



Republic of the Philippines

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

versus

**CLAVEL A. MARTINEZ,
CELESTINO A. MARTINEZ III,
RHETT E. MINGUEZ,
CRESCENCIO P. VERDIDA,
RHODARIZA V. KILANTANG,
JULIETA G. QUIÑO, and
MARIA CIELO A. MARTINEZ.**
Accused.

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PEOPLE OF THE PHILIPPINES,
Plaintiff,

versus

**CLAVEL A. MARTINEZ,
CELESTINO A. MARTINEZ III,
RHETT E. MINGUEZ,
CRESCENCIO P. VERDIDA,
RHODARIZA V. KILANTANG,
JULIETA G. QUIÑO,
ALEJANDRITA P. MECA, and
PAZ C. RADAZA,**
Accused.

x-----x

**Crim. Cases No. SB-12-CRM-0380
to SB-12-CRM-0381**

For: Violation of Section 3(e) of Republic
Act No. 3019, as amended, and
Malversation of Public Funds

**Crim. Cases No. SB-14-CRM-0283
to SB-14-CRM-0286**

For: Violation of Section 3(e) of Republic
Act No. 3019, as amended, and
Malversation of Public Funds

Present:

FERNANDEZ, SJ, J.

Chairperson

MIRANDA, J.

VIVERO, J.

Promulgated on:

OCT 12 2022

[Signature]

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RESOLUTION

People v. Clavel A. Martinez, et. al., Criminal Cases No. SB-12-CRM-0380 to 0381;
People v. Clavel A. Martinez, et. al., Criminal Cases No. SB-14-CRIM-0283 to 0286

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RESOLUTION

VIVERO, J.:

This resolves the following:

1. *Motion for Recconsideration*¹ (of the Joint Decision dated 17 May 2022) filed via electronic mail by accused Clavel A. Martinez ("**Clavel**," for brevity) on May 31, 2022;
2. *Motion for Reconsideration*² (of the Joint Decision dated 17 May 2022) filed via electronic mail by accused Maria Cielo A. Martinez ("**Maria Cielo**," for brevity) on June 1, 2022;
3. *Motion for Reconsideration*³ (Re: Joint Decision dated 17 May 2022), including *Manifestation*,⁴ filed via electronic mail by accused Celestino A. Martinez III ("**Celestino**," for brevity) on June 1, 2022;
4. *Motion for Reconsideration*⁵ (of the 17 May 2022 Joint Decision) filed via electronic mail by accused Paz C. Radaza ("**Radaza**," for brevity) on June 1, 2022;
5. *Motion for Reconsideration*⁶ filed via electronic mail by accused Rhodariza V. Kilantang ("**Kilantang**," for brevity) and Julieta G. Quiño ("**Quiño**," for brevity) on June 1, 2022;
6. *Motion*⁷ (for Reconsideration to the Decision dated May 17, 2022) filed via electronic mail by accused Crescencio P. Verdida ("**Verdida**," for brevity) on June 1, 2022;
7. *Consolidated Comment/Opposition*⁸ (Re: Motions for Reconsideration filed by accused Clavel Martinez, Celestino Martinez III, Maria Cielo Martinez, Radaza, Verdida, Kilantang and Quiño) filed through electronic

¹ Dated May 31, 2022, pp. 1 – 21 (Records, Vol. 6, pp. 356 – 381).

² Dated May 31, 2022, pp. 1 – 26 (Records, Vol. 7 [SB-12-CRM-0380-0381], pp. 386 – 411).

³ Dated June 1, 2022, pp. 1 – 25 (Records, Vol. 7 [SB-12-CRM-0380-0381], pp. 429 – 453).

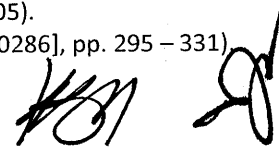
⁴ Dated June 2, 2022, pp. 1 – 2 (Records, Vol. 7 [SB-14-CRM-0283-0286], pp. 17 – 18).

⁵ Dated June 1, 2022, pp. 1 – 65 (Records, Vol. 7 [SB-14-CRM-0283-0286], pp. 165 – 229).

⁶ Dated May 30, 2022, pp. 1 – 13 (Records, Vol. 7 [SB-12-CRM-0380-0381], pp. 415 – 427).

⁷ Dated March (sic) 31, 2022, pp. 1 – 14 (Records, Vol. 6, pp. 392 – 405).

⁸ Dated June 23, 2022, pp. 1 – 37 (Records, Vol. 7 [SB-12-CRM-0283-0286], pp. 295 – 331).



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mail by the Office of the Special Prosecutor, Office of the Ombudsman, on June 23, 2022.

Save for accused Meca, the fugitive who has yet to be arraigned, and accused Minguez, who has filed his Notice of Appeal,⁹ the seven (7) accused-movants assail the Joint Decision¹⁰ dated May 17, 2022, convicting them of violation of Section 3(e) of Republic Act No. 3019, as amended, and malversation of public funds, a felony defined and punished under Article 217 of the Revised Penal Code (RPC).¹¹

Accused-movants cited reversible errors, both on procedural and substantive grounds. Anent the matter akin to rules of procedure, accused Celestino raised the issue of inordinate delay. He alleged that **more than three (3) years** had lapsed from the time the complaints were filed until the Office of the Ombudsman filed the Resolution finding probable cause.¹²

The right to a speedy disposition of cases is not an iron-clad rule. It is a flexible concept dependent on the facts and circumstances of a particular case. Thus, it is doctrinal that in determining whether the right to speedy disposition of cases is transgressed, the following factors are considered and weighed: (1) length of delay; (2) the reasons for the delay; (3) the assertion or failure to assert such right by the accused; and (4) actual prejudice caused by the delay. In ***Rosario v. Commission on Audit***,¹³ the Supreme Court applied the balancing test, as refined in ***Cagang v. Sandiganbayan***.¹⁴

In ***Javier and Tumamao v. Sandiganbayan***,¹⁵ and ***Catamco v. Sandiganbayan, Sixth Division***¹⁶ the High Court considered the **five (5) year period** from the filing of the complaint until the Ombudsman's approval of the resolution finding probable cause against therein petitioner as unreasonably long. On the other hand, in ***Republic v. Sandiganbayan (Special Second Division) and Roman***,¹⁷ the High Court concluded that **three and a half (3½) years cannot** be characterized as inordinate delay. In ***Baterina v.***

⁹ Records, Vol. 7 [SB-12-CRM-0380-0381], pp. 271 – 272.

¹⁰ Joint Decision, pp. 1 – 86 (Records, Vol. 7 [SB-12-CRM-0380-0381], pp. 147 – 232).

¹¹ Id. at pp. 82 – 85 (Records, Vol. 7 [SB-12-CRM-0380-0381], pp. 228 – 231).

