



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIM. CASE Nos. SB-15-
CRM-0008

-versus-

*For: Plunder (Violation of R.A.
No. 7080, as amended)*

EDGAR D. VALDEZ, et al.,
Accused.

Present:
Lagos, J., Chairperson,
Mendoza-Arcega, J., and
Corpus-Mañalac, J.

Promulgated:

June 25, 2018 *Jel*

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RESOLUTION

MENDOZA-ARCEGA, J.:

Posed for resolution are the following:

1. Accused Edgar de Leon Valdez's *Motion for Leave of Court to File "Demurrer to Evidence"* dated May 25, 2018;¹
2. Accused Janet Lim Napoles' *Motion for Leave to File Demurrer to Evidence* dated May 29, 2018;² and

¹ Records, Volume (Vol.) 9, pp. 50-146.

² Ibid., pp. 148-172.

3. Prosecution's *Consolidated Comment/Opposition on the Motions for Leave to File Demurrer to Evidence* filed by accused Edgar L. Valdez and Janet Lim Napoles dated June 8, 2018.³

Anent the *Motion for Leave of Court to File "Demurrer to Evidence"* filed by accused Edgar de Leon Valdez ("Valdez"), the following grounds were raised:

- a) The prosecution has failed to adduce evidence of guilt to support the crime of plunder against the accused;
- b) The prosecution has not adduced evidence to support its allegation in the Information that accused Valdez exerted undue pressure on implementing agencies;
- c) The State cannot deny the constitutional right of an accused to be informed of the nature and cause of the accusation;
- d) The prosecution witnesses during the hearing on bail admitted forgeries of letters of endorsement, memoranda of agreement and all liquidation documents;
- e) The Best Evidence Rule must be strictly observed;
- f) The accused was denied his constitutional right to due process;
- g) No additional evidence was presented by the prosecution during the trial on the merits;
- h) The decision of the Honorable Supreme Court in *Macapagal-Arroyo v. People of the Philippines*, G.R. No. 220598 and 220953 dated July 19, 2016 and its Resolution dated April 18, 2017 in the said case, must be applied to the instant case as it is part of the law of the land and under the long-established doctrine of *stare decisis*;
- i) The constitutional right of the accused to equal protection of the law must be applied to the instant case. What was applied by the Court in the grant of bail to Estrada in *People of the Philippines v. Estrada*⁴ should be applied in this case; and

³ *Ibid.*, pp. 198-214.

⁴ Case No. SB-14-CRM-0239.



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- j) The accused is entitled to his constitutional right to be presumed innocent.

Janet Lim Napoles (“Napoles”) likewise prays before the Court to grant her leave of court to file demurrer to evidence based on the following grounds:

- a) The prosecution failed to prove the allegations in the Information against the accused by evidence beyond reasonable doubt;
- b) The prosecution failed to present evidence to prove its allegations in the legally and factually defective Information by evidence beyond reasonable doubt; and
- c) The allegations in the Information failed to specify the main plunderer.

Traversing the allegations of Valdez and Napoles, the prosecution maintained that the pieces of evidence, both testimonial and documentary, prove that they committed the crime of plunder. The prosecution averred that it has discharged its burden of proving by competent, relevant, admissible and sufficient evidence its allegations under the Information against the accused for the crime of plunder. More so, the Information in this case is very clear to cover the PDAF of accused Valdez from 2004 to 2010; thus, the accused cannot claim to be deprived of his constitutional right to know the nature and cause of the accusation against them. It was asseverated that there is no rule prohibiting the introduction of evidence specified during the investigations conducted prior to the filing of the case as long as it is included in the Information. Lastly, the cases of Macapagal-Arroyo v. People of the Philippines⁵ and People of the Philippines v. Estrada⁶ cannot be applied since the facts and evidence of the same are different from the present case.

On February 21, 2018, the prosecution rested its case⁷ and filed its Formal Offer of Exhibits⁸ on March 23, 2018. On May 7, 2018, the Court resolved⁹ to admit all the documents offered by the prosecution over the objections of accused Valdez and Napoles.

⁵ G.R. Nos. 220598 and 220953, July 19, 2016.

⁶ Case No. SB-14-CRM-0239.

