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Republic of the Philippines  
*Sandiganbayan*  
Quezon City

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SEVENTH DIVISION

*MINUTES of the proceedings held on August 22, 2017.*

Present:

MA. THERESA DOLORES C. GOMEZ-ESTOESTA ---	Chairperson
ZALDY V. TRESPESES -----	Associate Justice
BAYANI H. JACINTO* -----	Associate Justice

The following resolution was adopted:

**CRIMINAL CASES NO. SB-14-CRM-0224 to 0227**

**PEOPLE v. CAMILO T. LAMMAWIN, JR., et al.**

Before the Court are the following:

1. Accused Camilo Lammawin and Salud Lammawin's "MOTION FOR LEAVE OF COURT TO FILE DEMURRER TO EVIDENCE" dated July 29, 2017 (Records, Vol. 3, pp. 155-157); and
2. The Prosecution's "OPPOSITION To: The Motion for Leave of Court to File Demurrer to Evidence Filed by Accused Camilo T. Lammawin, Jr. and Salud I. Lammawin dated July 29, 2017" dated August 4, 2017 (Records, Vol., 3, pp. 161-166).

This resolves the accused's *Motion for Leave of Court to File Demurrer to Evidence*,<sup>1</sup> wherein they averred that the Prosecution failed to prove conspiracy between them in committing the crimes charged, and that the testimony of Prosecution witness Susan Rodriguez suggested that there was no forthright demand for money.

The Prosecution countered<sup>2</sup> that conspiracy was indeed proven, as evidence was presented that the accused solicited money from Rodman Construction Corp., which was deposited in their respective bank accounts. The accused allude to merely a portion of the testimony of Susan Rodriguez, which did not depict the entire point of her testimony regarding the accused's

\* Per A.O. No. 284-2017 dated August 18, 2017

<sup>1</sup> Records, Vol. 3, pp. 155-157

<sup>2</sup> Opposition dated August 4, 2017, *id.*, pp. 161-166

demand/request for money. In fact, the accused did not deny having received the money, but only offered a different reason for such receipt.

The *Motion* is bereft of merit.

A perusal of the Prosecution's evidence reveals that contrary to the accused's posturing, there is sufficient evidence to hold them liable for the crimes charged.

The accused are charged with the violation of Sec. 3(b) of R.A. 3019 and Direct Bribery under Art. 210 of the Revised Penal Code, both of which punish the acts of requesting and/or receiving gifts by a public officer in connection with their official duties.

The testimony of complainant Susan Rodriguez that accused Camilo Lammawin, Municipal Mayor of Tabuk, Kalinga, and his wife, accused Salud Lammawin, solicited money from her when the second and third partial payments for the mobilization fee were due to be made is consistent with documentary evidence that deposits were indeed made to both the accused's account at around the time that the partial payments for mobilization fee were disbursed. In a nutshell:

	Deposit	Disbursement Voucher
SB-14-CRM-0224 and 0226	₱100,000.00 to Camilo Lammawin's PNB Account No. 629501120-1 on July 10, 2002 (Exhs. "M", <i>et seq.</i> )  ₱300,000.00 to Salud Lammawin's Landbank Account No. 1052-00156-7 on July 10, 2012 (Exhs. "N", "E-4-c-1")	DV dated July 5, 2002 for ₱2,000,000.00, received by Susan M. Rodriguez on July 10, 2002 (Exh. "T")
SB-14-CRM-0225 and 0227	₱120,000.00 to Salud Lammawin's Account No. 1052-00156-7 on October 21, 2002 (Exh. "U", <i>et seq.</i> )	DV dated October 18, 2002 for ₱1,732,260.00, received by Susan M. Rodriguez (Exh. "V")

As the Prosecution sufficiently established the commission of the crimes charged, it is now up to the accused to establish their defense.

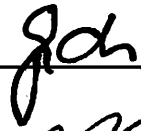
WHEREFORE, in view of the foregoing, the accused's *Motion for Leave of Court to File Demurrer to the Evidence* is DENIED for lack of merit.

The presentation of defense evidence shall commence on September 7, 2017 at 8:30 in the morning, as previously scheduled.


SO ORDERED.

*Handwritten signature/initials*

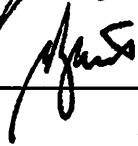
**GOMEZ-ESTOESTA, J.,** *Chairperson*

  
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**TRESPESES, J.**

  
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**JACINTO, J.**

  
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