¹² Motion for Reconsideration [RE: JOINT DECISION DATED 17 MAY 2022] dated June 1, 2022, of C. A. Martinez III, pp. 4 – 7 (Records, Vol. 7 [SB-12-CRM-0380-0381], p. 356 – 360

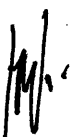
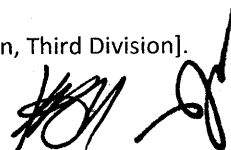
¹³ G.R. No. 253686, June 29, 2021 [Per J. Lazaro-Javier, En Banc].

¹⁴ G.R. No. 206438, 206458 & 210141-42, July 31, 2018.

¹⁵ G.R. No. 237997, June 10, 2020.

¹⁶ G.R. Nos. 243560-62 & 243261-63, July 28, 2020.

¹⁷ G.R. No. 231144, February 19, 2020 [Per J. Leonen, Third Division].



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Sandiganbayan, Second Division,¹⁸ the petitioner argued that from the time of the filing of the NBI- Baligod Complaint on November 29, 2013, to the date of the filing of seven (7) Informations on March 17, 2017 with the Sandiganbayan, the total time that had elapsed was **three years, three months, and 18 days**. Considering the complexity of the case and the issues involved, the Court held that said period was ***justified*** and did ***not*** prejudice the rights of petitioner. By parity of reasoning, the same goes for the three-year period complained of by accused Celestino.

It must be emphasized that the accused must invoke his/her constitutional right to speedy disposition of cases in a timely manner, and failure to do so constitutes a waiver of such right even when he/she has already suffered or will suffer the consequences of delay.¹⁹ Notably, accused Celestino and his co-accused moved for a reinvestigation or sought reconsideration²⁰ of the draft Resolution approved by the Ombudsman consistent with Section 7(a), Rule II of Ombudsman Administrative Order No. 07,²¹ otherwise known as the "Rules of Procedure of the Office of the Ombudsman." Unfortunately, it was kaput. To revive it at this late stage and hope for a propitious result is, to borrow the eloquent words of Chief Justice Enrique M. Fernando, "*an illusion like a munificent bequest in a pauper's will.*"²²

In ***Magante v. Sandiganbayan***,²³ the High Court noted that prejudice from delay is most serious when a defendant is rendered unable to adequately prepare his case, which is ***not*** the case here.

In fine, the right of accused to due process and to speedy disposition of the cases was never violated. There was nothing vexatious, capricious, and oppressive which would warrant the precipitate dismissal of the case.

Turning now to substantive matters, accused-movants were one in saying that conspiracy was not proven beyond reasonable doubt.²⁴ Accused Radaza was temerarious in jumping the gun and alleging:



¹⁸ G.R. Nos. 236408 and 236531 - 36, July 07, 2021 [Per J. Inting, Third Division].

¹⁹ *Salcedo v. Sandiganbayan*, G.R. Nos. 223869-960, February 13, 2019.

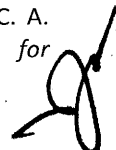
²⁰ Rollo [SB-12-CRM-0380 to 0381], Vol. 1, pp. 280, 316.

²¹ Pursuant to the authority vested in the Office of the Ombudsman under Sections 18, 23 and 27 of Republic Act. No. 6770, otherwise known as "The Ombudsman Act of 1989".

²² *Imbong v. Ferrer*, G.R. Nos. L-32432, L-32443, September 11, 1970 [J. Fernando, Concurring and dissenting opinion, En Banc].

²³ 836 Phil. 1108, 1125 (2018).

²⁴ *Motion for Reconsideration (of the Joint Decision dated 17 May 2022)* dated June 1, 2022, of C. A. Martinez, pp. 6 - 12 (Records, Vol. 7 [SB-12-CRM-0380-0381], pp. 251 - 257); *Motion for*



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There is thus **no showing of conspiracy PRIOR TO Ms. Radaza affixing her signature to the checks²⁵ and vouchers.²⁶** X X X Conspiracy could not have come contemporaneous with or after her signing the vouchers and checks. X X X²⁷ (Emphasis and Capitalization Supplied.)

Accused Radaza maintained her innocence by harping that in the series of acts akin to the conspiracy, she was only involved in one act - by signing the vouchers and checks that caused the release of funds from GSP-Cebu's Landbank Banilad Branch account to that of accused Clavel.²⁸ She tried to downplay her participation by making it appear that she could not have been a part of the conspiracy because such act is in the middle of the chain of acts committed. To satisfy her guilt beyond reasonable doubt, accused Radaza argued that it must be proven that she agreed to the criminal design of accused Clavel in the beginning of the chain.

Conspiracy need not be proven by direct evidence of prior agreement to commit the crime.²⁹ It may be deduced from the mode, method, and manner by which the offense was perpetrated, or inferred from acts of the accused themselves when such acts point to a joint purpose and design, concerted action, and community of interest.³⁰

Based on evidence on record, accused Radaza's acts prior, during and subsequent to the release of money of accused Clavel from the GSP-Cebu's coffers all point to a single criminal purpose and design. Hence, the Prosecution duly established the existence of implied conspiracy.

The Prosecution circumstantiated that the triumvirate of Bogo, Cebu jumpstarted the conspiracy. The Court delineated their successive acts which were integral to their furtive design thusly:

... [A]CCUSED CELESTINO A. MARTINEZ III, MINGUEZ AND VERDIDA, ALL OF LGU-BOGO, WERE INSTRUMENTAL



Reconsideration (of the 17 May 2022 Joint Decision) dated June 1, 2022, of P. C. Radaza, pp. 4 -8, 47 (Records, Vol. 7 [SB-14-CRM-0283-0286], pp. 168 - 172 , 211).

²⁵ Land Bank Checks No. 056177 and 56292, Seven Million Five Hundred Thousand (P7,500,000.00) each.

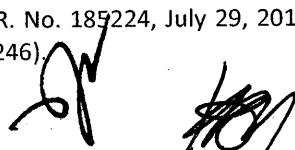
²⁶ GSP General Vouchers No. 356-June and 99-September.

²⁷ *Motion for Reconsideration (of the 17 May 2022 Joint Decision)* dated June 1, 2022, of P. C. Radaza, pp. 4 - 5 (Records, Vol. 7 [SB-14-CRM-0283-0286], pp. 168 - 169).

²⁸ Id. at pp. 10 -11.

²⁹ *People v. Quirol*, G.R. No. 149259, October 20, 2005.

³⁰ *Zoleta v. Sandiganbayan (Fourth Division)*, G.R. No. 185224, July 29, 2015; *People v. Del Castillo*, G.R. No. 169084, January 18, 2012, 663 SCRA 226, 246).



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IN PAVING THE WAY TOWARDS THE ACCOMPLISHMENT OF CLAVEL'S DISHONEST SCHEME. x x x [W]ithout their certification and approval, said monies could not have been transferred from LGU-BOGO to the bank accounts of the GSP Cebu Council, and ultimately to accused Clavel A. Martinez.

