



Republic of the Philippines
SANDIGANBAYAN
Quezon City

FIFTH (5th) DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIM CASE NO: SB-18-CRM-0396

-versus-

*For: Violation of Section 3(e) of
R.A. No. 3019, as amended*

**DATU UMBRA B.
DILANGALEN, AL HADJ, ET
AL.,**
Accused.

Present:
Lagos, J., Chairperson,
Mendoza-Arcega, J., and
Corpus-Mañalac, J.

Promulgated:

09 August 2021 *Jcd*

X-----X

RESOLUTION

LAGOS, J.:

This resolves the following:

1. *Motion for Reconsideration*¹ dated 21 July 2021 filed by accused Datu Umbra Bayam Dilangalen dated 21 July 2021; and
2. *Comment to the Motion for Reconsideration filed by Accused Datu Umbra Bayam Dilangalen*² dated 27 July 2021 filed by the Prosecution.

In the subject *Resolution*³ dated 09 July 2021, this Court denied the *Motion for Leave of Court to File Demurrer to Evidence* filed by accused Dilangalen. The dispositive portion of which states:

“WHEREFORE, the *Motion for Leave of Court to File Demurrer to Evidence* dated 21 June 2021 of

¹ Records, Volume 2, pp. 260-275.

² Ibid, pp. 279-281.

³ Ibid, pp. 254-257.

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accused Datu Umbra Bayam Dilangalen is hereby **DENIED.**

This is without prejudice to his filing of a Demurrer to Evidence without prior leave of court, but subject to the legal consequence provided under Section 23, Rule 119 of the Revised Rules of Criminal Procedure, as amended, that if denied, he shall waive his right to present evidence and submit this case for judgment on the basis of the evidence adduced by the Prosecution.

Further, accused Dilangalen is given a non-extendible period of five (5) days from receipt of this resolution to file his respective manifestation, by personal service or registered mail, and electronically, to inform this Court whether he is submitting his Demurrer to Evidence without leave of court.

Finally, the hearing set on 22 July 2021 at 1:30 in the afternoon for the presentation of evidence for the defense is maintained. The said schedule will be considered automatically cancelled upon receipt of accused's manifestation that he intends to submit his Demurrer to Evidence without leave of court.

SO ORDERED.”

In his *Motion*, Accused Dilangalen prays that this Court reconsider the denial of his *Motion for Leave of Court to File Demurrer to Evidence* and that he be allowed to submit his Demurrer to Evidence. He maintains that the Prosecution failed to adduce evidence sufficient to support his conviction for the offense charged. He reiterates that:

1. He even admitted that assuming that the first element may be present in this case, there was no proof showing that the other elements of the offense in relation to the supposed act leading to the filing of the charge was established by clear and convincing evidence;
2. It is clear that the second and third elements of the offense, which to our mind, are the most important has not been proved or supported by evidence. A thorough review of the records and evidence proffered will clearly show that these very important elements were never established;



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3. Assuming arguendo that he indeed caused the release of the full payment of the project to FFJJ Construction, this fact alone does not automatically prove that he acted with manifested partiality, evident bad faith or inexcusable negligence;
4. Partiality, bad faith and excusable negligence could not be presumed but, conversely, should be proved by clear and convincing evidence especially that these matters are a person's states of mind;
5. There was no partiality on his part and the Prosecution failed to prove that there was ill will, malice or bad or ill motive on his part and that the evidence does not support the allegation that he acted with gross inexcusable negligence as his acts neither affected any person whether private or the government nor any of its agencies;
6. There is no evidence showing that he had extended unwarranted benefit, preference or advantage to any person involved in the implementation of the SWIP since a public bidding was duly conducted prior to the award and all of the proceedings of the BAC were duly recorded or documented and even offered in evidence by the Prosecution;
7. Based on the testimony of witness Osmeña L. Palanggalan, owner of FFJJ Construction, there was no agreement between them and the LGU of Northern Kabuntalan, Maguindanao as to when the payment should be made and that he never asked for a one-time payment for the project;
8. Assuming arguendo that witness Palanggalan testified that he obtained undue advantage, benefit and preference from the full payment of the project cost, this is not what the applicable law contemplates;
9. The testimony of the Prosecution's principal witness, Mohidin Lauban, focused on the non-implementation of SWIP and did not prove the material allegations in the complaint and Information; and
10. The testimony of Atty. Ladeza of the Office of Deputy Ombudsman for Mindanao also did not prove any of the elements of the offense charged.

In its *Comment*, the Prosecution, through the Office of the Special Prosecutor, contends that the Court has already passed upon the issues earlier



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raised by both parties and it correctly noted that accused Dilangalen merely made a general denial of the existence of the elements of the offense charged. Further, it submits that in the present Motion, accused Dilangalen merely cites various jurisprudence and claims that these are supportive of his arguments.

The Prosecution maintains that the allegations in the Information against accused Dilangalen have been overwhelmingly substantiated by evidence. It posits that the sufficiency of the evidence presented clearly proves each and every element of the crime charged highlighted by the undisputed fact that the payment for the SWIP project was authorized and released by accused Dilangalen when it was not yet completed, contrary to law and without legal justification, cannot be shaken by such baseless arguments relied upon by him.

OUR RULING


After due consideration, we **deny** the present motion.

An examination of the issues raised in the Motion for Reconsideration readily reveals that the arguments raised by accused Dilangalen **were mere reiterations** of the arguments he raised in his *Motion for Leave of Court to File Demurrer to Evidence*.

It is a well-settled rule that a Motion for Reconsideration should be denied when the same only constitutes a rehash of issues previously put forward.⁴ These arguments have already been deliberated and exhaustively passed upon by this Court and we see no reason to overturn our previous ruling on the matter.

WHEREFORE, in light of all the foregoing, the present Motion for Reconsideration filed by accused Datu Umbra Bayam Dilangalen dated 21 July 2021 is **DENIED** for lack of merit.


SO ORDERED.


RAFAEL L. LAGOS
Associate Justice
Chairperson

WE CONCUR:


MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice

⁴ *Komatsu Industries v. CA*, G.R. No. 127682., 24 April 1998.



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MARYANN E. CORPUS-MAÑALAC
Associate Justice

