



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
 Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
**Plaintiff,**

**SB-17-CRM-0495**  
 For: Violation of Section 3(e),  
 Republic Act No. 3019

**- versus -**

*Present:*

**TERESITA R. MANZALA, ET AL.,**  
**Accused.**

**FERNANDEZ, SJ, J.**  
*Chairperson*  
**MIRANDA, J., and**  
**VIVERO, J.**

*Promulgated:*

*January 24, 2019* 

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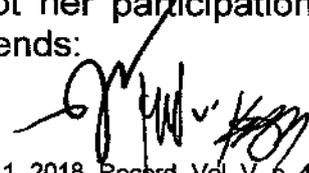
**RESOLUTION**

**FERNANDEZ, SJ, J.**

This resolves the *Motion for Reconsideration*<sup>1</sup> filed by accused Teresita R. Manzala, together with the *Comment/Opposition*<sup>2</sup> filed by the prosecution.

Accused Manzala asks this Court to reconsider its *Resolution* dated November 22, 2018, denying her *Motion for Leave to File Demurrer to Evidence*,<sup>3</sup> and, to grant her leave of court to file *Demurrer to Evidence*.<sup>4</sup>

Accused Manzala reiterates that the prosecution's evidence failed to prove beyond reasonable doubt her participation in the offense charged. Accused Manzala contends:



<sup>1</sup> *Re: Resolution dated 22 November 2018* dated December 11, 2018, Record, Vol. V, p. 419; filed on December 12, 2018.  
<sup>2</sup> *(Re: Motion for Reconsideration of the Resolution Dated 22 November 2018)* dated December 13, 2018, Record, Vol. V, p. 433; filed on December 14, 2018.  
<sup>3</sup> Record, Vol. V, p. 398.  
<sup>4</sup> *Motion for Reconsideration* dated December 11, 2018, p. 13.

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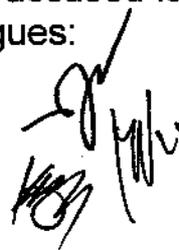
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1. The testimonies of witnesses and documentary exhibits offered by the prosecution only proved the first element of violation of Section 3(e), RA No. 3019, that accused Manzala is a public officer discharging administrative functions. The parties also stipulated as to this matter during the pre-trial.<sup>5</sup>
2. There is no showing that accused Manzala, in issuing the Letter of Intent (LOI), co-signing the Disbursement Vouchers (DVs) and checks, and authorizing the payment of rental fees to Delos Santos, specifically favored the latter to the exclusion, disfavor or detriment of any other individual. All these acts were within the power of accused Manzala as the Chairperson of the Professional Regulatory Commission and/or Head of Procuring Entity.
3. The Cost Benefit Analysis, Market Analysis and Post-Ocular Inspection made by the BAC confirm that CTLL Building provided the lowest rent. Procurement of lease is not subject to competitive or public bidding. The procurement of lease for the PRC Baguio Regional Office was properly conducted pursuant to GPPB Resolution No. 08-2009 providing the Guidelines for Lease of Privately-Owned Real Estate and Venue.<sup>6</sup>
4. Accused Manzala exercised prudence and due diligence in issuing the LOI and co-signing the DVs and checks authorizing the payment of rental fees to Delos Santos.<sup>7</sup>
5. There is no undue injury in the instant case since PRC Baguio occupied the CTLL Building. Further, the Market Analysis and the Cost Benefit Analysis show that the CTLL Building had the lowest lease rate.<sup>8</sup>
6. The exhibits and testimonies of prosecution witnesses failed to support the allegations of grant of unwarranted benefits to Delos Santos by accused Manzala, on her own or in conspiracy with the other accused.
7. Prosecution witness Jennifer Jardin-Manalili did not show up and ignored the subpoenas requiring her attendance, violating accused Manzala's right to confront the said witness pursuant to Section 14(2), Article III of the Constitution.<sup>9</sup>

The prosecution claims that the evidence against accused is sufficient to support a guilty verdict. The prosecution argues:

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<sup>5</sup> Motion for Reconsideration dated December 11, 2018, p. 5.  
<sup>6</sup> Motion for Reconsideration dated December 11, 2018, pp. 6-7.  
<sup>7</sup> Motion for Reconsideration dated December 11, 2018, p. 8.  
<sup>8</sup> Motion for Reconsideration dated December 11, 2018, p. 9.  
<sup>9</sup> Motion for Reconsideration dated December 11, 2018, p. 11.



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1. The instant *Motion* was filed beyond the non-extendible period of five (5) days as mandated by the *Revised Guidelines for Continuous Trial of Criminal Cases*. The assailed *Resolution* was received by the counsel for the accused on November 27, 2018; the accused only had five (5) days therefrom, or until December 3, 2018 within which to file her *Motion for Reconsideration*.

