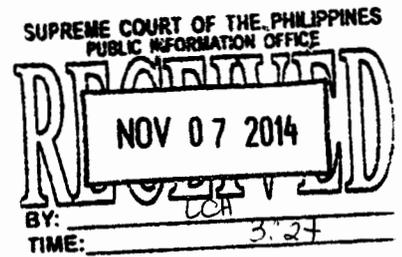




REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila
SECOND DIVISION



NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **20 October 2014** which reads as follows:*

G.R. No. 156981 (ARTURO C. CABARON and BRIGIDA CABARON v. PEOPLE OF THE PHILIPPINES and SANDIGANBAYAN). - We resolve the *Petition to Re-open the Case* filed by petitioners Arturo and Brigida Cabaron.

Background

In its decision¹ of October 15, 2002, the Sandiganbayan convicted the petitioners for violation of Section 7(d) of Republic Act No. 6713 (or the Code of Conduct and Ethical Standards for Public Officials and Employees), and sentenced each of them to suffer an imprisonment of two (2) years and one (1) day.

The petitioners moved to reconsider this decision, but the Sandiganbayan denied their motion in its resolution² dated January 23, 2003. The Sandiganbayan, however, applied the Indeterminate Sentence Law and modified the penalty imposed on them.

The petitioners filed a petition for review on *certiorari* before this Court. In its resolution³ of April 7, 2003, the Court's Third Division denied this petition for *raising factual issues* and for failing to show that the Sandiganbayan committed reversible error in its decision.

The petitioners moved to reconsider this resolution. This Court reinstated the petition for review on *certiorari* in our resolution⁴ dated July 7, 2003.

In our resolution⁵ dated October 5, 2009, the Court **denied** the petition for raising pure questions of fact. The Court essentially ruled that its appellate jurisdiction over decisions and final orders of the Sandiganbayan is limited only to questions of law; it does not review the factual findings of the Sandiganbayan which are, as a rule, conclusive upon it.

We explained that the petitioners sought a review of the factual findings of the Sandiganbayan, which essentially involve the credibility of the witnesses and the probative weight of their testimonies. We added that the question regarding the credibility of witnesses is obviously one of fact on

¹ *Rollo*, pp. 85-117.
² *Id.* at 64-72.
³ *Id.* at 118.
⁴ *Id.* at 133.
⁵ *Id.* at 196-204.

which the Sandiganbayan had already passed upon in its decision and resolution dated October 15, 2002 and January 23, 2003, respectively.

The petitioners moved to reconsider this resolution, but the Court **denied their motion with finality** in its resolution⁶ dated December 14, 2009. In the same resolution, the Court: (1) ordered the issuance of an entry of final judgment; and (2) prohibited the filing of further pleadings.

The petitioners filed a motion for clarification, but the Court treated this motion as a second motion for reconsideration in its resolution of March 3, 2010. Accordingly, we **denied** this motion for being a prohibited pleading, and for lack of merit.

The petitioners moved to reconsider the March 3, 2010 resolution,⁷ but the Court again **denied** their motion for lack of merit.

The petitioners filed a motion to lift entry of final judgment, but the Court **denied** this motion in its October 20, 2010 resolution.⁸

The Petition to Re-Open the Case

In the present petition, the petitioners essentially alleged that two (2) new witnesses have surfaced and executed “very vital sworn statements” that could prove their innocence. The petitioners further prayed that they be allowed to present these two witnesses in court.

Our Ruling

We deny the petition to re-open the case for lack of merit.

We point out at the outset that the arguments raised by the petitioners in their petition to re-open the case were substantially reiterations of the arguments they raised in their motion to lift entry of final judgment. These grounds have already been considered and passed upon by the Court in denying the motion to lift entry of final judgment.

At any rate, the Court had already issued an entry of judgment in this case. A motion to re-open a criminal case is not the proper recourse when there is already a final judgment of conviction. This rule is consistent with the doctrine of finality of judgment which is grounded on fundamental considerations of public policy and sound practice. This doctrine dictates that at the risk of occasional error, the judgments of the courts must become final and executory at some definite date set by law.

⁶ Id. at 240.

⁷ Id. at 277.

⁸ Id. at 328.

WHEREFORE, premises considered, we **DENY** the petition to re-open the case filed by the petitioners for lack of merit.

SO ORDERED.

Very truly yours,


MA. LOURDES Q. PERFECTO
Division Clerk of Court *10/13/14*

ATTY. ARTURO G. CABARON (reg)
Counsel for Petitioners
No. 289 Mansueto Subdivision
Bulacao, Talisay City
6045 Cebu

OFFICE OF THE SPECIAL PROSECUTOR (reg)
5/F, Sandiganbayan Centennial Building
COA Compound, Commonwealth Avenue
corner Batasan Road, 1126 Quezon City

SANDIGANBAYAN (reg)
5/F, Sandiganbayan Centennial Building
COA Compound, Commonwealth Avenue
corner Batasan Road, 1126 Quezon City
Crim. Case No. 24153

ATTYS. BONIFACIO VALENCIA AND
VICENTE PACIFICO (reg)
Private Prosecutors
No. 39 B. Aranas Street
6000 Cebu City

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
Supreme Court, Manila
[for uploading pursuant to A.M. No. 12-7-1-SC]

JUDGMENT DIVISION (x)
Supreme Court, Manila

Please notify the Court of any change in your address.
GR156981. 10/20/14 (187)SR

* Del Castillo, J., on leave; Jardeleza, J., designated as Acting Member per Special Order No. 1838 dated October 13, 2014.

** Leonen, J., on leave; Perlas-Bernabe, J., designated as Acting Member per Special Order No. 1841 dated October 13, 2014.