



Republic of the Philippines  
Sandiganbayan  
Quezon City

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**FIFTH DIVISION**

**PEOPLE OF THE PHILIPPINES,  
Plaintiff,**

**SB-18-CRM-0159  
For: Violation of Section 3  
(e), R.A. No. 3019**

**- versus -**

**JEJOMAR ERWIN S. BINAY, JR.  
ET AL.,**

**Accused.**

**Present:  
Lagos, J., Chairperson,  
Mendoza – Arcega and  
Corpus - Mañalac, JJ.**

**Promulgated:  
October 24, 2018 *Jal***

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**RESOLUTION**

***CORPUS - MAÑALAC, J.:***

Before this Court is the prosecution's *Compliance with Motion to Admit Amended Information in SB-18-CRM-0159 (Re: Resolution dated August 9, 2018)* received by the Court on September 11, 2018, with the *Opposition* thereto filed on September 26, 2018 by accused Jejomar Erwin S. Binay, Jr.

The prosecution prays for the admission of the Amended Information dated August 17, 2018 which contains the following amendments:

1. the change of date of the alleged commission of offense from "July 2011 to August 2012" to "July 2011 to December 2013;"
2. the inclusion of the name "Mendoza" in paragraph (b) of the Information; and
3. the addition of Eleno Mendoza, Jr.'s position as "City Administrator."

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Accused Binay, Jr. opposes the amendments introduced alleging that these amendments do not conform to evidence contrary to what the prosecution theorizes. Specifically, the Ombudsman *Joint Resolution* dated July 10, 2017 does not indicate that the offense charged took place between July 2011 to December 2013, and that the amendment on the date unnecessarily broaden the period of commission for the offense.

He avers likewise that the *Joint Resolution* contains conflicting findings of fact as to the individuals responsible for the commission of the offense, thus, casting doubt on the basis of Mendoza, Jr.'s inclusion as accused.

And further, Binay, Jr. alleges that there is nothing in the *Joint Resolution* that relates to Mendoza, Jr.'s functions as "City Administrator" to warrant the insertion of the said additional designation, which necessarily entails additional duties and responsibilities attributed not only to Mendoza, Jr. but also to his co-accused.

### RULING

Antecedently, the Amended Information was filed pursuant to this Court's Resolutions promulgated on August 7 and 9, 2018 which allowed the aforesaid changes in the Information. The "*Omnibus Motion for Reconsideration*" of the aforesaid Resolutions filed by Binay, Jr. was denied in a Resolution promulgated on September 10, 2018.

Binay, Jr.'s current opposition obstinately clinging to the same essential arguments he echoed in his *Omnibus Motion for Reconsideration*, which has been ruled upon by the Court, constitutes a second motion for reconsideration which is pro forma. In the case of *Meralco vs. Barlis*,<sup>1</sup> it was held that:

X X X Moreover, a second motion for reconsideration, which merely rehashes and recycles old allegations and arguments deserves scant consideration.

The instant motion of the prosecution being a mere compliance to this Court's Resolutions dated August 7 and 9, 2018, there is no meritorious reason to deny the same.

**WHEREFORE**, the Court **NOTES** the prosecution's *Compliance* and **GRANTS** the *Motion to Admit Amended Information*. The Amended

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<sup>1</sup> En Banc, G.R. No. 114231, June 29, 2004



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Information in SB-18-CRM-0159 filed on September 11, 2018 is hereby  
**ADMITTED.**

SO ORDERED.

  
**MARYANN E. CORPUS – MAÑALAC**  
Associate Justice

**WE CONCUR:**

  
**RAFAEL R. LAGOS**  
Chairperson  
Associate Justice

  
**MARIA THERESA V. MENDOZA – ARCEGA**  
Associate Justice