The *Motion* was filed only on December 12, 2018.<sup>10</sup>

2. The instant *Motion* is a mere rehash of the arguments raised in accused' *Motion for Leave to File Demurrer to Evidence*. The prosecution, thus, maintains:

- a. The first element of violation of Section 3(e), R.A. No. 3019, that accused is a public officer discharging administrative, judicial or official functions, was stipulated by the parties during the pre-trial;
- b. Accused Manzala, along with her co-accused exhibited manifest partiality and clearly acted with bad faith when they allowed the transfer of the PRC Baguio Regional Office to CTLL Building knowing that the guidelines set forth in R.A. No. 9184 has not been complied with; and,
- c. The concerted effort of all the accused to transfer the PRC Baguio Regional Office to CTLL Building caused the PRC to suffer undue injury in the total amount of PhP6,696,511.98. The payments made by PRC to Delos Santos were released in relation to an irregular transaction facilitated by the accused.<sup>11</sup>

## RULING

The *Motion for Reconsideration* filed by accused Teresita R. Manzala is denied.

Accused Manzala's *Motion for Reconsideration* was filed out of time. Under Section III, 2(c) of the *Revised Guidelines for Continuous Trial of Criminal Cases*, a party may file a motion for reconsideration within a non-extendible period of five (5) days from receipt of the resolution on a meritorious motion, viz:

The motion for reconsideration of the resolution of a meritorious motion shall be filed within a non-extendible period of five (5) calendar days from receipt of such resolution, and the

<sup>10</sup> Comment/Opposition dated December 13, 2018, p. 1.

<sup>11</sup> Comment/Opposition dated December 13, 2018, pp. 2-3.

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adverse party shall be given an equal period of five (5) calendar days from receipt of the motion for reconsideration within which to submit its comment. Thereafter, the motion for reconsideration shall be resolved by the court within a non-extendible period of five (5) calendar days from the expiration of the five (5)-day period to submit the comment.

Motions that do not conform to the requirements stated above shall be considered unmeritorious and shall be denied outright.

Since accused Manzala received the November 22, 2018 *Resolution* on November 27, 2018,<sup>12</sup> she only had until December 3, 2018 to file her *Motion for Reconsideration*. Having filed the instant *Motion* on December 12, 2018, or beyond the period allowed by the *Rules*, accused' *Motion for Reconsideration* shall be considered unmeritorious and shall be denied outright.

Nonetheless, even on the merits, the instant motion will still be denied on the ground that it failed to establish any error that would warrant the reversal of the *Resolution* dated November 22, 2018, denying accused Manzala's *Motion for Leave*. The *Motion for Reconsideration* is a mere rehash of accused Manzala's arguments already 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 support a verdict of guilt for violation of Section 3(e) of R.A. No. 3019.

Further, the other grounds raised by accused Manzala, *i.e.*, propriety or impropriety of a public bidding, existence or absence of conspiracy, compliance with the procurement procedure provided under the law, etc., are matters of defense and are better ventilated during trial proper.<sup>13</sup>

**WHEREFORE**, the *Motion for Reconsideration Re: Resolution dated 22 November 2018* filed by accused Teresita R. Manzala, is **DENIED**.

This is without prejudice to the filing by the accused of a *Demurrer to Evidence* without prior leave of court, but subject to the

<sup>12</sup> Motion for Reconsideration dated December 11, 2018, p. 1.  
<sup>13</sup> Singian, Jr. vs. Sandiganbayan, 706 SCRA 451, 475 [2013]

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legal consequence provided under Section 23, Rule 119 of the Revised Rules of Criminal Procedure, that is, she shall waive her right to present evidence and is submitting this case for judgment on the basis of the evidence adduced by the prosecution.

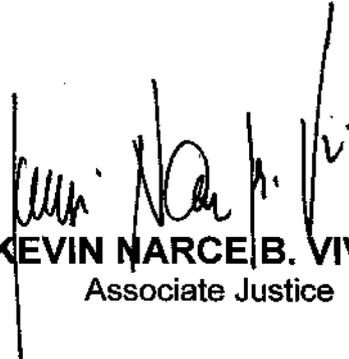
Accused Manzala is given a period of five (5) days from receipt of this Resolution within which to manifest, by personal filing and service, or through courier, whether she will file a *Demurrer to Evidence* without leave of court.

The hearings set for the accused to present their evidence on January 24 and 28, 2019, are maintained. The said scheduled dates will be considered automatically cancelled, as to accused Manzala, upon receipt by the Court of the *Demurrer to Evidence* of said accused.<sup>14</sup>

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

**WE CONCUR:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**KEVIN NARCE B. VIVERO**  
Associate Justice

<sup>14</sup> Pursuant to A.M. No. 15-06-10-SC, Revised Guidelines for Continuous Trial of Criminal Cases