



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
Quezon City

**SIXTH DIVISION**

PEOPLE OF THE PHILIPPINES,  
Plaintiff,

- versus -

RODOLFO W. ANTONINO, ET  
AL.,

Accused.

SB-17-CRM-1593 to 1596  
For: Violation of Sec. 3(e) of  
R.A. 3019, as amended and  
violation of Article 217 of the  
Revised Penal Code

Present:  
**FERNANDEZ, SJ, J.**  
Chairperson  
**JACINTO,\* J.** and  
**VIVERO, J.**

Promulgated:


JUN 11 2021 

**RESOLUTION**

**VIVERO, J.**

This refers to the *Motion for Reconsideration*, dated March 9, 2021, of accused Rodolfo Antonino from the Resolution dated March 4, 2021 denying his Motion for Leave to File Demurrer to Evidence dated January 25, 2021, and the prosecution's *Ex Abudanti Ad Cautelam Comment/Opposition (In re: Motion for Reconsideration)* dated April 14, 2021.

The Motion for Reconsideration of accused Antonino states, as follows:

1. This Honorable Court erred in denying the Motion for Leave notwithstanding that the same is supported by specific grounds and is not dilatory;
2. The Honorable Court should reconsider the questioned Resolution, considering that the prosecution's evidence absolutely failed to establish a *prima facie* case, much less prove 

\*Per Administrative Order No. 307-A-2017 dated August 31, 2017, Special Member in view of the inhibition of J. Karl Miranda 

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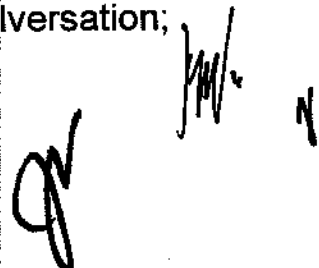
beyond reasonable doubt, that accused Antonino committed a violation of Section 3(e) of RA 3019;

- a. The prosecution failed to prove the participation of accused Antonino in the release and transfer of PDAF allotment, and consequently accused Antonino could not have acted with manifest partiality, evident bad faith, or gross inexcusable negligence in relation to the subject procurement;
  - b. The prosecution failed to prove undue injury to the government;
3. This Honorable Court should reconsider the questioned Resolution, considering that the prosecution's evidence absolutely failed to establish a prima facie case, much less prove beyond reasonable doubt, that accused Antonino committed the crime of Malversation of Public Funds under Article 217 of the Revised Penal Code; and
  4. This Honorable Court should reconsider the questioned Resolution, considering that the prosecution failed to prove beyond reasonable doubt that accused Antonino was in any way acting in conspiracy with accused Encarnita Munsod.

In its Ex Abudanti Ad Cautelam Comment/Opposition dated April 4, 2021, the prosecution argues that the Motion for Reconsideration of accused is merely a rehash of his earlier Motion for Leave to File Demurrer to Evidence which was already passed upon and ruled by this Honorable Court and that the accused failed to raise substantial arguments to warrant a reversal of the earlier ruling of this Honorable Court.

The prosecution further argues the following:

1. The initial Motion for Leave and the subsequent Motion for Reconsideration failed to comply with the rule on Motions as it did not attach a copy of the pleading or motion sought to be admitted in its Motion for Leave contrary to Section 9, Rule 15 of the *Rules of Court*,
2. There is a *prima facie* case against accused Antonino for violation of Section 3(e) of RA 3019 and Malversation;



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3. Neither the Honorable Court nor the Office of the Ombudsman are bound by the findings or actions of the Commission on Audit or any public or private individuals; and
4. The other grounds mentioned in the Motion are matters of evidence.

After study, it appears that – as correctly argued by the prosecution – the issues and arguments posed by accused-movant in support of his Motion for Reconsideration are but a rehash and repetition of the same issues and arguments raised in his Motion for Leave to File Demurrer to Evidence which were already passed upon and considered in the assailed Resolution, and there being no new issues or matters of substance presented that would warrant a reversal or modification thereof, the Court finds no cogent reason to reconsider its previous action on the matter.

To reiterate, the Court finds, and so rules that if unrebutted, the evidence submitted by the prosecution is *prima facie* sufficient to support a verdict of guilt against accused Antonino, and the arguments raised by the accused are matters of defense, the truth of which can best be passed upon in a full-blown trial on the merits.

**WHEREFORE**, accused Rodolfo W. Antonino's *Motion for Reconsideration* dated March 9, 2021 is hereby **DENIED** for lack of merit.

SO ORDERED.

  
**KEVIN NARCE B. VIVERO**  
Associate Justice

**WE CONCUR:**

  
**SARA JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

  
**BAYANI H. JACINTO**  
Associate Justice