

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-18-CRM-0385 to 0387

For: Violation of Sections 3(e) of
R.A. No. 3019, as amended

Present:

- versus -

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

Promulgated:

ROLAND LUYUN CORTEZ, ET AL.,
Accused.

MAR 28 2019

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RESOLUTION

QUIROZ, J.:

For resolution before this Court is the *Motion for Reconsideration*¹ [of the *Resolution*² dated February 19, 2019] filed by accused Roland Luyun Cortez (Cortez), Marietta Manlangit Cruz (Cruz), and Jose Coronejo Calixto (Calixto) and the *Comment*³ dated March 8, 2019 filed by the prosecution.

In their motion, the accused seek a reversal of the assailed Resolution ordering their suspension *pendente lite* reiterating that they have already been suspended and subsequently dismissed from service in the related administrative case filed before the Ombudsman; that their suspension once again will unfairly prejudice not only them but also the institutions they are serving; that no records could be tampered as all documents pertaining to the case were turned over by East Avenue Medical Center (EAMC) to the Commission on Audit; and that they are not in a position to tamper and/or withhold release of evidence because accused Cortez is no longer connected with EAMC while the nature of the positions of accused Cruz and Calixto in EAMC as Finance Management Officer

¹ Records Volume 2, pp. 53-56.

² Id. at 69-74.

³ Id. at 92-96.

and Chief Administrative Officer, respectively, does not include the safekeeping of documents. Thus, the accused reason that the very wisdom behind the imposition of the preventive suspension will not be satisfied.

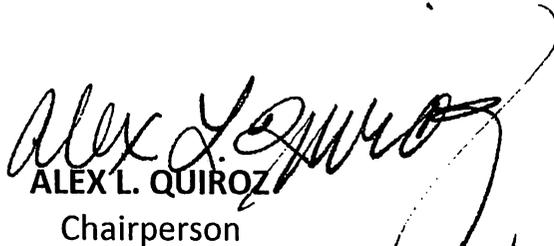
In its comment, the prosecution counters that the accused have failed to raise new and substantial arguments in their motion for reconsideration; that the preventive suspension of the accused is mandatory in character; that the validity and sufficiency of the Information filed against them have already been determined by the Court; that there is nothing left for the Court to do but to perform its ministerial duty to order the preventive suspension of the accused; and that preventing the accused from committing further acts of malfeasance while in office is also one of the evils sought to be avoided by their preventive suspension.

After going over the issues raised by the parties, the Court rules that the accused have failed to adduce matters substantially or compellingly persuasive to warrant a deviation from its earlier ruling. Indeed, the arguments presently raised by the accused in their motion for reconsideration have been sufficiently considered and weighed by the Court. It behooved the accused to convince the Court that the conclusion in the Resolution was contrary to law and jurisprudence. This, they failed to do. There being no new matter of substance raised in support of their motion, the Court finds no compelling reason or legal justification to reverse the assailed Resolution ordering the suspension of the accused from their respective offices *pendente lite*.

WHEREFORE, the *Motion for Reconsideration* dated February 27, 2019 of accused Roland Luyun Cortez, Marietta Manlangit Cruz, and Jose Coronejo Calixto is **DENIED** for lack of merit. The assailed *Resolution* dated February 19, 2019 **STANDS**.

Let the presentation of prosecution evidence set on March 25 and 26, 2019, both at 1:30 in the afternoon, proceed as previously scheduled.

SO ORDERED.


ALEX L. QUIROZ
Chairperson


REYNALDO P. CRUZ
Associate Justice


BAYANI H. JACINTO
Associate Justice