



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
Quezon City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,

*Plaintiff*

-versus-

SALACNIB FIGUERAS  
BATERINA, ANTONIO YRIGON  
ORTIZ, DENNIS LACSON  
CUNANAN, FRANCISCO  
BALDOZA FIGURA, BELINA A.  
CONCEPCION, MARIVIC  
VILLALUZ JOVER, MAURINE  
ELEFANTE DIMARANAN, JANET  
LIM NAPOLES, GODOFREDO  
ROQUE, CARLOS SORIANO,  
AND GRANCE A. MERCANO,

*Accused.*

X ----- X

CRIM CASE NO. SB-17-CRM-0525

For: Violation of Section 3(e) of R.A.  
No. 3019 Anti-Graft and Corrupt  
Practices Act, as amended.)

PEOPLE OF THE PHILIPPINES,

*Plaintiff*

-versus-

SALACNIB FIGUERAS BATERINA,  
ZENAIDA G. CRUZ-DUCUT,  
MARIO LOQUELLANO  
RELAMPAGOS, ROSARIO  
SALAMIDA NUNEZ, LALAINE  
NARAG PAULE, MARILOU  
DIALINO BARE, ANTONIO  
YRIGON ORTIZ, DENNIS LACSON  
CUNANAN, FRANCISCO  
BALDOZA FIGURA, MARIO  
ROSALINDA M. LACSAMANA,  
MARIVIC VILLALUZ JOVER,  
MAURINE ELEFANTE  
DIMARANAN, JANET LIM  
NAPOLES AND EVELYN  
DITCHON DE LEON,

*Accused.*

X ----- X

CRIM CASE NO. SB-17-CRM-0526

For: Violation of Section 3(e) of R.A.  
No. 3019 Anti-Graft and Corrupt  
Practices Act, as amended.)



X-----X  
PEOPLE OF THE PHILIPPINES,  
*Plaintiff*

-versus-

SALACNIB FIGUERAS  
BATERINA, ANTONIO YRIGON  
ORTIZ, DENNIS LACSON  
CUNANAN, FRANCISCO  
BALDOZA FIGURA, MARIA  
ROSALINDA M. LACSAMANA,  
MARIVIC VILLALUZ JOVER,  
MAURINE ELEFANTE  
DIMARANAN, JANET LIM  
NAPOLES, GODOFREDO ROQUE,  
CARLOS SORIANO, AND FRANCE  
A. MERCADO,

*Accused.*

X-----X

PEOPLE OF THE PHILIPPINES,  
*Plaintiff*

-versus-

SALACNIB FIGUERAS  
BATERINA, ANTONIO YRIGON  
ORTIZ, DENNIS LACSON  
CUNANAN, FRANCISCO  
BALDOZA FIGURA, BELINA A.  
CONCEPCION, MARIVIC  
VILLALUZ JOVER, MAURINE  
ELEFANTE DIMARANAN, JANET  
LIM NAPOLES, GODOFREDO  
ROQUE, CARLOS SORIANO,  
AND GRANCE A. MERCANO,

*Accused.*

X-----X

PEOPLE OF THE PHILIPPINES,  
*Plaintiff*

-versus-

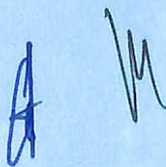
SALACNIB FIGUERAS BATERINA,  
ZENAIDA G. CRUZ-DUCUT,  
MARIO LOQUELLANO  
RELAMPAGOS, ROSARIO  
SALAMIDA NUNEZ, LALAIN  
NARAG PAULE, MARILOU  
DIALINO BARE, ANTONIO



CRIM CASE NO. SB-17-CRM-0527  
For: Violation of Section 3(e) of R.A.  
No. 3019 Anti-Graft and Corrupt  
Practices Act, as amended.)

CRIM CASE NO. SB-17-CRM-0528  
For: Violation of Article 217 of the  
Revised Penal Code (Malversation of  
Public Funds.)

CRIM CASE NO. SB-17-CRM-0529  
For: Violation of Article 217 of the  
Revised Penal Code (Malversation of  
Public Funds.)





