

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT
NATIONAL CAPITAL JUDICIAL REGION
MUNTINLUPA CITY, BRANCH 206



PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

Criminal Case No. 17-167

LEILA M. DE LIMA, FRANKLIN
JESUS B. BUCAYU, WILFREDO G.
ELLI, JAYBEE NIÑO MANICAD
SEBASTIAN, RONNIE PALISOC
DAYAN, JOENEL TAN SANCHEZ,
JOSE ADRIAN TIAMSON DERA

Accused.

x----- x

MOTION TO EXPUNGE
(Re: Manifestation dated 28 August 2018)

Accused LEILA M. DE LIMA, through undersigned counsel, respectfully states that:

1. On 31 August 2018, after examining the records of the Honorable Court, the undersigned learned that a Manifestation dated 28 August 2018 ("Manifestation") has been filed by the Department of Justice Panel of Prosecutors ("Panel").

2. A perusal of the Manifestation revealed that the Panel sought for the amendment of the list of witnesses that they shall present before the Honorable Court. They explained that during the Pre-Trial Conference on 27 July 2018, the Panel merely provided a random list of witnesses.

3. Also, the Panel asserted that pursuant to the Office of the Court Administrator (OCA) Circular No. 163-2013, the trial on 04

September 2018, should be held at the premises of the New Bilibid Prison.

4. The Panel is not upfront with the document that they have filed before the Honorable Court because the Manifestation is in truth a Motion to Amend the Pre-Trial Order coupled with a Motion to Hold Trial in the New *Bilibid* Prison (NBP).

5. The Manifestation calls for a relief that is to amend the Pre-Trial Order as agreed upon during the Pre-Trial Conference. Furthermore, it also calls for the change of venue for the trial. Thus, it is disingenuous to cloak the Motion as a Manifestation and to short circuit the requirements provided for under the Rules of Court.

6. Consequently, the “Manifestation” completely disregards the importance of the Pre-Trial Conference as provided under Administrative Matter (A.M.) No. 03-1-09-SC, otherwise known as the Guidelines to be Observed by Trial Court Judges and Clerks of Court in the Conduct of Pre-Trial and Use of Deposition-Discovery Measures, and Administrative Matter (A.M.) No. 15-06-10-SC, otherwise known as the Revised Guidelines for Continuous Trial of Criminal Cases.

7. Worse, the “Manifestation” violates the due process rights of herein accused, particularly the right to confront witnesses against her, given that the preparation made by the undersigned counsel relies on the faithfulness to the proceedings of the Pre-Trial Conference. If not for the due diligence of undersigned counsel to check the records of the case at bar, it would not be discovered that a “Manifestation” exists that modifies the list of witnesses based on the agreed-upon dates and changes the venue of the hearing. Ultimately, the Manifestation may not simply be noted and given due course since it is by all accounts a Motion.

8. Being a Motion disguised as a Manifestation, the document failed to include a notice of hearing, an actual hearing, and any proof of service¹ that should necessarily be included.

9. As a necessary consequence of the improper and clearly prejudicial “Manifestation”, it should be slain at sight and be expunged from the records.

¹ Sections 4, 5, and 6 of Rule 15, Rules of Court.

The Panel should follow the proper procedures and file the necessary Motion that will allow all the parties to argue and oppose the same before the Honorable Court. To admit the patently incorrect document is to violate the due process rights of all the accused and encroach upon the vitality of A.M. No. 03-1-09-SC and A.M. No. 15-06-10-SC.

PRAYER

WHEREFORE, it is respectfully prayed that, in the interest of justice and due process, the Manifestation dated 28 August 2018 filed by the Panel of Prosecutors be expunged from the records of this case.


Other reliefs as may be deemed just and equitable are likewise prayed for.

Quezon City for Muntinlupa City, 03 September 2018.

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By:


TEDDY ESTEBAN F. RIGOROSO
PTR # 5521162; 01/03/18; Q.C.
IBP # 020461; 01/05/18; Q.C.
MCLE Compliance No. V-0005526; 01-14-15
Roll # 42240

REQUEST

The Hon. Clerk of Court
Regional Trial Court
Branch 206, Muntinlupa City

Greetings:

Kindly set the foregoing **MOTION** for hearing on 07 September 2018, Friday, at 8:30 A.M.

Copies of this Motion have been personally served to the DOJ Panel of Prosecutors.


TEDDY ESTEBAN F. RIGOROSO

NOTICE

DOJ PANEL OF PROSECUTORS

Department of Justice
Padre Faura St., Manila

Sir/Madam:

Kindly take notice that the foregoing **MOTION** shall be set for hearing on 07 September 2018, Friday, at 8:30 A.M.


TEDDY ESTEBAN F. RIGOROSO

Copy Furnished:

DOJ PANEL OF PROSECUTORS

Department of Justice
Padre Faura St., Manila