

REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

FOURTH DIVISION

**PEOPLE OF THE
PHILIPPINES,**

Plaintiff-Appellee,

Crim. Case No. SB-23-AR-0005

*For: Violation of Article 217 of the
Revised Penal Code*

JOSEPH M. PATAWI,

Accused-Appellant.

Present:

MUSNGI, J., Chairperson

PAHIMNA, J., Associate Justice

JACINTO, J., Associate Justice

DEC 11 2023

Promulgated

RESOLUTION

MUSNGI, J.:

. This Court resolves the *Motion for Reconsideration*¹ filed by accused-appellant Joseph M. Pattawi ("Pattawi") and the Plaintiff's *Comment (on Motion for Reconsideration)*.²

Accused Pattawi argues that: 1) he cannot be convicted without evidence of the shortage in the total collection of the municipality in relation to its General and Special Education Fund for the subject period; and 2) he cannot be convicted based on hearsay evidence.

The Plaintiff remarks that the *Motion for Reconsideration* is a pro forma motion and its arguments are a mere rehash of the arguments raised on the appeal.

Section 2 of Rule 37 of the Revised Rules of Court states that a motion for reconsideration shall specifically state the findings or conclusions of the judgment which are not supported by the evidence or which are contrary to

¹ Records, pp. 144 to 148.

² Records, pp. 151 to 158.

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law and should state the evidence or the provisions of law alleged to be contrary to the judgment.

Section 2. *Contents of motion for new trial or reconsideration and notice thereof.* — The motion shall be made in writing stating the ground or grounds therefor, a written notice of which shall be served by the movant on the adverse party.

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A motion for reconsideration shall point out a specifically the findings or conclusions of the judgment or final order which are not supported by the evidence or which are contrary to law making express reference to the testimonial or documentary evidence or to the provisions of law alleged to be contrary to such findings or conclusions.

A *pro forma* motion for new trial or reconsideration shall not toll the reglementary period of appeal. (2a)

After a careful review, the *Motion for Reconsideration* failed to comply with the abovementioned rule. It did not state the specific findings that are contrary to the provisions of law or evidence. As correctly pointed out by the plaintiff, the subject *Motion for Reconsideration* is a pro-forma motion.

The Court has already passed upon the issues raised in the assailed *Decision* and since there are no new arguments presented by the accused and it failed to comply with the Rules of Court, it becomes evident that the motion should be considered as a mere scrap of paper.

WHEREFORE, in light of the foregoing the *Motion for Reconsideration* is hereby **DENIED** for lack of merit

SO ORDERED.


MICHAEL FREDERICK L. MUSNGI

Associate Justice

Chairperson


LORIFEL LACAP PAHIMNA

Associate Justice


BAYANI H. JACINTO

Associate Justice