

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,
Plaintiff,

Crim. Case No. SB-16-CRM-0677 to
SB-16-CRM-0684

For: Violation of Sec. 6(b) in relation
to Sec. 52(g) of R.A. No. 8291

-versus-

Present:
Herrera, Jr., J. *Chairperson*
Musngi, J. &
Pahimna, J.

Nasser Manali Imam,
Accused.

Promulgated:
May 24, 2017

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RESOLUTION

HERRERA, JR., J.:

This resolves the *Joint Motion For Re-investigation*¹ dated December 29, 2016, filed by accused Haron Acob Ginta (Movant for short), through counsel, praying that the Office of the Ombudsman for Mindanao be directed to conduct a reinvestigation of the case, to which the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, filed a *Comment/Opposition (Re: Joint Motion For Reinvestigation dated December 29, 2016, filed by accused-movant Haron Acob Ginta)*,² praying that movant's *Joint Motion For Reinvestigation, etc.* be denied for lack of merit. The plaintiff also subsequently filed a *Memorandum (Re: Joint Motion For Reinvestigation dated December 29, 2016 filed by accused-movant Haron Acob Ginta)*.³

Movant, a Municipal Accountant of the Municipality of Matanog, Maguindanao, is charged jointly with Nasser Manali Imam and Khaida M.

¹ Record of SB-16-CRM-0677, pp. 61-65

² Id, pp. 68-77

³ Id, pp. 109-139

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Gampong, Municipal Mayor and Treasurer, respectively, of the same municipality, with **Violations of Section 52(g) of Republic Act (R.A.) No. 8291**, under eight (8) **Information** dated June 8, 2016. The case pertains to the alleged non-remittance to the Government Service Insurance System (GSIS) of premium contributions collected from officers and employees of the Municipal Government of Matanog, Maguindanao.

In seeking a reinvestigation, movant claims that he can prove to the Office of the Ombudsman that, as a Municipal Accountant, he is not in anyway involved in the collection or remittance of GSIS contributions of municipal officers and employees.

After a careful study, the Court rules that movant's **Joint Motion For Reinvestigation, etc.** must be denied.

To begin with, record shows that the Office of the Ombudsman already conducted a complete preliminary investigation of the case where movant and his co-accused were fully accorded due process. It was after movant and his co-accused submitted their counter-affidavits that the Office of the Ombudsman issued a **Resolution**⁴ dated May 19, 2015 finding probable cause for **Violation of Section 5(g) of R.A. 8291**. In fact, movant filed a **Motion For Reconsideration** of the aforesaid **Resolution**, invoking the very same arguments now raised in his **Joint Motion For Reinvestigation**. The **Motion For Reconsideration** was denied in an **Order**⁵ dated October 2, 2015.

The earlier filing by movant of the **Motion For Reconsideration** of the **Resolution** dated May 19, 2015 bars the filing of the instant **Joint Motion For Reinvestigation, etc.** raising the same arguments cited in the **Motion For Reconsideration** that was denied in the **Order** dated October 2, 2015. In any event, the **Joint Motion For Reinvestigation** was filed way beyond the 5-day reglementary period provided for in **Section 7 of**

⁴ Id, pp. 4-7

⁵ Id, pp. 10-13

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Administrative Order No. 7, or the Rules of Procedure of the Ombudsman, which reads:

“Section 7. Motion for reconsideration –

- a) Only one motion for reconsideration or reinvestigation of an approved order or resolution shall be allowed, the same to be filed within five (5) days from notice thereof with the Office of the Ombudsman, or the proper Deputy Ombudsman as the case may be, with corresponding leave of court in cases where information has already been filed in court;
- b) The filing of a motion for reconsideration/reinvestigation shall not bar the filing of the corresponding information in Court on the basis of the finding of probable cause in the resolution subject of the motion.”

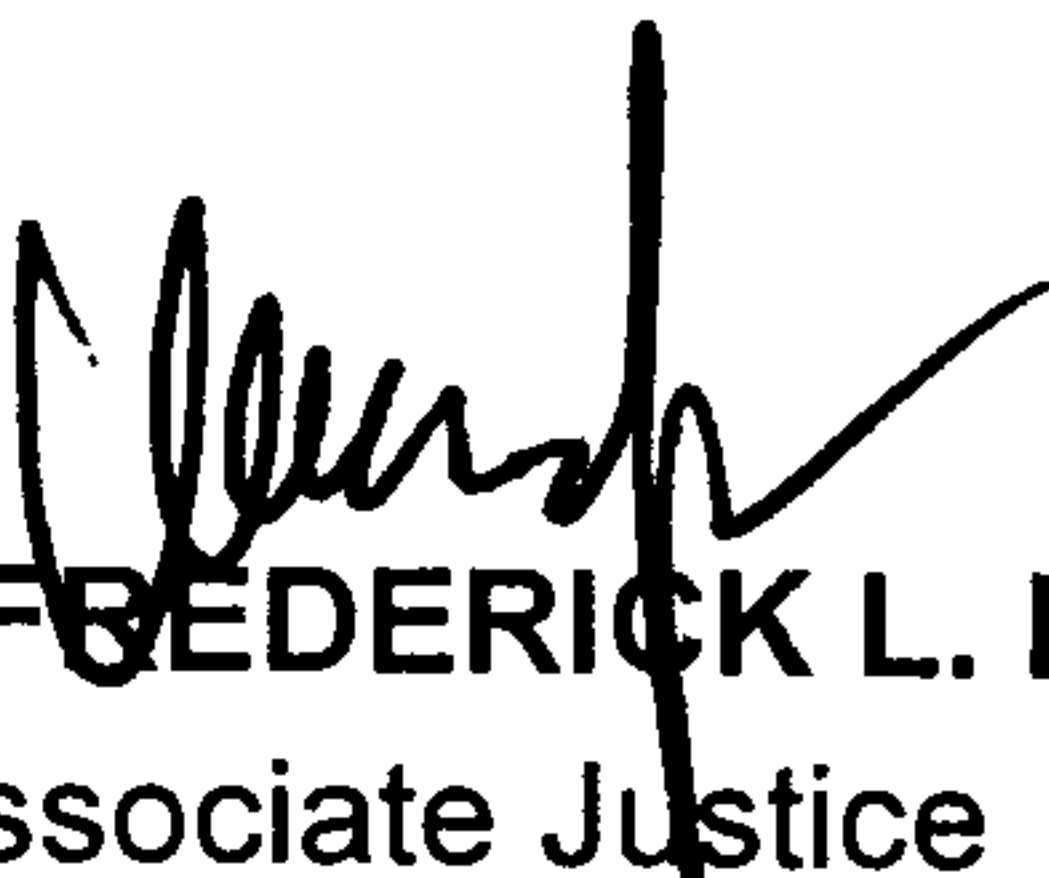
Finally, the Court itself has already determined the existence of probable cause to hold movant and his co-accused for trial, and has issued a **Warrant of Arrest**⁶ dated September 30, 2016, through the Hon. Samuel R. Martires, then Chairperson of the Second Division.

WHEREFORE, premises considered, the **Joint Motion For Reinvestigation** dated December 29, 2016, filed by accused Haron Acob Ginta, through counsel, is hereby denied.

SO ORDERED.


OSCAR C. HERRERA, JR.
Chairperson

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice

LORIFEL L. PAHIMNA
Associate Justice

⁶ Id, p. 35