



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
 Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
 Plaintiff,

**SB-15-CRM-0094**  
 For: Violation of Section 3(e) of  
 R.A. No. 3019

- versus -

**P/CSUPT. BIENVENIDO G. LATAG,**  
**ET AL.,**  
 Accused.

*Present:*  
**FERNANDEZ, SJ, J.**  
*Chairperson*  
**MIRANDA, J. and**  
**VIVERO, J.**

*Promulgated:*

**MAY 23 2018**

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**RESOLUTION**

**FERNANDEZ, SJ, J.**

This resolves the *Motion for Leave to File Demurrer to Evidence*<sup>1</sup> filed by accused P/CSupt. Bienvenido G. Latag and P/SSupt. Jaime C. Pido on May 9, 2018; together with the *Comment/Opposition (To the Motion for Leave to File Demurrer to Evidence dated May 3, 2018)*<sup>2</sup> filed by the prosecution on May 15, 2018.

Accused Latag and Pido pray that they be granted leave of court to file demurrer to evidence, in the interest of substantial justice, contending that the prosecution's evidence failed to establish all the essential elements of the offense of violation of Section 3(e), Republic Act No. 3019.<sup>3</sup>

The prosecution moved for the denial of the *Motion* on the following grounds:

<sup>1</sup> Dated May 3, 2018

<sup>2</sup> Dated May 11, 2018

<sup>3</sup> Motion for Leave to File Demurrer to Evidence dated May 3, 2018, pp. 1-2.

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- a. The instant *Motion* does not specifically state the grounds relied upon by the accused, as to why, in their opinion, the prosecution failed to prove their guilt beyond reasonable doubt.<sup>4</sup>
- b. The prosecution was able to prove the essential elements of violation of Section 3(e), Republic Act No. 3019.<sup>5</sup>

**RULING**

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, thus, **DENIES** the *Motion for Leave to File Demurrer to Evidence* filed by accused Latag and Pido.

This is without prejudice to the filing by the accused of their *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, 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.

The accused 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 23 and 24, 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 all the accused.<sup>6</sup>

**SO ORDERED.**

Three handwritten signatures in black ink are present below the text 'SO ORDERED.' The first signature is the most prominent and appears to be 'J. Reyes'. The other two are less legible but appear to be initials or names of other court members.


<sup>4</sup> Comment/Opposition dated May 3, 2018, p. 2.  
<sup>5</sup> Comment/Opposition dated May 3, 2018, p. 3.  
<sup>6</sup> Pursuant to A.M. No. 15-06-10-SC, Revised Guidelines for Continuous Trial of Criminal Cases

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

**WE CONCUR:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**KEVIN NARCE B. VIVERO**  
Associate Justice