

REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
Quezon City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,  
*Plaintiff,*

CRIM. CASE NOS. 25147 to 25152  
*For: Violation of Section 3(e) of  
Republic Act No. 3019*

- versus -

JOEL O. BUGAS, ET AL.,  
*Accused.*

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

September 4, 2017

Promulgated

**RESOLUTION**

**MUSNGI, J.:**

The Court resolves the following:

- (1) *Motion for Reconsideration (To the Decision Dated April 11, 2017)* filed by the plaintiff on 08 May 2017; and
- (2) *Opposition to Motion for Reconsideration (To the Decision Dated April 11, 2017)* filed by accused Esperanza Paig ("Paig") and Gilda Savellano ("Savellano") on 03 July 2017.

At the outset, the Court notes that the assailed *Decision*<sup>1</sup> was promulgated on 04 April 2017 and not on 11 April 2017. The dispositive portion thereof reads, thus:

**"WHEREFORE, judgment is hereby rendered ACQUITTING accused BARTOLOME VIRTUCIO, GILDA SAVELLANO, ESPERANZA PAIG, RESTITUTO TURING, LYDIA ARANGON, LEONORA TABALINA, ANITA CUÑADO, ELEUTERIO CUEZON, ISIDRO ALEMANIA, LEONARDO ESPADILLA, GLICERIA NOVAL,**

<sup>1</sup> Sandiganbayan Records Vol. VII, pp. 2981-3007.

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HELEN CUTIN, ILUMINADA CABUGA and LENY FRANCISCO of the offenses charged. The property or cash bonds posted by each of the accused for his/her provisional liberty is ordered returned, subject to the usual accounting and auditing procedures. The Hold Departure Orders against the accused are ordered **LIFTED**.'

'With respect to accused JOEL BUGAS, who is at large and beyond the jurisdiction of the Court, the cases against him are ordered **ARCHIVED** until after his apprehension.'

**'SO ORDERED.'**

In its *Motion for Reconsideration*, the prosecution asserts that the Court erred in finding that the gross negligence of the accused is excusable and that there is no conspiracy among them.

First, the prosecution argues that even in the supposed absence of a procurement system in the local government, it was still the duty of accused public officials to ensure that the items subject of their inspection were indeed seen and inspected by them. It posits that mere reliance on the documents signed by their co-accused as the reason for also affixing their signatures thereon, without ascertaining the validity and correctness of its contents, is considered a wanton disregard of one's duty to act with responsibility and accountability. The prosecution reiterates that the failure to conduct an actual inspection when there is an obligation to do so is considered a clear abandonment of duty which is tantamount to gross inexcusable negligence

Second, the prosecution reiterates that all the accused conspired to commit the offense charged. It explains that although the accused's respective signatures appear to be independent from each other, the facts and circumstances attendant in the instant case reveal that their blind reliance on the signatures of their co-accused were in fact connected thereby showing the commonality of their interest which was to agree on the release of the subject amount.

On the other hand, accused Paig and Savellano claim in their *Opposition* that the Court correctly found that the prosecution failed to prove the acts of the accused which constitute gross inexcusable negligence. They opine that for an accused to be convicted of gross inexcusable negligence, it must be shown that he/she failed to exercise even the slightest care required of his/her position.



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In this case, accused Savellano reiterates that her subsequent act of bringing to the attention of the Mayor the problems on their procurement process actually negates the allegations of conspiracy and gross inexcusable negligence on her part.

Moreover, accused Paig and Savellano again emphasize that conspiracy cannot be established by the mere act of affixing their signatures in the questioned documents.

### Ruling

The instant *Motion* lacks merit.

There are no cogent reasons to set aside the Court's *Decision* dated 04 April 2017 because the arguments advanced by the prosecution in its *Motion* have already been judiciously considered and passed upon by the Court in its assailed *Decision*.

It has been held time and again that a Motion for Reconsideration should be denied when the same only contains issues already previously put forward. In *Komatsu Industries (Phils.), Inc. v Court of Appeals*,<sup>2</sup> the Supreme Court ruled, thus:

