



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-16-CRM-0546

For: Violation of Section 3(e) of
R.A. No. 3019

- versus -

ROLANDO MARTIN ASIS, ET AL.,
Accused.

Present:

FERNANDEZ, SJ, J.
Chairperson
MIRANDA, J. and
TRESPES, J.*

Promulgated:

APR 24 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 Berna C. Coca, Danilo M. Peroy, and Fernando S. Tuares, received through mail by the Court on April 11, 2018, together with the *Comment/Opposition (To Accused Coca, Peroy and Tuares' Motion for Leave of Court to File Demurrer to Evidence)*² filed by the prosecution on April 16, 2018.

Accused Coca, Peroy and Tuares contend that the evidence of the prosecution is insufficient to prove the allegations in the information; hence, the guilt of the accused was not proven beyond reasonable doubt.³

* Per Administrative Order No. 071-2018 dated February 1, 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 (To Accused Coca, Peroy and Tuares' Motion for Leave of Court to File Demurrer to Evidence)* on April 16, 2018.

¹ Dated April 10, 2018.

² Dated April 16, 2018.

³ *Motion for Leave of Court to File Demurrer to Evidence* dated April 10, 2018, p. 2.

RESOLUTION

People vs. Asis, et al.
Criminal Case No. SB-16-CRM-0546
Page 2 of 2

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The prosecution, on the other hand, claims that it was able to discharge its duty to prove the existence of all the elements of violation of Section 3 (e), R.A. No. 3019. Thus, the denial of the instant *Motion for Leave to File Demurrer to Evidence* is in order.⁴

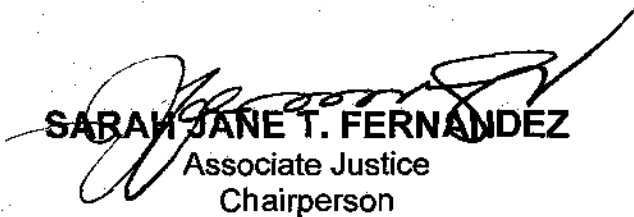
After a careful study of the documentary and testimonial evidence submitted by the prosecution, the Court finds that, if unrebutted, the same is sufficient to convict the accused. The Court hereby **DENIES** the *Motion for Leave of Court to File Demurrer to Evidence* filed by accused Coca, Peroy, and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

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

Accused Coca, Peroy, and Tuares are given a period of five (5) days from receipt of this Resolution within which to file their Manifestation, by personal filing and service or through courier, to inform this Court whether they will file a *Demurrer to Evidence*, without leave of court.

The hearings for the accused to present their evidence tentatively set on April 24 and 25; May 14, 15, 23, and 24; June 6, 7, 18, 19, 27 and 28; and, July 9, 10, 23 and 24, 2018, all at 1:30 in the afternoon, are maintained. The said scheduled dates will be considered automatically cancelled, as to accused Coca, Peroy and Tuares, upon receipt by the Court of their *Demurrer to Evidence*.⁵

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

WE CONCUR:


KARL B. MIRANDA
Associate Justice


ZALDY V. TRESPESES
Associate Justice

⁴ Comment/Opposition dated April 16, 2018, p. 5.
⁵ Pursuant to A.M. No. 15-06-10-SC, Revised Guidelines for Continuous Trial of Criminal Cases.