



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

SPECIAL SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

**ARTHUR YUSAY PINGOY, JR.,
ET AL.,**
Accused.

**Criminal Case No.
SB-16-CRM-0257**

For: Violation of
Section 3(e) of
R.A. No. 3019

**Criminal Case No. SB-
16-CRM-0261**

For: Malversation of
Public Funds

Present:

*HERRERA, J., Chairperson
CALDONA, J.
MALABAGUIO, J.
DE LA CRUZ, J.* and
FERNANDEZ, B., J.***

Promulgated:

January 31, 2024

X-----X

RESOLUTION

CALDONA, J.:

The Court resolves the Motion for Reconsideration¹ of accused-movants Rhodora B. Mendoza, Maria Ninez P. Guanizo and Victor Roman C. Cacal (collectively, accused-movants) dated October 31,

^{*}Sitting as Special Member of a Special Division of Five Justices in the Second Division, per Administrative Order No. 2-C-2023 dated April 3, 2023.

^{**}Ibid.

¹ Records, Vol. 16, pp. 526-545.

[Handwritten signatures and initials]

Resolution

Criminal Cases Nos. SB-16-CRM-0257 and 0261
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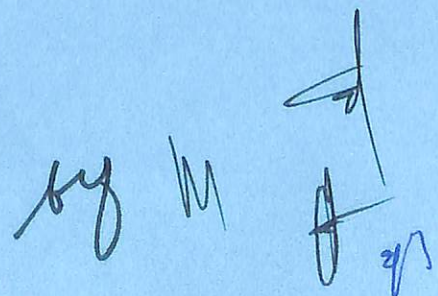
2023 and the Comment and Opposition² of the prosecution dated November 13, 2023.

Accused-movants assail the Decision³ promulgated by the Court on October 20, 2023 adjudging them guilty beyond reasonable doubt of the crimes of violation of Section 3(e) of Republic Act (R.A.) No. 3019, as amended, in Criminal Case No. SB-16-CRM-0257 and malversation of public funds in Criminal Case No. SB-16-CRM-0261. They argue that the Court erred in finding that they acted with gross inexcusable negligence in the performance of their respective duties and that they acted in conspiracy with all other accused in committing the crimes charged. They claim that their act of affixing their signatures on the subject disbursement vouchers and check had the presumption of regularity. Before they signed such documents, they made sure that all supporting papers were proper and complete. They also contend that their respective duties and responsibilities did not include assessing and examining SDPFFI's accreditation and qualifications. They also assail the finding of conspiracy between them and their co-accused. They maintain that the mere act of signing vouchers and check, absent any other proof that it was done in furtherance of the conspiracy or with an unlawful intent, is not sufficient to tag them as conspirators. Other than their signatures, no other evidence was presented by the prosecution to show their concurrence, implied or express, with the criminal design.

The prosecution counters that it has presented sufficient testimonial and documentary evidence to warrant their conviction beyond reasonable doubt of the crimes charged. The presumption of regularity invoked by accused-movants no longer finds application in

² Id., pp. 580-593.

³ Id., pp. 350-415.



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the context of overwhelming proof beyond reasonable doubt of their criminal acts, in collusion with the other co-accused.

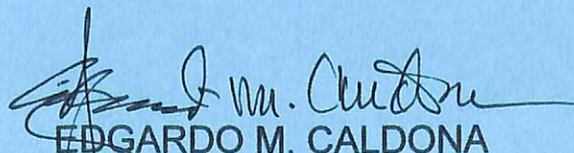
The motion lacks merit.

The Court finds the motion bereft of substantial arguments to persuade it to reverse its decision and resolve in favor of accused-movants' acquittal. In fact, their arguments are mere rehash or reiterations of those that were already carefully passed upon and judiciously considered by the Court in its decision. The Court finds no need to quote the pertinent portions thereof and to deal individually with the grounds relied upon in their motion. It would be a useless formality or ritual for the Court to repeat the reasons already set forth therein just to reject the arguments that they presented in their motion for reconsideration.⁴ In all, the Court thus reiterates its findings that the prosecution has proven the guilt of accused-movants beyond reasonable doubt of the crimes of violation of Section 3(e) of R.A. No. 3019 and malversation of public funds and finds no strong reasons to disturb its questioned decision.

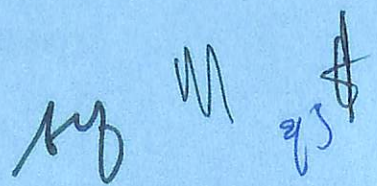
WHEREFORE, premises considered, the Court DENIES accused-movants' motion for reconsideration.

SO ORDERED.

Quezon City, Metro Manila, Philippines


EDGARDO M. CALDONA
Associate Justice

⁴ *Social Justice Society Officers vs. Lim*, G.R. Nos. 187836 & 187916, March 10, 2015.



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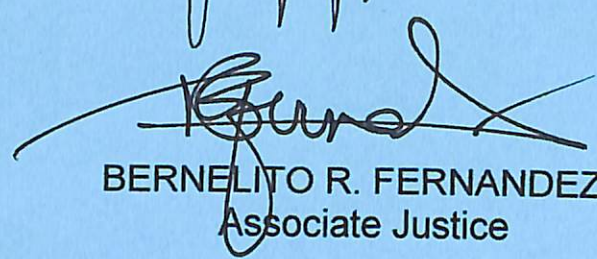
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WE CONCUR:


OSCAR C. HERRERA, JR.
Chairperson
Associate Justice


ARTHUR O. MALABAGUIO
Associate Justice


EFREN N. DE LA CRUZ
Associate Justice


BERNELITO R. FERNANDEZ
Associate Justice

