



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, SB-17-CRM-0978
Plaintiff,

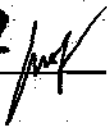
For: Violation of Section 3(e),
R.A. No. 3019, as amended

-versus-

ROSELYN SORIANO MURILLO-
MAMON AND PHERHAM
SURIAN SAIDDI

Present:
FERNANDEZ, SJ, J.
Chairperson
Accused: MIRANDA, J. and
VIVERO, J.

Promulgated:

MAY 04 2022 

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RESOLUTION

VIVERO, J.

For Resolution before the Court are: (i) the Motion for Reconsideration filed by accused **ROSELYN SORIANO MURILLO-MAMON**,¹ (ii) the Motion for Reconsideration of accused **PHERHAM SURIAN SAIDDI**,² and (iii) the Consolidated Comment/Opposition (on accused Pherham Surian Saiddi's Motion for Reconsideration and accused Roselyn Soriano Murillo-Mamon's Motion for Reconsideration) filed by the Prosecution.³

¹ Electronically filed on 11 August 2021.
² Electronically filed on 5 August 2021.
³ Electronically filed on 24 September 2021.

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Accused-movants Mamon and Saiddi pray that this Court reconsider its Decision promulgated on 29 July 2021, the dispositive portion of which reads:

“WHEREFORE, in the light of the foregoing, this Court finds accused **ROSELYN SORIANO MURILLO-MAMON** and **PHERHRAM SURIAN SAIDDI GUILTY** beyond reasonable doubt of violation of Section 3(e) of R.A. No. 3019, as amended and pursuant thereto, and in relation to the provisions of the Indeterminate Sentence Law, each one of them is hereby sentenced to suffer the penalty of imprisonment of six (6) years and one (1) month as minimum, to ten (10) years, as maximum.

Accused **ROSELYN S. MURILLO-MAMON** shall likewise suffer perpetual disqualification from public office.

The **TWO HUNDRED THOUSAND PESOS** (Php 200,000.00) recovered during the entrapment operation is hereby ordered forfeited in favor of the government.

SO ORDERED.”

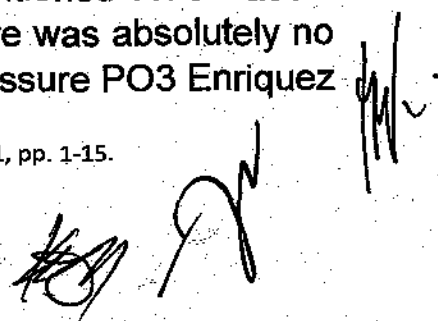
In his Motion for Reconsideration, accused-movant Saiddi **ASSAILS**: (i) the credibility of PO3 Enriquez, (ii) the finding of existence of the third element of Section 3(e) of R.A. No. 3019, and (iii) the finding of conspiracy between accused-movants Mamon and Saiddi.⁴

In his disquisition relating to the first ground, accused-movant Saiddi referred to the Transcript of Stenographic Notes (TSNs) before the Regional Trial Court, Branch 98 of Quezon City in R-QZN-16-01811, R-QZN-16-01812-CR, and R-QZN-16-01813-CR, to support his contention that PO3 Enriquez agreed to settle the civil aspect of the case and that the receipt of Two Hundred Thousand Pesos (Php 200,000.00) represents the partial payment of the medical and hospital bills that he incurred.⁵

Accused-movant Saiddi explained further and cited the said TSNs to underscore the fact that PO3 Enriquez did not identify Phon Mohammad and Dadoh Mansul in the aforementioned RTC cases. Accused-movant Saiddi insists therefore that there was absolutely no necessity for accused Mamon to intimidate or pressure PO3 Enriquez

⁴ Motion for Reconsideration of Pherham Surian Saiddi dated 5 August 2021, pp. 1-15.

⁵ *Ibid.*



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not to implicate the aforementioned Phon Mohammad and Dadoh Mansul.⁶

As to the second ground, accused-movant Saiddi maintains that the third element of Section 3(e) of R.A. No. 3019 was not established by the Prosecution considering that it is very clear from the evidence that PO3 Enriquez did not accede to the alleged request of accused Mamon.⁷

Lastly, accused-movant Saiddi argues that the alleged conspiracy between him and accused Mamon was not proven maintaining the defense that the money offered was for the settlement of the civil aspect of the case.⁸

For accused-movant Mamon, she maintains that the element of manifest partiality and evident bad faith are absent based on the following attendant circumstances:

- (a) There is no independent evidence that proves the allegation that accused Mamon persisted in offering money to PO3 Enriquez;
- (b) The totality of evidence and circumstances support her claim that the money offered is for the settlement of the civil aspect in the form of blood money; and
- (c) The testimony of PO3 Enriquez is not positive, direct, or credible.⁹

Accused-movant Mamon further contends that there was no unwarranted benefit unlawfully extended to Phon Mohammad and Dadoh Mansul insisting on the fact that the money was for the settlement of the civil aspect of the case.¹⁰

In sum, accused-movants Mamon and Saiddi pray in chorus that the Court reconsider and set aside the Decision dated 29 July 2021 and that another judgement be rendered anew acquitting them of the offense charged.

