



Republic of the Philippines
Sandiganbayan
Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on June 20, 2017.

Present:

ALEXANDER G. GESMUNDO ----- Chairperson
MA. THERESA DOLORES C. GOMEZ-ESTOESTA ----- Associate Justice
ZALDY V. TRESPESSES ----- Associate Justice

The following resolution was adopted:

Crim. Cases No. SB-12-CRM-0209 – People vs. MANUEL M. BONOAN, et al.

This resolves the following:

1. Accused Manuel Bonoan's "MOTION FOR RECONSIDERATION" dated May 30, 2017; and
2. The Prosecution's "OPPOSITION TO MOTION FOR RECONSIDERATION" dated June 8, 2017.

Accused Bonoan seeks a reconsideration of this Court's *Resolution* dated May 16, 2017 denying his *Motion for Leave of Court to File a Motion to Dismiss*. He laments that had he been given the opportunity to file a motion to dismiss, he could have raised the following issues:

- a) Whether or not there is sufficient basis for the payment of Php 15,925,652.33 to the contractor;
- b) Whether or not there is probable cause that a crime of violation of Section 3(e) of RA 3019 as amended has been committed and that accused-movant is probably guilty thereof and should be held for trial;
- c) Whether or not accused-movant conspired with his co-accused in committing the crime of violation of Section 3(e) of RA 3019; and
- d) Whether or not accused-movant's right to speedy disposition of his case has been violated.

In its *Opposition*, the Prosecution counters that accused Bonoan's *Motion* is pro forma and must be denied outright. At any rate, accused Bonoan's arguments are evidentiary in nature and allege matters of defense

that are best passed upon after a full-blown trial. This Court, through its Third Division, has already passed upon the issues raised by accused Bonoan. It likewise cites the Third Division's Resolution in *People v. Abergas, SB-15-CRM-0116-0118* dated March 6, 2017, wherein it held that the consequences on the administrative liabilities of the accused resulting from a delay in the fact-finding investigation is a matter for the COA to decide on.

The *Motion* is bereft of merit.

The purpose of a motion for reconsideration is to point out the findings and conclusions of the decision which in the movant's view, are not supported by law or the evidence.¹ Though dubbed as a *Motion for Reconsideration* of the Resolution of this Court denying his motion for leave to file a motion to dismiss, it is easily discernible that accused Bonoan's *Motion* does not ascribe any error in the Resolution it assails. Instead, accused Bonoan merely alleges that he could have raised certain issues in a motion to dismiss, had he been granted leave to file one, and proceeds to discuss these issues at length in his *Motion for Reconsideration*.

Accused Bonoan's arguments not only miss the point of a *Motion for Reconsideration*, they essentially discuss the lack of either probable cause or evidence against him for the crime charged, both of which are not for this Court to resolve in the middle of trial. Worse, accused Bonoan hums a familiar tune already heard by this Court, when it resolved to deny his *Motion to Dismiss* in 2014.²

WHEREFORE, in view of the foregoing, accused Bonoan's *Motion for Reconsideration* is **DENIED** for lack of merit.

Let trial proceed on June 21 and 22, 2017 at 8:30 a.m., as previously scheduled.

SO ORDERED.

GESMUNDO, J., *Chairperson*



GOMEZ-ESTOESTA, J.



TRESPESES, J.



¹ *Continental Cement Corp. v. CA, et al.*, G.R. No. 88586, April 27, 1990, citing *Siy v. Court of Appeals*, 138 SCRA 536

² *Records*, Vol. 1, pp. 713-727