



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

LORENZO HABANA JAMORA,
Accused.

X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

WILFREDO MANALILI FELEO,
Accused.

**CRIM. CASES NOS. SB-18-
CRM-0422 and 0423**

For: Violation of Sec. 3(e),
R.A. No. 3019 and Failure to
Render Accounts under Article
218, Revised Penal Code

**CRIM. CASES NOS. SB-18-
CRM-0424 and 0425**

For: Violation of Sec. 3(e), R.A.
No. 3019 and Failure to Render
Accounts under Article 218,
Revised Penal Code

Present:

QUIROZ, J., Chairperson
CRUZ, J.
JACINTO, J.

Promulgated on:

JAN 09 2019

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RESOLUTION

CRUZ, J.:

This resolves the following:

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(1) accused-movant Lorenzo Habana Jamora's ("Jamora," for brevity) *Motion for Reconsideration (With Motion to Defer Arraignment)*¹ dated 9 November 2018;

(2) accused-movant Wilfredo Manalili Feleo's (Feleo) *Omnibus Motion: 1. For Reconsideration; and 2. To Defer Arraignment and Pre-Trial*² dated 14 November 2018; and

(3) the prosecution's *Consolidated Comment and/or Opposition (to [a] accused Jamora's Motion for Reconsideration [with Motion to defer Arraignment]; and [b] accused Feleo's Omnibus Motion: for Reconsideration and to Defer Arraignment and Pre-trial) with Motion to Reset Arraignment*³ dated 22 November 2018.

Jamora's Motion

Jamora argues that, while it is true that novation does not extinguish criminal liability, it may prevent the rise of any criminal liability as held in *People v. Nery*⁴. He maintains that his payment to the Local Water Utilities Administration (LWUA) of disallowed Extraordinary and Miscellaneous Expenses (EME) prior to the filing of Informations with the Court on 18 June 2018 essentially rendered his account and prevented the rise of any criminal liability on his part. He contends that his payment of the disallowed EMEs shows his intent to comply with the order of the Supreme Court to refund the same. He insists that he was not aware of communications addressed to the LWUA regarding the order to return the disallowed EMEs due to his separation from such agency in December 2006.

He reiterates that it was through his own initiative that he asked about the Notice of Disallowance and requested that he be furnished with supporting documents in relation to the same while the case is still pending with the Ombudsman. He explains that his separation from the service rendered it improbable for him to know of correspondence regarding the disallowed EMEs and the order for their return.

He points to the fact that the LWUA itself, through Acting Manager Divina D. Ferrer of the Accounting Department, admitted

¹ Records of SB-18-CRM-0422 and 0423, pp. 92-95.

² Records of SB-18-CRM-0424 and 0425, pp. 183-186.

³ Records of SB-18-CRM-0422 and 0423, pp. 100-105.

⁴ G.R. No. L-19567, 5 February 1964.

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that it merely presumed that he received a copy of the Notice for Disallowance and other related correspondence. He concludes that he should not be considered to have deliberately refused to refund the disallowed EMEs.

Feleo's Omnibus Motion

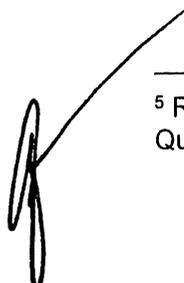
Feleo argues that the facts charged in the Informations, being erroneous, do not constitute the subject offenses. He contends that the Office of the Ombudsman, in its 28 October 2016 Resolution, found that he actually rendered an accounting but he allegedly submitted insufficient documents. He also maintains that he already returned to the LWUA the amount of ₱719,305.00 on 26 September 2017, which was prior to the filing of the Informations on 18 June 2018.

He posits that the Complaint⁵ dated 17 January 2017 must be resolved first for being a prejudicial question. He argues that facts in the said civil case and the present criminal cases are intimately connected, and the pending civil case, if resolved, will show that the Commission on Audit (COA) disallowed the EME of Feleo not due to failure to render account but due to the unsatisfactory documents he submitted to the COA.

Prosecution's Consolidated Comment/Opposition

The prosecution counters that Jamora's motion was filed out of time and should be denied outright. It contends that since Jamora's counsel received the assailed Resolution on 25 October 2018, the motion for reconsideration should have been filed within five (5) days from its receipt or until 30 October 2018, following the Revised Guidelines for Continuous Trial of Criminal Cases. It emphasizes that, considering that Jamora filed his motion by way of a private courier service, the date of actual receipt thereof by the Court was considered as the date of filing of the motion, which, in this case, was on 12 November 2018, or thirteen (13) days belatedly.