. . . [I]t was accused **CLAVEL A. Martinez**, the mother of their Mayor, **Celestino A. Martinez III**, who was the one who **gave the instruction to release the funds sourced from her PDAF allocation given to LGU-BOGO in favor of the GSP Cebu Council.** ... [T]he foregoing instruction of accused Clavel A. Martinez was complied with and followed without question ... Accused **CELESTINO A. Martinez** **certified and approved the disbursement vouchers, VERDIDA** as Municipal Accountant **obligated the allotments**, while **MINGUEZ** as Municipal Treasurer **certified as to the availability of funds and caused the release of the money to GSP Cebu Council.**

All the foregoing acts were done . . . notwithstanding the fact that none of the three (3) releases of the subject PDAF was covered by the required Memorandum of Agreement between accused Clavel A. Martinez, the LGU-BOGO, and the GSP Cebu Council.

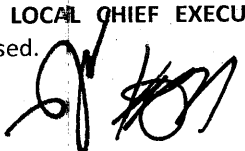
x x x **[C]ERTIFYING, APPROVING, AND SIGNING THE DISBURSEMENT VOUCHERS, OBLIGATION REQUESTS, CHECKS, AND THE ATTACHMENTS THERETO WERE NOT PERFUNCTORY, MINISTERIAL TASKS.** These demanded the exercise of sound discretion. More, the amount of the funds involved behooved them to observe **UTMOST CIRCUMSPECTION.** x x x.³¹ (Emphasis and Capitalization Supplied.)

Accused Celestino, Minguez and Verdida should have performed sedulously their duties consistent with the Local Government Code of 1991,³² the NGAS-LGU Manual (Volume 1),³³

³¹ Joint Decision, pp. 58 – 59 (Records, Vol. 7 [SB-12-CRM-0380-0381], pp. 204 - 205).

³² Republic Act No. 7160 provides:

Section 344. Certification, and Approval of, Vouchers. - No money shall be disbursed unless the **LOCAL BUDGET OFFICER** certifies to the existence of appropriation that has been legally made for the purpose, the **LOCAL ACCOUNTANT** has obligated said appropriation, and the **LOCAL TREASURER** certifies to the availability of funds for the purpose. Vouchers and payrolls shall be certified to and approved by the head of the department or office who has administrative control of the fund concerned, as to validity, propriety, and legality of the claim involved. Except in cases of disbursements involving regularly recurring administrative expenses such as payrolls for regular or permanent employees, expenses for light, water, telephone and telegraph services, remittances to government creditor agencies such as GSIS, SSS, LDP, DBP, National Printing Office, Procurement Service of the DBM and others, approval of the disbursement voucher by the **LOCAL CHIEF EXECUTIVE** himself shall be required whenever local funds are disbursed.



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the Administrative Code of 1987,³⁴ and the Government Auditing Code of the Philippines.³⁵ Lamentably, these officials failed

In cases of special or trust funds, disbursements shall be approved by the administrator of the fund.

x x x

ARTICLE IV
The Accountant

Section 474. Qualifications, Powers and Duties.

(a) x x x

(b) The **ACCOUNTANT** shall take charge of both the accounting and internal audit services of the local government unit concerned and shall:

(1) x x x;

x x x

(5) **REVIEW SUPPORTING DOCUMENTS BEFORE PREPARATION OF VOUCHERS TO DETERMINE COMPLETENESS OF REQUIREMENTS;**

x x x

(12) Prepare journals and the analysis of obligations and maintain and keep all records and reports related thereto; and

(13) Exercise such other powers and perform such other duties and functions as may be provided by law or ordinance. (Emphasis and Capitalization Supplied.)

³³ Under Section 38 of the NGAS-LGU Manual, Vol. 1, disbursements from the general fund shall require the following certifications on the DV:

1. Certification and approval of voucher as to validity, propriety and legality of the claim (Box A of DV) by the head of office (i.e. Mayor);
2. Necessary documents supporting the DV as certified to and reviewed by the Accountant (Box B of DV); and
3. Certification that funds are available for the purpose by the Local Treasurer (Box C of DV).

Section 40 of the NGAS-LGU Manual, Volume 1, mandates that "[c]hecks shall be drawn only on duly approved disbursement vouchers."

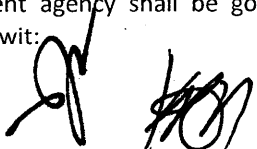
³⁴ Book VI, Chapter 5, Section 40 of Executive Order No. 292 mandates:

SECTION 40. Certification of Availability of Funds.—NO FUNDS SHALL BE DISBURSED, and no expenditures or obligations chargeable against any authorized allotment shall be incurred or authorized in any department, office or agency **WITHOUT FIRST SECURING THE CERTIFICATION OF ITS CHIEF ACCOUNTANT** or head of accounting unit as to the availability of funds and the allotment to which the expenditure or obligation may be properly charged.

No obligation shall be **CERTIFIED TO ACCOUNTS PAYABLE** unless **THE OBLIGATION IS FOUNDED ON A VALID CLAIM THAT IS PROPERLY SUPPORTED BY SUFFICIENT EVIDENCE** and unless there is **PROPER AUTHORITY FOR ITS INCURRENCE**. Any certification for a non-existent or fictitious obligation and/or creditor shall be considered void. The certifying official shall be dismissed from the service, without prejudice to criminal prosecution under the provisions of the Revised Penal Code. Any payment made under such certification shall be illegal and every official authorizing or making such payment, or taking part therein or receiving such payment, shall be jointly and severally liable to the government for the full amount so paid or received. (Emphasis and Capitalization Supplied.)

³⁵ **P.D. No. 1445** provides:

Section 4. Fundamental principles. - Financial transactions and operations of any government agency shall be governed by the fundamental principles set forth hereunder, to wit:



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miserably to live up to the tenets and strictures of ethical fiscal discipline.

Meanwhile, accused Radaza went to great lengths harping on the postulate that "*negligence is inconsistent with conspiracy*."³⁶ Accused Cielo's impugment of the judgment is of the same tenor, viz:

X X X Accused Maria Cielo's conviction . . . violates the settled rule that 'conspiracy can never be the product of negligence on the part of any of the cohorts since it must demonstrate their full and unmistakable cooperation and intentionality.

