

Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

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Second Division

People of the Philippines,  
*Plaintiff,*


Criminal Case No. SB-07-CRM-0024

-versus-

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

Gerry Jovilla Morales,  
*Accused.*

Promulgated:

October 30, 2018 

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**RESOLUTION**

**HERRERA, JR., J:**

This pertains to the ***Ex-Parte Omnibus Motion To Reopen And Modification Of Sentence***<sup>1</sup> dated July 10, 2018, filed by accused Gerry J. Morales, assisted by counsel, to which the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, in compliance with the ***Order***<sup>2</sup> dated October 12, 2018, filed a ***Comment and/or Opposition (Re: Ex-Parte Omnibus Motion to Reopen and Modification of Sentence)***<sup>3</sup> dated October 10, 2018.


Accused Morales is currently serving at the New Bilibid Prisons the sentence imposed on him in the ***Decision***<sup>4</sup> dated April 27, 2016, convicting him of ***Violation of Section 3(e) of Republic Act (R.A.) No. 3019***, or the ***Anti-Graft And Corrupt Practices Act***. In his instant ***Ex-Parte Omnibus Motion, etc.***, he prays the Court to adjust and reduce the penalty imposed upon him by applying the reduced penalty for violation of ***Article 213 of the Revised Penal Code (RPC)***, entitled "Fraud against the public treasury and similar offenses", prescribed by way of amendment introduced by ***Section 37 of Republic Act (R.A.) No. 10951***. Said ***R.A. 10951*** is entitled "***An Act Adjusting the Amount or the Value of Property and Damage on which a Penalty is Based and the Fines***

<sup>1</sup> Record, Vol. 2, pp. 819-821

<sup>2</sup> Id, p. 835

<sup>3</sup> Id, pp. 842-847

<sup>4</sup> Id, pp. 733-752





**Imposed under the Revised Penal Code, Amending for the Purpose Act No. 3815, otherwise known as the Revised Penal Code.”**

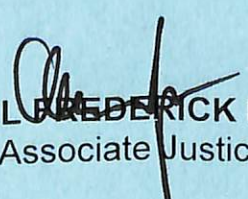
The *Ex-Parte Omnibus Motion, etc.* is devoid of merit.’

Accused Morales is serving sentence for **Violation of Section 3(e) of R.A. 3019** which is a special law, not for **Violation of Article 213 of the Revised Penal Code**. The amendment introduced by **R.A. 10951** is on the penalty under **Article 213 of the Revised Penal Code** and not on **Section 3(e) of R.A. 3019**. The very title of **R.A. 10951** is clear that it is “**An Act xxx Amending for the Purpose Act No. 3815, otherwise known as the Revised Penal Code.**” Clearly, the reduced penalty for **Article 213 of the Revised Penal Code**, as amended by **R.A. 10951**, is inapplicable to accused Morales.

WHEREFORE, the **Ex-Parte Motion To Reopen And Modification Of Sentence** dated July 10, 2018, filed by accused Gerry J. Morales, is hereby denied.

  
OSCAR C. HERRERA, JR.  
Chairperson

We concur:

  
MICHAEL FREDERICK L. MUSNGI  
Associate Justice

  
LORIFEL L. PAHIMNA  
Associate Justice