



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
QUEZON CITY

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**SPECIAL SEVENTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff,

Crim. Case No. SB-16-CRM-0595

-versus-

**NELSON S. RUIZ,**

Accused.

Present:

Gomez-Estoesta, J., *Chairperson*  
Trespeses, J., and  
Jacinto, J.\*

Promulgated:

October 22, 2018 ipa

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**RESOLUTION**

***GOMEZ-ESTOESTA, J.:***

This resolves accused Nelson S. Ruiz's *Motion for Reconsideration* of this Court's Decision promulgated on August 28, 2018 convicting him of violation of Sec. 3(h) of R.A. 3019.

In his *Motion for Reconsideration*,<sup>1</sup> accused Ruiz asserts that contrary to this Court's findings, (a) he did not have pecuniary interest over the cockpit, but only the land where it stood; and (b) he did not intervene in connection with his interest in the cockpit by issuing the business permit, as he was merely acting in accordance with Ordinance No. 06-04.

Accused Ruiz explains that when he authorized the use of his land by the cockpit, he did so in his private capacity. The business permit was issued on April 15, 2009, and the lease contract was entered into on January 20, 2010, and the lapse of time in between proves that he had no financial motivation in granting the business permit. Neither was it proven that he gained any pecuniary benefit from the operation of the cockpit.

\* Per A.O. No. 284-2017 dated August 18, 2017

<sup>1</sup> Records, Vol. 2, pp. 111-123

12.8

Moreover, in issuing the business permit for the operation of the cockpit, he was merely exercising his authority under Municipal Ordinance No. 06-04. Citing the minutes of the meeting of the Sangguninang Bayan on April 23, 2009, accused Ruiz claims that from the time said ordinance was enacted in 2006, until grant of the business permit in 2009, it was commonly understood to have granted the Mayor the power to issue the permit, followed by the concurrence of the Sanggunian. If any, his lapse in the interpretation of the ordinance should not subject him to such a harsh punishment. The aberrations in the interpretation of his interest in the property and the ordinance are consistent with his innocence. Citing *People v. Timtiman*,<sup>2</sup> he asserts that when inculpatory facts are susceptible to two or more interpretations, one of which is consistent with his innocence, as in this case, the evidence did not hurdle the test of moral certainty required for conviction.

In response, the prosecution claims<sup>3</sup> that accused Ruiz's *Motion* does not allude to errors in application of law or appreciation of facts in this Court's Decision, but instead merely rehashes arguments already raised during trial. It restates this Court's findings in the Decision, which, according to the prosecution, are based on unrefuted prosecution evidence. Further, accused Ruiz could not shift the blame to the Sangguniang Bayan to evade criminal liability, as he was the official authorized by law to issue the business permit, as he in fact did.

This Court finds no cogent reason to reverse its Decision.

Accused Ruiz cites the equipoise rule in his bid to overturn the assailed Decision. Under the equipoise rule, where the evidence on an issue of fact is in equipoise (evenly balanced), or there is doubt on which side the evidence preponderates, the party having the burden of proof loses. The equipoise rule finds application if the inculpatory facts and circumstances are capable of two or more explanations -- one of which is consistent with the innocence of the accused and the other with his guilt -- in which case the evidence does not fulfill the test of moral certainty and is not sufficient to support a conviction.<sup>4</sup>

The equipoise rule is not applicable. The circumstances cited by accused Ruiz, *i.e.*, his lack of pecuniary interest in the cockpit and his mere compliance in good faith with Municipal Ordinance No. 06-04, are matters of defense, and do not blur the established fact that he issued the business permit in favor of the cockpit as found by this Court in the Decision. While it is true that as owner of the land in his private capacity, accused Ruiz had the right to enjoy and dispose of it, this is subject to limitations established by law.<sup>5</sup> As a public officer, accused Ruiz's exercise of these rights is limited, and he overstepped these limits by leasing out the property for the use of a cockpit, over which he is not allowed by law to have direct or indirect interest in, for a fee.

<sup>2</sup> G.R. No. 101663, November 4, 1992

<sup>3</sup> *Comment/Opposition* dated October 9, 2018, *Records*, Vol. 2, pp. 135-143

<sup>4</sup> *Mahawan v. People*, G.R. No. 176609, December 18, 2008


<sup>5</sup> Article 428, Civil Code

Further, as this Court has already discussed in the assailed Decision, he granted the business permit in favor of the cockpit without the requisite ordinance from the Sangguniang Bayan, at a time when his property has already been earmarked to be used for the construction and operation of the cockpit. That he subsequently leased his property to the owner of the cockpit whose business permit he granted under said conditions only further revealed his interest in the cockpit.

Accused Ruiz's *Motion* calls for a re-evaluation of evidence from his perspective, but does not question the sufficiency or probative value of the evidence presented by the prosecution. To reconsider the Decision on the grounds cited by accused Ruiz would yield the very same findings assailed, as this Court has already exhaustively considered all evidence presented during trial.

WHEREFORE, in view of the foregoing, the *Motion for Reconsideration* filed by accused Ruiz is **DENIED** for lack of merit.

SO ORDERED.

  
**MA. THERESA DOLORES C. GOMEZ-ESTOESTA**  
*Associate Justice, Chairperson*

WE CONCUR:

  
**ZALDY W. TRESPESSES**  
*Associate Justice*

  
**BAYANI H. JACINTO**  
*Associate Justice*