X X X

. . . Accused Maria Cielo's sole act of signing and endorsing a manager's check, her limited interest in its withdrawal and deposit, and her incidental familial relationship with Accused Clavel are not the overt acts of criminality that would prove that she knowingly and voluntarily participated in an attempt to defraud the government. Accused Maria Cielo merely signed and endorsed a manager's check in compliance with her duties and responsibilities as then Treasurer of the GSP Cebu. X X X . . . Accused Maria Cielo did not 'blindly follow and obey' anyone's instructions as

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1. **NO MONEY SHALL BE PAID OUT OF ANY PUBLIC TREASURY OR DEPOSITORY EXCEPT IN PURSUANCE OF an appropriation law or other SPECIFIC STATUTORY AUTHORITY.**
 2. Government funds or property shall be spent or used solely for public purposes.
 3. Trust funds shall be available and may be spent only for the specific purpose for which the trust was created or the funds received.
 4. **FISCAL RESPONSIBILITY SHALL, TO THE GREATEST EXTENT, BE SHARED BY ALL THOSE EXERCISING AUTHORITY OVER THE FINANCIAL affairs, TRANSACTIONS, and operations of the government agency.**
 5. **DISBURSEMENTS or disposition OF GOVERNMENT FUNDS or property SHALL INVARIABLY BEAR THE APPROVAL OF THE PROPER OFFICIALS.**
 6. **CLAIMS AGAINST GOVERNMENT FUNDS SHALL BE SUPPORTED WITH COMPLETE DOCUMENTATION.**
 7. **ALL LAWS AND REGULATIONS APPLICABLE TO FINANCIAL TRANSACTIONS SHALL BE FAITHFULLY ADHERED TO.**
 8. Generally accepted principles and practices of accounting as well as of sound management and fiscal administration shall be observed, provided that they do not contravene existing laws and regulations. (Emphasis and Capitalization Supplied.)

³⁶ Motion for Reconsideration (of the 17 May 2022 Joint Decision) dated June 1, 2022, of P. C. Radaza, pp. 43, 46 (Records, Vol. 7 [SB-14-CRM-0283-0286], p. 207, 210).

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no such instructions had been given, much less proven to have been given to her. x x x³⁷

Accused Radaza and accused Cielo are gravely mistaken. While conspiracy necessitates intent, conspiracy does not negate gross inexcusable negligence, as recognized in *Jaca v. People*,³⁸ to wit:

In *Sistoza [v. Desierto]*,³⁹ the Court already intimated on the possibility of committing a violation of Section 3(e) of RA No. 3019 through gross and inexcusable negligence, and of incurring collective criminal responsibility through a conspiracy.

x x x As we have consistently held, evidence of guilt must be premised upon a more knowing, personal and deliberate participation of each individual who is charged with others as part of a conspiracy.

x x x

Both accused should call to mind the axiom: ***Culpa lata dolo aequiparatur*** (Gross negligence is equivalent to intentional wrong). The triumvirate of Bogo were well aware that they were hidebound by strict rules on check disbursements, yet they flouted them. Likewise, accused Radaza and Cielo should have proceeded surefootedly in accordance with statutory controls, but they paid scant regard thereto.

As Treasurer of the GSP-Cebu Council whose main duty was to safeguard with the highest degree of diligence the funds of GSP-Cebu, accused Radaza became complicit in the criminal design of accused Clavel through her gross inexcusable negligence. She admitted that without her approval as Treasurer, it would not have been possible for anyone from GSP-Cebu to withdraw from the funds of the council.⁴⁰ She cannot put all the blame on the professional staff of GSP-Cebu.⁴¹ When she noticed that the checks were paid to the order of accused Clavel and in CASH prior to signing the checks and vouchers, she should have been circumspect while considering all circumstances and all possible consequences of this fact. The vouchers were also signed by the receiver, accused Clavel, way

³⁷ Motion for Reconsideration (of the Joint Decision dated May 17, 2022) dated May 31, 2022, of M. C. A. Martinez, pp. 2, 5, 9 (Records, Vol. 7 [SB-12-CRM-0380-0381], pp. 387, 390, 394).

³⁸ G.R. No. 166967 : January 28, 2013, 702 Phil. 210, 262.

³⁹ G.R. No. 144784. September 3, 2002, 437 Phil. 117, 122, 132; 388 SCRA 307.

⁴⁰ TSN, September 20, 2019, p. 51.

⁴¹ Id., p. 45.

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before she affixed her signature in them, which accused Radaza admitted to be irregular.⁴²

It is also worth noting that accused Radaza knew that she was dealing, not only with an ordinary President of GSP-Cebu, but with a public officer who has a lot of public funds at her disposal.⁴³ She was aware that the funds originated from the Priority Development Assistance Fund (PDAF) of accused Clavel, then a Congresswoman.⁴⁴ If accused Radaza was not grossly negligent, the irregularity of the transactions would have alerted her when she noticed that the PDAF of accused Clavel would essentially revert to the latter's bank account. Accused Radaza's acts of signing the vouchers and checks were not merely mechanical acts. Rather, such acts paved the way for accused Clavel to be able to withdraw the funds from GSP-Cebu's bank account. If the Court would allow accused Radaza to simply blame the professional staff of GSP-Cebu, then her duties and responsibilities as Treasurer would be rendered illusory.

Accused Radaza cannot also deny being a criminal conspirator by taking credit for the formation of an Ad Hoc Committee that investigated the irregular transactions of GSP-Cebu. It bears stressing that she was already the President of GSP-Cebu from 2003 until 2006.⁴⁵ Yet, after forming said Committee, accused Radaza never initiated any action on its findings. She passively allowed accused Clavel to stop the presentation of the Committee's findings to the Board of GSP-Cebu.⁴⁶ Her testimony in this regard runs thus:

Q118: What happened next after the creation of this Ad Hoc Fact-Finding Committee?

A: About a month later, the Ad Hoc Fact-Finding Committee submitted its Report. A special meeting of the Board was scheduled for the Ad Hoc Committee to present its report. However, before the Committee could report on its findings, there was a power interruption. Cong. Martinez also stormed into the meeting after it had started, pointing out the things she previously did for GSP-Cebu, and declaring that she is resigning from GSP-Cebu. **The Committee was unable to present its Report to the Board during that meeting.**⁴⁷ (Emphasis Supplied.)

⁴² Id., p. 72.

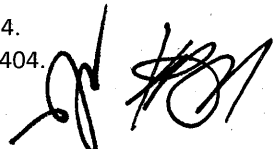
⁴³ Id., p. 51.

⁴⁴ Id., p. 63.

⁴⁵ Id. p. 19.

⁴⁶ Joint Decision, p. 44.

⁴⁷ Records, Vol. 4, p. 404.



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All the foregoing acts point to the inescapable conclusion that accused Radaza participated in the irregular transaction with a view to the furtherance of a common design through her gross inexcusable negligence.

Conformably with *Bahilidad v. People*,⁴⁸ the Court, in its assailed Joint Decision, laid down the “***overt acts***” in pursuance of the conspiracy, “***through active participation in the actual commission of the crime.***” Insofar as accused **Meca**, Council Executive/Executive Director of the Girl Scouts of the Philippines (GSP) Cebu Council, and **Quiño**, its Cashier, are concerned, they played their role to the hilt, *scilicet*:

“... [I]t was accused **MECA** who initiated the transfer in favor of GSP Cebu Council of both first and second tranches of the subject PDAF covered by SARO No. ROCS-02-01767⁴⁹ by writing a letter to accused Celestino A. Martinez.⁵⁰ Pursuant thereto, LGU-BOGO issued Landbank Checks No. 155821 and 155854, for PhP7.5 Million each, and were both drawn payable to “***GSP Cebu Council/Alejandrita Meca.***” The two (2) checks were received by the aforesaid accused Meca while accused Technical Assistant and designated Cashier **QUIÑO** issued GSP Cebu Council Treasurer’s Official Receipts No. 001348⁵¹ and 001479⁵² as proof of receipt of the said PDAF.

