



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
 Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
 Plaintiff,

**SB-14-CRM-0283 to 0284**  
 For: Violation of Section 3(e) of  
 R.A. No. 3019

- versus -

**SB-14-CRM-0285 to 0286**  
 For: Violation of Article 217 of the  
 Revised Penal Code

**CLAVEL A. MARTINEZ, ET AL.,**  
 Accused.

*Present:*

**FERNANDEZ, SJ, J.**  
*Chairperson*  
**MIRANDA, J. and**  
**FERNANDEZ, B, J.\***

*Promulgated:*

**APR 19 2018** *MK*

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**RESOLUTION**

**FERNANDEZ, SJ, J.**

This resolves the *Motion for Reconsideration (Re: Minute Resolution dated 22 January 2018)*,<sup>1</sup> filed by accused Paz C. Radaza on March 1, 2018, together with the *Comment/Opposition to the Motion for Reconsideration of Accused Paz C. Radaza (Re: Minute Resolution dated 22 January 2018)*,<sup>2</sup> filed by the prosecution on March 7, 2018.

Accused Radaza prays that this Court reconsider its Resolution dated January 22, 2018, denying accused Radaza's *Motion for Leave to File Demurrer to Evidence* dated December 1

\* Per Administrative Order No. 338-2017 dated October 2, 2017, Special Member in view of the vacancy in the Sixth Division. Justice Bernellito Fernandez participated in the Resolution dated January 22, 2018.

<sup>1</sup> Dated March 1, 2018; Record, Vol. IV, pp. 28-49.

<sup>2</sup> Dated March 6, 2018; Record, Vol. IV, pp. 50-54.

*[Handwritten signatures]*

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2017, and, grant her leave of court to file demurrer to evidence.<sup>3</sup>

Accused Radaza argues:

- a) The assailed Resolution fails to state clearly and distinctly the factual and legal reasons for denying the Motion for Leave to File Demurrer to Evidence, contrary to Section 3, Rule 16 of the Rules of Court; and,<sup>4</sup>
- b) The assailed Resolution is not supported by the evidence on record. The prosecution failed to prove the commission of charges in the Information, much less discharge the requisite burden of proof when it presented its evidence against Ms. Radaza.<sup>5</sup>

On the other hand, the prosecution, in its *Comment/Opposition*, prays for the denial of the instant *Motion for Reconsideration* on the following grounds:

- a) Under Section 23 Rule 119 of the Rules of Court, the court is given the power to determine either to dismiss an action on its own for insufficiency of evidence after giving the prosecution the opportunity to be heard, or upon demurrer filed by the accused with or without leave of court. xxx xxx

The act of the Honorable Court in denying accused Radaza's Motion for Leave to File Demurrer is sanctioned by the aforementioned provision of the Rules of Court and therefore based on the facts and pieces of evidence adduced by the prosecution to support the indictments against her;<sup>6</sup>

- b) Contrary to accused Radaza's claim, the prosecution has established her participation in the Criminal Cases SB-14-CRM-0283-0286 of which she stand charged. xxx xxx;<sup>7</sup> and,
- c) The other matters raised by the accused are rehashed, hence, bereft of merit.<sup>8</sup>

**RULING**

The subject *Motion for Reconsideration* (Re: *Minute Resolution dated 22 January 2018*) is denied.

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<sup>3</sup> Motion for Reconsideration dated March 1, 2018, pp. 20-21; Record, Vol. IV, pp. 47-48  
<sup>4</sup> Motion for Reconsideration dated March 1, 2018, p. 3; Record, Vol. IV, p. 30.  
<sup>5</sup> Motion for Reconsideration dated March 1, 2018, p. 4; Record, Vol. IV, p. 31.  
<sup>6</sup> *Comment/Opposition* dated March 6, 2018, p. 2; Record, Vol. IV, p. 51.  
<sup>7</sup> *Comment/Opposition* dated March 6, 2018, p. 2; Record, Vol. IV, p. 51.  
<sup>8</sup> *Comment/Opposition* dated March 6, 2018, p. 3; Record, Vol. IV, p. 52.

