



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-15-CRM-0284 to 0285
For: Violation of Sec. 3(e)
and 3(g) of R.A. 3019

- versus -

CELESTINO A. MARTINEZ III,
ET AL.,

Accused.

Present:

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

Promulgated: **JUL 03 2019**

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RESOLUTION

VIVERO, J.

For resolution is accused Julio Ursonal, Jr.'s *Motion for Reconsideration*¹ dated 15 April 2019; together with the *Comment/Opposition*² filed by the prosecution dated 10 May 2019.

Accused Ursonal, Jr. prays that this Court reconsider its Resolution dated 28 March 2019 and consequently grant his Motion for Leave to File Demurrer to Evidence. The accused argues that the prosecution evidence against him even if unrebutted, is not sufficient to convict him.

In its *Comment/Opposition*, the prosecution seeks the denial of accused's *Motion for Reconsideration* on the following grounds, namely: [1] the motion for reconsideration was filed out of time; and, [2] the arguments raised in the subject motion are mere reiterations of

¹ Record, Vol. 6, pp. 26-34.

² Record, Vol. 6, pp. 36-39.

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the issues already passed upon by the Court in the *Resolution* dated 28 March 2019.

THE COURT'S RULING

The Court resolves to deny accused Ursonal, Jr.'s *Motion for Reconsideration*.

As correctly pointed out by the prosecution, the *Motion for Reconsideration* of accused Ursonal, Jr. is filed out of time.

Section III, paragraph 2 (c) of A.M./ No.15-06-10-SC or the Revised Guidelines for Continuous Trial of Criminal Cases provides:

2. Motions

xxx xxx xxx

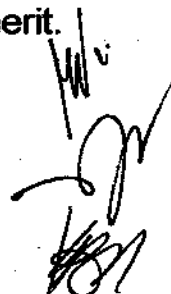
(c) Meritorious Motions. – Motions that allege plausible grounds supported by relevant documents and/or competent evidence, except those that are already covered by the Revised Guidelines, are meritorious motions, such as:

xxx xxx xxx

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.

Record shows that accused Ursonal, Jr. admits receiving a copy of the assailed Resolution on 4 April 2019. Therefore, he had until 10 April 2019 to file his motion for reconsideration considering that 9 April 2019 is a regular holiday. However, he filed the subject motion for reconsideration only on 22 April 2019 as evidenced by the registry receipt. Clearly, the subject motion was filed out of time.

At any rate, even if the subject motion was seasonably filed, the denial of the same is still in order for lack of merit.



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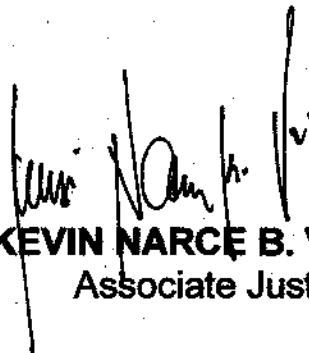
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An examination of the instant *Motion for Reconsideration* shows that it is a mere rehash of accused Ursonal, Jr.'s arguments which have been squarely passed upon by the Court in its Resolution sought to be reconsidered.

WHEREFORE, the *Motion for Reconsideration* of accused Julio Ursonal, Jr. is hereby denied for lack of merit.

SO ORDERED.


KEVIN NARCE B. VIVERO
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KARL B. MIRANDA
Associate Justice