

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES, CRIM. CASE NOS. SB-19-CRM-
 Plaintiff, 0171
 For: Violation of Section 3(e) of
 Republic Act No. 3019, as amended

- versus -

CRIM. CASE NOS. SB-19-CRM-
0172
For: Malversation of Public Funds
(Art. 217 of the Revised Penal
Code)

ANTONIO ORTIZ, ET AL.,
 Accused.

Present:
HERRERA, Jr., J., Chairperson
MUSNGI, J., Associate Justice
MALABAGUIO, J., Associate Justice

July 4, 2022 ant
Promulgated

RESOLUTION

MUSNGI, J.:

The Court resolves the *Motion for Reconsideration* filed by accused Ike Suniel Canoy (“**Canoy**”), Vincent Jaudian (“**Jaudian**”), Mercy Cabig (“**Cabig**”), and Alfredo Soriano (“**Soriano**”) on 14 June 2022.

The accused argue that the resolution sought to be reconsidered did not consider the facts, evidence, law, and jurisprudence involved in this case. They allege that their participation as private individuals is merely based on the allegation of conspiracy, which they claim to be a jurisdictional issue. They maintain that they were merely dragged into the case by the endorsement of the late Rep. Prospero S. Amatong of their NGO, namely, the Philippine Environmental and Ecological Development Association (PEEDAI). They also reiterate from their previous Motion that not a single witness was presented by the prosecution to testify on the alleged conspiracy.

In its *Comment*, the prosecution contends that the arguments presented by the accused were already passed upon and resolved by the Court. Regarding the allegation of conspiracy, the prosecution claims that the existence of conspiracy may be inferred by the court from proof of facts and circumstances which, taken together, may indicate that they are merely parts

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of some complete whole. Citing *People v. Zoleta*,¹ the prosecution states that the existence of conspiracy may be deduced from the documents evidencing the transaction subject of the controversy therein. Verily, the prosecution manifests that the accused failed to show any compelling reason for the court to correct any actual or perceived error attributed to it by re-examination of the legal and factual circumstance of the case.

In their *Reply*, the accused claim that the resolution of the Court denying its Motion for Leave to File Demurrer to Evidence dealt mainly on Section 3(e) of R.A. No. 3019 and did not touch on the issue of conspiracy. Moreover, the accused assert that even if some arguments were already previously raised, it is not a bar to raise the same arguments in the motion for reconsideration. They also argue that the prosecution failed to point out the particular circumstances that would prove conspiracy.

RULING

An examination of the issues raised by the accused clearly reveals that the same are mere rehash of the arguments presented in their *Motion for Leave to File Demurrer to Evidence*, which have been passed upon and duly considered by the Court in the assailed *Resolution*. A motion for reconsideration should be denied when the same only rehashes issues previously put forward.²

Moreover, the “alleged absence of any conspiracy among the accused is evidentiary in nature and is a matter of defense, the truth of which can be best passed upon after a full-blown trial on the merits.”³

There being no new matters or issues to warrant a reversal of the *Resolution*, the *Motion for Reconsideration* must be denied.

¹ G.R. No. 185224, 29 July 2015.

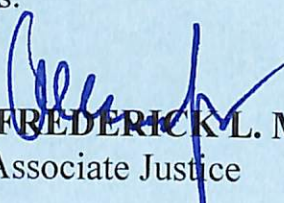
² *Komatsu Industries (Phils.), Inc. v. Court of Appeals*, G.R. No. 127682, 24 April 1998.

³ *Singian, Jr. v. Sandiganbayan (Third Division)*, G.R. Nos. 195011-19, 30 September 2013.


WHEREFORE, premises considered, the *Motion for Reconsideration* filed by accused Ike Suniel Canoy, Vincent Jaudian, Mercy Cabig, and Alfredo Soriano is hereby **DENIED** for lack of merit

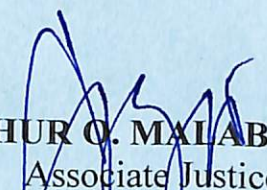
SO ORDERED.

Quezon City, Philippines.


MICHAEL FREDERICK L. MUSNGI
Associate Justice

We concur:


OSCAR C. HERRERA, JR.
Associate Justice
Chairperson


ARTHUR C. MALABAGUIO
Associate Justice