



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
 Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff,

SB-15-CRM-0320 to 0340
 For: ViolationS of Section 3(e) of
 R.A. No. 3019

- versus -

LORENZO M. CEREZO, ET AL.,
 Accused.

Present:

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

Promulgated:

JUN 04 2018

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves the *Motion for Leave of Court to File Demurrer to Evidence*¹ filed by accused Edwin G. Castillo on May 21, 2018; together with the *Opposition*² filed by the prosecution on May 28, 2018.

Accused Castillo asks this court to grant him leave of court to file demurrer to evidence; accused claims that there is insufficient evidence proving his guilt as conspirator of accused Cerezo.³

On the other hand, the prosecution contended that accused Castillo's *Motion for Leave* must be denied for its failure to state the specific grounds upon which the motion is based. The prosecution claimed that it sufficiently established the guilt of the accused

¹ Dated May 18, 2018

² Re: *Motion for Leave of Court to File Demurrer to Evidence* dated 18 May 2018) dated May 24, 2018

³ *Motion for Leave of Court to File Demurrer to Evidence* dated May 18, 2018, pp. 1-2.

RESOLUTION

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beyond reasonable doubt for violation of Section 3(e) of Republic Act 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 of Court to File Demurrer to Evidence* filed by accused Castillo.

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.

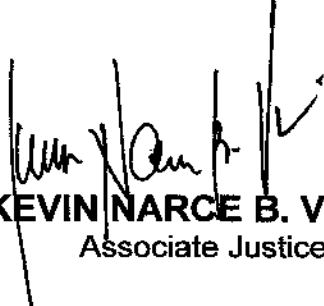
The hearings for the accused to present their evidence tentatively set on June 26 and 27; and, July 17 and 18, 2018, all at 1:30 in the afternoon, are maintained. The said scheduled dates will be considered automatically cancelled, as to accused Castillo, upon receipt by the Court of the *Demurrer to Evidence* of said accused.⁵

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

WE CONCUR:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice

⁴ Opposition date May 24, 2018, pp. 1-2.

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