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The instant *Motion for Reconsideration* was filed out of time. On this score alone, the denial of the *Motion* is in order. Accused Radaza's contention that "A *Motion for Leave to File Demurrer to Evidence* is not among the meritorious motions enumerated under Section III, 2(c) of the Revised Guidelines for Continuous Trial of Criminal Cases, and, [h]ence, the five (5)-day period for the filing of a motion for reconsideration of a resolution of a meritorious motion under Section III, paragraph 3 of the Revised Guidelines does not apply in this case," is bereft of merit.

The list in Section III, Paragraph 3 of the *Revised Guidelines for Continuous Trial* is not exclusive. The list thereunder is merely a sampling of the Motions considered to be meritorious motions, as can easily be seen through the use of the words "such as":

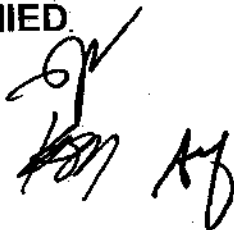
- (c) *Meritorious Motions*. - Motions that allege plausible grounds supported by relevant documents and/ or competent evidence, except those that are already covered by the Revised Guidelines, are meritorious motions, such as:

Nonetheless, even if the Court were to consider the *Motion* to have been filed on time, the Court will still deny the *Motion*.

Accused Radaza essentially implores this Court to reexamine its January 22, 2018 Resolution on the same grounds she raised in his *Motion for Leave to File Demurrer to Evidence*. Thus, the instant *Motion for Reconsideration* is a mere rehash of accused Radaza's arguments passed upon by the Court in its assailed Resolution.

After a careful restudy of the testimonial and documentary evidence presented by the prosecution, this Court still finds that the same, if unrebutted, is sufficient to convict the accused. The Court, thus, finds no basis to reconsider its January 22, 2018 Resolution.

**WHEREFORE**, the instant *Motion for Reconsideration* (Re: *Minute Resolution dated 22 January 2018*) dated March 1, 2018 is **DENIED** for being filed out of time, and for lack of merit. Accused Paz C. Radaza's prayer asking for ten (10) days to file *Demurrer to Evidence* is, likewise, **DENIED**.



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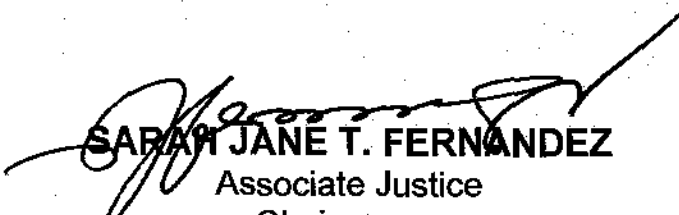
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Accused Radaza is given a non-extendible period of ten (10) days from notice within which to file, if she so desires, a *Demurrer to Evidence*, without leave of court, subject to the legal consequences set forth in Section 23, Rule 119 of the Revised Rules of Criminal Procedure. The prosecution is given a non-extendible period of ten (10) days from receipt of the *Demurrer to Evidence* to file its Comment thereon. The *Demurrer to Evidence* and the Comment thereon, shall be filed and served through personal filing and service.

The hearings set on April 16, and, May 17, 23, and 31, 2018, all at 1:30 in the afternoon, for the accused to present their evidence are maintained. The said scheduled dates will be considered automatically cancelled, as to accused Radaza, upon receipt by the Court of accused Radaza's *Demurrer to Evidence*.<sup>9</sup>

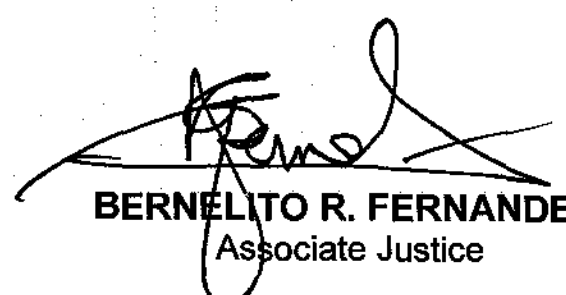
The *Reply (To: Prosecution's Comment/Opposition dated 6 March 2018)* filed by accused Radaza on March 9, 2018 is merely **NOTED** considering that the Court did not require the filing thereof.

**SO ORDERED.**

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

**WE CONCUR:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**BERNELITO R. FERNANDEZ**  
Associate Justice

<sup>9</sup> Pursuant to A.M. No. 15-06-10-SC, Revised Guidelines for Continuous Trial of Criminal Cases