



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-12-CRM-0029-0030
For: Violation of Article 171
paragraph 4 of the Revised
Penal Code

- versus -

IMELDA D. INIETO, ET AL.,
Accused.

Present:

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

Promulgated:

MAY 21 2021

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RESOLUTION

VIVERO, J.

This resolves the *Motion for Reconsideration (Re: 2 February 2021 Resolution)*¹ filed by accused Imelda D. Inieto, Pedro D. Baluyot, Angeline M. Villanueva, Francisco T. Caparas and Evangeline A. Diaz; and the prosecution's *Comment/Opposition (To accused Inieto, Baluyot, Villanueva, Caparas and Diaz' Motion for Reconsideration dated 22 February 2021)*.²

Accused Inieto, Baluyot, Villanueva, Caparas and Diaz pray that the Court reconsider the Resolution dated 2 February 2021. They aver:

1. The prosecution failed to establish that the accused took advantage of their official position, failed to establish conspiracy and failed to prove that the facts narrated in all of the alleged falsified documents are absolutely false or untruthfull.

¹ Dated 22 February 2021

² Dated 5 March 2021

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2. Agripino M. Otor, Marcelino G. Rodriguez, Leopoldo Dela Rosa, and Ernesto Asisten, who are named prosecution witnesses, did not testify in court and did not authenticate their respective Sinumpaang Salaysay.
3. The prosecution failed to prove that all of the accused took advantage of their position and conspired with one another to commit falsification.
4. All of the accused were mere signatories of subject documents and they affixed their signatures in the said document in the performance of their ministerial function.

In its Comment/Opposition, the prosecution counters:

1. The arguments of the accused are mere rehash of the arguments and positions raised in the Motion for Leave to File Demurrer to Evidence, which have been submitted to the Court and passed upon in the assailed Resolution.
2. The Motion failed to specify the findings and conclusions in the Resolution alleged to be erroneous or contrary to law.

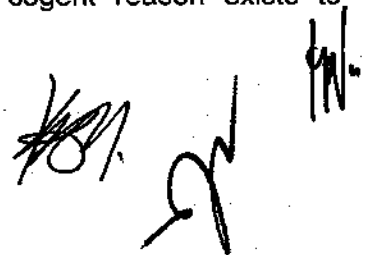
RULING

After a careful study, we find that the *Motion for Reconsideration* is bereft of merit as it did not present any new arguments which would warrant a reconsideration of the Court's Resolution dated 2 February 2021. The arguments raised by the accused are mere reiteration of those contained in their Motion for Leave of Court to File Demurrer to Evidence which had already been passed upon in the assailed Resolution.

In *Mendoza-Ong v. Sandiganbayan*,³ it was held:

Concerning the first ground abovesited, the Court notes that the motion contains merely a reiteration or rehash of arguments already submitted to the Court and found to be without merit. Petitioner fails to raise any new and substantial arguments, and no cogent reason exists to

³ G.R. Nos. 146368-69, October 18, 2004



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warrant a reconsideration of the Court's Resolution. It would be a useless ritual for the Court to reiterate itself.

Accordingly, the Court hereby **DENIES** the Motion for Reconsideration filed by accused Inieto, Baluyot, Villanueva, Caparas and Diaz.

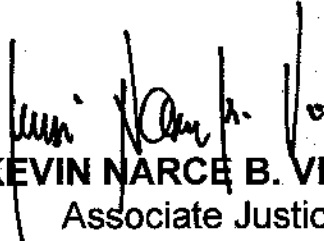
As provided in Sec. 23, Rule 119⁴ of the Rules of Court, they may adduce evidence in their defense, or in the alternative, they may file their demurrer to evidence without leave of court.

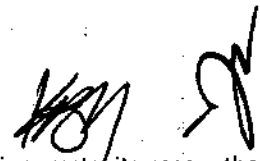
Said accused are given five (5) days from receipt of this Resolution to file their manifestation, by personal service or registered mail, and electronically, to inform, this Court whether they intend to file demurrer to evidence without leave of court.

***Anent Motion to Conduct Hearing
by Video Conference***

Finding that the *Motion to Conduct Hearing by Video Conference* to be impressed with merit, the said *Motion* is hereby granted. However, the accused are reminded that a separate motion is required in order for them to present their evidence via video conference.

SO ORDERED.


KEVIN NARCE B. VIVERO
Associate Justice



⁴ Sec. 23. Demurrer to evidence. – After the prosecution rests its case, the court may dismiss the action on the ground of insufficiency of evidence (1) on its own initiative, after giving the prosecution the opportunity to be heard or (2) upon demurrer to evidence filed by the accused with or without leave of court.

If the court denies the demurrer to evidence filed with leave of court, the accused may adduce evidence in his defense. When the demurrer to evidence is filed without leave of court, the accused waives the right to present evidence and submits the case for judgment on the basis of the evidence for the prosecution.

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WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KARL B. MIRANDA
Associate Justice

