

¹ Sitting as Special Member as per Administrative Order No. 043-2020 dated 24 February 2020.

should be denied when the same only rehashes issues previously put forward.² In this case, no new argument was presented by the plaintiff in the instant *Motion*. The arguments raised therein have already been judiciously passed upon and properly considered by the Court in the assailed *Resolution*. The Court restates its previous ruling as follows:

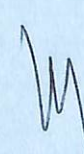


The Court notes that in the *Pre-Trial Order* dated 22 March 2019, it was stated that the plaintiff already admitted that the charge against defendant Cruz under paragraph 15(f) of the *Amended Complaint* is already litigated in Civil Case No. 0006 of the Sandiganbayan. In a *Resolution* dated 01 September 1988, the Court already dismissed paragraph 15(f) of the *Amended Complaint*, to wit:

WHEREFORE, the Omnibus Motion filed by defendant Cruz is denied except insofar as it renders to his alleged transaction through the GSIS with IFC, defendants Benedicto, Thelmo and his Intercontinental Underwriting Corporation, Inc., as well as INRE Corporation on the ground of *lis pendente*, the same being basically covered in paragraph 14(c) of Civil Case No. 0006 before the Second Division of this Court, without prejudice to the inclusion of other defendants in that area of activity to obtain complete relief there.

SO ORDERED.

Moreover, the Court finds that the exhibits presented by the plaintiff are manifestly insufficient to prove the allegations in the Amended Complaint as against defendant Cruz. To reiterate, the main case under Civil Case No. 0034 has already been dismissed by the Court on 05 August 2019 against the alleged co-conspirators of defendant Cruz for failure of the plaintiff to prove by preponderance of evidence any of the causes of action against the defendants. In this case, the plaintiff merely adopted the exhibits in Civil Case No. 0034 but it was not able to prove by preponderance of evidence that defendant Cruz conspired with the Marcoses, Roberto Benedicto, and the other defendants in obtaining ill-gotten wealth through alleged insurance monopoly.

The plaintiff also presented a letter to the PCGG from defendant Bennett Thelmo (Exhibit "M") and an Agency Agreement signed by defendant Exequiel Garcia (Exhibit "N"), which were identified by its only witness, but failed to show its relevance to the charge against defendant Cruz. Clearly, the evidence presented is patently insufficient. Similar to the main case, the plaintiff failed to discharge the burden of proof to prove its case by preponderance of evidence.



² *Komatsu Industries (Phils.), Inc. v. Court of Appeals*, G.R. No. 127682, 24 April 1998.

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RESOLUTION


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WHEREFORE, in view of the foregoing, the subject *Motion for Reconsideration* is **DENIED** for lack of merit.

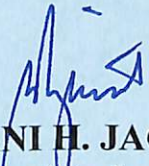
SO ORDERED.

Quezon City, Philippines.


MICHAEL FREDERICK L. MUSNGI
Associate Justice

We concur:


OSCAR C. HERRERA, JR.
Associate Justice
Chairperson


BAYANI H. JACINTO
Associate Justice