



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
 Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff,

SB-16-CRM-0775
 For: Violation of Section 3(e) of
 R.A. No. 3019

- versus -

SB-16-CRM-0776
 For: Violation of Section 201 of the
 Revised Penal Code (Direct
 Bribery)

CONCEPCION C. DAPLAS,
 Accused.

Present:

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

Promulgated:

APR 18 2018

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves the *Motion for Leave to File Demurrer to Evidence*¹ filed by accused Concepcion C. Daplas on March 28, 2018, together with the *Opposition (Re: Accused's Motion for Leave to File Demurrer to Evidence)*² filed by the prosecution on April 2, 2018.

Accused Daplas contends that the evidence of the prosecution against her is insufficient to establish her guilt beyond reasonable doubt. Hence, accused prays for leave to file demurrer to evidence.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 *Opposition (Re: Accused's Motion for Leave to File Demurrer to Evidence)* on April 2, 2018.

¹ Dated March 28, 2018.

² Dated April 2, 2018.

³ Motion for Leave to File Demurrer to Evidence dated March 28, 2018, p. 1.

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RESOLUTION

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The prosecution, on the other hand, argues that it was able to prove the existence of all the elements of the crimes charged, and, hence, the instant *Motion* should be denied for lack of merit.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 to File Demurrer to Evidence* filed by accused Concepcion.

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, she shall waive her 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 her Manifestation, by personal filing and service or through courier, to inform this Court whether she will file a *Demurrer to Evidence*, without leave of court.

The hearings for the accused to present her evidence tentatively set on May 7, 8, 21, 22, and, June 4, 5 and 28, 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.⁵

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

WE CONCUR:


KARL B. MIRANDA
Associate Justice


ZALDY V. TRESPESES
Associate Justice

⁴ Opposition (Re: Accused's Motion for Leave to File Demurrer to Evidence) dated April 2, 2018, pp. 1& 5.

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