



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

**PEOPLE OF THE
PHILIPPINES,**
Plaintiff,

-versus-

SB-12-CRM-0247
For: Violation of Section 3 (e) of
Republic Act (R.A.) No. 3019

**NICANOR C. FELIX,
HERMINIA M. CRUZ, OPHELIA
C. DE GUZMAN, PRIVADA B.
GONZALES, MARCIANO A.
DOROTELO, and ARIEL
BAUTISTA,**

Accused,

X-----X

**PEOPLE OF THE
PHILIPPINES,**
Plaintiff,

-versus-

SB-12-CRM-0248
For: Violation of Section 3 (e) of
R.A. No. 3019

**NICANOR C. FELIX,
HERMINIA M. CRUZ, OPHELIA
C. DE GUZMAN, PRIVADA B.
GONZALES, MARCIANO A.
DOROTELO, and GLADY G.
FORMALES,**

Accused,

X-----X

[Handwritten signatures]

**PEOPLE OF THE
PHILIPPINES,**

Plaintiff,

-versus-

SB-12-CRM-0249
For: Violation of Section 89 of
R.A. No. 7160, as amended

**NICANOR C. FELIX, PRESENT:
HERMINIA M. CRUZ, OPHELIA
C. DE GUZMAN, PRIVADA B. FERNANDEZ, SJ, J., Chairperson
GONZALES, MARCIANO A. MIRANDA, J. and
DOROTEO, and GLADY G. VIVERO, J.
FORMALES,**

Accused,

Promulgated:

NOV 29 2019

X-----X

RESOLUTION

MIRANDA, J.:

This resolves the Motion for Reconsideration dated November 12, 2019 filed by accused Gladly G. Formales (Formales) and the Comment/Opposition dated November 14, 2019 filed by the Prosecution.

In her motion, accused Formales assailed the Resolution dated November 4, 2019 denying her Motion for Leave of Court to File Demurrer to Evidence. She claimed that: 1) the Prosecution failed to rebut the constitutional presumption of innocence and to prove her guilt beyond

reasonable doubt for violations of Section 3(e) of R.A. No. 3019 and Section 89 of R.A. No. 7160; 2) the Prosecution failed to prove all the elements for violations of Section 3(e) of R.A. No. 3019 and Section 89 of R.A. No. 7160; 3) none of the Prosecution witnesses have personal knowledge of the crimes she allegedly committed; 4) she was not a member of the Bids and Awards Committee (BAC) and had no hand in the procurement process; 5) she did not interfere in any contract and was not authorized to choose the supplier/contractor of the projects specified in the charges; 6) she performed her duties as a Budget Officer III even after the award of the contracts to Tueance Alera Gentrade Industries; 5) there was no evidence proving the absence of a public bidding in the procurement of miscellaneous supplies; and 6) there was no evidence of conspiracy between and among Formales and her co-accused Nicanor C. Felix (Felix), Herminia M. Cruz (Cruz), Ophelia C. De Guzman (De Guzman), Privada B. Gonzales (Gonzales), and Marciano A. Doroteo (Doroteo).

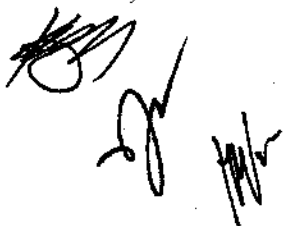
In its Comment/Opposition, the Prosecution argued that the arguments raised by accused Formales were a mere rehash of her Motion for Leave of Court to File Demurrer to Evidence dated September 16, 2019.

After a review of the records of these cases and the arguments raised by accused Formales and the Prosecution, the Court **denies** the Motion for Reconsideration dated November 12, 2019.

The Court finds nothing new in the arguments raised by accused Formales in her motion. The issues and arguments she raised are a mere rehash and a repetition of the same issues and arguments raised in her Motion for Leave of Court to File Demurrer to Evidence dated September 16, 2019. These issues and arguments have already been considered and passed upon by the Court in its Resolution dated November 4, 2019. There being no new matters or issues raised to warrant a reversal thereof, the motion for reconsideration must be **denied**.

WHEREFORE, the Motion for Reconsideration filed by accused Formales is **DENIED** for lack of merit.

This is without prejudice to the right of accused Formales to file a *Demurrer to Evidence* without prior leave of court, but subject to the legal consequences provided under Section 23, Rule 119 of the Revised Rules of Criminal Procedure, that she shall waive her right to present evidence and is



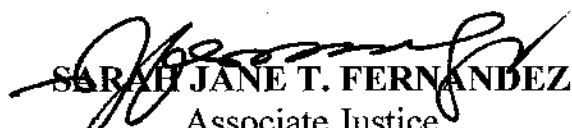
submitting this case for judgment on the basis of the evidence adduced by the Prosecution.

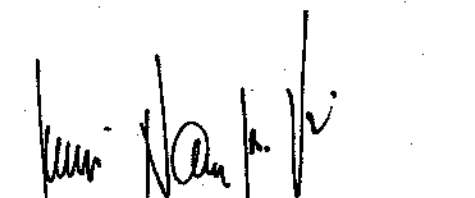
Accused Formales is given a period of five (5) days from receipt of this Resolution within which to file her Manifestation informing the Court whether she will file a Demurrer to Evidence, without leave of court.

SO ORDERED.


KARL B. MIRANDA
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KEVIN NARCE B. VIVERO
Associate Justice