



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-16-CRM-1080 to 1081
For: Violations of Section 3(h) of
R.A. No. 3019

- versus -

Present:

RUFINO P. PALABRICA III,
Accused.

FERNANDEZ, SJ, J.
Chairperson
MIRANDA, J. and
VIVERO, J.

Promulgated:

MAY 24 2018

X-----X

RESOLUTION

FERNANDEZ, SJ, J.

This resolves the *Motion for Leave to File Demurrer to Evidence*¹ filed by accused Rufino Palabrica III, received by the Court through registered mail on May 5, 2018; together with the *Comment/Opposition (Re: Motion for Leave to File Demurrer to Evidence)*² filed by the prosecution on May 15, 2018.

Accused Palabrica prays that he be granted leave of court to file demurrer to evidence on the following grounds:

- a) The prosecution failed to prove the guilt of the accused beyond reasonable doubt; and,
- b) The prosecution failed to prove one of the elements of violation of Section 3(h) of R.A. No. 3019 wherein the accused has a direct or indirect financial or pecuniary interest in any business, contract or transaction.

¹ Dated April 24, 2018

² Dated May 10, 2018(9)

RESOLUTION

People vs. Palabrica III
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The evidence of the prosecution failed to prove that the accused had financial or pecuniary interest in the signing of business permit in his favor and, likewise, in entering into a contract of lease for a market stall in Dingle Public Market, signing for the lessor, the Municipality of Dingle, and by signing as lessee.³

On the other hand, the prosecution claims that, contrary to accused Palabrica's arguments, the prosecution was able to prove the existence of all the elements of the crime of violation of Section 3(h), R.A. No. 3019.⁴

RULING

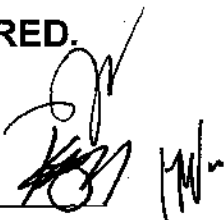
After a careful study of the documentary and testimonial evidence submitted by the prosecution, the Court finds that, if unrebutted, the same is sufficient to convict the accused. The Court hereby **DENIES** the *Motion For Leave to File Demurrer to Evidence* filed by accused Palabrica.

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

The hearings for the accused to present his evidence tentatively set on May 28 and 29; and, June 18 and 19, 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.



³ Motion for Leave to File Demurrer to Evidence dated April 24, 2018, pp. 2-3.

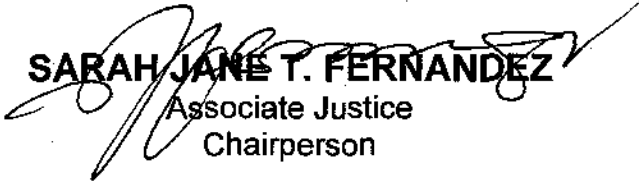
⁴ Comment/Opposition dated May 10, 2019, p. 1.

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

RESOLUTION

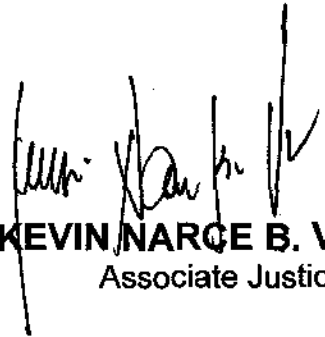
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X-----X


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

WE CONCUR:


KARL B. MIRANDA
Associate Justice


KEVIN NARGE B. VIVERO
Associate Justice