

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Crim. Case No. SB-22-A/R-0005
*For: Violation of Section 3(e), Republic
Act No. 3019, as amended*

CONSTANCIO F. DANAOG and
ROMEL H. BELTRAN,
Accused.

Present:
MUSNGI, J., Chairperson
PAHIMNA, J., Associate Justice
JACINTO, J., Associate Justice

FEB 21 2023

Promulgated

RESOLUTION

MUSNGI, J.:

The Court resolves the following:

- (1) *Motion for Reconsideration*¹ filed on 31 January 2023 by accused Romel H. Beltran ("Beltran").
- (2) *Comment/Opposition (on Appellant Romel H. Beltran's Motion for Reconsideration)*² filed on 13 February 2023.

In the assailed *Decision*³ promulgated on 13 January 2023 ("**Decision**"), the Court affirmed the Decision of the lower court finding accused-appellant Beltran guilty beyond reasonable doubt for violation of Section 3(e) of Republic Act No. 3019. The dispositive portion reads:

WHEREFORE, the appeal is DENIED. The Decision dated 28 January 2022 of the Regional Trial Court, Branch 5, Baguio City in Criminal Case No. 41181-R convicting accused-appellants

¹ Sandiganbayan Records, Vol. 1, pp. 228-239.

² Sandiganbayan Records, Vol. 1, pp. 254-261.

³ Sandiganbayan Records, Vol. I, pp. 471-500.

X-----X

CONSTANCIO F. DANAO and **ROMEL H. BELTRAN** is hereby
AFFIRMED in toto.

SO ORDERED.

Accused-appellant Beltran reiterates the following arguments: a) The Decision overlooked the constitutional right of an accused to be informed of the nature of the charges against him; b) The charge against him is for violation of Section 3(e) of R.A. No. 3019, which should have been for violation of Section 10 of R. A. No. 9184, otherwise known as the Government Procurement Reform Act; c) Accused-appellant Beltran is not a member of the BAC and has no participation in the procurement process; d) The Bids and Awards Committee ("BAC") and not Beltran has the obligation or duty to issue bid documents; and e) Accused-appellant Beltran merely performed his duty to certify the availability of funds.⁴

Accused-appellant Beltran recapitulates his argument that the prosecution charged him for conspiring with accused-appellant Danao for doing an alleged unauthorized act. On the other hand, under the same legal theory, accused-appellant Beltran is charged for not doing an unauthorized act which is the issuance of the bid documents, which is the rightful and legal act because the authority to do the same belongs to the BAC. Accused-appellant Beltran emphasizes that he may have committed lapses in posting the subject project in the PHILGEPS website, therefore, he was effectively deprived of his day in court for the act may have constituted a violation of R.A. No. 9184 and not Section 3(e) of R.A. No. 3019.

Accused-appellant Beltran further argues that all of the elements of the crime are not present and that his signature on the Subject Disbursement Voucher and Subject Check is clothed with presumption of regularity. First, Beltran contends that he is not a member of the BAC and it follows that he had no participation in the procurement process. Second, the damage to the government was not demonstrated by the prosecution since the warning devices and disaster preparedness equipment and tools were delivered. Third, as to the issuance of the Subject Check, his only participation was the certification that funds were available which was ministerial on his part as the Barangay Treasurer. Lastly, accused-appellant Beltran claims that the prosecution failed to prove the presence of conspiracy between him and accused-appellant Danao.

⁴ *Supra* at 1.

The prosecution primarily avers that no error can be ascribed to the Court in rendering the assailed Decision affirming the conviction of accused-appellant Beltran.

The prosecution maintains that the prosecution has convincingly proved the guilt of accused-appellant Beltran. According to the prosecution, the culpability of Beltran has been established by evidence clearly revealing his sinister design. The prosecution furthers, no error can be rightfully imputed to the Court when it gave no credence to Beltran's arguments. The prosecution maintains that accused-appellant Beltran failed to offer even an iota of plausible legal and factual justification for the Court to reverse the assailed Decision. The prosecution asserts that without a doubt, the Court's Decision affirming the conviction of accused-appellant Beltran was based on its appreciation of the evidence on record as well as on application of existing laws and jurisprudence; hence, the same should be affirmed.⁵

RULING

The *Motion* filed by accused-appellant Beltran should be denied for lack of merit.

It is a well-settled rule that the purpose of a Motion for Reconsideration is to grant an opportunity for the court to correct any actual or perceived error attributed to it by re-examination of the legal and factual circumstances. The movant is required to point out succinctly why reconsideration is warranted.⁶

The Motion for Reconsideration should be denied when the same only constitutes a rehash of issues previously put forward.⁷ A careful reading of the accused's *Motion* shows that it did not present new arguments which would warrant a reconsideration of the Court's *Decision* dated 13 January 2023. Thus, the arguments raised therein have already been judiciously passed upon and properly considered by the Court in its assailed *Decision*.

⁵ *Supra* at 2.

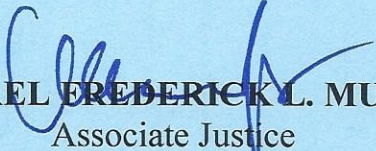
⁶ *Marikina Valley Development Corporation vs. Hon. Napoleon R. Flojo*, G.R. No. 110801, 8 December 1995.

⁷ *Komatsu Industries (Phils.), Inc. v. Court of Appeals*, G.R. No. 127682, 24 April 1998.

WHEREFORE, premises considered, the subject *Motion for Reconsideration* filed on 31 January 2023 by accused-appellant Beltran is hereby **DENIED** for lack of merit.

SO ORDERED.

Quezon City, Philippines.


MICHAEL FREDERICK L. MUSNGI
Associate Justice
Chairperson

We concur:


LORIFEL LACAP PAHIMNA

Associate Justice


BAYANI H. JACINTO

Associate Justice