... [N]EITHER ACCUSED MECA, NOR QUIÑO ...
INFORM[ED] THE BOARD OF GSP CEBU COUNCIL OF SUCH SUBSTANTIAL REMITTANCES IN FAVOR OF THEIR COUNCIL.

x x x [O]n the very same day that each of the aforesaid LGU-BOGO’s Landbank Checks No. 155821 and 155854 were deposited to GSP Cebu Council’s Landbank Banilad branch account, the funds covered thereby – **in the total amount of PhP15 Million** – were withdrawn by accused **CLAVEL A. Martinez**.

Accused **CLAVEL A. Martinez** was able to withdraw the aforesaid two releases made by LGU-BOGO in favor of GSP Cebu Council ... by virtue of GSP Cebu Council’s Landbank Check No. 056177 for PhP7.5 Million, which was drawn payable to ‘***cash***’, and Landbank Check No. 056292, for the same amount ..., which was issued ‘***payable to Clavel A. Martinez.***’ ... [T]he issuance of the aforementioned two (2) checks, drawn and made payable to

⁴⁸ G.R. No. 185195, March 17, 2010 (615 SCRA 597, 604); Ramon C. Aquino, THE REVISED PENAL CODE, Vol. 1 [1987], 497.

⁴⁹ EXHIBIT “O”, SB-14-CRM-0283 to 0286.

⁵⁰ EXHIBIT “Q”, SB-14-CRM-0283 to 0286.

⁵¹ EXHIBIT “Y”.

⁵² EXHIBIT “KK”

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'cash', and to accused Clavel A. Martinez are both in violation of the provisions of P.D. No. 1445, otherwise known as the Government Auditing Code of the Philippines which provides that 'warrants chargeable to revenue or trust fund of the National Government or checks drawn against the treasury checking account for agencies maintained with any government depository shall be made payable either directly to the creditor to whom the money is due or to a disbursing officer for official disbursement.'⁵³ (Emphasis and Capitalization Supplied.)

For her part, accused **Kilantang**, the bookkeeper of GSP Cebu Council, found it abstruse that she was implicated for routinary acts. She assailed the Joint Decision on the following ground:

X X X

13. x x x In this case, there is a whale of difference between the allegations in the . . . Informations and the grounds for conviction. . . . [A]ccused Quiño and Kilantang were essentially convicted on the following grounds: (1) converting Landbank Check No. 240951 of LGU-BOGO into a Manager's Check payable to *'GSP or Cielo A. Martinez'*; (2) Quiño issuing GSP Cebu Council's Treasurer's Official Receipts No. 001348 and 001479; (3) failing to inform the Council's Board that a large amount of money was received by the organization; (4) Kilantang preparing GSP Cebu Council General Vouchers No. 356 and 99, by virtue of which LandBank Checks No. 056177 and 056292 were issued;⁵⁴ and (5) violating provision of P.D. No. 1445.⁵⁵

Moreover, accused Kilantang sought to dissociate herself from the allegedly collusive scheme by asserting that:

18. The acts of Quiño and Kilantang in converting the subject Landbank checks into Manager's Check do not *ipso facto* make them conspirators x x x Such conversions did not make it easier for accused Clavel Asas Martinez to withdraw the said amounts.

X X X

20. The issuance of the manager's check, if at all, only adds a layer of security to the transfer of funds to the designated payee. x x x Whatever happened to the funds after it was deposited at the bank account of GSP-Cebu is outside the duties and responsibilities of accused Quiño and Kilantang. x x x

⁵³ Joint Decision, pp. 61 – 62.

⁵⁴ TSN, October 12, 2018, pp. 45 – 47.

⁵⁵ Motion for Reconsideration (For Accused Kilantang and Quiño), dated May 30, 2022, p. 8 (Records, Vol. 7 [SB-12-CRM-0380-0381], pp. 422)

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21. As to accused Kilantang, her act of manually preparing the entries on the details provided to her by the Council Executive does not make her a conspirator. . . x x x Her duty as a mere bookkeeper was limited only to the manual preparation of the General Voucher. x x x⁵⁶

The asseverations of accused Kilantang fail to persuade. In a nutshell, the Court, while collectivizing criminal liability, has declared:

. . . [W]hile at first blush, all the ... acts attributed to the five (5) officers and paid professional staff of GSP Cebu Council appear to be separate and without any connection at all, after **CONSIDERING THE OTHER ATTENDANT CIRCUMSTANCES** in these cases, this Court believes and so holds that the same **CONSTITUTE AS A WHOLE COLLECTIVE EFFORT TO ACHIEVE A COMMON UNLAWFUL DESIGN.**⁵⁷ (Emphasis and Capitalization Supplied.)

Implied conspiracy has been duly established. The Prosecution concatenated the circumstances from the time accused Clavel mobilized her subalterns up to encashment and withdrawal of monies sourced from the Priority Development Assistance Fund (PDAF). The Supreme Court's *dictum* in ***People v. Albaran***⁵⁸ is instructive, viz:

Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. It comes to life at the very instant the plotters agree, expressly or implied, to commit the felony and forthwith, to actually pursue it. Conspiracy need not be proved by direct evidence. **It may be inferred from the concerted acts of the accused, indubitably revealing their unity of purpose, intent and sentiment in committing the crime.** Thus, **IT IS NOT REQUIRED THAT THERE WAS AN AGREEMENT FOR AN APPRECIABLE PERIOD PRIOR TO THE OCCURRENCE**, it is sufficient that the accused acted in concert at the time of the commission of the offense and that they had the same purpose or common design, and that they were united in its execution.⁵⁹ (Emphasis and Capitalization Supplied, Citations Omitted.)

⁵⁶ Motion for Reconsideration (For Accused Kilantang and Quino), dated May 30, 2022, pp. 9 - 10 (Records, Vol. 7 [SB-12-CRM-0380-0381], pp. 423c- 424e).

⁵⁷ Joint Decision, p. 64.

⁵⁸ G.R. No. 233194, September 14, 2020 [Per C.J. Peralta, First Division].

⁵⁹ See *Yapyuco v. Sandiganbayan*, G.R. Nos. 120744-46/122677/122776, June 25, 2012.

