

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIM. CASES NOS. 28099 &
28252

For: Estafa through Falsification
of Official/Commercial
Documents and Violation
of Section 3(e) of R.A. No.
3019, as amended

- versus -

Present:

QUIROZ, J., *Chairperson,*
CRUZ, J., and
JACINTO, J.

Promulgated:

NELSON B. UMALI, ET AL.,
Accused.

MAR 21 2019

X-----X

RESOLUTION

QUIROZ, J.:

Pending before this Court are the following:

- 1) *Motion for Reconsideration*¹ dated December 1, 2016, *Reply*² dated January 30, 2017, and *Supplemental to the Motion for Reconsideration*³ dated March 2, 2017 of accused Janette A. Bugayong (Bugayong);
- 2) *Motion for Reconsideration*⁴ dated December 1, 2016 and *Reply*⁵ dated January 17, 2017 of accused Burt B. Favorito (Favorito);

¹ Records Volume 7, pp. 349-367.

² Id. at 478-484.

³ Id. at 491-495.

⁴ Id. at 368-387.

⁵ Id. at 469-477.

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- 3) *Motion for Reconsideration*⁶ dated November 29, 2016 of accused Maximo A. Borje, Jr. (Borje);
- 4) undated *Motion for Reconsideration*⁷ and *Reply*⁸ dated January 3, 2017 of accused Nelson B. Umali (Umali);
- 5) *Motion for Reconsideration*⁹ dated December 1, 2016 of accused Florendo B. Arias (Arias);
- 6) *Motion for Reconsideration*¹⁰ dated November 29, 2016 of accused Vicente N. Santos, Jr. (Santos); and
- 7) *Consolidated Comment/Opposition*¹¹ dated December 16, 2016 of the plaintiff.

On November 17, 2016, this Court rendered a *Decision*¹² finding accused Umali, Arias, Borje, Favorito, Bugayong, Santos, Erdito Q. Quarto, and Rolando C. Castillo guilty beyond reasonable doubt of Estafa through Falsification of Public Documents as defined and penalized under Article 315, in relation to Article 171, of the Revised Penal Code and of Violation of Section 3 (e) of Republic Act (R.A.) No. 3019, as amended.

Accused Umali, Arias, Borje, Favorito, Bugayong, and Santos filed their respective motions for reconsideration thereon urging the Court to take a second hard look at the facts and evidence of the prosecution and the accused's arguments and, thereafter, to reverse the above *Decision* and render an acquittal based on a finding that the prosecution failed to establish the required quantum of evidence to prove that they conspired with each other to commit the said offenses.

On the other hand, the plaintiff moves for the denial of the accused's motions arguing that the prosecution has convincingly proven, based on the testimonial and documentary evidence presented before this Court, that the accused are guilty of the charges filed against them.

After a meticulous review of the voluminous records and the issues raised by the parties, the Court finds no substantial arguments were presented by the accused to warrant a reversal of the assailed *Decision*. The Court maintains, as it earlier ruled, that the accused conspired with one another for their personal gain and interests in deceiving the Department

⁶ Id. at 388-395.

⁷ Id. at 396-408.

⁸ Id. at 467-468.

⁹ Id. at 409-432.

¹⁰ Id. at 433-445.

¹¹ Id. at 449-460.

¹² Id. at 51-158.



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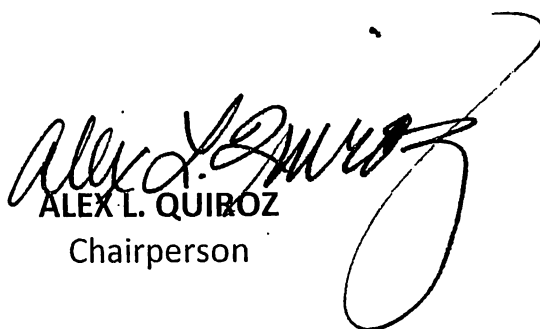
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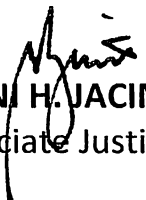
of Public Works and Highways into paying the claims amounting to a total of Seven Million Five Hundred Nineteen Thousand Twenty-Three Pesos (PhP7,519,023.00) for the fictitious emergency repairs/purchases of spare parts of its vehicles, which were made possible through their execution and use of forged or falsified documents, to the damage and prejudice of the government in the aforesaid amount. The accused failed to present any countervailing evidence to overcome the overwhelming evidence presented by the prosecution. Hence, their convictions must be upheld.

WHEREFORE, in light of the foregoing, the respective *Motions for Reconsideration* of accused Janette A. Bugayong, Burt B. Favorito, Maximo A. Borje, Jr., Nelson B. Umali, Florendo B. Arias, and Vicente N. Santos, Jr., as well as the *Supplemental to the Motion for Reconsideration* of accused Janette A. Bugayong, are **DENIED** for lack of merit. The assailed *Decision* promulgated on November 17, 2016 in these cases **STANDS**.

SO ORDERED.


ALEX L. QUIROZ
Chairperson


REYNALDO P. CRUZ
Associate Justice


BAYANI H. JACINTO
Associate Justice