X-----X  
YRIGON ORTIZ, DENNIS LACSON  
CUNANAN, FRANCISCO  
BALDOZA FIGURA, MARIA  
ROSALINDA M. LACSAMANA,  
MARIVIC VILLALUZ JOVER,  
MAURINE ELEFANTE  
DIMARANAN, JANET LIM  
NAPOLES AND EVELYN  
DITCHON DE LEON,

*Accused.*

X-----X

PEOPLE OF THE PHILIPPINES,  
*Plaintiff*

-versus-

SALACNIB FIGUERAS BATERINA,  
ANTONIO YRIGON ORTIZ,  
DENNIS LACSON CUNANAN,  
FRANCISCO BALDOZA FIGURA,  
MARIA ROSALINDA M.  
LACSAMANA, MARIVIC  
VILLALUZ JOVER, MAURINE  
ELEFANTE DIMARANAN, JANET  
LIM NAPOLES, GODOFREDO  
ROQUE, CARLOS SORIANO, AND  
FRANCE A. MERCADO,

*Accused.*

X-----X

PEOPLE OF THE PHILIPPINES,  
*Plaintiff*

-versus-


SALACNIB FIGUERAS BATERINA  
AND ZENAIDA G. CRUZ-DUCUT,

*Accused.*

**CRIM CASE NO. SB-17-CRM-0530**  
For: Violation of Article 217 of the  
Revised Penal Code (Malversation of  
Public Funds.)

**CRIM CASE NO. SB-17-CRM-0531**  
For: Violation of Article 210 of the  
Revised Penal Code (Direct Bribery.)




**Present:**  
HERRERA, JR., J., Chairperson  
MUSNGI, J., Associate Justice  
MALABAGUIO, J., Associate Justice

June 15, 2022 

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**RESOLUTION**

MALABAGUIO, J.



RESOLUTION

PP vs. Salacnib Figueras Baterina, *et al.*

Case No. SB-17-CRM-0525 to 0531

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For resolution is the *Joint Motion for Partial Reconsideration*<sup>1</sup> of accused Mario L. Relampagos, Rosario S. Nunez, Lalaine N. Paule, and Marilou D. Bare (collectively referred to as the **accused**), of this Court's Resolution<sup>2</sup> dated May 11, 2022 which denied their *Joint Omnibus Motion*[: (1)] *Motion for Leave to File Demurrer to Evidence*[: and (2)] *Motion for Reconsideration (Re: Resolution dated March 15, 2022 on Formal Offer of Evidence)*.<sup>3</sup>

In their *Joint Motion for Partial Reconsideration*, the accused reiterate their arguments from their previous *Joint Omnibus Motion* mainly that: 1) the pieces of evidence offered by the Prosecution, particularly, the Special Allotment Release Order (**SARO**) Nos. D-07-03368 and ROCS-07-03009 and other related documents, are immaterial to the charges against the accused Relampagos, and the other evidence do not even mention or have any link to any of the other accused; 2) the act of signing the following documents: Department of Budget and Management (**DBM**) SARO No. ROCS-07-00720 and DBM Notice of Cash Allocation (**NCA**) No. 335883-2 and DBM Advice of Notice of Cash Allocation (for NCA No. 335883-2) by accused Relampagos was ministerial on his end, and was done only after the processing and evaluation were done by the technical bureaus. Even so, no evidence was presented to show irregularity, much less illegality, of the processing by said technical bureaus; 3) the Prosecution failed to prove its case for violation of Section 3(e) of Republic Act No. 3019, specifically, the timeframe for the allegation of facilitation of the subject SARO or NCA in support of the said charge, against herein accused; and 4) the Prosecution failed to prove its case for Malversation of Public Funds including its allegation of conspiracy against herein accused.

In its *Opposition*,<sup>4</sup> the Prosecution mainly avers that the instant *Joint Motion for Partial Reconsideration* must be dismissed for being pro-forma motion. The Prosecution maintains that the issues raised in the said motion are mere rehash of the issues which were already exhaustively passed upon, duly considered, and resolved in the assailed *Resolution*. The Prosecution contends that based on the merits of the instant case and the evidence it presented, the defense must then proceed to present its own evidence.

**The Ruling of the Court**

The Court finds no reason to grant the *Joint Motion for Partial Reconsideration*.

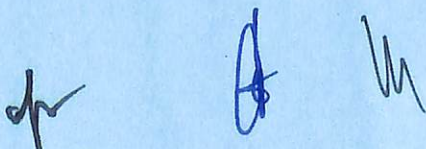
After a judicious review of the instant *Joint Motion for Partial Reconsideration*, we find that the grounds relied upon by the accused have already been considered and passed upon in the assailed *Resolution*. There

<sup>1</sup> Records (Vol. 12), pp. 259-278.

<sup>2</sup> *Id.* at 229-242.

<sup>3</sup> Records (Vol. 11), pp. 410-428.

<sup>4</sup> Records (Vol. 12), pp. 302-307.





