



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIM CASE NO. SB-20-CRM-0009
For: Violation of Section 3(e) of R.A.
No. 3019 (Anti-Graft and Corrupt
Practices Act, as amended.)

-versus-

ROSEMARIE PRESTON
VILLAMORA,

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

Accused.

March 24, 2023
Promulgated

x-----x

RESOLUTION

MALABAGUIO, J.

For resolution is accused Villamora's Motion for Reconsideration and/or New Trial¹ of this Court's January 20, 2023 Decision² which found her guilty beyond reasonable doubt of violation of Section 3(e) of Republic Act No. 3019, as amended. The dispositive portion of the assailed Decision reads:

WHEREFORE, premises considered, accused ROSEMARIE PRESTON VILLAMORA, is hereby found **GUILTY** beyond reasonable doubt of violation Section 3(e) of Republic Act No. 3019, as amended.

Accused is hereby sentenced to suffer indeterminate penalty of imprisonment of SIX YEARS AND ONE (1) MONTH, as minimum, to EIGHT YEARS, as maximum, with perpetual disqualification to hold public office.

¹ Record, Vol. 4, pp. 312-344.

² *Id.* at 269-293.

[Handwritten signatures]

As civil liability, accused is ordered to indemnify Philippine Postal Savings Bank, Inc. (now known as Overseas Filipino Bank, Inc.) the amount of Thirty-Nine Million Fifty Thousand Pesos (Php39,050,000.00) with interest at the rate of 6% per annum from the date of the finality of the decision.

SO ORDERED.

In her Motion for Reconsideration and/or New Trial, accused prays: 1) that the Court grant a hearing on the motion for New Trial in accordance with Rule 121, Sec. 5, and thereafter grant a new trial in accordance with Rule 121, Sec. 6 to settle the issue surrounding the admission as evidence of the Audit Report and the pertinent documents, including the Notarized Sworn Statement and passbooks; and 2) that the case be dismissed for lack of jurisdiction or in the alternative, the decision convicting Villamora beyond reasonable doubt be reversed and Villamora be acquitted of the crime.

Accused's Motion for Reconsideration and Motion for New Trial both ascribe error of law or fact upon the Court's Decision. The accused essentially argues that the Court's findings of fact and conclusion of law are all inconsistent with the facts or contradictory to the Constitution, the law and jurisprudence.

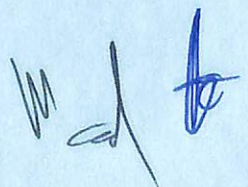
In its Comment (on the Motion for Reconsideration and/or New Trial dated February 6, 2023 filed by accused Villamora),³ plaintiff asserts, among others, that: 1) the accused failed to raise any new, cogent or substantial arguments that would warrant the modification, much less, reversal of the assailed Decision; and 2) the accused miserably failed to show a compelling reason for this Court to correct any actual or perceived error attributed to it by re-examination of the legal and factual circumstances of the case.

The Motion for Reconsideration and/or New Trial must be denied.

After a review of the Motion for Reconsideration and/or New Trial, We find that the arguments relied upon by the accused in her motion have already been exhaustively considered and passed upon in the assailed Decision.⁴ There is no need to "cut and paste" pertinent

³ Record, Vol. 4, pp. 346-350.

⁴ *Supra* Note 1.



portions of the assailed Decision or re-write the *ponencia* in accordance with the outline of the instant motion.

As succinctly put by the Supreme Court on the effect and disposition of a motion for reconsideration:

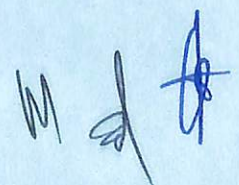
The filing of a motion for reconsideration, authorized by Rule 52 of the Rules of Court, does not impose on the Court the obligation to deal individually and specifically with the grounds relied upon therefor, in much the same way that the Court does in its judgment or final order as regards the issues raised and submitted for decision. This would be a useless formality or ritual invariably involving merely a reiteration of the reasons already set forth in the judgment or final order for rejecting the arguments advanced by the movant; and it would be a needless act, too, with respect to issues raised for the first time, these being, as above stated, deemed waived because not asserted at the first opportunity. It suffices for the Court to deal generally and summarily with the motion for reconsideration, and merely state a legal ground for its denial (Sec. 14, Art. VIII, Constitution); *i.e.*, the motion contains merely a reiteration or rehash of arguments already submitted to and pronounced without merit by the Court in its judgment, or the basic issues have already been passed upon, or the motion discloses no substantial argument or cogent reason to warrant reconsideration or modification of the judgment or final order; or the arguments in the motion are too unsubstantial to require consideration, *etc.*⁵

Considering that accused failed to raise any argument to convince this Court that its ruling is erroneous or contrary to law or evidence, the motion for reconsideration must be denied for lack of merit.

In the same vein, accused's Motion for New Trial on the ground of errors of law or irregularities prejudicial to the substantial rights of the accused that have been committed during the trial is likewise denied for lack of merit.

In her Motion for New Trial, the accused basically reiterated arguments that have already been raised in her Motion for Reconsideration. Particularly, the accused once again put into question the admissibility of certain evidence for the prosecution that have been relied upon by the Court in determining her guilt.

⁵ *Social Justice Society (SJS) Officers v. Lim*, (Resolution) G.R. Nos. 187836 & 187916, March 10, 2015, citing *Ortigas and Co. Ltd. Partnership v. Judge Velasco*, G.R. No. 109645, March 4, 1996.



Given that alleged errors in admitting certain documents into evidence are errors of law which do not require further proceedings, such questions may only be properly raised in a motion for reconsideration and can not in any way justify a motion for new trial.⁶

Nevertheless, all arguments raised by the accused in the instant motion for new trial have already been taken into consideration when the Court ruled on the admissibility of the documents now being questioned by the accused on the ground that they are erroneous or being doubtful. Thus, the Court maintains its ruling that the prosecution was able to prove the criminal culpability of the accused beyond reasonable doubt.

Considering that the contentions offered by the accused are mere rehash of her previous arguments which have been considered by the Court in arriving at its Decision, the motion for new trial is likewise denied for lack of merit.

WHEREFORE, the accused's Motion for Reconsideration and/or New Trial is hereby **DENIED**.

SO ORDERED.

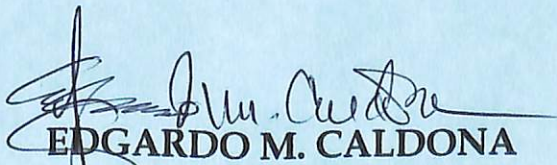


ARTHUR O. MALABAGUIO
Associate Justice

We Concur:



OSCAR C. HERRERA, JR.
Chairperson/ Associate Justice



EDGARDO M. CALDONA
Associate Justice

⁶ Section 3, Rule 121 of the Rules of Court provides:
Ground for reconsideration. — The court shall grant reconsideration on the ground of errors of law or fact in the judgment, which requires no further proceedings.