



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

Fifth Division

PEOPLE OF THE
PHILIPPINES,

Plaintiff,

Crim Case No. SB-18-CRM-0295

For: Violation of Sec. 3(e) of R.A.
3019, as amended

- versus -

TITO G. RAZALAN, ET AL.

Accused.

Present:

LAGOS, *J.*, Chairperson,
MENDOZA-ARCEGA, and
CORPUS-MAÑALAC, JJ.

Promulgated:

August 08, 2023

Sezerol J. Guera

X-----X

RESOLUTION

LAGOS, J.:

For the Court's consideration are: (1.) accused Jose Quiambao de Guzman, Jr.'s MANIFESTATION WITH MOTION¹ dated July 14, 2023, and (2.) the prosecution's COMMENT/OPPOSITION² thereto.

The subject Manifestation with Motion was filed by Atty. Elias R. Yusoph, by *special appearance* as counsel for accused De Guzman, praying for the Court, as follows: "to give due course to the Motion for Reconsideration dated June 5, 2023, consider the manifestation and explanation of undersigned counsel by special appearance of Jose Q. De

¹ Record, Vol. 8, pp. 41-44

² Same, pp. 49-52

x-----x

Guzman, Jr. Further prays that the setting of this manifestation with motion be heard on August 22 or 24, 2023.”³

The records show that per the May 04, 2023 **Resolution**,⁴ the Court denied herein accused Jose Quiambao De Guzman and Tito Guerrero Razalan’s ‘Joint’ Motion for Leave to File Demurrer to Evidence,⁵ together with similar motions filed by all the other accused. Based on the Information, Razalan is charged as “then Municipal Mayor of Mayantoc, Tarlac,” while De Guzman was “proprietor of JQG Construction” who, among other accused, were involved in the so-called Mayantoc Memorial Park project.

Coincidentally, the accused, acting for himself, filed a **Manifestation**⁶ dated June 5th informing the Court of the demise of his then counsel of record, and asked the Court for time to secure the services of a new counsel to represent him. On even date, however, counsel Atty. Elias R. Yusoph, by *special appearance*, filed the above-cited June 5th **Motion for Reconsideration**, notably with a request for a June 8th hearing. During the scheduled hearing, however, counsel failed to appear, which compelled the Court to issue a corresponding Order,⁷ to wit:

x x x

On record is a *Manifestation and Motion for Reconsideration* filed by a certain Atty. Elias Yusoph in behalf of accused De Guzman asking for reconsideration of the denial of the *Motion for Leave to File Demurrer* filed by accused De Guzman. Considering that Atty. Yusoph is not present, and considering further that he was the one who set this incident for hearing today, the said *Motion for Reconsideration* will not be given due course. (Underscoring supplied.)

In response to the said Order, De Guzman through his new counsel, filed the above-mentioned **Manifestation with Motion**.⁸

The prosecution filed its COMMENT/OPPOSITION (to Manifestation with Motion dated 14 July 2023 of accused De Guzman Jr).⁹ with, among other things, the following comment:

xxx

3. In his *Manifestation with Motion* dated July 14, 2023, accused De Guzman Jr. prayed that the Honorable Court give due course to his

³ Record, Vol. 8, p. 43

⁴ Same, Vol 7, p. 456


⁵ Same, p. 401

⁶ Same, p. 529

⁷ Same, Vol. 8, p. 30

⁸ Same, p. 41 at 43

⁹ Same, p. 49



x-----x

Motion for Reconsideration (of the Resolution dated May 4, 2023) dated 5 June 2023.

4. The real issue here therefore is whether or not the Honorable Court should indeed give due course to accused-movant De Guzman Jr.'s previous *Motion for Reconsideration (of the Resolution dated May 4, 2023)* dated 5 June 2023.

The prosecution believes otherwise.

xxx

Clearly, the focal issue that remains to be resolved in this case pertains to the accused Motion for Reconsideration itself on the denial of his motion for leave to file demurrer to evidence.

In its May 4th Resolution, the Court ruled to deny "all the three motions", which included accused De Guzman's "joint" motion with co-accused Razalan, for leave of court to file demurrer to evidence.¹⁰ Accused De Guzman filed, through his new counsel, the present motion for reconsideration.

As duly mentioned by the prosecution in its Comment/Opposition, "...A cursory examination of accused-movant De Guzman Jr.s' *Motion for Reconsideration (of the Resolution dated May 4, 2023) dated 5 June 2023* would show that it simply reiterates the issues previously raised in the *Joint Motion for Leave to File Demurrer to Evidence* dated 12 April 2023 filed by accused Razalan and De Guzman through their late counsel Atty. Eusebio M. Avila where they cited the purported insufficiency of evidence of the prosecution and the Supreme Court Decision in G.R. No. 255366."¹¹

Thus, it appears that the findings and ruling of the Court in its May 4, 2023 Resolution remains valid, to wit: "Here, the grounds raised by the accused are unpersuasive. Notably, several of those grounds involve matters that are evidentiary in character and must therefore be established at trial. xxx"¹² The Court finds no compelling reason, much less a reasonable basis, for the Court to detract from the its previous ruling.


WHEREFORE, the accused De Guzman's Motion for Reconsideration is **DENIED**, together with the requested hearing on August 22 or 24, 2023 being unnecessary. The hearings on August 10 and August 31, 2023 for the presentation of evidence for accused Razalan shall proceed.

SO ORDERED.

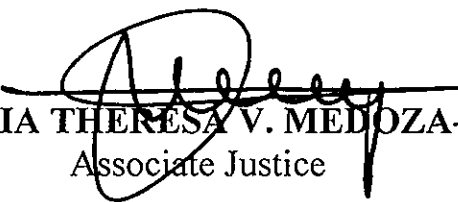
¹⁰ Record, Vol. 7, p. 456, 461

¹¹ Same Vol. 8, par. 5, p. 50

¹² Same; underscoring supplied.


RAFAEL R. LAGOS
Associate Justice
Chairperson

WE CONCUR:


MARIA THERESA V. MEDOZA-ARCEGA
Associate Justice


MARYANN E. CORPUS-MAÑALAC
Associate Justice