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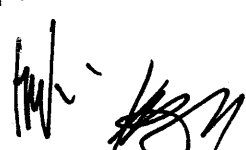
Ineluctably, accused **Clavel**⁶⁰ is the prime mover, if not the mastermind, of the asset misappropriation. To unabashly declare that there was "*never a nefarious intention to appropriate money that was not hers*"⁶¹ leaves a bad taste in many a constituent's mouth. In **People v. Amadeo Peralta, et. al.**,⁶² the Supreme Court has explained the sphere of influence of a domineering and avaricious leader, viz:

Verily, the moment it is established that the malefactors conspired and confederated in the commission of the felony proved, collective liability of the accused conspirators attaches by reason of the conspiracy, and the court shall not speculate nor even investigate as to the actual degree of participation of each of the perpetrators present at the scene of the crime. Of course, as to any conspirator who was remote from the *situs* of aggression, **he could be drawn within the enveloping ambit of the conspiracy if it be proved that through his MORAL ASCENDANCY over the rest of the conspirators the latter were moved or impelled to carry out the conspiracy.**

In fine, **THE CONVERGENCE OF THE WILLS OF THE CONSPIRATORS IN THE SCHEMING AND EXECUTION OF THE CRIME** amply justifies the imputation to all of them the act of any one of them. It is in this light that conspiracy is generally viewed not as a separate indictable offense, but a rule for collectivizing criminal liability. (Capitalization and Underscoring Supplied.)

The imposition of collective liability upon the conspirators is clearly explained in **U.S. vs. Bundal, et al.**,⁶³ where the Supreme Court held that:

... It is impossible to graduate the separate liability of each without taking into consideration **THE CLOSE AND INSEPARABLE RELATION OF EACH OF THEM WITH THE CRIMINAL ACT**, for the commission of which they all acted by common agreement ... The crime must, therefore, in view of the **SOLIDARITY OF ACT AND INTENT** which existed between the [nine] accused, be regarded as the act of the band or party created by them, and they are all equally responsible ... X X X
(Emphasis and Capitalization Supplied.)

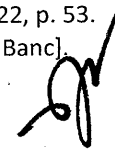


⁶⁰ Clavel A. Martinez was the Representative, 4th Congressional District, Cebu from 1998 to 2007, and was President of GSP, Cebu from 1995 to 2003 (Rollo [SB-12-CRM-0380 to 0381], Vol. 5, p. 121).

⁶¹ Motion for Reconsideration⁶¹ (of the Joint Decision dated 17 May 2022) dated May 31, 2022, of Clavel A. Martinez, p. 8 (Records, Vol. 6, pp. 363).

⁶² G.R. No. L-19069, October 29, 1968, 134 Phil. 703 [Per Curiarn, En Banc], cited in *People v. Prospero A. Pichay*, Criminal Cases No. SB-16-CRM-0425 to 0427, June 7, 2022, p. 53.

⁶³ G.R. No. L-1312 December 21, 1903, 3 Phil. 89 [Per J. Torres, En Banc].



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More.

Accused **Maria Cielo**,⁶⁴ accused Clavel's daughter, feigned ignorance of the goings-on which led to accused Clavel's withdrawal of PDAF allocation from the account of GSP Cebu Council at the Bank of the Philippines (BPI) Capitol Branch, and the deposit of Php10 Million to accused Clavel's personal account at BPI-Pasay Branch. To be sure, accused Maria Cielo signed the check in the amount of Php11 ½ Million payable to "**GSP Treasurer/Cielo Martinez**". As then-Treasurer of GSP Cebu Council, to aver that she was "*not privy*"⁶⁵ to it all dulls one's credulity. Rather, the distilled truth is, as the Court puts it: ***[S]he aided her mother in bringing into fruition her selfish, and illegal ends.***"⁶⁶

Interestingly, accused Radaza expressed surprise that:

"x x x Clavel Martinez was a signatory *and* recipient of the funds – Ms. Radaza would not have suspected that Clavel Martinez would be so brazen as to take the funds for her personal benefit . . ., leaving a paper trail in her wake."⁶⁷

This brings to mind the oft-repeated Filipino idiom, ***Maraming namamatay sa maling akala.***⁶⁸ Truth to tell, the paper trail did them in.

Accused Radaza⁶⁹ gave a rundown of acts⁷⁰ leading to the consummation of the misfeasance, while pinpointing her seemingly minuscule role therein,⁷¹ Also, she invoked good faith while alleging "***actual practice,***"⁷² as well as the "***long-established procedure***"⁷³ of delegating tasks to staff of the GSP Cebu Council. Allegedly, she had no inkling whatsoever that signing the subject disbursement vouchers and corresponding checks would, in the end, turn out to be irregular.

⁶⁴ Maria Cielo A. Martinez was the erstwhile Vice-Mayor of Bogo, Cebu, and Treasurer of GSP, Cebu. She was the Chief of Staff of Congresswoman Clavel A. Martinez in 2003 (Rollo [SB-12-CRM-0380 – 0381], Vol. 5, p. 219).

⁶⁵ TSN, August 14, 2018, pp. 34 – 36.

⁶⁶ Id. at p. 66.

⁶⁷ *Motion for Reconsideration (of the 17 May 2022 Joint Decision)* dated June 1, 2022, of P. C. Radaza, pp. 24 - 25 (Records, Vol. 7 [SB-14-CRM-0283-0286], p. 188 - 189).

⁶⁸ English translation is: Many die because of wrong assumptions.

⁶⁹ P. Radaza was then-Treasurer of the GSP, Cebu from 1997 to 2003. Later, he served as its President from 2003 to 2006 (TSN, September 20, 2019, p. 19).

⁷⁰ *Motion for Reconsideration (of the 17 May 2022 Joint Decision)* dated June 1, 2022, of P. C. Radaza, pp. 10 - 11 (Records, Vol. 7 [SB-14-CRM-0283-0286], p. 174 - 175).

⁷¹ Id. at p. 13.

⁷² *Motion for Reconsideration (of the 17 May 2022 Joint Decision)* dated June 1, 2022, of P. C. Radaza, p. 16 (Records, Vol. 7 [SB-14-CRM-0283-0286], p. 180).

⁷³ Id. at p. 20.

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Contrary to the simplistic position taken by accused Radaza, there is more to this than meets the eye. This can be gleaned from the Court's ratiocination, viz:

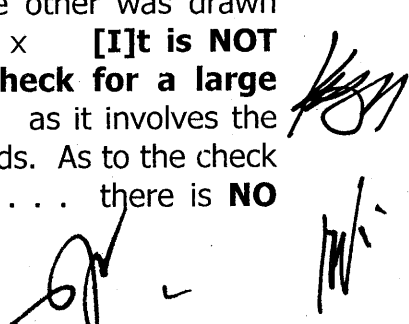
. . . . **[T]he TOTALITY OF THE CIRCUMSTANCES surrounding the presentation to, and the signing by accused Radaza of the subject vouchers and checks should have alerted her of the dubious and irregular transactions which were then unfolding.**

To begin with, the two vouchers (General Voucher Nos. 356-June and 99-September) that accused Radaza signed clearly indicated that the recipient of the funds covered thereby was accused Clavel A. Martinez. This Court finds it rather disturbing why accused Radaza did not find it curious, and therefore inquire – before approving the disbursement vouchers in question – in what capacity and/or under whose authority was accused Clavel A. Martinez supposed to receive the substantial amount of Php7.5 Million for each voucher in question. Surely, being the President of the Council did not necessarily give accused Clavel A. Martinez the unbridled access to GSP Cebu Council's funds. As a general rule, withdrawal of such Council funds, especially in an amount as substantial as Php15 Million should have the *imprimatur* of the Council's Board.

