

Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

---  
Second Division

People of the Philippines,  
Plaintiff,

Crim. Case No. SB-11-CRM-0099 &  
SB-11-CRM-0112

*For: Violation of Republic Act 3019  
as amended, Section 3(e)*

-versus-

Present:

Herrera, Jr., J. *Chairperson*

Musngi, J. &

Pahimna, J.

Nanette C. Daza, et al.,  
Accused.

Promulgated:

*November 9, 2017*

X-----X

**RESOLUTION**


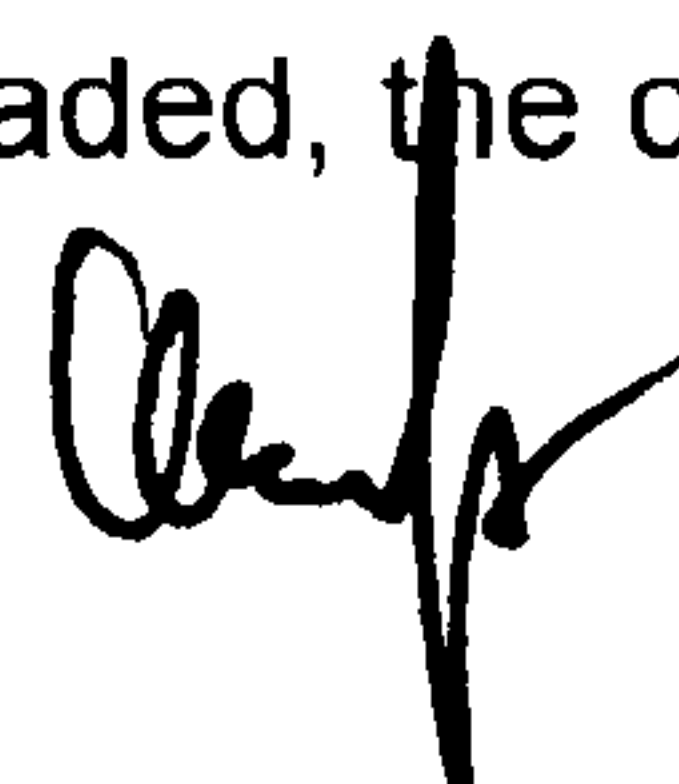

***HERRERA, JR., J.:***

This pertains to the oral motions made in open court on October 18, 2017 by the following accused: 1) Nanette C. Daza (Daza), through counsel; 2) Dennis B. Araullo (Araullo) and Raymundo E. Braganza (Braganza), through counsel; and 3) Remus C. Villanueva (Villanueva), also through counsel, for leave to file demurrer to evidence. The prosecution also orally opposed the motion in open court.

The charges against the aforementioned accused are contained in two (2) ***Informations*** both dated March 18, 2011.

In Criminal Case No. SB-11-CRM-0099, where accused Daza, Araullo, Braganza and Villanueva are among those impleaded, the charge is for ***Violation of Section 3(e) of Republic Act (R.A.) No. 3019***, also known as the ***Anti-Graft and Corrupt Practices Act***.

In Criminal Case No. SB-11-CRM-0112, where accused Daza, Araullo and Braganza are among those impleaded, the charge is for ***Illegal***

**Use of Public Funds**, also known as **Technical Malversation**, defined and penalized under **Article 220 of the Revised Penal Code**. Accused Villanueva is not included in the charge.

