



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

MAXILINDO EMILIO ALAVADO
BABALO,
Accused.

CRIM CASE NO. SB-20-CRM-0076
For: Violation of Section 3(e) of
R.A. No. 3019 Anti-Graft and
Corrupt Practices Act, as
amended.

Present:
HERRERA, JR., J., Chairperson
CALDONA, J., Associate Justice
MALABAGUIO, J., Associate
Justice

NOV 25 2022

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RESOLUTION

MALABAGUIO, J.:

Before the Court is a *Motion for Reconsideration* (Re: Resolution dated September 21, 2022)¹ filed by accused Babalo on 13 October 2022.

In response, the plaintiff People of the Philippines, through the Office of the Special Prosecutor (OSP), Office of the Ombudsman (Prosecution), filed a *Comment* (Re: Accused's Motion for Reconsideration on the Resolution dated 21 September 2022)² on 21 October 2022.

In his *Motion for Reconsideration*, accused claims (1) that the allegation that accused leased the backhoe without public bidding does not constitute "manifest partiality, evident bad faith or inexcusable negligence" under Section 3(e) of R.A. 3019; and (2) that with regard to the third element of the offense, that is, the accused's alleged act caused undue injury to any party, including the government, or has given any party any unwarranted benefit, advantage or preference in the discharge of his functions, allegedly, the evidence proffered do not sufficiently prove the

¹ Records, Vol. III, pp. 103-111.

² *Id.*, pp. 119-122.

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same. Given that there are sufficient grounds to further propound on why the evidence of the prosecution is insufficient in point of law to make out a case or sustain the issue, accused Babalo respectfully prays that this Court reconsider its Resolution and grant him leave of court to file a demurrer to evidence.

In its *Comment*, the Prosecution counters that (1) the instant Motion is filed out of time under the Revised Guidelines for Continuous Trial in Criminal Cases; (2) the accused simply repeatedly alleged that the acts of the accused were not attended by manifest partiality, evident bad faith, or gross inexcusable negligence without explanation; and (3) that the instant Motion is clearly intended to delay the proceedings. Considering that the instant Motion raises the same general arguments, it is allegedly characterized as pro forma and must be treated as a mere scrap of paper.

The Ruling of the Court

The Court finds no reason to grant the *Motion for Reconsideration* filed by the accused.

A review of the issues raised by the accused clearly reveals that the same are mere rehash of the arguments presented in his *Motion for Leave of Court to File Demurrer to Evidence*, which have been carefully considered and passed upon by this Court in the assailed *Resolution*. A motion for reconsideration should be denied when the same only rehashes issues previously put forward.³

In *Mendoza-Ong v. Sandiganbayan*,⁴ the Supreme Court held that a motion for reconsideration may be summarily denied when it merely contains a rehash of the arguments already submitted to the Court and found to be without merit, for it would be an exercise in futility for the Court to reiterate itself.

Accordingly, since the accused has not raised any new matters or issues to convince this Court that its ruling is erroneous or contrary to law or evidence, the instant *Motion for Reconsideration* must be denied for lack of merit.

WHEREFORE, the premises considered, the *Motion for Reconsideration* dated 07 October 2022 filed by accused Babalo is hereby **DENIED**.

SO ORDERED.

³ *Komatsu Industries (Phils.), Inc. vs. Court of Appeals*, G.R. No. 127682, 24 April 1998.

⁴ G.R. Nos. 146368-69, October 18, 2004 (Resolution).

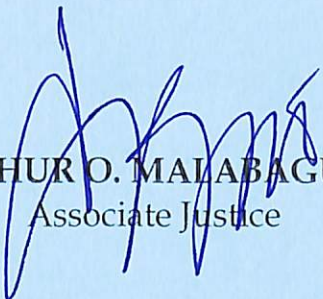
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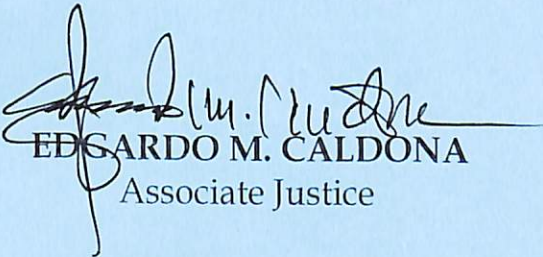
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ARTHUR O. MALABAGUIO
Associate Justice

We Concur:


OSCAR C. HERRERA, JR.
Chairperson/ Associate Justice


EDGARDO M. CALDONA
Associate Justice