

Republic of the Philippines
SANDIGANBAYAN
Quezon City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Crim. Case Nos. SB-16-CRM-0417-420
For: Violation of Section 3(e) of
R.A. 3019
Crim. Case Nos. SB-16-CRM-0421-424
For: Malversation

-versus-

Present:

Herrera, Jr., J., Chairperson
Musngi, J. &
Pahimna, J.

RENO GUTLAY LIM, ET AL.,
Accused.

Promulgated:

June 22, 2017

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RESOLUTION

PAHIMNA, J:

For resolution are the following incidents:

- (1) ***Motion for Reconsideration*** filed by accused Consuelo Lilian R. Espiritu (Espiritu) and Marivic V. Jover (Jover) on November 10, 2016, from the October 18, 2016 Resolution of the Court, reducing, upon their motion (Entry of Appearance with Urgent Motion for Reduction of Bail), the recommended bail by 50%; and
- (2) ***Motion for Reconsideration*** filed by plaintiff People of the Philippines on December 15, 2016, through the Office of the Special Prosecutor (OSP), Office of the Ombudsman, from the October 17, 2016 Resolution of this Court, granting accused Reno Gutlay Lim's Omnibus Motion (a) for Judicial Determination of Probable Cause (b) and/or Alternatively, with Leave of Court, for Reinvestigation and Entry of Appearance.

In the first motion, without comment on the part of the plaintiff, accused Espiritu and Jover, both charged with 4 counts of violation of 3(e) of Republic Act No. 3019 and 4 counts of violation of Article 217 of the Revised Penal Code, move for the further reduction of the recommended



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bail to Three Thousand Pesos (PhP3,000.00) for each count, or, for a total of Twenty Four Thousand (PhP24,000.00), for each accused.

Plaintiff, on the other hand, in the second motion, assails the October 17, 2016, Resolution of this Court, granting accused Lim's Omnibus Motion (a) for Judicial Determination of Probable Cause (b) and/or Alternatively, with Leave of Court, for Reinvestigation and Entry of Appearance. Specifically, the Court ordered the OSP to conduct a reinvestigation.

Among others, plaintiff insists that the determination of the existence of probable cause lies within the full discretion of the Office of the Ombudsman. It also points out that accused Lim participated in the preliminary investigation stage and there are no new evidence warranting a reinvestigation. It further maintains that accused Lim had control, and actively participated in the implementation, of his Priority Development Assistance Fund (PDAF) allocation. Furthermore, accused Lim's defense of forgery must be proved by clear and convincing evidence.

THE COURT'S RULING

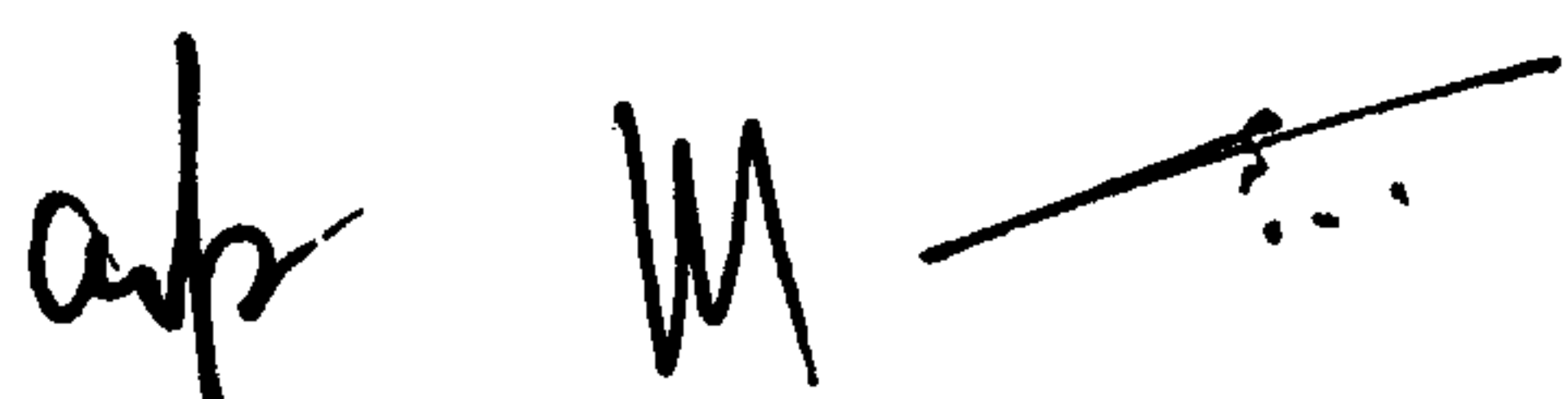
Anent accused Espiritu and Jover's motion for further reduction, let it be emphasized that the Court's Resolution of October 18, 2016, already reduced the recommended bail by 50%, and, to the Court's mind, any further reduction of the same, considering all the attendant circumstances, as enumerated in Section 9, Rule 114, Rules of Court,¹ is unwarranted. Aside from receiving "another batch of PDAF cases from the Office of the Ombudsman", accused Espiritu and Jover did not allege any other new circumstance that may justify a further reduction of the recommended bail.