It also argues that the arguments in the motions for reconsideration of Jamora and Feleo are mere rehash of their Motion to Quash and Omnibus Motion that they respectively filed and which were fully threshed out, duly considered, passed upon and discussed

 ⁵ Referring to Civil Case No. R-QZN-17-05833-CV pending before the Regional Trial Court of Quezon City, Branch 93. 

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by the Court in its Resolutions dated 16 October 2018 (for Jamora)⁶
and 7 November 2018 (for Feleo).⁷

In its Motion to Reset Arraignment, the prosecution moves to reset the arraignment and pre-trial of Jamora and Feleo scheduled on 18 January 2019 to 25 January 2019 or at any date thereafter when most convenient to the Court, considering that the assigned prosecutor will still be in the United States on 18 January 2019.

The Court's Discussion and Ruling

Jamora and Feleo's motions lack merit.

Jamora's Motion for Reconsideration was indeed filed out of time. He mentions that his counsel received a copy of the assailed Resolution dated 16 October 2018 on 25 October 2018. Based on the *Revised Guidelines for Continuous Trial of Criminal Cases*⁸ (*Revised Guidelines*), a 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**.⁹ Therefore, he had until 30 October 2018 to file his motion for reconsideration. However, the Court received his motion through a private courier service (LBC Express) only on 12 November 2018. Since the date of actual receipt by the court of pleadings sent through a private courier service is deemed the date of filing of such pleadings,¹⁰ he filed his motion thirteen (13) days after the last day of filing.

In this regard, the Supreme Court aptly held in *Villamor v. People*¹¹:

It is axiomatic that the 'Rules of Court, promulgated by authority of law, have the force and effect of law. More importantly, **rules prescribing the time within which certain acts must be**

⁶ Records of SB-18-CRM-0422 and 0423, pp. 73-77.

⁷ Records of SB-18-CRM-0424 and 0425, pp. 173-180.

⁸ A.M. No. 15-06-10-SC.

⁹ Part III (Procedure), paragraph 2 (c), of the *Revised Guidelines* provides:

"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 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." (Emphasis supplied)

¹⁰ *Bautista v. Bautista*, G.R. No. 202088, 8 March 2017.

¹¹ G.R. Nos. 172110 & 181804, 1 August 2011.

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done, or certain proceedings taken, are absolutely indispensable to the prevention of needless delays and the orderly and speedy discharge of judicial business. **Strict compliance with such rules is mandatory and imperative.** Only strong considerations of equity will lead us to allow an exception to the procedural rule in the interest of substantial justice.'

Moreover, Jamora and Feleo merely raise rehashed arguments that were already passed upon and considered by the Court in its 16 October 2018 and 7 November 2018 Resolutions, respectively. They fail to raise new and substantial arguments that will convince the Court to reconsider and set aside its Resolutions. For the Court to reiterate the discussion in the assailed Resolutions would be a useless formality or ritual.¹²

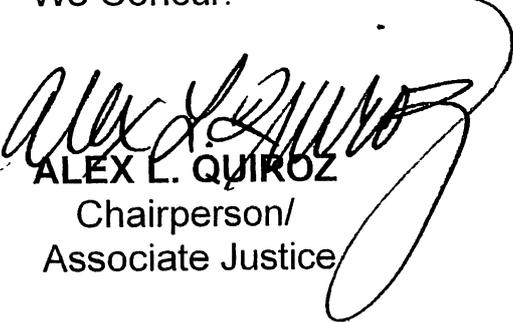
WHEREFORE, premises considered, the Court hereby **DENIES** accused-movant Lorenzo Habana Jamora's Motion for Reconsideration and accused-movant Wilfredo Manalili Feleo's Omnibus Motion.

Finding the prosecution's Motion to Reset Arraignment to be well-taken, the Court hereby **GRANTS** the same. Accordingly, the arraignment and pre-trial set on 18 January 2019 are hereby cancelled and reset to **25 January 2019 at 1:30 in the afternoon.**

SO ORDERED.


REYNALDO P. CRUZ
Associate Justice

We Concur:


ALEX L. QUIROZ
Chairperson/
Associate Justice


BAYANI H. JACINTO
Associate Justice

¹² *Mendoza-Ong v. Sandiganbayan*, G.R. Nos. 146368-69, 18 October 2004; *Ortigas and Co., Ltd. v. Velasco*, G.R. Nos. 109645 & 112564, 4 March 1996.