

REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
Quezon City

SECOND DIVISION

PEOPLE OF THE  
PHILIPPINES,

Plaintiff,

CRIM. CASE NO. SB-10-CRM-  
0237

For: Violation of Par. 2[a] of  
Article 213 of the Revised Penal  
Code (Illegal Exaction)

- versus -

MANUEL R. MOLINA, ET AL.,  
Accused.

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

September 6, 2017

Promulgated 

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RESOLUTION

**MUSNGI, J.:**

The Court resolves the following:

1. *Motion for Reconsideration (Re: Resolution denying Demurrer to Evidence dated 03 July 2017)*<sup>1</sup> filed by accused Manuel R. Molina (“**Molina**”), through counsel, on 02 August 2017; and
2. *Comment/Opposition (To Accused Molina’s Motion for Reconsideration)*<sup>2</sup>

In a *Resolution*<sup>3</sup> dated 03 July 2017, the Court denied the *Demurrers to Evidence*<sup>4</sup> respectively filed by accused Molina and accused Fulgencio V. Paña (“**Paña**”). The dispositive portion thereof reads, thus:



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<sup>1</sup> Sandiganbayan Records Vol. II, pp. 959-971.

<sup>2</sup> *Ibid.*, pp. 976-980.

<sup>3</sup> *Ibid.*, pp. 927-931.

<sup>4</sup> *Ibid.*, pp. 832-853 and pp. 881-890.

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**"WHEREFORE**, in light of the foregoing, the *Demurrers to Evidence* filed by accused Manuel R. Molina and Fulgencio V. Paña are hereby **DENIED** for lack of merit.'

**'SO ORDERED.'**

Accused Molina prays for the reconsideration of the above-quoted *Resolution* and reiterates that the prosecution failed to prove beyond reasonable doubt all the elements of the offense charged.

Specifically, accused Molina again asserts that the prosecution was not able to establish (a) that he demanded, exacted, and received the payment for the subject Business Plate Fee; (b) that he conspired, connived, and confederated with accused Paña in the alleged commission of the offense charged; and (c) that they deliberately intended to defraud the public.

On the other hand, the prosecution prays for the denial of the instant *Motion* because there is no cogent reason which warrants the modification or reversal of the assailed *Resolution*. The prosecution asserts that the grounds relied upon by accused Molina have already been addressed by the Court and that the arguments raised by the accused are matters of defense which are best appreciated only during the course of trial.

### **Ruling**

The instant *Motion* lacks of merit.

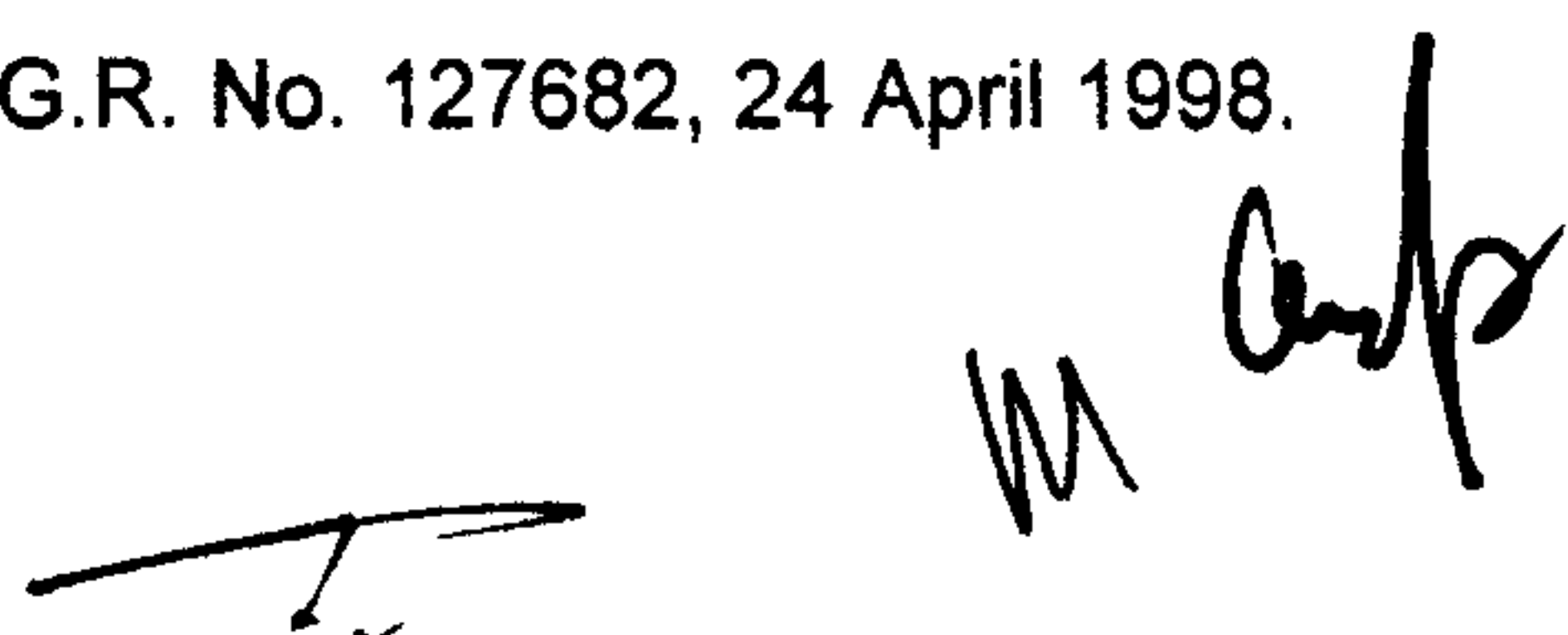
It has been established by the Supreme Court in a long line of cases that a Motion for Reconsideration should be denied when the same only rehashes issues previously put forward.<sup>5</sup>

In this case, the prosecution correctly pointed out in its *Comment/Opposition* that there are no cogent reasons to set aside the Court's *Resolution* dated 03 July 2017.

A thorough consideration of accused Molina's *Motion* shows that the same essentially contains a mere rehash or reiteration of his previous arguments in his *Demurrer to Evidence* which have already been passed upon and properly considered by the Court in its assailed *Resolution*.

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<sup>5</sup> *Komatsu Industries (Phils.), Inc. v. Court of Appeals*, G.R. No. 127682, 24 April 1998.



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**WHEREFORE**, in light of the foregoing, the *Motion for Reconsideration (Re: Resolution denying Demurrer to Evidence dated 03 July 2017)* filed by accused Manuel R. Molina is hereby **DENIED** for lack of merit.

**SO ORDERED.**

  
**MICHAEL FREDERICK L. MUSNGI**  
Associate Justice

**WE CONCUR:**

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

  
**LORIFEL L. PAHIMNA**  
Associate Justice