



Republic of the Philippines

**Sandiganbayan**

Quezon City

\*\*\*

**SEVENTH DIVISION**

*MINUTES of the proceedings held on 28 July 2022.*

*Present:*

*Justice ZALDY V. TRESPESSES-----Acting Chairperson*

*Presiding Justice AMPARO M. CABOTAJE-TANG\*-----Member*

*Justice ARTHUR C. MALABAGUIO\*\*-----Member*

*The following resolution was adopted:*

***Crim. Case No. SB-22-CRM- 0117 - People vs. MARC RED ARCADIO MARIÑAS, ET AL.***

This resolves the following:

1. Accused Er German T. Robin's "URGENT MOTION FOR LEAVE TO CONSIDER THE CONSOLIDATED MOTION FOR RECONSIDERATION."<sup>1</sup>

---

**TRESPESSES, J.**

This resolves the Urgent Motion for Leave to Consider the Consolidated Motion for Reconsideration filed by accused Er German T. Robin, through counsel.

Accused's counsel apologizes for filing accused Robin's motion for reconsideration with the Office of the Ombudsman without securing prior permission from the Court. He alleges that the omission was due to oversight and constraint in time considering that the five-day period for filing the motion for reconsideration was to expire on 29 June 2022 and that accused formally engaged his legal services only on 28 June 2022.

**OUR RULING**

We resolve to **grant** accused's motion.

---

\*Sitting as Special Member per Administrative Order No. 138-2022 dated 20 June 2022 in view of the inhibition of Justice Ma. Theresa Dolores C. Gomez-Estoesta.

\*\*Sitting as Special Member per Administrative Order No. 0165-2022 dated 26 July 2022 in lieu of Justice Georgina D. Hidalgo, who is on leave.

<sup>1</sup> Record, Vol. 6, pp. 288-290.



In the Resolution dated 6 July 2022, the Court granted accused's prayer for the deferment of arraignment and pre-trial. However, the Court merely noted accused Robin's manifestation as to the filing of his motion for reconsideration of the Ombudsman's Consolidated Resolution on the ground that it was filed without corresponding leave of court.

The Court holds that once the Information is filed in court, the filing of a motion for reconsideration of the resolution of the preliminary investigation is allowed provided that accused must obtain leave from the court in accordance with Sec. 7, Rule II of Administrative Order No. 07, or the Rules of Procedure of the Ombudsman which reads:

**Section 7. Motion for reconsideration. —**

- a) Only one motion for reconsideration or reinvestigation of an approved order or resolution shall be allowed, the same to be filed within five (5) days from notice thereof with the Office of the Ombudsman, or the proper Deputy Ombudsman as the case may be, *with corresponding leave of court in cases where information has already been filed in court.*
- b) The filing of a motion for reconsideration/reinvestigation shall not bar the filing of the corresponding information in Court on the basis of the finding of probable cause in the resolution subject of the motion.


Acting on the instant motion, which prays for leave to file a motion for reconsideration to the Ombudsman's finding of probable cause, and finding merit in the reasons given, it appearing further that accused's consolidated motion for reconsideration of the Consolidated Resolution was timely filed with the Ombudsman, the same is hereby granted as prayed for.

**WHEREFORE**, premises considered, accused Er German T. Robin's Urgent Motion for Leave to Consider the Consolidated Motion for Reconsideration is **GRANTED**.

Accordingly, the prosecution is given leave to act on accused Robin's motion for reconsideration. Since the Court has already granted leave to several accused per Resolution dated 6 July 2022, the prosecution is directed to resolve within the same period herein accused's motion together with the other previously filed motions to avoid further delay.

**SO ORDERED.**

Quezon City, Philippines.

A 



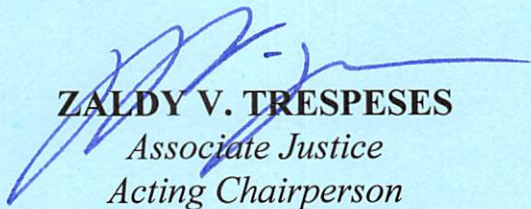
**Minute Resolution**

*People v. Marc Red Arcadio Mariñas, et al.*

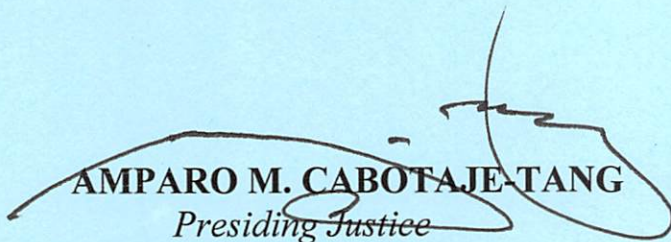
SB-22-CRM-0117

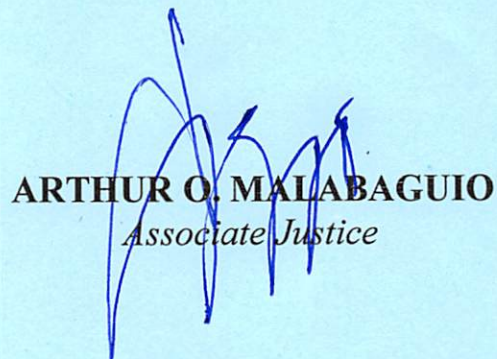
Page 3 of 3

X-----X

  
**ZALDY V. TRESPESES**  
*Associate Justice*  
*Acting Chairperson*

*WE CONCUR:*

  
**AMPARO M. CABOTAJE-TANG**  
*Presiding Justice*

  
**ARTHUR O. MALABAGUIO**  
*Associate Justice*