This Court finds equally unsettling accused Radaza's attempt to justify her seemingly cavalier attitude when she approved and signed the vouchers in question. Accused Radaza lamely claims . . . that 'she trusted that the Council President would use the proceeds in furtherance of GSP Cebu Council's programs/activities
x x x **[T]hat Clavel A. Martinez was named as the recipient of a substantial sum of the Council's funds WITHOUT ANY WRITTEN AUTHORITY FROM THE BOARD** should have been reason enough for accused Radaza to suspect that something was amiss.

x x x **[T]his Court finds it odd that accused Radaza, who was not only the Council[s] Treasurer . . . , but was also a member of the Council[s] Board, did not become suspicious [as to] why funds were already being disbursed for a purported anti-drug project/program THE MECHANICS OF WHICH AND MANNER OF IMPLEMENTATION HAS NOT YET BEEN DISCUSSED BY THE AFORESAID COUNCIL[S] BOARD.** x x x

Moreover, of the two checks signed by accused Radaza ..., one was issued "**payable to cash**" while the other was drawn "**payable to Clavel A. Martinez**". x x x **[I]t is NOT ORDINARY BUSINESS PRACTICE for a check for a large amount to be issued payable to cash . . .** as it involves the risk that the check could fall into the wrong hands. As to the check issued payable to accused Clavel A. Martinez, . . . there is **NO**



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EVIDENCE THAT WOULD SHOW THAT ACCUSED CLAVEL A. MARTINEZ WAS AUTHORIZED TO RECEIVE THE PROCEEDS OF THE CHECKS IN QUESTION. X X X⁷⁴ (Emphasis and Capitalization Supplied.)

Correlatively, the Court quotes with approval the Prosecution's averment, to wit:

30. In **blatant defiance of the GSP Constitution,⁷⁵ GSP By-Laws,⁷⁶ [and] GSP Prescribed Council By-Laws,⁷⁷** the deposit and withdrawal of the three (3) PDAF allocations were carried out by the accused officers and staff of GSP Cebu Council **WITHOUT THE KNOWLEDGE AND AUTHORITY OF THE COUNCIL['S] BOARD.** As testified by prosecution witness, Ms. Venus L. Flores, the receipt of the checks representing the subject PDAF allocations were **NOT RECORDED IN THE BOOKS OF ACCOUNTS AND ACCOUNTED IN THE COUNCIL'S FINANCIAL STATEMENTS.**⁷⁸

X X X⁷⁹

That the spurious transactions did not inure to the benefit of accused Radaza, and that she formed the *Ad Hoc Fact-Finding Committee* to probe the subject transactions⁸⁰ is neither here nor there. *In pari passu*, accused Clavel's act of returning Php10 Million which was used for the municipality's road rehabilitation⁸¹ is inconsequential *vis a vis* her criminal liability.⁸²

Further, accused Celestino's invocation⁸³ of **Arias**⁸⁴ is inapt. The factual milieu therein is not in all fours with the instant case. In that case, Arias, the auditor who approved in audit the acquisition and payment of the lands, was acquitted by the Court because it found no other ground to sustain a conspiracy charge except for his mere signature or approval appearing on a voucher. In acquitting Arias, the

⁷⁴ Joint Decision, pp. 68 – 69.

⁷⁵ EXHIBIT "TT-Rebuttal," Article VIII, Finances.

⁷⁶ EXHIBIT "UU-Rebuttal," Section 68.

⁷⁷ EXHIBIT "VV-Rebuttal," Section 42.

⁷⁸ TSN, March 24, 2015, p. 51; TSN, March 25, 2015, pp. 76 - 78.

⁷⁹ Consolidated Comment/Opposition⁷⁹ (Re: Motions for Reconsideration filed by accused Clavel Martinez, Celestino Martinez III, Maria Cielo Martinez, Radaza, Verdida, Kilantang and Quiño) dated June 23, 2022, pp. 8 - 9 (Records, Vol. 7 [SB-12-CRM-0283-0286], pp. 302 – 303).

⁸⁰ Motion for Reconsideration (of the 17 May 2022 Joint Decision) dated June 1, 2022, of P. C. Radaza, pp. 5, 35 - 42 (Records, Vol. 7 [SB-14-CRM-0283-0286], pp. 169, 199 - 206).

⁸¹ Records, Vol. 7 [SB-12-CRM-0380-0381], p. 263.

⁸² As stated in the *fallo* of the Joint Decision (p. 83), "there is no more basis to impose any civil liability in this case (SB-12-CRM-0381)."

⁸³ Motion for Reconsideration [RE: JOINT DECISION DATED 17 MAY 2022] dated June 1, 2022, of C. A. Martinez III, pp. 11 – 12 (Records, Vol. 7 [SB-12-CRM-0380-0381], p. 363 -364).

⁸⁴ *Arias v. Sandiganbayan*, G.R. No. 81563, December 19, 1989, 259 Phil. 794.

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Court took into consideration the fact that he joined the office only after the properties were purchased and the fact that he had no choice but to rely on his subordinates given the sheer volume of documents involved in that case. The instant case, on the other hand, involves a COA disallowance.⁸⁵ And unlike in *Arias*, accused officials' signature on a few checks and DVs were essential to set the transaction in motion. Lest we forget, in *Lihaylihay v. People*,⁸⁶ as well as in *Cruz v. Sandiganbayan*,⁸⁷ the Supreme Court cautioned that the *Arias Doctrine*⁸⁸ cannot be applied to exculpate the accused in view of the peculiar circumstances of the case which should have prompted them to exercise a higher degree of circumspection, as in the instant case, and consequently, go beyond what their subordinates had prepared.

All things considered, the Prosecution has proved beyond reasonable doubt that:

- 1) **Criminal Case No. SB-12-CRM-0380:** accused Clavel, Celestino, Maria Cielo, Minguez, Verdida, Kilantang and Quiño conspired in the commission of acts violative of Section 3(e) of R.A. No. 3019, as amended;
- 2) **Criminal Cases No. SB-14-CRM-0283 and 0284:** accused Clavel, Celestino, Minguez, Verdida, Radaza, Kilantang and Quiño conspired in the commission of acts violative of Section 3(e) of R.A. No. 3019, as amended.

