



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-13-CRM-0124

-VS-

SEVERO A. PALANCA, ET AL.,
Accused.

Present:
LAGOS, J., Chairperson
MENDOZA-ARCEGA and
CRUZ*, JJ.

Promulgated:

August 22, 2017 *lad*

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RESOLUTION

MENDOZA-ARCEGA, J.:

For resolution is the Motion for Reconsideration, filed by accused-movant Ramsey D. Panes, through counsel, on July 18, 2017.

The accused-movant is seeking the reversal of the Decision of the Court promulgated on June 27, 2017, finding him guilty of violation of Section 3 (j) of R.A. 3019. His motion is moored on the following grounds: 1. the reversible error of the Court in finding him guilty of violation of Section 3(j) of R.A. 3019 when it was apparent that before he received the letter-request dated June 21, 2010, it was already approved by accused Palanca, thus he could not have recommended for the approval of the business permit and; 2. he could not be held liable for the crime charged because it was apparent that the cancellation of the business permit clearly shows the lack of intent and malice on his part.

*As per Administrative Order No. 025-2017 dated February 1, 2017

In response, the prosecution filed its Comment and Opposition stating that the issues raised by the accused in his motion have been exhaustively discussed by the Court in its Decision dated June 27, 2017. The prosecution pointed out that the accused-movant admitted in Court that he exercises discretion in granting of business permits. Moreover, he recommended for the approval of the grant of a business permit in favor of Corona, knowing that the applicant was not entitled to the same.

Hence this resolution.

After a thorough examination of the issues presented by the accused-movant, it is readily apparent that the same are mere replications of the issues already passed upon and considered in the assailed Decision. There being no new issues of substance raised by the accused that would warrant a reversal or modification of its previous Decision, the Court finds no cogent reason to depart from it.

The argument of the accused-movant that he could not have recommended for the approval of the subject business permit as it was already approved by accused Palanca and his defense of lack of intent or malice could not absolve him of the crime charged because, first and foremost, it was his duty as head of the Permits and Licenses Division of the City of Victorias, Negros Occidental to ensure that the business applied for is not contrary to existing laws. The nature of the business applied for should have prompted the accused to exercise prudence in view of the fact that Jai-Alai is a prohibited game. Moreover, as correctly pointed out by the prosecution, what was approved by accused Palanca was only the letter-request, which was forwarded to the accused-movant's office precisely to be assessed, examined and reviewed by the latter. Second, his defense of good faith should necessarily fail because he recommended the approval of the application notwithstanding its inadequacy and impropriety. Also the revocation of the business permit is of no moment since the crime has already been consummated the moment the subject permit was granted to Corona, especially so that the timing is suspect as the same was revoked only after the police arrested the *cobradors* of Corona.

WHEREFORE, the Motion for Reconsideration of the accused-movant is hereby **DENIED** for lack of merit and the assailed Decision dated July 27, 2017 stands.

SO ORDERED.


MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice

WE CONCUR:


RAFAEL R. LAGOS
Acting Chairperson


REYNALDO P. CRUZ
Associate Justice