Meanwhile, as regards plaintiff's motion for reconsideration from the order of this Court granting accused Lim a reinvestigation, it bears to reiterate the long standing rule that once the information is filed in court, it

¹ Section 9. *Amount of bail; guidelines.* — The judge who issued the warrant or granted the application shall fix a reasonable amount of bail considering primarily, but not limited to, the following factors:

- (a) Financial ability of the accused to give bail;
- (b) Nature and circumstances of the offense;
- (c) Penalty for the offense charged;
- (d) Character and reputation of the accused;
- (e) Age and health of the accused;
- (f) Weight of the evidence against the accused;
- (g) Probability of the accused appearing at the trial;
- (h) Forfeiture of other bail;
- (i) The fact that accused was a fugitive from justice when arrested; and
- (j) Pendency of other cases where the accused is on bail.

Excessive bail shall not be required. (9a)



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is the latter who could dictate how the case shall be disposed. Thus, it is within the court's full discretion whether to grant or deny motions such as the present one. In one case, the Supreme Court held that "[a] motion for reinvestigation should, after the court had acquired jurisdiction over the case, be addressed to the trial judge and to him alone. Neither the Secretary of Justice, the State Prosecutor, nor the Fiscal may interfere with the Judge's disposition of the case, much less impose upon the court their opinion regarding the guilt or innocence of the accused for the court is the sole judge of that."²

Moreover, that no new matter or evidence will be presented during the reinvestigation is immaterial. "... It should be stressed that reinvestigation, as the word itself implies, is merely a repeat investigation of the case. New matters or evidence are not prerequisites for a reinvestigation, which is simply a chance for the prosecutor, or in this case the Office of the Ombudsman, to review and re-evaluate its findings and the evidence already submitted."³ Correlatively, the other issues raised by the plaintiff could be best addressed in a reinvestigation.

WHEREFORE, for lack of merit, the instant Motions for Reconsideration are both **DENIED**.

Accordingly accused Espiritu and Jover are given five (5) days from notice to post bail, otherwise, a warrant for their arrest shall issue.

Moreover, the OSP is directed to conduct the reinvestigation and to submit report within sixty (60) days from notice hereof.

SO ORDERED.


LORIFEL L. PAHIMNA
Associate Justice

WE CONCUR:


OSCAR C. HERRERA, JR.
Chairperson


MICHAEL FREDERICK L. MUSNGI
Associate Justice

² Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 5, Iligan City, A.M. No. 02-10-628-RTC. October 1, 2004.

³ Roxas v. Nacpil, G.R. No. 114944. June 19, 2001.