

REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
Quezon City

**SECOND DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
*Plaintiff,*

**CRIM. CASE NOS. SB-16-CRM-  
0242 TO 0244**  
*For: Violation of Section 3 (e) of  
Republic Act No. 3019*

**CRIM. CASE NOS. SB-16-CRM-  
0245 TO 0247**  
*For: Violation of Article 217 of the  
Revised Penal Code  
(Malversation)*

- versus -

**ARREL REYES OLAÑO, ET AL.,**  
*Accused.*

Present:  
HERRERA, Jr., J., Chairperson  
MUSNGI, J., Associate Justice  
PAHIMNA, J., Associate Justice

*August 17, 2017*  
Promulgated *JD*

**RESOLUTION**

**MUSNGI, J.:**

The Court resolves the following:

- (1) *Urgent Motion for Reconsideration* filed by accused Mario L. Relampagos, Rosario Nuñez, Lalaine Paule, and Marilou Bare (“**Relampagos, et al.**”) on 03 July 2017; and
- (2) *Opposition (To Accused Relampagos, Nuñez, Paule and Bare’s Joint Motion for Reconsideration June 29, 2017)* filed by the prosecution on 14 July 2017.

On 05 June 2017, the Court issued a *Resolution*<sup>1</sup> denying, among others, accused Relampagos, et al.’s *Joint Omnibus Motion* [1. *Motion for Judicial Determination of Probable Cause*; 2. *Motion for a Bill of Particulars*; and 3. *Motion for Reduction of Bail*] for lack of merit. The dispositive portion thereof reads, thus:

<sup>1</sup> Sandiganbayan Records Vol. 5, pp. 286-298.

*Ullery* *M*

**"WHEREFORE**, in light of the foregoing, the Court finds the existence of probable cause for the issuance of a warrant of arrest. The Urgent Motion to Suspend Proceedings is also hereby **DENIED**."

'Accordingly, let a warrant of arrest be issued only against accused **JANET LIM NAPOLES** since accused **MARIO L. RELAMPAGOS, ROSARIO NUÑEZ, LALAIN PAULE, and MARILOU BARE** had already posted their respective bail bonds.'

Accused Relampagos, et al. pray for the reconsideration of the said *Resolution* based on the following grounds: (1) The Honorable Court erred in not declaring that there is no probable cause against the accused; and (2) The Honorable Court erred in ruling that a bill of particulars is not in order.

First, accused Relampagos, et al. reiterate that they had no participation at all in the preparation of the subject Special Allotment Release Orders (SAROs) and Notice of Cash Allocations (NCAs). They emphasize that these SAROs and NCAs were prepared, processed, reviewed, and evaluated by the Technical Staff of the different Bureaus of the Department of Budget and Management (DBM), and not by the staff of the Office of the Undersecretary. As regards accused Nuñez, Paule, and Bare, there is no evidence on record that they signed or even initialed said SAROs and NCAs.

Second, accused Relampagos, et al. again assert that the *Informations* do not contain allegations of constitutive facts and technical standards showing their alleged facilitation of the release of the subject SAROs and NCAs. According to the accused, in the absence of data on time standards as regards the processing of a SARO, no one can arrive at a conclusion that the processing and release thereof had been facilitated. Hence, accused Relampagos, et al. assert that their request for a bill of particulars was in order and, thus, should have been granted by the Court.

Lastly, accused Relampagos pleads the Court to take judicial notice of the *Resolution* dated 28 August 2014 issued by the First Division of the Sandiganbayan in SB-14-CRM-0267 to 0282 which found no probable cause against him with respect to charges involving SAROs that do not bear his signature, and entertained serious doubt as to the existence of probable cause involving those SAROs bearing his signature.



x-----x

In its *Opposition*, the prosecution counters that:

1. Benhur Luy identified Relampagos, Bare, Nuñez, and Paule as Napoles' contacts within the DBM who facilitated the release of SAROs and NCAs relating to the Priority Development Assistance Fund (PDAF);
2. The *Informations* are sufficient to inform the accused of the nature and causes of the accusations against them;
3. Conspiracy was sufficiently established in this case; and
4. The Court may not be required to take judicial notice of the decisions of coordinate trial courts, or even of a decision or the facts involved in another case tried by the same court

### **Ruling**

The instant motion is denied for lack of merit.

