

REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
Quezon City

**SECOND DIVISION**

PEOPLE OF THE PHILIPPINES,  
*Plaintiff,*


CRIM. CASE NO. SB-16-CRM-0804  
*For: Reckless Imprudence Resulting  
in Multiple Homicides and Multiple  
Physical Injuries*

- versus -

REXLON T. GATCHALIAN, ET  
AL.,

*Accused.*

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

September 18, 2017  
Promulgated 

**RESOLUTION**

**MUSNGI, J.:**

The Court resolves the following:

- (1) *Motion for Reconsideration (To the Resolution dated July 17, 2017)*<sup>1</sup> filed by accused F/Supt. Mel Jose P. Lagan (“Lagan”) and F/Insp. Edgrover L. Oculam (“Oculam”) on 10 August 2017; and
- (2) *Comment/Opposition [Re: Motion for Reconsideration dated August 09, 2017 Filed by F/Supt. Mel Jose P. Lagan and F/Insp. Edgrover L. Oculam]*<sup>2</sup> filed by the prosecution on 23 August 2017.

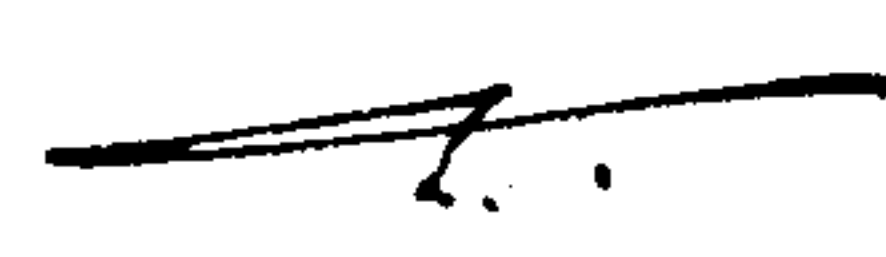
In a *Resolution*<sup>3</sup> dated 17 July 2017, the Court denied the *Omnibus Motion (1) to Quash and (2) for Judicial Determination of Probable Cause* filed by accused Lagan and Oculam on 16 February 2017. The dispositive portion thereof reads, thus:

<sup>1</sup> Sandiganbayan Records Vol. III, pp. 244-251.

<sup>2</sup> *Ibid.*, Vol. IV, pp. 18-23.

<sup>3</sup> *Ibid.*, Vol. III, pp. 224-236.



x-----x

**"WHEREFORE,** the *Omnibus Motion (1) to Quash and (2) for Judicial Determination of Probable Cause* filed by accused Mel Jose P. Lagan and Edgrover L. Oculam is hereby **DENIED** for lack of merit.'

**'SO ORDERED.'**

Accused Lagan and Oculam move for the reconsideration of the above-cited *Resolution* and submit the following:



1. "The Honorable Court erred in ruling that it had jurisdiction over the subject matter of the case;' and
2. 'Assuming that the Honorable Court has jurisdiction over the subject matter of the case, the Honorable Court erred in ruling that probable cause exists to hold accused liable in the instant case."

First, accused Lagan and Oculam reiterate that a City Fire Marshall is not considered as a City Department Head under Section 4(a)(1)(b) of Republic Act No. 8249, as amended by Republic Act No. 10660 because said provision refers to elective or appointive government officials only. They maintain that, as officials of the Bureau of Fire Protection, they remain to be employees of the national government who have been appointed to their posts under the leadership of the Department of the Interior and Local Government.

Second, accused Lagan and Oculam again assert that the evidence on record reveals that there is no probable cause to hold them liable for the offense charged because (a) their alleged acts or omissions were not the proximate cause of the death and physical injuries of the victims; and (2) not all the elements of a violation of Article 365 of the Revised Penal Code are present in this case.

In its *Comment/Opposition*, the prosecution prays for the Court to deny the instant *Motion* based on the following grounds:

1. "The accused-movants' Motion for Reconsideration is a mere rehash of their arguments in their Omnibus Motion dated February 9, 2017, which was exhaustively and judiciously passed upon by the Honorable Court in its Resolution dated July 17, 2017;' and

x-----x

2. 'The accused-movants' contentions are matters of defense which are evidentiary in character and must be approved during the trial of the case.'

### Ruling

The instant *Motion* lacks merit.

The Supreme Court has repeatedly held in a long line of cases that a Motion for Reconsideration should be denied when the same only rehashes issues previously put forward.<sup>4</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 17 July 2017 because the subject *Motion* essentially contains a mere rehash or reiteration of accused Lagan and Oculam's previous arguments which were initially raised in their *Omnibus Motion (1) to Quash and (2) for Judicial Determination of Probable Cause*. These arguments have already been judiciously passed upon and properly considered by the Court in its assailed *Resolution*.

**WHEREFORE**, in light of the foregoing, the *Motion for Reconsideration (To the Resolution dated July 17, 2017)*, filed by accused F/Supt. Mel Jose P. Lagan and F/Insp. Edgrover L. Oculam on 10 August 2017 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>4</sup> *Komatsu Industries (Phils.), Inc. v. Court of Appeals*, G.R. No. 127682, 24 April 1998.