



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-12-CRM-0163

For: Violation of Article 210 of the
Revised Penal Code (Direct
Bribery)

- versus -

ROCKY FLORES CAPONONG,
Accused.

SB-13-CRM-0129

For: Violation of Section 7(d) of
R.A. No. 6713 (Code of Conduct
and Ethical Standards for Public
Officials and Employees)

Present:

FERNANDEZ, SJ, J.

Chairperson

**FERNANDEZ, B, J.* and
CORPUS-MAÑALAC, J.***

Promulgated:

APR 11 2018

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves the *Motion for Leave of Court to File Demurrer to Evidence*¹ filed by accused Rocky Flores Caponong on March 9, 2018, together with the *Comment/Opposition to the Motion for Leave of Court to File Demurrer to Evidence of Accused Rocky Flores Caponong dated 8 March 2018*² filed by the prosecution on March 14, 2018.

* Per Administrative Order No. 330-2017 dated September 27, 2017, Special Member in view of the inhibition of J. Miranda (A.O. No. 222-2016 dated September 13, 2017).

** Per Administrative Order No. 058-2018 dated January 29, 2018, Special Member in view of the vacancy in the Sixth Division. The *Motion* was submitted for resolution upon receipt by the Court of the prosecution's *Comment/Opposition* on March 14, 2018.

¹ Dated March 8, 2018; Record, pp. 195-197.

² Dated March 13, 2018; Record, pp. 199-202.

RESOLUTION

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After a careful study of the documentary and testimonial evidence submitted by the prosecution, the Court finds that, if unrebutted, the same is sufficient to convict the accused. The Court hereby **DENIES** the *Motion for Leave of Court to File Demurrer to Evidence* filed by accused Caponong.

This is without prejudice to the filing by the accused of his *Demurrer to Evidence*, without leave of court, but subject to the legal consequence provided under *Section 23, Rule 119 of the Revised Rules of Criminal Procedure*, that is, he shall waive his right to present evidence and is submitting this case for judgment on the basis of the evidence adduced by the prosecution.

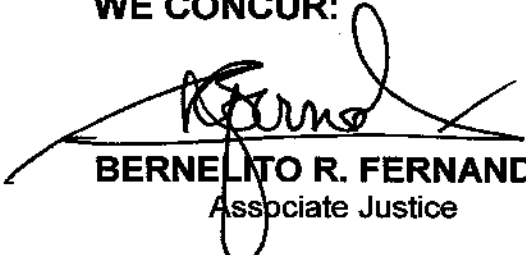
The accused is given a period of five (5) days from receipt of this Resolution within which to file his Manifestation, by personal filing and service or through courier, to inform this Court whether he will file a *Demurrer to Evidence*, without leave of court.

The hearings for the accused to present his evidence tentatively set on March 20; April 2, 3, 11, 12, 16, 18, 23, and, 30; and, May 7, 8, 14, 15, 21, 28, and 29, 2018, all at 1:30 in the afternoon, are maintained. The said scheduled dates will be considered automatically cancelled upon receipt by the Court of the *Demurrer to Evidence* of the accused.³

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

WE CONCUR:


BERNELITO R. FERNANDEZ
Associate Justice


MARYANN E. CORPUS-MAÑALAC
Associate Justice

³ Pursuant to A.M. No. 15-06-10-SC, Revised Guidelines for Continuous Trial of Criminal Cases