In its Consolidated Comment/Opposition, the prosecution controverts the grounds raised by accused-movants Mamon and

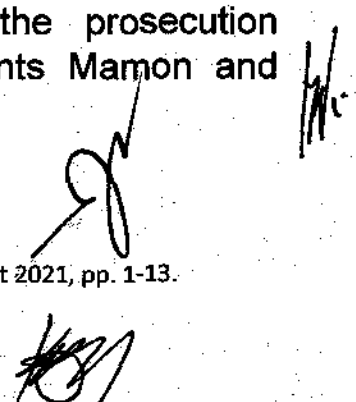
⁶ *Ibid.*

⁷ *Ibid.*

⁸ *Ibid.*

⁹ Motion for Reconsideration of Roselyn Soriano Murillo-Mamon dated 11 August 2021, pp. 1-13.

¹⁰ *Ibid.*



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Saiddi in their respective Motions for Reconsideration. Preliminarily, the Prosecution contends that both movants failed to raise new matters, issues and allegations that would warrant the reversal of the abovementioned Decision.¹¹

The Prosecution also emphasizes that the TSNs before the RTC, as cited by accused Saiddi in her attempt to discredit the testimony of PO3 Enriquez, should be taken as a whole since the issues raised therein are irrelevant to the issues in the case at bar.¹²

Too, the Prosecution cites the case of People of the Philippines v. Ygot,¹³ where the *Supreme Court* held that the absence of evidence as to an improper motive strongly tends to sustain the conclusion that none existed and that the testimony is worthy of full faith and credit.¹⁴

RULING OF THE COURT

After a careful examination of the grounds raised by accused-movants Mamon and Saiddi, in their respective Motions for Reconsideration, and the counter arguments raised by the Prosecution, this Court resolves to deny the aforesaid Motions filed by the aforementioned accused-movants.

In the assailed Decision promulgated on 29 July 2021, this Court found and so ruled that the money offered by accused-movants and thereafter, received by PO3 Enriquez, was for the illegal purpose of not implicating Phon Mohammad and Dadoh Mansul in the RTC cases pending against them.

It will be recalled that during trial, accused-movants did not deny that there was an offer made to PO3 Enriquez. However, they raised as a defense that the said money represented *blood money* or for the settlement of the civil aspect of the case.

This issue was already settled by the Court in its assailed Decision.

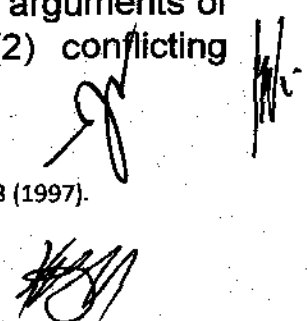
The Court had earlier observed that based on the arguments of the Prosecution and the defense, there are two (2) conflicting

¹¹ Consolidated Comment/Opposition dated 21 September 2021, pp. 1-3.

¹² *Ibid.*

¹³ G.R. No. 201715, 18 July 2016 citing the case of People v. Estares, 347 Phil. 202, 213 (1997).

¹⁴ *Ibid.*



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versions as to why the money was – ADMITTEDLY- offered to, and received by, PO3 Enriquez. The Court had likewise ruled that after an examination of the evidence, more particularly, the testimonies of witnesses for both the Prosecution and the accused, it found the account of the Prosecution as to what really transpired in this case to be more credible and worthy of belief. The Court found, and so ruled, that it is more akin to, and more in conformity with, human experience based on our common knowledge and observation.

Indeed, as already observed by the Court in its assailed Decision, *to wit*:

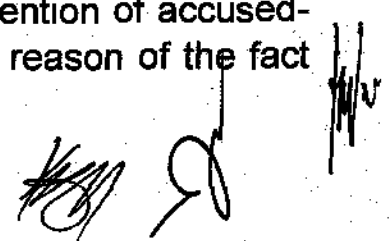
“More, the incredulity of the accused’s defense lies in the fact, as shown by the records, that the seemingly long and arduous negotiation for the payment of money in question were mostly, if not exclusively done in the secret confines of the office of the Prosecutor Mamon.

True, accused Saiddi testified that during the Pre-Trial conference of the Frustrated Murder case, he manifested to the court that his client was willing to discuss the settlement of the civil aspect of the case. Again, this is another bare and uncorroborated, if self-serving assertions of the accused. No transcript or court records were produced by both accused to corroborate the said allegation.