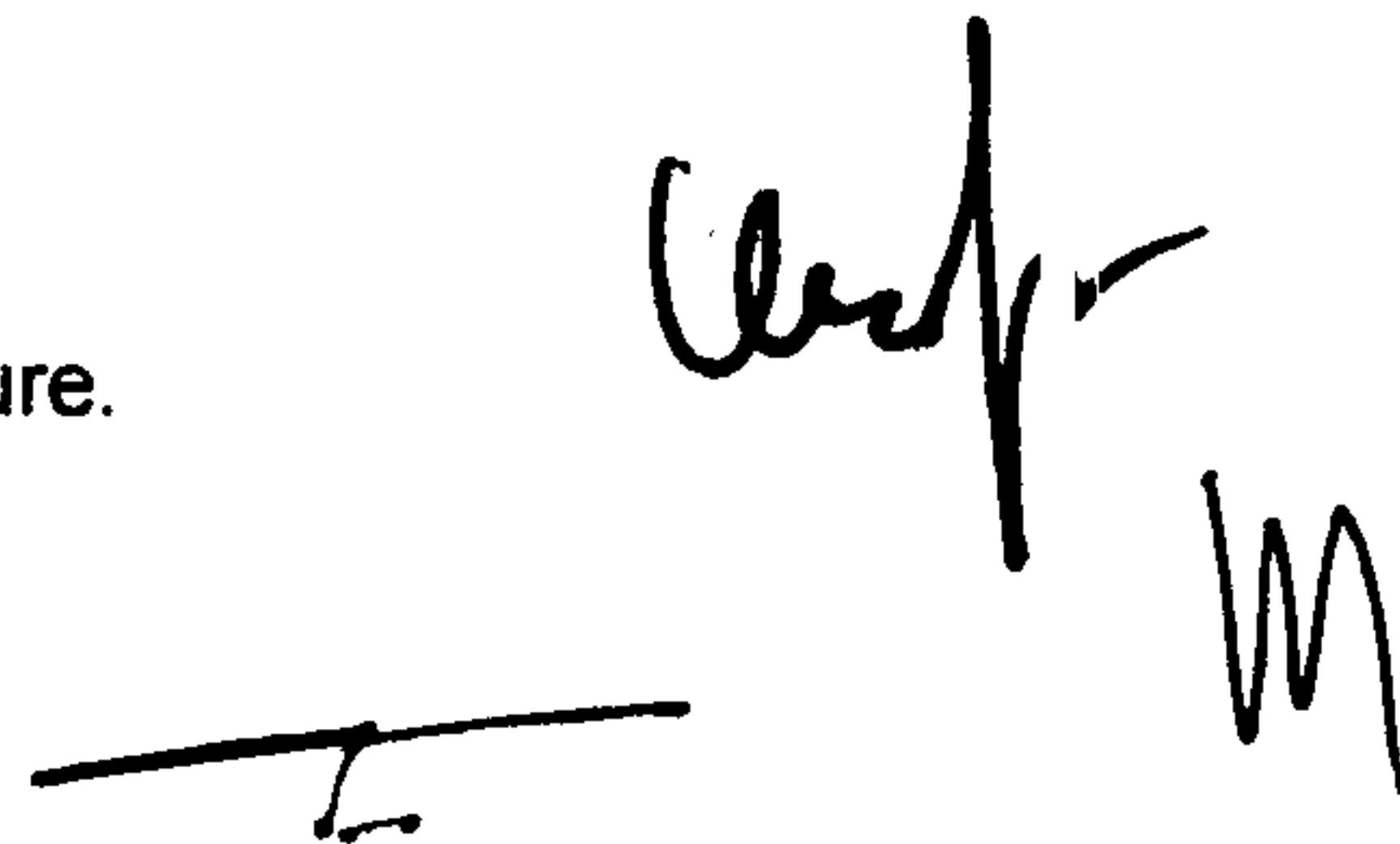
"In the same manner, we readily found that, despite the lengthy and repetitious submissions of petitioner in its pleadings filed with this Court as earlier enumerated, all the arguments therein are also mere rehashed versions of what it posited before respondent court. We have patiently given petitioners (*sic*) postulates the corresponding thorough and objective review but, on the real and proper issues so completely and competently discussed and resolved by respondent court, petitioners (*sic*) obvious convolutions of the same arguments are evidently unavailing."

More importantly, a reconsideration of the assailed *Decision* acquitting the accused would constitute a violation of the constitutional proscription against double jeopardy.

All the elements of double jeopardy<sup>3</sup> are present in this case. First, the *Informations* filed against the accused are sufficient in form and substance to sustain a conviction. Second, it has already been

<sup>2</sup> G.R. No. 127682, 24 April 1998.

<sup>3</sup> Sec. 7, Rule 117 of the Revised Rules of Criminal Procedure.

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established that the Court has jurisdiction over the instant case. Third, the accused, except for accused Joel O. Bugas who remains at-large to this date, entered a plea of not guilty upon arraignment on 10 November 2003. Lastly, the accused were acquitted for failure of the prosecution to prove beyond reasonable doubt all the elements of the offense charged.

“In order to give life to the rule on double jeopardy, our rules on criminal proceedings require that a judgment of acquittal whether ordered by the trial or appellate court, is final, unappealable, and immediately executory upon its promulgation. This is referred to as the ‘finality-of-acquittal’ rule.”<sup>4</sup>

**WHEREFORE**, in light of the foregoing, the *Motion for Reconsideration (To the Decision Dated April 11, 2017)* filed by the plaintiff in Crim. Cases Nos. 25147 to 25152 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

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<sup>4</sup> Wilfred N. Chiok vs. People of the Philippines and Rufina Chua, G.R. No. 179814, 07 December 2017.