



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

Fifth Division

PEOPLE OF THE PHILIPPINES, **Crim. Case Nos. 24787-24788**
Plaintiff,

FOR: Violation of Section 3(e)
of Republic Act No. 3019

– versus –

Present:

LAGOS, J., Chairperson
MENDOZA-ARCEGA, and
CORPUS-MAÑALAC, JJ.

MAKIL U. PUNDAODAYA, et. al.
Accused,

Promulgated:

December 17, 2018 *Jal*

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RESOLUTION

LAGOS, J.:

For Resolution are: (1) the *Motion for Reconsideration* (MR), dated November 15, 2018¹, filed by accused Sambeli on November 20, 2018 seeking to reconsider the *Resolution* of the Court dated October 29, 2018 which denied for lack of merit accused's *Verified Motion for Leave of Court to File and Admit the Within Motion for New Trial*; and (2) the *Opposition* on the said MR, dated November 26, 2018² filed, by the prosecution on November 28, 2018.

¹ Records, Criminal Case Nos. 24787-24788, Vol. 10, pp. 346-352

² Id., pp. 354-358

On November 15, 2018, or after the promulgation on October 29, 2018 of the *Resolution* now sought to be reconsidered, accused Sambeli filed a *Motion for Recall of Warrant of Arrest of the Accused Sambeli or for Leave of Court to Post Additional Bail for her Continued Provisional Liberty*, dated October 26, 2018.³ An *Opposition*⁴ thereon was filed by the prosecution on November 28, 2018.

The antecedents of these cases are as follows:

On October 29, 2018, the Court, in its *Resolution*⁵ **DENIED** for lack of merit accused Sambeli's *Verified Motion for Leave of Court to File and Admit the Within Motion for New Trial*, on the ground, among others, that a motion for new trial can no longer be availed of as a remedy under Section 1, Rule 121 of the Revised Rules of Criminal Procedure (RRCP) in relation to Rule IX, Section 1 of the Revised Internal Rules of the Sandiganbayan to overturn a judgment of conviction rendered by the Court on March 30, 2012. The said judgment of conviction had become final and executory and *Entry of Judgment* was made thereon by the Supreme Court in G.R. Nos. 203771-772 on March 21, 2018. Accordingly, the Court **NOTED WITHOUT ACTION** the motion for new trial embedded within the verified motion.

Accused Sambeli, for and in her behalf, without the assistance of counsel, reiterates in her *Motion for Reconsideration* the arguments raised in the verified motion for leave filed before the Court that she was convicted on the basis of the evidence presented solely by the prosecution; that she was not afforded the chance to present her evidence by means of technicality or gross negligence or incompetence of her former counsel; that the failure of the accused to present evidence amounted to denial of due process.

Claiming that irregularities prejudicial to the substantial rights of the accused were committed during the trial, accused Sambeli contends that the gross negligence, mishandling and incompetence of her former counsel amounted to irregularities which are prejudicial to the substantial rights of the accused is a well-recognized ground for new trial under Section 2, Rule 121 of RRCP. Alleging that her conviction is violative of her constitutional right to due process, accused Sambeli maintains that in the paramount interest of justice, the cases against her can be reopened and she be afforded the chance to present her evidence.

The prosecution counters in its *Opposition* that in the cases against accused Sambeli, substantial rights were not violated or disregarded in favor of procedural rules; that while the courts are not slaves or robots of technical rules, this does not warrant complete disregard of them; they are there for a

³ Records, Criminal Case Nos. 24787-24788, Vol. 10, pp.327-340

⁴ Id., pp. 359-362

⁵ Id., pp. 300-307

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purpose, citing *Spouses David Bergonia and Luzviminda Castillo vs. Court of Appeals*.⁶ The prosecution further asserts that the relaxation of the rules does not apply in the instant cases as no justifiable cause was shown to warrant the same; that accused Sambeli, as borne by the records, was given the opportunity to present her side; that in fact, she was given dates to present her evidence but opted not to by filing her *Demurrer to Evidence* without leave of court; that she cannot now claim that she was deprived of such opportunity where she herself waived the same.

The Court, acting on accused Sambeli's *Motion for Reconsideration* and the *Opposition* thereon by the prosecution, finds said motion devoid of merit.

The decision of the Sandiganbayan dated March 30, 2012 convicting accused Sambeli of the crime of violation of Section 3(e) of R.A. 3019, which she elevated to the Supreme Court in a petition for review on certiorari, had become final and executory on March 21, 2018 and *Entry of Judgment* was accordingly recorded when the motion for reconsideration of the denial of her petition for review on certiorari of the decision of the Sandiganbayan was denied with finality by the Supreme Court.

