

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

People of the Philippines,
Plaintiff,

Crim. Case No. SB-16-CRM-0132

For: Violation of Section 3(e) in relation
to Sec. 3(g) of R.A. 3019

-versus-

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

Percianita G. Racho, et al.,
Accused.

Promulgated:

August 23, 2017

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RESOLUTION

HERRERA, JR., J:

The prosecution, through the Office of the Special Prosecutor, Office of the Ombudsman, filed a ***Motion For Reconsideration (of the Honorable Court's Order dated 22 November 2016)***¹ dated February 6, 2017, praying that the ***Order***² of the Court dated November 22, 2016 be reconsidered and clarified to reflect that what was withdrawn by the Office of the Ombudsman is the ***Information*** in Criminal Case No. SB-14-CRM-0418 and not the ***Information*** in this case (SB-16-CRM-0132). The prosecution also prays for the denial of the ***Urgent Motion***³ dated November 7, 2016 filed by accused Percianita G. Racho.

The ***Order*** of November 22, 2016 reads:

“The Omnibus Motion (To Quash Information and Defer Issuance of Warrant of Arrest) filed by accused Percianita G. Racho is mooted considering that the prosecution has already withdrawn the Information.

SO ORDERED.”

¹ Record, pp. 427-432

² Id, p. 349-A

³ Id, pp. 300-347

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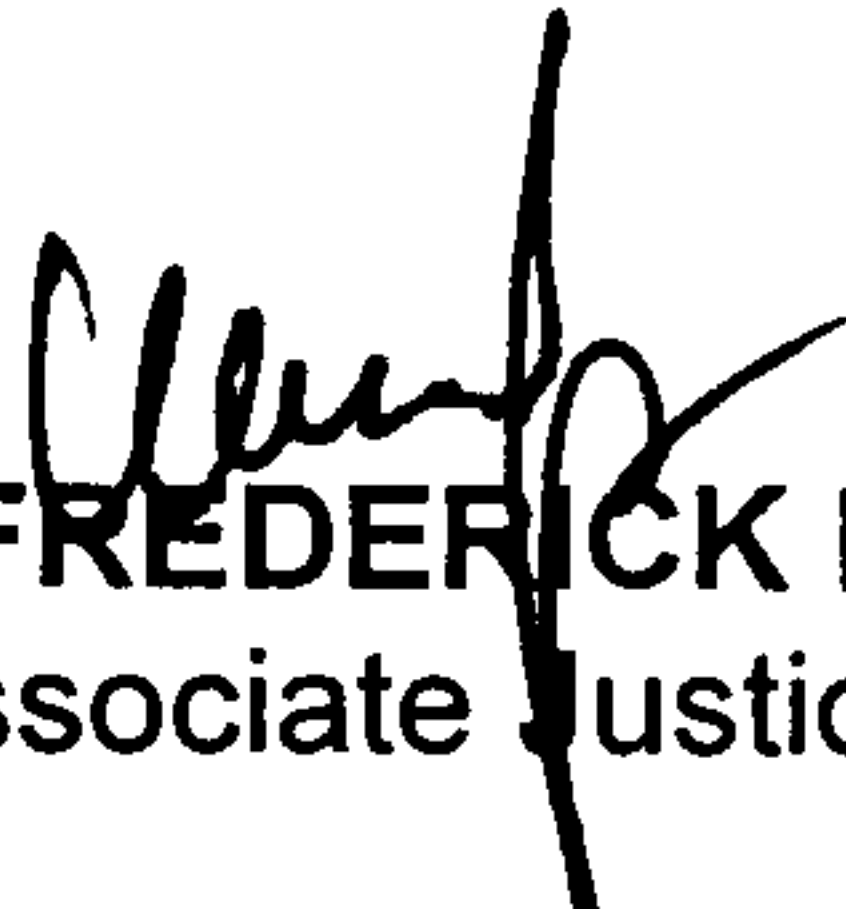
Record shows that accused Racho earlier filed **Omnibus Motion (To Quash Information and Defer Issuance of Warrant of Arrest)**⁴ dated May 2, 2016, on the ground that the instant case and Criminal Case No. SB-14-CRM-0418 refer to the same subject matter. In connection with said **Omnibus Motion, etc.**, the prosecution filed a **Compliance, etc.**⁵ dated June 21, 2016, attaching thereto a copy of its **Motion To Withdraw Information**⁶ in Criminal Case No. SB-14-CRM-0418. It is ostensibly because of that development that the Court issued the **Order** dated November 22, 2016, considering as moot and academic the **Omnibus Motion, etc.** because the **Information** in SB-14-CRM-0418 has been withdrawn.

