

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. JOCELYN NACARIO DE PEDRO, ACCUSED-APPELLANT.

Ponente: SINGH, J.

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SINGH, J.:

Submitted for resolution is the "Motion for Reconsideration" filed by the accused-appellant Jocelyn N. De Pedro of the Court's Decision dated 30 July 2014,[1] affirming with modification the Decision dated 22 December 2010[2] issued by Branch 19 of the Regional Trial Court of Isulan, Sultan Kudarat in Criminal Case No. 364.

The defense maintains the innocence of the accused-appellant, considering that the prosecution failed to rebut the testimony of Janessa that she went with Gina Apang ("Gina") to Malaysia without the knowledge of the accused-appellant. As argued by the defense, the help extended by the accused-appellant to Gina in calling Golden Lotus in Malaysia to free her should not be used against the accused-appellant as perpetrator of the crime. Accused-appellant further avers that the prosecution failed to prove that, from the time Gina was made to stay at the accused-appellant's house to the time Gina boarded the ship, the accused-appellant promised employment to Gina in Malaysia.

As stated in the Decision sought to be reconsidered, although Gina was not initially convinced at first by the accused-appellant, the chain of events proved that the latter played a significant role in the recruitment and transporting of Gina to work in Malaysia for prostitution, without Gina's knowledge and consent.

Notwithstanding the testimony of the defense witness Janessa that she and Gina went to Malaysia without the knowledge of the accused-appellant, the weight of the evidence of the prosecution proves the guilt of the accused-appellant beyond reasonable doubt.

If the accused-appellant truly did not know that Janessa and Gina went to Malaysia, why did the accused-appellant call Golden Lotus for Gina's release if she did not know of their whereabouts? The accused-appellant admitted that she called and contacted the owner of Golden Lotus. How did accused-appellant even know the owner of the Golden Lotus and the contact information if she did not have ties with the said establishment? The trial court was thus correct in ruling that the prosecution established that the accused-appellant conspired with the other accused, who are all at large, in the commission of the offense of trafficking.

Taken in its entirety, the Motion for Reconsideration of the accused-appellant is a pro forma motion as it failed to substantiate the alleged errors in the assailed Decision and was a mere rehash of the issues already resolved by this Court.

"Indeed, in the cases where a motion for reconsideration was held to be pro forma, the motion was so held because (1) it was a second motion for reconsideration, or (2) it did not comply with the rule that the motion must specify the findings and conclusions alleged to be contrary to law or not supported by the evidence, or (3) it failed to substantiate the alleged errors, or (4) it merely alleged that the decision in question was contrary to law, or (5) the adverse party was not given notice thereof. xxx.

A motion for reconsideration based on the foregoing grounds is deemed pro forma if the same does not specify

the findings or conclusions in the judgment which are not supported by the evidence or contrary to law, making express reference to the pertinent evidence or legal provisions." (PNB vs. Hon. Jose G. Paneda, G.R. No. 149236, 14 February 2007; Fernando Gonzalez vs. COMELEC, G.R. No. 192856, 8 March 2011).

For failure of the accused-appellant to substantiate the alleged errors in the Decision sought to be reconsidered and to raise new and meritorious issues, the reversal of the Decision dated 30 July 2014 is unwarranted.

WHREFORE, the Motion for Reconsideration filed by the accused-appellant Jocelyn Nacario De Pedro is hereby DENIED for lack of merit.

SO ORDERED.

Borja, (Chairman), and Badelles, JJ., concur.

[1] Rollo, pp. 132-149.

[2] Rollo, pp. 297-321.

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