



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
QUEZON CITY

SEVENTH DIVISION

MINUTES of the proceedings held on April 5, 2023.

Present:

MA. THERESA DOLORES C. GOMEZ-ESTOESTA ----- Chairperson
ZALDY V. TRESPESES ----- Associate Justice
GEORGINA D. HIDALGO ----- Associate Justice

The following resolution was adopted:

CRIMINAL CASE NOS. SB-16-CRM-0173 TO 0178

PEOPLE v. RODOLFO G. VALENCIA, ET AL.

Before the Court are the following:

1. Accused Rodolfo Valencia's "**MOTION FOR RECONSIDERATION** (To the Resolution dated 08 March 2023)" dated March 20, 2023 and received on March 28, 2023;
2. Accused Valencia's "**SUPPLEMENTAL MOTION FOR RECONSIDERATION** (To the Resolution dated 08 March 2023)" dated March 24, 2023; and
3. Prosecution's "**OPPOSITION** with *Ex Parte* Motion to Expunge from the Records the Motion for Reconsideration dated March 20, 2023 and Motion for Leave to Admit Supplemental Motion for Reconsideration dated March 24, 2023 filed by accused Rodolfo Garong Valencia" dated March 31, 2023.

GOMEZ-ESTOESTA, J.:

This resolves accused Valencia's *Motion for Reconsideration* of this court's *Resolution* dated March 8, 2023¹ denying his *Motion for Leave to File Demurrer to Evidence*. Accused Valencia later filed a *Supplemental Motion for Reconsideration*, explaining that the same was the final version of the

¹ Records, Vol. 18, pp. 240-253.

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motion, and not the motion for reconsideration that was inadvertently filed. The *Supplemental Motion for Reconsideration*, which was admitted per *Resolution* dated March 29, 2023,² is deemed to have superseded the earlier motion for reconsideration and is thus the subject of this Resolution.

In his *Motion*,³ accused Valencia avers that this court erred in concluding that the prosecution has established his participation in the crimes charged, without giving him the opportunity to file a demurrer to evidence to plead in greater detail the insufficiency of the prosecution's evidence against him. He questions how this court arrived at its conclusion that he caused the release of his PDAF to TLRC/NABCOR and ultimately to MAMFI; that the subject funds were released to MAMFI at his behest; and that he was at the helm of the commission of the crime, when the prosecution witnesses admitted that none of them saw him dealing with accused Napoles, Benhur Luy, or any of the other accused, on any PDAF-related matter. Accused Valencia proceeds to replicate the arguments and direct quotations in his *Motion for Leave* on the witnesses never seeing him deal with accused Napoles; the prosecution's purported change of theory involving Nico Valencia instead of accused Cuasay, and their purported lack of authority to act in his behalf; and that his signature was forged. He also makes a comparison of his cases with that of *People v. Revilla*,⁴ where the "*pieces of evidence presented in this case against Mr. Valencia are substantially more inferior than those adduced in People v. Ramon "Bong" Revilla, Jr. x x x*".

For its part, the prosecution stresses that a motion for reconsideration of a resolution of a motion for leave to file demurrer is not sanctioned under the Revised Guidelines for the Continuous Trial of Criminal Cases. Accused Valencia's remedy was limited to filing a demurrer to evidence without leave of court, or presenting his defense evidence. Moreover, the *Supplemental Motion* should be stricken off, as it is not the proper remedy to rectify the alleged filing of the wrong version of a pleading. A supplemental pleading only supplies deficiencies from matters arising subsequent to the filing of the original pleading. In any event, accused Valencia's motion is a mere rehash of his arguments dating back to the preliminary investigation, where he prematurely argues his defenses. The prosecution sufficiently proved the charges against him. There was no change in the prosecution's theory as the acts attributed to accused Celia Cuasay and Nico Valencia are different. Further, forgery is a matter to be proved by accused Valencia, who in fact confirmed that his signatures are authentic, true and correct. Lastly, the proceedings before another court are not binding on this court.

The *Motion*, in the guise of a supplement, is bereft of merit.

As properly pointed out by the prosecution, accused Valencia's arguments are the same arguments in his *Motion for Leave to File Demurrer*

² *Records*, Vol. 18, p. 369.

³ *Records*, Vol. 18, pp. 307-320.

⁴ SB-14-CRM-0240.

Handwritten initials or signature.

to *Evidence*, which this court already considered and found to be unmeritorious. These are matters of defense which can be raised against the sufficiency of the prosecution's evidence. A consideration of the arguments raised would lead this court to prematurely weigh the probative worth of the evidence. This is the reason why in resolving a demurrer, it is only the sufficiency of evidence from the prosecution's vantage point that is preliminarily weighed, without interjecting the defense angle of the accused. Otherwise, the court may as well render a judgment but which would only be a predetermination of the merits of the charges. A desired parallelism with the case of *People v. Revilla* cannot even be appreciated, especially when a misquote of the prefatory meant for a dissent only diverted the flow of the discussion in a different light.

A rehash of the arguments, therefore, fails to persuade this court to reconsider, much less reverse, its earlier *Resolution*.

WHEREFORE, the *Motion for Reconsideration in the guise of a Supplement* filed by accused Congressman Rodolfo G. Valencia is **DENIED**.

Accused Valencia is directed to follow the revised sequence in the presentation of defense evidence, where he immediately follows after accused Dennis L. Cunanan's presentation.

SO ORDERED.


MA. THERESA DOLORES C. GOMEZ-ESTOESTA

Associate Justice, Chairperson

WE CONCUR:


ZALDY V. TRESPESES
Associate Justice


GEORGINA D. HIDALGO
Associate Justice