



Republic of the Philippines
Sandiganbayan
Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on 19 July 2017.

Present:

<i>Justice ALEXANDER G. GESMUNDO</i>	-----	<i>Chairperson</i>
<i>Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA</i>	-----	<i>Member</i>
<i>Justice ZALDY V. TRESPESES</i>	-----	<i>Member</i>

The following resolution was adopted:

SB-13-CRM-0596 – PEO. v. EDWIN GRANADA REYES, ET AL.

For resolution are the following:

1. Accused-movants Edwin Reyes, Rita Domingo and Solomon De Castilla’s “MOTION FOR LEAVE OF COURT TO FILE ATTACHED DEMURRER TO EVIDENCE” dated 30 June 2014;¹ and
2. The prosecution’s “OPPOSITION (re: Motion for Leave of Court to File Attached Demurrer to Evidence)” dated 07 July 2017.²

Accused-movants Edwin Reyes, Rita Domingo and Solomon De Castilla seek Court’s leave to file their demurrer to prosecution’s evidence. The motion was anchored on the following:

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2. That accused believes and submits that the evidence of the prosecution in its aggregate is insufficient to establish the guilt of accused beyond reasonable doubt. As will be extensively discussed in the attached Demurrer to Evidence the prosecution failed to prove the elements of violation [sic] Section 3 of Republic Act 3019 under which accused are being charged, thus the defense prays for leave to file demurrer to evidence in accordance with Section 23, Rule 119 of the Rules of Criminal Procedure xxx.

¹ Record, Vol. 3, pp. 356-403.

² Record, Vol. 3, pp. 410-413.

The prosecution, in its opposition, pointed out that the accused-movants failed to state specific grounds to support the motion, in violation of Rule 119, Section 23 of the Revised Rules on Criminal Procedure. It further argued that the motion is improper and alleged that the accused-movants are in effect making the prosecution confront their demurrer without first giving the Court the opportunity to rule on the motion for leave to file demurrer.

The Court denies the motion for leave, as we find that the motion indeed failed to comply with Rule 119, Section 23 of the Revised Rules on Criminal Procedure, quoted below:

SECTION 23. Demurrer to evidence. — After the prosecution rests its case, the court may dismiss the action on the ground of insufficiency of evidence (1) on its own initiative after giving the prosecution the opportunity to be heard or (2) upon demurrer to evidence filed by the accused with or without leave of court.

If the court denies the demurrer to evidence filed with leave of court, the accused may adduce evidence in his defense. When the demurrer to evidence is filed without leave of court, the accused waives the right to present evidence and submits the case for judgment on the basis of the evidence for the prosecution. (15a)

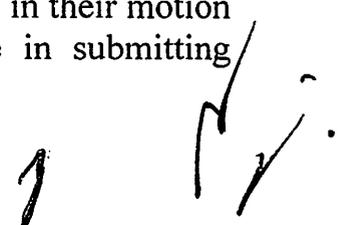
The motion for leave of court to file demurrer to evidence shall specifically state its grounds and shall be filed within a non-extendible period of five (5) days after the prosecution rests its case. The prosecution may oppose the motion within a non-extendible period of five (5) days from its receipt.

If leave of court is granted, the accused shall file the demurrer to evidence within a non-extendible period of ten (10) days from notice. The prosecution may oppose the demurrer to evidence within a similar period from its receipt.

The order denying the motion for leave of court to file demurrer to evidence or the demurrer itself shall not be reviewable by appeal or by certiorari before judgment. (n) [Underscoring ours.]

The steps taken by the accused-movants are procedurally infirm.

First, the motion failed to specifically state the grounds that support it. The motion merely said that the prosecution failed to establish the accused-movants' guilt beyond reasonable doubt and then refers to the attached demurrer itself to discuss this argument. This could hardly pass for the specific ground required by the rules, as the accused-movants merely repeated the reason underpinning demurrers in criminal cases in their motion for leave. Second, the accused-movants acted with haste in submitting



demurrer to evidence without waiting for the Court's ruling on their motion for leave to file said demurrer. The abovesited section is clear. Accused-movants must first file a motion for leave to file demurrer to evidence. In instances where leave of court was granted, that is the only time when accused-movants should file the demurrer.

Adherence to the rules ensures the orderly administration of court proceedings, which ultimately translates to the recognition and protection of every party's right to have their cases properly heard. As said in *Sebastian and Cardenas v. Morales, et al.*:³

xxx Procedural law has its own rationale in the orderly administration of justice, namely, to ensure the effective enforcement of substantive rights by providing for a system that obviates arbitrariness, caprice, despotism, or whimsicality in the settlement of disputes. xxx

Litigation is not a game of technicalities, but every case must be prosecuted in accordance with the prescribed procedure so that issues may be properly presented and justly resolved. Hence, rules of procedure must be faithfully followed except only when for persuasive reasons, they may be relaxed to relieve a litigant of an injustice not commensurate with his failure to comply with the prescribed procedure. xxx

Absent such a persuasive reason, the failure of the accused-movants to comply with the rules cannot be countenanced.

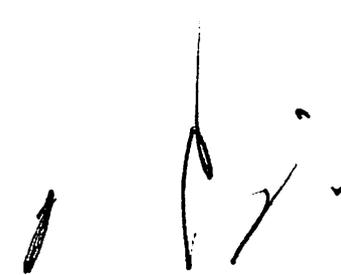
To paraphrase the ruling of the Supreme Court, it is an imperative duty to observe the governing rules on demurrer to evidence for being a fundamental component of criminal procedure and that the Court has the obligation to comply with the same.⁴

Parenthetically even if the Court, in the spirit of liberality, overlooks the procedural infirmity, the motion for leave to file demurrer must still be denied, as the prosecution evidence offered, if they remain un rebutted by the accused-movants, is sufficient to support a finding of guilt beyond reasonable doubt.

WHEREFORE, accused-movants Edwin Reyes, Rita Domingo and Solomon De Castilla's "MOTION FOR LEAVE OF COURT TO FILE ATTACHED DEMURRER TO EVIDENCE" is **DENIED** for lack of merit.

³ G.R. No. 141116, 17 February 2003.

⁴ See *Osumo v. Serrano*, A.M. No. RTJ-00-1607, 03 April 2002.



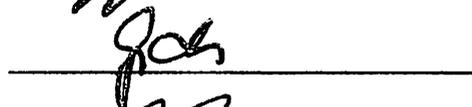
As the demurrer sought to be filed by them was already attached to the said motion, accused-movants are ordered to manifest to the Court within three (3) days from receipt of this resolution whether or not the attached demurrer should be considered by the Court as filed without leave.

SO ORDERED.

GESMUNDO, J., Chairperson

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GOMEZ-ESTOESTA, J.

Handwritten signature of Gomez-Estoesta, J. in black ink, written over a horizontal line.

TRESPESES, J.

Handwritten signature of Trespeses, J. in black ink, written over a horizontal line.