

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. DANA O and  
ROMEL H. BELTRAN,**  
*Accused.*

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

MAR 14 2023

Promulgated

**RESOLUTION**

**MUSNGI, J.:**

The Court resolves the following:

- (1) *Motion for Reconsideration*<sup>1</sup> filed on 21 February 2023 by accused Constancio F. Danao ("Danao").
- (2) *Comment/Opposition (on Appellant Constancio F. Danao's Motion for Reconsideration)*<sup>2</sup> filed on 7 March 2023.

In the assailed *Decision*<sup>3</sup> promulgated on 13 January 2023 ("**Decision**"), the Court affirmed the *Decision* of the lower court finding accused-appellant Danao 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

<sup>1</sup> Sandiganbayan Records, Vol. II, pp. 267-270.

<sup>2</sup> Sandiganbayan Records, Vol. II, pp. 279-284.

<sup>3</sup> Sandiganbayan Records, Vol. II, pp. 170-196.



**CONSTANCIO F. DANA0 and ROMEL H. BELTRAN** is hereby  
**AFFIRMED *in toto*.**

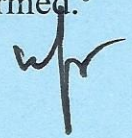

**SO ORDERED.**

Accused-appellant Danao reiterates the following arguments: a) There was no conspiracy between him and his co-accused Romel H. Beltran ("Beltran") in giving unwarranted benefit, advantage or preference to J&J Tools and General Merchandise; and b) The allegation in the Information that the award of contract to J&J Tools and General Merchandise was made despite the lack of resolution for the Bids and Awards Committee (BAC) was not proven in the evidence presented by the prosecution.<sup>4</sup>

The prosecution primarily avers that no error can be ascribed to the Court in rendering the assailed Decision affirming the conviction of accused-appellant Danao. The prosecution maintains that it has convincingly proved the guilt of accused-appellant Danao. According to the prosecution, the culpability of Danao and Beltran has been established by evidence clearly revealing their sinister design.

The prosecution furthers, BAC Resolution No. 8 series of 2015 dated 9 December 2015 ("Exhibit M-11") resolving to award the project to J&J, and the Abstract of Bids were offered in evidence not as documents to support the award to J&J but to prove the irregularities that attended the procurement process. According to the prosecution, it can be inferred from the contents of BAC Resolution No. 8 series of 2015 dated 9 December 2015 that there was only one bidder and there was a failure of bidding on the said date. Moreover, the prosecution asserts that it has been proven that ESM Learning Enterprise ("ESM") was not able to submit its bid on time due to Danao and Beltran's actions. Lastly, the prosecution claims that the evidence has established that notwithstanding the irregularities which attended the procurement process, no action was taken by Danao.<sup>5</sup>

The prosecution maintains that accused-appellant Danao failed to offer 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 Danao was based on its appreciation of the evidence on record as well as on application of existing laws and jurisprudence. Thus, the same should be affirmed.<sup>6</sup>

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<sup>4</sup> *Supra* at 1.

<sup>5</sup> *Supra* at 2.

<sup>6</sup> *Ibid.*





## RULING

The *Motion* filed by accused-appellant Danao 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.<sup>7</sup>

The Motion for Reconsideration should be denied when the same only constitutes a rehash of issues previously put forward.<sup>8</sup> 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*.

**WHEREFORE**, premises considered, the subject *Motion for Reconsideration* filed on 21 February 2023 by accused-appellant Constancio F. Danao 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

<sup>7</sup> *Marikina Valley Development Corporation vs. Hon. Napoleon R. Flojo*, G.R. No. 110801, 8 December 1995.

<sup>8</sup> *Komatsu Industries (Phils.), Inc. v. Court of Appeals*, G.R. No. 127682, 24 April 1998.