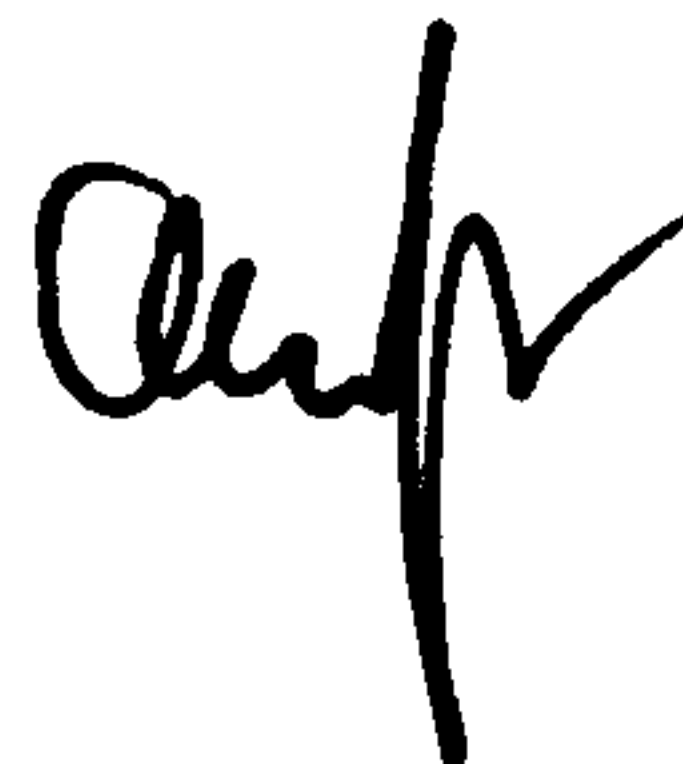


The aforementioned accused, through their counsels, essentially contend that the evidence adduced by the prosecution are insufficient to sustain a conviction for the offenses charged, citing their interpretation of the facts based on the evidence presented by the prosecution and the pertinent laws on the matter. On the other hand, the prosecution insists that the evidence it presented, testimonial and documentary, proved the guilt of the accused of the crimes charged.

The Court rules that the motions for leave to file demurrer to evidence of accused Daza, Araullo, Braganza and Villanueva are untenable.

To prove the charges, the prosecution presented the following witnesses: 1) Emma T. Regino, Supervising Auditor, State Auditor V, Commission on Audit (COA), Department of Agriculture Central Office; 2) Darwin Calampiano Araguen, Engineer IV, Agricultural Machinery Testing and Evaluation Center; and 3) Carmencita P. Modina, State Auditor IV, Audit Team Leader, Department of Finance. Also, stipulations were entered into by the parties regarding the genuineness and due execution of certain documentary exhibits of the prosecution.

The prosecution also submitted as evidence voluminous documents marked Exhibits "A" to "Z" (without "I", "J", "K" and "M"); "AA" to "ZZ" (without "FF", "PP", "QQ", "TT", "UU", "VV", "WW" and "XX"); "AAA", "BBB", "CCC", "HHH", "MMM", "NNN", "OOO" and "PPP", including submarkings.

After a careful study, the Court finds that the evidence presented by the prosecution, testimonial and documentary, appear to be **prima facie** sufficient to sustain the conviction of the accused, unless successfully rebutted by defense evidence.

In ***Soriquez v. Sandiganbayan***,<sup>1</sup> the Supreme Court explained that:

“A demurrer to evidence is an objection by one of the parties in an action, to the effect that the evidence which his adversary produced is insufficient in point of law, whether true or not, to make out a case or sustain the issue. The party demurring challenges the sufficiency of the whole evidence to sustain a verdict. The court, in passing upon the sufficiency of the evidence raised in a demurrer, is merely required to ascertain whether there is competent or sufficient evidence to sustain the indictment or to support a verdict of guilt.

xxx.

xxx.


**The determination of the sufficiency or insufficiency of the evidence presented by the prosecution as to establish a prima facie case against an accused is left to the exercise of sound judicial discretion.”**

WHEREFORE, premises considered, the oral motions for leave to file demurrer to evidence, of accused Nanette C. Daza, Dennis B. Araullo, Raymundo Braganza and Remus C. Villanueva, through counsels, are hereby denied.

SO ORDERED.

  
**OSCAR C. HERRERA, JR.**  
Chairperson

*We concur:*

  
**MICHAEL FREDERICK L. MUSNGI**  
Associate Justice

  
**LORIFEL L. PAHIMNA**  
Associate Justice

---

<sup>1</sup> 474 SCRA 222