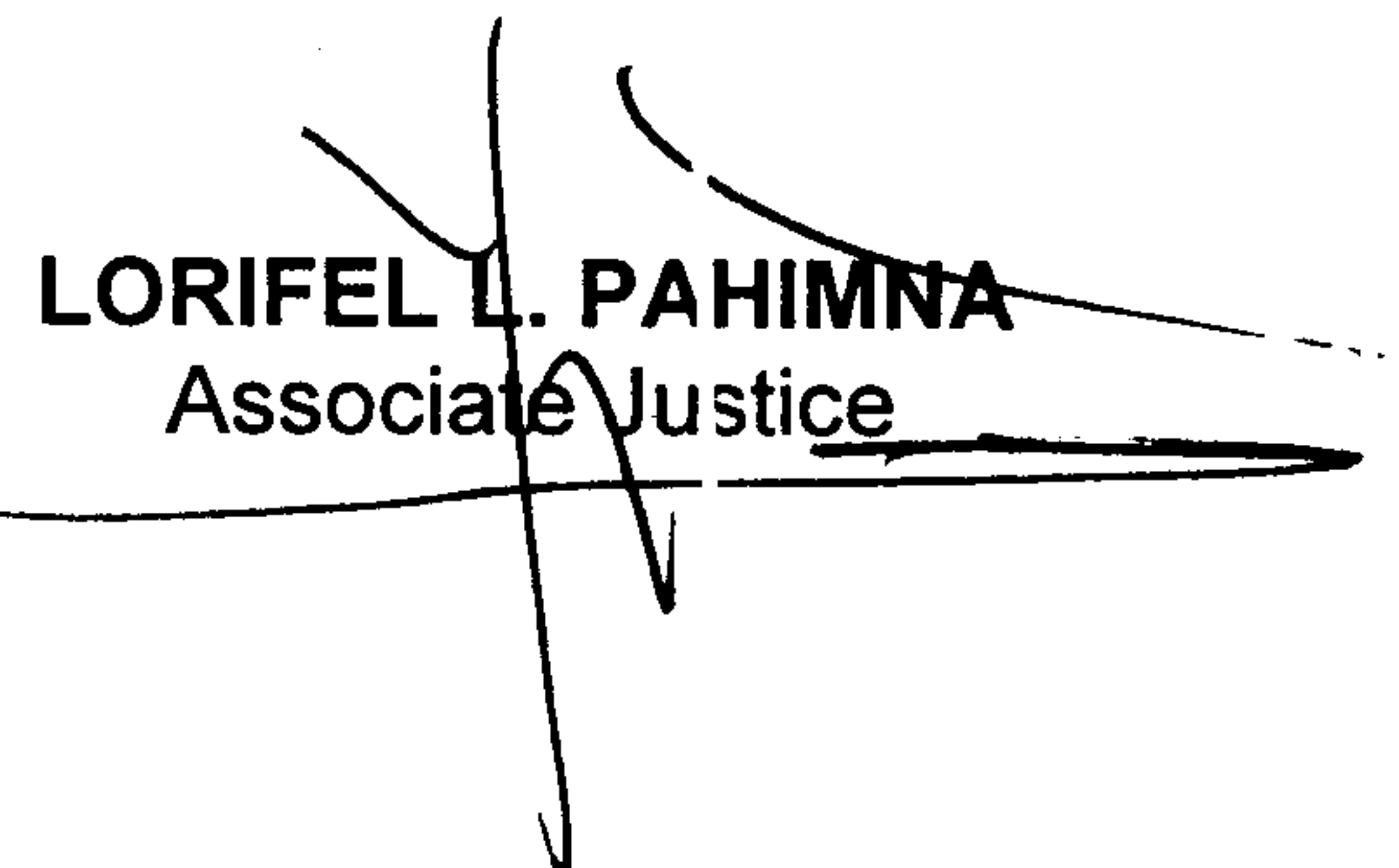
WHEREFORE, premises considered, the Court resolves to clarify that the **Information** deemed withdrawn in the **Order** dated November 22, 2016 is the one in Criminal Case No. SB-14-CRM-0418.

The prayer regarding the **Urgent Motion** dated November 7, 2016 of accused Racho shall be addressed in separate resolution.


OSCAR C. HERRERA, JR.
Chairperson

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


LORIFEL L. PAHIMNA
Associate Justice

⁴ Id, pp. 159-194

⁵ Id, pp. 223-226

⁶ Id, pp. 227-230