

Republic of the Philippines
SANDIGANBAYAN
Quezon City

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIM. CASE NO. SB-11-CRM-0110

For: Illegal Use of Public Funds/
Technical Malversation

-versus-

OSCAR L. GOZOS, et. al.,
Accused.

Present:

Quiroz, J. Chairperson

Pahimna, J. &

Jacinto, J.

JUL 08 2020

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RESOLUTION

PAHIMNA, J.:

For resolution of the Court are the following:

- (1) Motion to Admit Attached Motion for Reconsideration¹ filed by accused **Juvylee C. Obice ("Obice")**, through counsel, on December 2, 2019; and
- (2) Comment/Opposition² (Re: Accused Juvilee (sic) C. Obice's Motion to Admit Attached Motion for Reconsideration) filed by the prosecution on February 20, 2020.

In her Motion, accused Obice averred that she asked the Law Firm of Attorney Franklin Canto, Attorney Vicente Millora and Attorney Salvador Solis to withdraw as her counsel in October 2019, thus, Attorney Francis Dignadice entered his appearance as counsel for Obice on October 23,

¹ Records, Volume 5, pp. 11-18

² Id., pp. 101-104

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2019. Thereafter, on November 18, 2019, the latter filed his Revised Notice of Entry of Appearance as lead counsel for Obice and was able to secure a copy of the assailed Resolution dated October 23, 2019.

Obice further alleged that she was not informed by her previous counsel as to the receipt and contents of the assailed Resolution, hence, she failed to file a motion for reconsideration of said resolution.

On the other hand, the prosecution countered that the instant motion should be denied outright as accused Obice has admitted that she failed to file a motion for reconsideration of the Resolution dated October 23, 2019. It also stated that the contentions of accused Obice in her motion for reconsideration has nothing to do with the sufficiency of evidence in this case considering that she wants this Court to adopt the findings and conclusions in the following cases: 1) Bragas, et. al. vs. Office of the Ombudsman (C.A.- G.R. SP No. 120398), which exonerates her from administrative liability; and 2) People vs. Ylagan, et. al. (Crim. Case No. SB-17-CRM-0031 to 0034). It added that the criminal and administrative cases are separate and distinct from each other.

Additionally, the prosecution refuted that accused Obice is deemed to have waived her right to dismiss the case due to inordinate delay as she has already been arraigned and the case proceeded without her raising such issue.

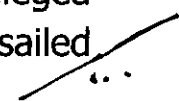

THE COURT'S RULING



The Motion wants merit.

Pursuant to the Revised Guidelines for Continuous Trial of Criminal Cases, 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.

In the instant case, the instant motion was belatedly filed. As alleged by Obice in her motion, her new counsel secured a copy of the assailed



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Resolution on November 18, 2019, hence, Obice may file her Motion for Reconsideration until November 25, 2019 considering that November 23 and 24 are Saturday and Sunday, respectively. However, the instant motion was only filed on December 2, 2019, way beyond the reglementary period.

Technicalities aside, this Court finds that the contention of accused Obice that an administrative case entitled "Abelardo Bragas, et. al. vs. The Office of the Ombudsman" exonerating her from any administrative liability will result in the failure to attain the degree of proof in the instant case against accused Obice is misplaced.

Banking on the case of Monico Ligas vs. People of the Philippines,³ the Supreme Court has ruled that decisions in administrative cases are not binding on criminal proceedings. It is indeed a fundamental principle of administrative law that administrative cases are independent from criminal actions for the same act or omission. *Thus, an absolution from a criminal charge is not a bar to an administrative prosecution, or vice versa.* One thing is administrative liability; quite another thing is the criminal liability for the same act. (emphasis supplied)

Moreover, accused Obice's assertion of her right to speedy disposition of case must be raised at the earliest possible opportunity, which cannot also be a ground in a Demurrer to Evidence. Further, a Demurrer to Evidence may be filed after the prosecution rests its case on the ground of insufficiency of evidence.⁴

WHEREFORE, the Court hereby **DENIES** the Motion to Admit Attached Motion for Reconsideration filed by accused Juvylee C. Obice on December 2, 2019.

SO ORDERED.

³ G.R. No. 200751, August 17, 2015

⁴ Section 23 of Rule 119 of the Rules of Court

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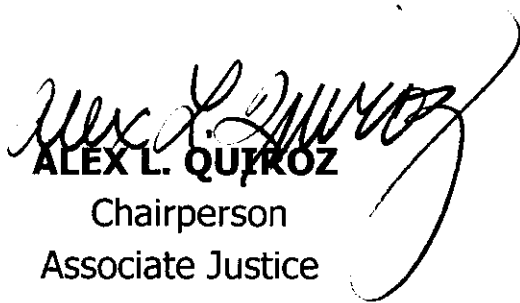
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LORIFEL LACAP PAHIMNA
Associate Justice

We concur:


ALEX L. QUIROZ
Chairperson
Associate Justice


BAYANI H. JACINTO
Associate Justice