Anent the cases wherein accused were charged with malversation, the Court emphasized the leading role played by accused Clavel in the grand scheme of things, viz:

... [T]hat accused Clavel A. Martinez was able to withdraw from the account of GSP Cebu Council the total amount of PhP25 Million PDAF allocations in question was admitted by all, and denied by none. ... [T]he evidence as they stand on record show that from the time the two (2) pertinent SAROs were issued, all the way until the proceeds thereof reached the accounts of the GSP Cebu Council, accused Clavel A. Martinez charted the route they were to take, and the 'layovers' where they were to stop. x x x

⁸⁵ EXHIBIT "J" [SB-14-CRM-0283 to 0286].

⁸⁶ G.R. No. 191219, July 31, 2013, 702 SCRA 755.

⁸⁷ G.R. No. 134493, August 16, 2005, 467 SCRA 52.

⁸⁸ The *Arias doctrine* espouses the general rule that all heads of office cannot be convicted of a conspiracy charge just because they did not personally examine every single detail before they, as the final approving authority, affixed their signatures on the subject documents.

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Notably, the transfer of the subject PDAF was effected without the required Memorandum of Agreement by and between accused Clavel A. Martinez, the LGU-BOGO, and the GSP Cebu Council. Records show that such absence of the required Memorandum of Agreement was . . . because of the mere say so of accused Clavel A. Martinez. x x x Lamentably, such statement of Clavel was blindly followed by the officials of LGU-BOGO.⁸⁹

Further, the Prosecution cited egregious missteps that clearly manifest that something fishy was adrift, viz:

69. . . . [T]he **GSP Cebu Council did not submit any liquidation or accomplishment report** with respect to the implementation of the supposed anti-drug campaign and the utilization of the PDAF allocations that were intended therefor. The LGU-Bogo likewise did not require the GSP Cebu Council to submit liquidation reports . . .

70. The fact that there was no liquidation of the anti-drug campaign that was supposed to be funded by the subject PDAF allocations only shows that **there was NO IMPLEMENTATION OF THE PURPORTED PROJECT** and that **the said public funds were never utilized for their intended purpose.** This supports the only logical conclusion that the said funds were taken and misappropriated by accused Clavel.

x x x⁹⁰ (Emphasis and Capitalization Supplied.)

At bottom, the accused co-principals had nothing to show for. It was a ghost project – nothing more.

Furthermore, the fact that three (3) accused are relatives by consanguinity is not mere happenstance. The Prosecution explained thusly:

. . . [Accused **CLAVEL** unilaterally chose the LGU-Bogo – where his son, **CELESTINO III**, was Mayor – as conduit of her PDAF allocations. She also selected the GSP Cebu Council – where she was President and her daughter, **MARIA CIELO**, was Treasurer – to be the beneficiary of the said PDAF funds. As it turned out, this circumstance was more of convenience than of coincidence. It allowed the strategic transfer of the subject PDAF allocations from the LGU-Bogo to the GSP Cebu Council and gave the anomalous transactions a semblance of regularity without complying with the usual requirements for the proper disbursement

⁸⁹ Joint Decision, p. 73.

⁹⁰ Supra, Note 68, pp. 19 – 20.



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and liquidation of public funds.⁹¹ (Capitalization and Underscoring Supplied.)

Finally, the presumption of regularity in the performance of official duties,⁹² and the presumption of innocence,⁹³ which were invoked by accused Verdida and accused Celestino, respectively, are feckless. Non-compliance with stringent statutory controls under applicable laws blots out these presumptions.

All told, the Prosecution has proved beyond reasonable doubt that:

- 1) **Criminal Case No. SB-12-CRM-0381:** accused Clavel, Celestino, Maria Cielo, Minguez, Verdida, Kilantang and Quiño conspired in the commission of malversation of public funds, as defined and penalized under Article 217 of the Revised Penal Code;
- 2) **Criminal Cases No. SB-14-CRM-0285 and 0286:** accused Clavel, Celestino, Minguez, Verdida, Radaza, Kilantang and Quiño conspired in the commission of malversation of public funds, as defined and penalized under Article 217 of the Revised Penal Code.

The Joint Decision has covered exhaustively the fine points raised anew by accused-movants. Suffice it to say that the grounds calling for overturning the “**guilty**” verdict are nothing but **réchauffé**.

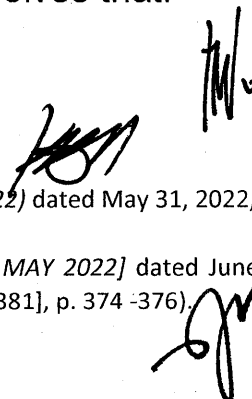
In fine, the Court has painstakingly taken a second hard look at the issues raised by accused-movants. Nonetheless, no substantial and compelling reason warrants the modification, much less the reversal, of the Court’s peremptory conclusion.

WHEREFORE, the Court hereby resolves that:

⁹¹ Id. at pp. 32 - 33.

⁹² Motion (for Reconsideration to the Decision dated May 17, 2022) dated May 31, 2022, of C. P. Verdida, p. 7 (Records, Vol. 7 [SB-12-CRM-0380-0381], p. 283).

⁹³ Motion for Reconsideration [RE: JOINT DECISION DATED 17 MAY 2022] dated June 1, 2022, of C. A. Martinez III, pp. 22 - 24 (Records, Vol. 7 [SB-12-CRM-0380-0381], p. 374 -376).



RESOLUTION

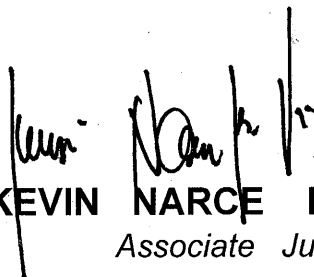
People v. Clavel A. Martinez, et. al., Criminal Cases No. SB-12-CRM-0380 to 0381;
People v. Clavel A. Martinez, et. al., Criminal Cases No. SB-14-CRIM-0283 to 0286

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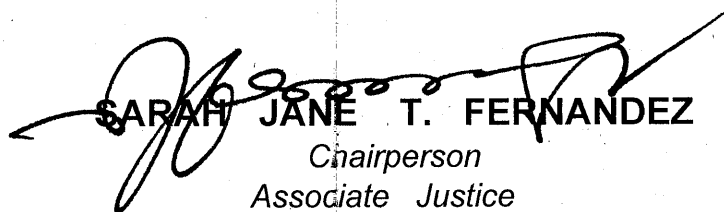
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1. The motions for reconsideration filed by accused **Clavel A. Martinez, Celestino A. Martinez III, Crescencio P. Verdida, Paz C. Radaza, Rhodariza V. Kilantang, Julieta G. Quiño, and Maria Cielo A. Martinez** are ***DENIED*** for lack of merit.
2. The Joint Decision dated May 17, 2022, is hereby ***AFFIRMED IN TOTO.***

SO ORDERED.


KEVIN NARCE B. VIVERO
Associate Justice

We concur:


SARAH JANE T. FERNANDEZ
Chairperson
Associate Justice


KARL B. MIRANDA
Associate Justice