⁷ Records, Vol. 7, p. 435. See Order dated February 21, 2018.

⁸ Records, Vol. 8, pp. 5-222.

⁹ Supra note 1, pp. 23-47.

THE COURT'S RULING

After a sedulous evaluation of the records, the Court finds the instant motions impressed with merit.

The nature of demurrer to evidence is expounded in *Singian, Jr. v. Sandiganbayan (3rd Division), et al.*:¹⁰

"A demurrer to the evidence is an objection by one of the parties in an action, to the effect that the evidence which his adversary produced is insufficient in point of law, whether true or not, to make out a case or sustain the issue. The party demurring challenges the sufficiency of the whole evidence to sustain a verdict. The court, in passing upon the sufficiency of the evidence raised in a demurrer, is merely required to ascertain whether there is competent or sufficient evidence to sustain the indictment or to support a verdict of guilt."¹¹

The rule governing demurrer to evidence is Section 23, Rule 119 of the Rules of Court, to wit:

"Section 23. Demurrer to evidence. — After the prosecution rests its case, the court may dismiss the action on the ground of insufficiency of evidence (1) on its own initiative after giving the prosecution the opportunity to be heard or (2) upon demurrer to evidence filed by the accused with or without leave of court.

If the court denies the demurrer to evidence filed with leave of court, the accused may adduce evidence in his defense. When the demurrer to evidence is filed without leave of court, the accused waives the right to present evidence and submits the case for judgment on the basis of the evidence for the prosecution.

The motion for leave of court to file demurrer to evidence shall specifically state its grounds and shall be filed within a non-extendible period of five (5) days after the prosecution rests its case. The prosecution may oppose the motion within a non-extendible period of five (5) days from its receipt.

If leave of court is granted, the accused shall file the demurrer to evidence within a non-extendible period of ten (10) days from notice. The prosecution may oppose the demurrer to evidence within a similar period from its receipt.

¹⁰ G.R. Nos.195011-19, September 30, 2013.

¹¹ *Ibid.*, citing *Soriquez v. Sandiganbayan (Fifth Division)*, 510 Phil. 709, 706.

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The order denying the motion for leave of court to file demurrer to evidence or the demurrer itself shall not be reviewable by appeal or by *certiorari* before judgment.”

It is imperative for the prosecution to establish its case with that degree of proof which produces conviction in an unprejudiced mind, with evidence which stands or falls on its merits. The strength of the evidence adduced must be meticulously weighed since the burden of proof rests on the prosecution. Sufficient evidence for purposes of frustrating a demurrer thereto is such evidence in character, weight or amount as will legally justify the judicial or official action demanded according to the circumstances.¹² To be considered sufficient therefore, the evidence must prove: (a) the commission of the crime, and (b) the precise degree of participation therein by the accused.¹³

Given the above disquisition and after weighing the arguments of the parties, the Court is inclined to grant leave to file demurrer to evidence.

WHEREFORE, premises considered, the Court hereby resolves as follows:

1. Accused Edgar de Leon Valdez’s *Motion for Leave of Court to File “Demurrer to Evidence”* dated May 25, 2018 is **GRANTED**; and
2. Accused Janet Lim Napoles’ *Motion for Leave to File Demurrer to Evidence* dated May 29, 2018 is **GRANTED**.

As prayed for, accused Edgar de Leon Valdez and Janet Lim Napoles are hereby given a non-extendible period of ten (10) days from notice within which to file the said demurrer, furnishing the prosecution copies thereof. The prosecution is likewise given the same period from its receipt to file its Comment/Opposition thereto. Thereafter, this incident shall be deemed submitted for resolution of this Court.

SO ORDERED.


MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice

¹² Ibid., citing Gutib v. Court of Appeals, 371 Phil. 293, 300, 305 (1999).

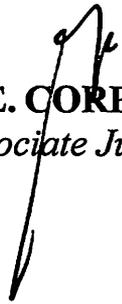
¹³ Ibid., citing Gutib v. Court of Appeals, supra.

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WE CONCUR:


RAFAEL R. LAGOS
Associate Justice
Chairperson


MARYANNE E. CORPUS-MAÑALAC
Associate Justice

