



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
 Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
 Plaintiff,

**SB-16-CRM-0507**  
 For: Violation of Section 3(e) of  
 R.A. No. 3019

- versus -

**ROGELIO N. QUIÑO, ET AL.,**  
 Accused.

*Present:*

**FERNANDEZ, SJ, J.**  
 Chairperson  
**MIRANDA, J. and**  
**JACINTO, J.\***

*Promulgated:*

**APR 24 2018**

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**RESOLUTION**

**FERNANDEZ, SJ, J.**

This resolves the *Motion for Reconsideration (of the Resolution, dated 2 April 2018)*<sup>1</sup> filed by accused Rogelio N. Quiño, Cecilia Quiño-Rejas, and Antonio N. Quiño, Jr. on April 10, 2018; together with the *Opposition (Re: Motion for Reconsideration of the Resolution dated April 2, 2018)*<sup>2</sup> filed by the prosecution on April 16, 2018.

Accused Rogelio, Cecilia, and Antonio seek reconsideration of this Court's April 2, 2018 *Resolution*, denying said accused' *Motion for Leave to File Attached Demurrer to Evidence*.<sup>3</sup>

Accused Rogelio, Cecilia, and Antonio argue:

\* Per Administrative Order No. 146-2018 dated March 9, 2018; Special Member in view of the vacancy in the Sixth Division. Justice Jacinto participated in the Resolution dated April 2, 2018.

<sup>1</sup> Dated April 6, 2018.

<sup>2</sup> Dated April 13, 2018.

<sup>3</sup> Dated March 5, 2018; Record, Vol. III, pp. 28-62.

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- 1) The evidence presented by the prosecution, if unrebutted, is not "sufficient to convict" the accused. The prosecution's own evidence show that the accused cannot be held liable for the crime charged;<sup>4</sup>
- 2) The prosecution failed to prove beyond reasonable doubt all the essential elements for a violation of Section 3(e) of R.A. No. 2019, otherwise known as the *Anti-Graft and Corrupt Practices Act*, in that:
  - a. There was no prohibited act committed in granting accused Antonio his Salary Grade adjustments pursuant to Section 5 of R.A. No. 6758.
  - b. The prosecution failed to prove how the questioned increases or adjustments in the Salary Grade of accused Antonio caused actual injury and/or damage to the municipality.
  - c. There was no unwarranted benefit, advantage or preference given to accused Antonio since the subject Salary Adjustments were in accordance with R.A. No. 6758. Further, accused Antonio, together with Javien and Pausanos, all of whom are casual employees exercising supervisory and managerial positions, had their respective salary adjustments following the principle of "equal pay for substantially equal work."
  - d. No evidence was presented to show that there was manifest partiality, evident bad faith or gross inexcusable negligence on the part of the accused.<sup>5</sup>

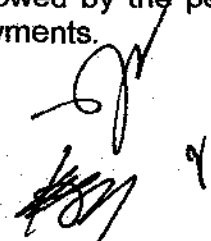
On the other hand, the prosecution, in its *Opposition*, prays for the denial of the instant *Motion for Reconsideration*, on the following grounds:

- 1) The filing of the present motion for reconsideration is not proper recourse to assail the validity of the resolution denying the Motion for Leave to File Demurrer to Evidence.<sup>6</sup>
- 2) Accused failed to show, or even allege, that the issuance of the assailed Resolution was tainted with grave abuse of discretion amounting to lack or excess of jurisdiction.
- 3) During the re-direct examination by the prosecution, witness Catherine Gatchalian testified that she does not have any knowledge on whether or not the procedures before she assumed office as the HRMO were followed by the persons who signed the plantilla of casual employments.

<sup>4</sup> Motion for Reconsideration dated April 6, 2018, p. 1.

<sup>5</sup> Motion for Reconsideration dated April 6, 2018, p. 2.

<sup>6</sup> Opposition dated April 13, 2018, p. 1.



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The person who is the most credible to testify on the procedures being observed in the appointment of Antonio Quiño is prosecution witness Annie Francisco, the HRMO during the period material to the allegations in the Information.

- 4) The argument that there was no prohibited act committed by the accused in granting Antonio Quiño his salary grade adjustments pursuant to Section 5, R.A. No. 6758 has no merit. This is the same argument raised by the accused in their Motion to Quash, which was denied by this Court.<sup>7</sup>
- 5) It is undisputed that the salary grade of a Mechanical Shop Foreman is fixed at SG 11.
- 6) The accused stipulated that accused Antonio Quiño received the salaries in the amount stated in Exhibits V to V-537. The prejudice in this case is the salary increases granted to accused Antonio Quiño by his brother/sister (co-accused).<sup>8</sup>

## RULING

Accused Rogelio N. Quiño, Cecilia Quiño-Rejas, and Antonio N. Quiño, Jr. essentially implore this Court to reexamine its April 2, 2018 Resolution on the same grounds they raised in their *Motion for Leave to File Attached Demurrer to Evidence*, as well as the *Demurrer to Evidence* attached thereto. Thus, the instant *Motion for Reconsideration* is a mere rehash of accused Rogelio, Cecilia, and Antonio's arguments passed upon by the Court in its assailed Resolution.

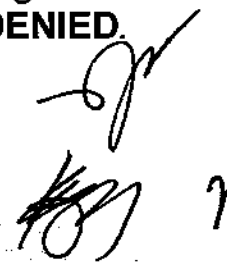
After a careful restudy of the testimonial and documentary evidence presented by the prosecution, this Court still finds that the same, if unrebutted, is sufficient to convict the accused.

The Court, thus, finds no basis to reconsider its April 2, 2018 Resolution.

**WHEREFORE**, the *Motion for Reconsideration (of the Resolution, dated 2 April 2018)* filed by accused Rogelio N. Quiño, Cecilia Quiño-Rejas, and Antonio N. Quiño, Jr., is **DENIED**.

<sup>7</sup> Opposition dated April 13, 2018, p. 2.

<sup>8</sup> Opposition dated April 13, 2018, p. 3.



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This is without prejudice to the filing by the accused of their *Demurrer to Evidence* without prior leave of court, but subject to the legal consequence provided under Section 23, Rule 119 of the Revised Rules of Criminal Procedure, that is, they shall waive their right to present evidence and are submitting this case for judgment on the basis of the evidence adduced by the prosecution.

Accused Rogelio N. Quiño, Cecilia Quiño-Rejas, and Antonio N. Quiño, Jr. are given a period of five (5) days from receipt of this Resolution within which to manifest, by personal filing or through courier, to this Court whether they will file a *Demurrer to Evidence* without leave of court.

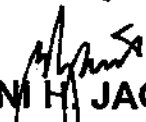
The hearings tentatively set on May 7 and 8, 2018, both at 1:30 in the afternoon, for the accused to present their evidence, are maintained. The said scheduled dates will be considered automatically cancelled upon receipt by the Court of all the accused' *Demurrer to Evidence*.<sup>9</sup>

**SO ORDERED.**

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

**WE CONCUR:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**BAYANI H. JACINTO**  
Associate Justice

<sup>9</sup> Pursuant to A.M. No. 15-06-10-SC, Revised Guidelines for Continuous Trial of Criminal Cases