If indeed Phon Mohammad and Dadoh Mansul really intended to settle amicably the civil aspect of the frustrated murder case, accused Saiddi, as counsel for Phon Mohammad, should have raised the matter in the proper venue considering that the case is still pending in the court.”

In sum, Court reiterates its ruling that accused-movant Mamon, in conspiracy with accused-movant Saiddi, acted with manifest partiality and evident bad faith by offering and giving PO3 Enriquez Two Hundred Thousand Pesos (Php 200,000.00) in exchange for not implicating Phon Mohammad and Dadoh Mansul and thereby giving the latter unwarranted benefits. Thus, accused-movants are guilty beyond reasonable doubt of violation of Section 3 (e) of Republic Act No. 3019.

Moreover, this Court disagrees with the contention of accused-movant Saiddi that the third element is lacking by reason of the fact



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that the offense charged requires "actual giving of unwarranted benefit, advantage or preference". To restate, the third element in Section 3 (e) of R.A. No. 3019 uses the disjunctive word "or" which connotes that either act qualifies as violation thereof.¹⁵

The *Supreme Court* discussed these punishable acts in great detail in the case of *Cabrera, et al., v. People of the Philippines*,¹⁶ to wit –

The *first* punishable act is that the accused is said to have caused undue injury to the government or any party when the latter sustains actual loss or damage, which must exist as a fact and cannot be based on speculations or conjectures. The loss or damage need not be proven with actual certainty. However, there must be "some reasonable basis by which the court can measure it." Aside from this, the loss or damage must be substantial. It must be "more than necessary, excessive, improper or illegal."¹⁷

The *second* punishable act is that the accused is said to have given unwarranted benefits, advantage, or preference to a private party. Proof of the extent or *quantum* of damage is not thus essential. It is sufficient that the accused has given "unjustified favor or benefit to another."¹⁸

To emphasize, the *Supreme Court* clearly worded in the second punishable act that, it is sufficient that accused has given unjustified favor or benefit to another. Proof of actual giving of unwarranted benefit, advantage, or preference is not required.

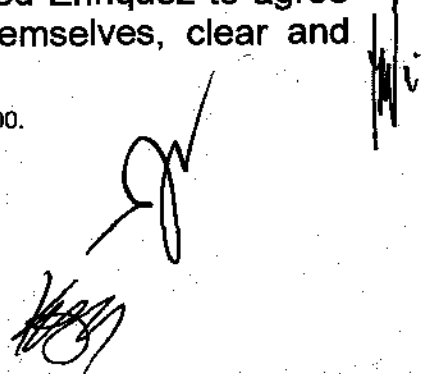
Given all the foregoing, this Court maintains its ruling that the third element is present, and thus accused-movant Mamon, in conspiracy with accused-movant Saiddi, gave unwarranted benefits to Phon Mohammad and Dadoh Mansul. To reiterate, the simple act of accused Mamon, in talking to private complainant Flavio Enriquez Jr., and asking him not to identify Phon Mohammad and Dadoh Mansul in the frustrated murder case, coupled with the delivery by accused Saiddi of the amount of Two Hundred Thousand Pesos (Php 200,000.00) intended to convince the aforementioned Enriquez to agree to the request of accused Mamon are, by themselves, clear and

¹⁵ *Bautista vs. Sandiganbayan*, 332 SCRA 126, G.R. No. 136082 May 12, 2000.

¹⁶ G.R. No. 191611-14, dated 29 July 2019.

¹⁷ *Ibid.*

¹⁸ *Ibid.*



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unmistakable display of an unwarranted benefit unlawfully extended to Phon Mohammad and Dadoh Mansul. It was not necessary for Flavio Enriquez, Jr. to capitulate and submit to the unlawful designs of accused Mamon and Saiddi.

All told, accused-movants Mamon and Saiddi failed to convince this Court that there exists sufficient ground to reconsider its Decision.

The instant ruling is without prejudice to the remedy of the accused-movants to appeal their conviction to the Supreme Court by filing a Notice of Appeal with this Court and serving a copy upon the adverse party, within fifteen (15) days from notice of this Resolution pursuant to Section 1(a), Rule XI of the 2018 Revised Internal Rules of the Sandiganbayan and Section 6, Rule 122 of the Revised Rules of Criminal Procedure.

WHEREFORE, the Motions for Reconsideration separately filed by accused-movants Roselyn S. Murillo-Mamon and Pherham S. Saiddi are hereby **DENIED** for lack of merit.

SO ORDERED.


KEVIN NARCE B. VIVERO
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KARL B. MIRANDA
Associate Justice