RESOLUTION

PP vs. Salacnib Figueras Baterina, *et al.*

Case No. SB-17-CRM-0525 to 0531

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is no need to "cut and paste" pertinent portions of the assailed *Resolution* or re-write the *ponencia* in accordance with the outline of a motion for reconsideration. As succinctly put by the Supreme Court on the effect and disposition of a motion for reconsideration:

The filing of a motion for reconsideration, authorized by Rule 52 of the Rules of Court, does not impose on the Court the obligation to deal individually and specifically with the grounds relied upon therefor, in much the same way that the Court does in its judgment or final order as regards the issues raised and submitted for decision. This would be a useless formality or ritual invariably involving merely a reiteration of the reasons already set forth in the judgment or final order for rejecting the arguments advanced by the movant; and it would be a needless act, too, with respect to issues raised for the first time, these being, as above stated, deemed waived because not asserted at the first opportunity. It suffices for the Court to deal generally and summarily with the motion for reconsideration, and merely state a legal ground for its denial (Sec. 14, Art. VIII, Constitution); *i.e.*, the motion contains merely a reiteration or rehash of arguments already submitted to and pronounced without merit by the Court in its judgment, or the basic issues have already been passed upon, or the motion discloses no substantial argument or cogent reason to warrant reconsideration or modification of the judgment or final order; or the arguments in the motion are too unsubstantial to require consideration, *etc.*<sup>5</sup>

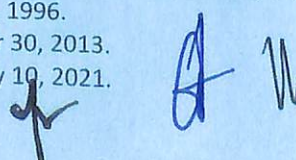
In this case, instead of raising errors in the assailed *Resolution* that would warrant a reversal thereof, the accused, in attempt to persuade this Court, supplied mere reiterations and rehash of their explanations or reasons for their intended demurrer. However, such is not in accordance with the very purpose of a motion for reconsideration. The Court maintains that the entirety of the evidence, testimonial and documentary, presented by the prosecution as against the elements of the crimes charged in the *Informations* is sufficient to sustain the indictment for the crimes charged at this point of the trial.

It must be emphasized that the grant or denial of a demurrer is a matter of judicial discretion and as such, its ruling shall not be disturbed in the absence of grave abuse of discretion.<sup>6</sup> Thus, in *Jalandoni v. Office of the Ombudsman*,<sup>7</sup> it was held that the denial of demurrer to evidence cannot be reviewed in a certiorari and not appealable. The party's recourse is to proceed to trial and appeal the judgment later on or file the demurrer subject to the consequences stated in Rule 119, Section 23 of the Rules on Criminal Procedure.

<sup>5</sup> *Social Justice Society (SJS) Officers v. Lim*, G.R. Nos. 187836 & 187916, March 10, 2015, citing *Ortigas and Co. Ltd. Partnership v. Judge Velasco*, G.R. No. 109645, March 4, 1996.

<sup>6</sup> *Singian, Jr. v. Sandiganbayan*, G.R. Nos. 195011-19, September 30, 2013.

<sup>7</sup> G.R. Nos. 211751, 217212-80, 244467-535 & 245546-614, May 10, 2021.





RESOLUTION

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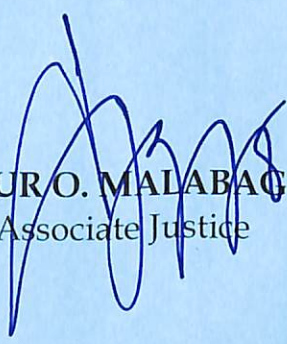
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In *Espinosa v. Sandiganbayan*,<sup>8</sup> the Supreme Court explained, in relation to the denial of the demurrer to evidence, that the question of whether the evidence presented by the prosecution is sufficient to convince the court that the defendant is guilty beyond reasonable doubt rests entirely within the sound discretion of the trial court. The error, if any, in the denial of the demurrer to evidence may be corrected only by appeal. The appellate court will not review in such special civil action the prosecution's evidence and decide in advance that such evidence has or has not established the guilt of the accused beyond reasonable doubt. The orderly procedure prescribed by the Revised Rules of Court is for the accused to present his evidence, after which the trial court, on its own assessment of the evidence submitted, will then properly render its judgment of acquittal or conviction. If judgment is rendered adversely against the accused, he may appeal the judgment and raise the same defenses and objections for review by the appellate court.


Accordingly, since the accused have not raised any argument to convince this Court that its ruling is erroneous or contrary to the law or evidence, their *Joint Motion for Partial Reconsideration* must be denied for lack of merit.

**WHEREFORE**, the premises considered, the *Joint Motion for Partial Reconsideration* dated May 14, 2022, filed by accused Mario L. Relampagos, Rosario S. Nunez, Lalaine N. Paule, and Marilou D. Bare, is hereby **DENIED**.

**SO ORDERED.**

  
**ARTHUR O. MALABAQUIO**  
Associate Justice

We Concur:

  
**OSCAR C. HERRERA, JR.**  
Chairperson/ Associate Justice

  
**MICHAEL FREDERICK L. MUSNGI**  
Associate Justice

<sup>8</sup> G.R. Nos. 191834, 191900 & 191951, March 4, 2020.