As the Court pronounced in the assailed *Resolution*, accused Sambeli can no longer avail of the remedy of motion for new trial when she filed on October 1, 2018, or almost seven (7) months after the *Entry of Judgment*⁷, a *Verified Motion for Leave of Court to File and Admit the Within Motion for New Trial*.⁸ Section 1, Rule 121 of the Revised Rules of Criminal Procedure (RRCP) allows a motion for new trial at anytime before a judgment of conviction becomes final.⁹ Rule IX, Section 1 of the Revised Internal Rules of the Sandiganbayan allows a motion for new trial 15 calendar days from promulgation of judgment or from notice of the final order or judgment.¹⁰

Neither can she raise the exception to the finality of judgment in the case of *FGU Insurance Corporation vs. RTC of Makati, Branch 66, et. al.*¹¹ as there were no circumstances in the instant cases which transpired after the finality of the decision which would render its execution unjust and inequitable. There is no showing at all in the records that after the judgment became final and executory intervening circumstances transpired which render the execution of said judgment unjust and inequitable.

⁶ G.R. No. 189151, January 25, 2012

⁷ Records, Criminal Case Nos. 24787-24788, Vol. 10, p. 197

⁸ Id., pp. 213-224

⁹ In *De Villa vs. The Director of New Bilibid Prisons*, G.R. No. 158802, November 17, 2004, it was held that a motion for new trial may be filed at anytime before a judgment of conviction becomes final, that is, within fifteen (15) days from its promulgation or notice.

¹⁰ Restated as Rule X, Section 1 of the 2018 Revised Internal Rules of the Sandiganbayan

¹¹ G.R. No. 161282, February 23, 2011

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Notably, the issues and arguments raised by accused Sambeli in her *Motion for Reconsideration* are mere reiterations and rehashed submissions of her *Motion for Reconsideration and/or New Trial* of the March 30, 2012 decision of the Court,¹² and resolved in the *Resolution* dated October 8, 2012,¹³ later restated in her *petition for review on certiorari* filed before the Supreme Court as well in all her subsequent pleadings seeking to reconsider the denial of her petition, which have all been considered and thoroughly passed upon by the Court in the assailed *Resolution*. No new matters have been raised by accused Sambeli which would warrant reconsideration of the *Resolution* rendered in this case.

Given that the issues raised and the arguments adduced by accused Sambeli have been exhaustively discussed and resolved in the assailed *Resolution*, the Court finds no plausible and cogent reason invoked in its *Motion for Reconsideration* which would convince the Court to reconsider, reverse or set aside the *Resolution* sought to be reconsidered.


Considering that on October 29, 2018 the Court promulgated its *Resolution* denying the *Verified Motion for Leave of Court to File and Admit the Within Motion for New Trial*, the *Motion for Recall of Warrant of Arrest of the Accused Sambeli or for Leave of Court to Post Additional Bail for her Continued Provisional Liberty* filed by accused Sambeli on November 15, 2018 had been rendered moot and academic.

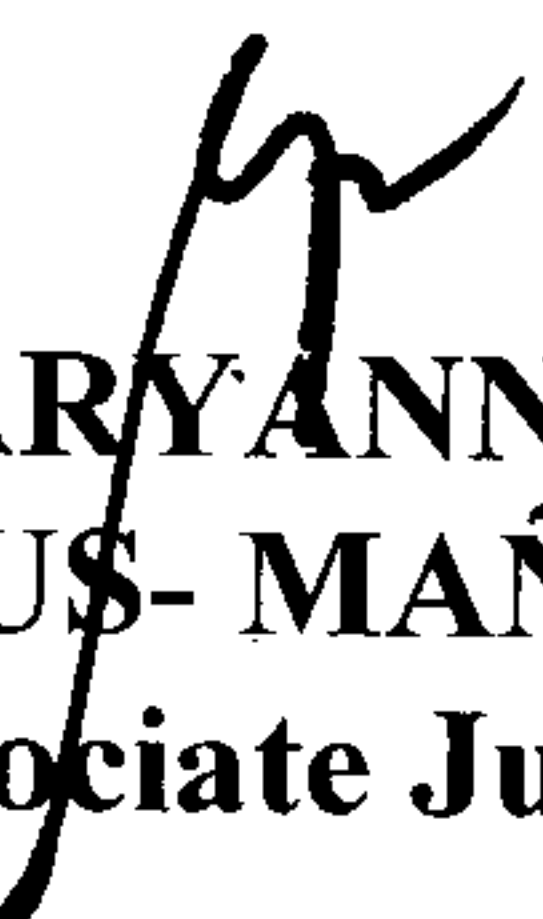
WHEREFORE, in light of the foregoing, the *Motion for Reconsideration* is **DENIED** for lack of merit.

SO ORDERED.


RAFAEL R. LAGOS
Chairperson
Associate Justice

WE CONCUR:


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


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

¹² The decision of the Sandiganbayan, dated March 30, 2012 was penned by J. Roland B. Jurado
¹³ Records, Criminal Case Nos. 24788-24789, Vol. 10, pp.276-288