



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 -**

*Present:*

**LORENZO M. CEREZO, ET AL.,**  
Accused.

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

*Promulgated:*

**JUN 20 2018** 

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**RESOLUTION**

**FERNANDEZ, SJ, J.**

This resolves the *Motion for Leave of Court to File Demurrer to Evidence*<sup>1</sup> filed by accused Lorenzo M. Cerezo, received through courier by the Court on June 4, 2018; together with the *Opposition*<sup>2</sup> filed by the prosecution on June 11, 2018.

Accused Cerezo asks this Court to grant him leave of court to file demurrer to evidence. Accused claims that the prosecution failed to establish the guilt of the accused beyond reasonable doubt as it allegedly failed to prove the existence of all the elements of the crimes charged.<sup>3</sup>

On the other hand, the prosecution contended that it was able to sufficiently establish accused' guilt beyond reasonable doubt for violation of Section 3(e), R.A. No. 3019 as the testimonial

<sup>1</sup> Dated June 2, 2018

<sup>2</sup> (Re: *Motion for Leave of Court to File Demurrer to Evidence dated 2 June 2018*) dated June 8, 2018

<sup>3</sup> *Motion for Leave of Court to File Demurrer to Evidence dated June 2, 2018, pp. 2 & 4.*

**RESOLUTION**

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and documentary evidence presented by the prosecution sufficiently prove the elements of the crime charged.<sup>4</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 hereby **DENIES** the *Motion for Leave of Court to File Demurrer to Evidence* filed by accused Cerezo.

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

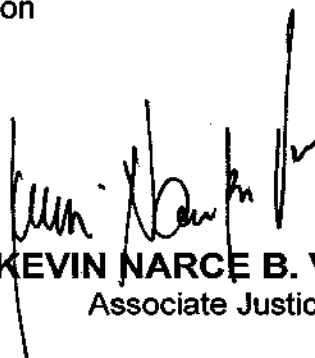
The hearings for the accused to present their evidence tentatively set on June 26 and 27; and, July 17 and 18, 2018, all at 1:30 in the afternoon, are maintained. The said scheduled dates will be considered automatically cancelled, as to accused Cerezo, upon receipt by the Court of his *Demurrer to Evidence*.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

**SO ORDERED.**

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

**WE CONCUR:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**KEVIN NARCE B. VIVERO**  
Associate Justice

<sup>4</sup> Opposition dated June 8, 2018, pp. 2 & 6.

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