



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SPECIAL THIRD DIVISION

PEOPLE OF THE PHILIPPINES, **CRIM. CASE NO. 25804**
Plaintiff, For: Violation of Section 3(e) of
Republic Act No. 3019

Present

- versus -

ROSALINDA U. MAJARAIS,
ET AL.,

CABOTAJE-TANG, P.J.,
Chairperson
MARTIRES, J. and
FERNANDEZ, J.

Accused.

Promulgated:

SEPTEMBER 19, 2016

X-----X

RESOLUTION

FERNANDEZ, J.

This resolves the *Motion for Reconsideration*¹ of accused Enrique L. Perez, seeking reconsideration of this Court's Resolution dated January 22, 2016,² denying his *Motion to Quash*.³

Accused Perez, in his *Motion for Reconsideration*, contends that the Court, in denying his *Motion to Quash*, focused only on the issues of double jeopardy and the law of the case which are not the real issues raised; Such were merely part of the discussion of the real issues raised in his *Motion to Quash*, i.e., the Court, in its Decision dated February 23, 2015, found that the prosecution failed to prove the guilt of his co-accused beyond reasonable doubt. He claims that in effect, it may be construed that the case against him is dismissed.

¹ Dated February 26, 2016; pp. 428-435, Record, Vol. 3

² pp. 419-422, Record, Vol. 3

³ Dated October 12, 2015, p. 379-385, Record, Vol. 3

RESOLUTION

People. vs. Majarais, et al.
Criminal Case No. 25804

Page 2 of 3

x-----x

In its *Opposition to the Motion for Reconsideration*,⁴ the prosecution counters that the *Motion for Reconsideration* of accused Perez has no leg to stand on. His arguments are a mere rehash of his previous arguments in his *Motion to Quash*.

THE COURT'S RULING

The Court finds no convincing reason to reverse or modify its earlier conclusion and resolves to deny the *Motion for Reconsideration* of accused Perez.

The arguments of accused Perez in his *Motion for Reconsideration* are a reiteration and rehash of his arguments in his *Motion to Quash*, which had already been judiciously considered by the Court in its Resolution dated January 22, 2016. Thus, there is no more need to discuss the same anew.

In *Komatsu Industries (Phils.) Inc. v. Court of Appeals*,⁵ it was held:

In the same manner, we readily found that, despite the lengthy and repetitious submissions of petitioner in its pleadings filed with this Court as earlier enumerated, all the arguments therein are also mere rehashed versions of what it posited before respondent court. We have patiently given petitioner's postulates the corresponding thorough and objective review but, on the *real and proper issues* so completely and competently discussed and resolved by respondent court, petitioner's obvious convolutions of the same arguments are evidently unavailing. x x x

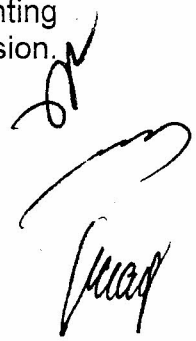
Likewise, in *Government of the United States of America v. Purganan*,⁶ the Supreme Court held:

AT BOTTOM, private respondent's Motion for Reconsideration presents no new or substantial arguments which have not been presented in his prior pleadings and which have not been taken up in our Decision. His present allegations and asseverations are mere rehashes of arguments previously presented to us or are mere restatements of the Separate and Dissenting Opinions which were already adequately discussed in our decision.

⁴ Dated March 14, 2016; pp. 437-438, Record, Vol. 3

⁵ G.R. No. 127682, April 24, 1998

⁶ G.R. No. 148571, December 17, 2002



RESOLUTION

People. vs. Majarais, et al.
Criminal Case No. 25804

Page 3 of 3

X-----X

In short, private respondent has not given any compelling reason to warrant a reversal or modification of our earlier rulings.

The Court notes that accused Perez, in his *Reply to Opposition to the Motion to Quash*,⁷ in response to the prosecution's argument that he cited no ground to support his *Motion to Quash*, invoked Sec. 3(i) of Rule 117 of the Rules of Court as ground for his *Motion to Quash*. The same refers to double jeopardy. But now, he claims that double jeopardy is not a real issue raised in his *Motion to Quash*. By disavowing double jeopardy as a ground, his *Motion to Quash* is left without any of the exclusive grounds enumerated under Section 3, Rule 117 of the Rules of Criminal Procedure that warrant the quashal of a criminal information.⁸

At any rate, accused Perez has failed to convince this Court that his *Motion for Reconsideration* is impressed with merit. This Court, in its Decision, never made any categorical pronouncement that the criminal liability of accused Perez is likewise extinguished by the acquittal of his co-accused, and as held in the assailed Resolution, the issues he raised are matters of defense, which should be passed upon after trial on the merits.


WHEREFORE, the *Motion for Reconsideration* of accused Perez is hereby DENIED for lack of merit.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice

WE CONCUR:


AMPARO M. CABOTAJE-TANG
Presiding Justice
Chairperson


SAMUEL R. MARTIRES
Associate Justice

⁷ Dated October 26, 2015; pp. 396-400, Record, Vol. 3

⁸ Please see *Galzote v. Briones and People*, G.R. No. 164682, September 14, 2011