



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 26 2018 

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves the *Motion for Leave of Court to File and Admit Attached Demurrer to Evidence*¹ filed by Marilyn H. Celiz and Luvisminda H. Narciso on April 18, 2018, together with the *Comment/Opposition (To Accused Celiz and Narciso's Motion for Leave of Court to File and to Admit Attached Demurrer to Evidence)*² filed by the prosecution on April 23, 2018.

Accused Celiz and Narciso contend that the prosecution utterly failed to discharge its burden of proving their guilt of the offense charged against them.³

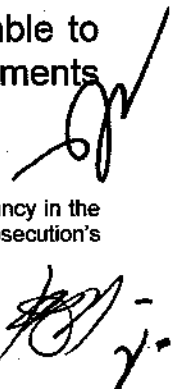
The prosecution, on the other hand, claims that it was able to present sufficient evidence to prove the existence of all the elements

* 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* on April 23, 2018.

¹ Dated April 16, 2018.

² Dated April 20, 2018.

³ Motion for Leave of Court dated April 20, 2018, p. 3.



RESOLUTION

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for violation of Section 3(e), R.A. No. 3019. And, thus, the denial of the instant *Motion* 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 and Admit Attached Demurrer to Evidence* filed by accused Celiz and Narciso.

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 Celiz and Narciso 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 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 Celiz and Narciso, 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. TRESPESSES
Associate Justice

⁴ Comment/Opposition dated April 20, 2018, p. 6.

⁵ Pursuant to A.M. No. 15-06-10-SC, Revised Guidelines for Continuous Trial of Criminal Cases