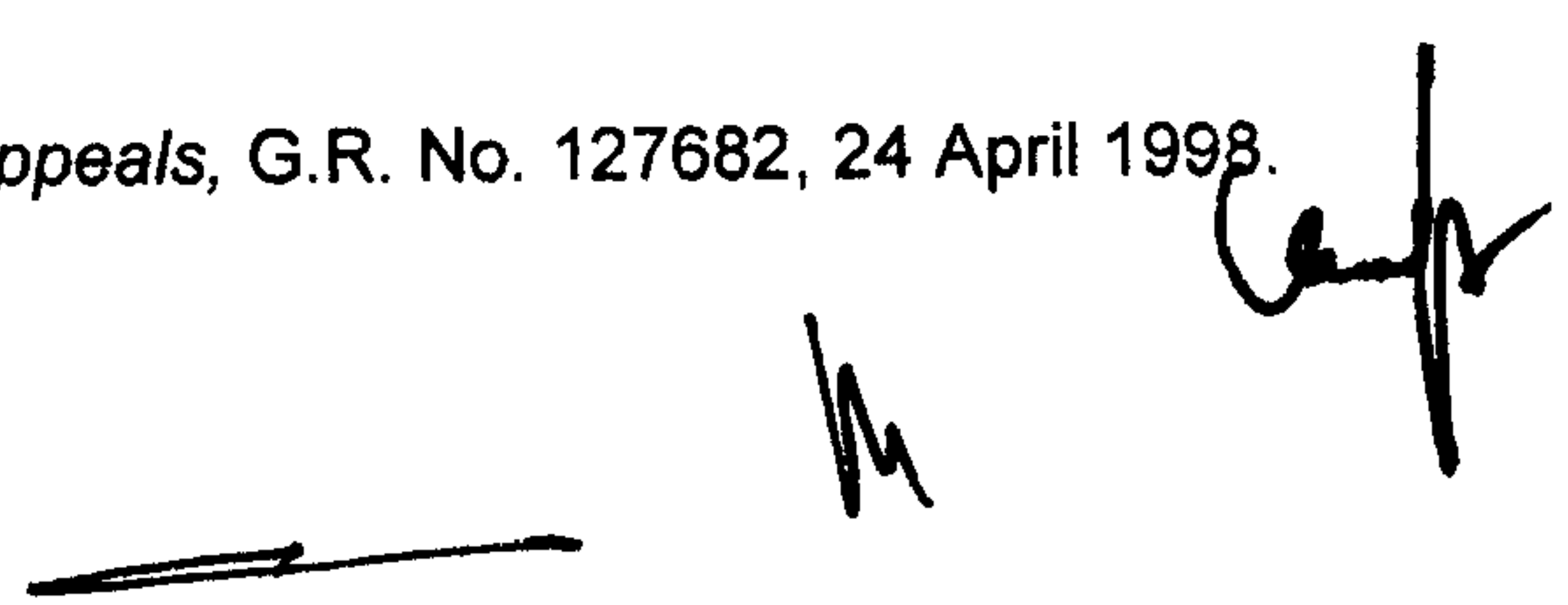
The *Urgent Motion for Reconsideration* is essentially a rehash and reiteration of accused Relampagos, et al.'s previous assertions in their *Joint Omnibus Motion* [1. *Motion for Judicial Determination of Probable Cause*; 2. *Motion for a Bill of Particulars*; and 3. *Motion for Reduction of Bail*] which have already been passed upon and properly considered by the Court in its assailed *Resolution*.

A Motion for Reconsideration should be denied when the same only rehashes issues previously put forward.<sup>2</sup>

Nevertheless, a careful perusal of the instant motion and the records of the case convinces the Court that there are no cogent reasons which warrant the reconsideration of the assailed *Resolution* dated 05 June 2017.

As regards accused Relampagos, et al.'s plea to take judicial notice of the *Resolution* dated 28 August 2014 issued by the First Division of the Sandiganbayan in SB-14-CRM-0267 to 0282, suffice it to say that the Court is not bound by the findings of the other divisions of the Sandiganbayan especially when the case pending therein are not on all fours with the present case.

<sup>2</sup> *Komatsu Industries (Phils.), Inc. v. Court of Appeals*, G.R. No. 127682, 24 April 1998.



x-----x

As aptly cited in the case of *Central Azucarera De Bais Employees Union-NFL v. Central Azucarera De Bais, Inc.*,<sup>3</sup> the Supreme Court held, thus:

“As a general rule, courts are not authorized to take judicial notice in the adjudication of cases pending before them of the contents of other cases even when such cases have been tried or are pending in the same court and notwithstanding the fact that both cases may have been tried or are actually pending before the same judge. Courts may be required to take judicial notice of the decisions of the appellate courts but not of the decisions of the coordinate trial courts, or even of a decision or the facts involved in another case tried by the same court itself, unless the parties introduce the same in evidence or the court, as a matter of convenience, decides to do so. Besides, judicial notice of matters which ought to be known to judges because of their judicial functions is only discretionary upon the court. It is not mandatory.”<sup>4</sup>

**WHEREFORE**, in light of the foregoing, the *Urgent Motion for Reconsideration* filed by accused Mario L. Relampagos, Rosario Nuñez, Lalaine Paule, and Marilou Bare on 03 July 2017 in Crim. Cases Nos. SB-16-CRM-0242 to 0247 is hereby **DENIED** for lack of merit.

**SO ORDERED.**

  
**MICHAEL FREDERICK L. MUSNGI**  
Associate Justice

  
**OSCAR C. HERRERA, JR.**  
Associate Justice  
Chairperson

  
**LORIFEL L. PAHIMNA**  
Associate Justice

<sup>3</sup> G.R. No. 186605, 10 November 2010.

<sup>4</sup> *Tboli Agro-Industrial Development, Inc. v. Solilapsi*, 442 Phil 499, 513 (2002).