



**REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN**

QUEZON CITY

THIRD DIVISION

**PEOPLE OF THE CRIM CASE NO. SB-16-
PHILIPPINES, CRM-0496-0499**
Plaintiff,

For: Perjury (Article 183 of
the Revised Penal Code)

- versus -

EFRAIM C. GENUINO

Present:

CABOTAJE-TANG, P.J.,

Chairperson,

Accused.

FERNANDEZ, B. J. and

FERNANDEZ, SJ., J.¹

Promulgated on:

July 31, 2018

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RESOLUTION

CABOTAJE-TANG, P.J.:

For resolution is accused Efraim C. Genuino's "*Motion for Reconsideration*"² dated June 15, 2018 and the prosecution's "*Comment/ Opposition*"³ thereto dated June 20, 2018.

In his motion, accused Genuino seeks the reconsideration of the Court's *Minute Resolution*⁴ promulgated on May 25, 2018, denying his *Motion for Leave to File Demurrer*⁵ dated May 11, 2018.

¹ As per Administrative Order No. 262-2018 dated April 30, 2018

² pp. 537-545, Vol. II, *Record*

³ pp. 552-556, Vol. II, *Record*

⁴ pp. 519-520, Vol. II, *Record*

⁵ pp. 519-520, Vol. II, *Record*

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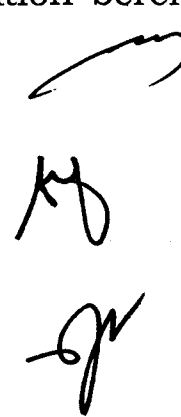
Accused Genuino submits that the *Minute Resolution* is contrary to law and prevailing jurisprudence as it allegedly does not state the facts and the law on which it is based,⁶ thus violating Article VIII, Section 14 of the Constitution.⁷ In support of his contention, the accused cites the cases of **Nicos Industrial v. Court of Appeals**,⁸ **Uy v. Office of the Ombudsman**,⁹ **Ang Tibay v. Court of Industrial Relations**,¹⁰ and **People v. Bugarin**.¹¹ Accused Genuino also reiterates his arguments on: (1) the failure of the prosecution to present the originals of his SALNS; (2) the lack of integrity of the purported SALNs presented by the prosecution, and; (3) his listing of the allegedly undeclared properties in his purported SALN for CY 2001.¹²

In its *Comment/Opposition* dated June 20, 2018, the prosecution posits that in resolving a motion for leave to file demurrer to evidence, the Court is only called to answer the question of whether the evidence of the prosecution, absent any countervailing evidence, is sufficient to support a verdict against the accused for committing the crimes charged against him. In passing upon a motion for leave to file demurrer to evidence, courts are afforded a wide latitude in issuing minute resolutions.¹³ These types of resolutions are not a final disposition of the case that need to specifically discuss every factual detail of the case and its findings.¹⁴ The prosecution submits that the evidence it formally offered, if unrebutted, is sufficient to support a finding of guilt beyond reasonable doubt.¹⁵

THE COURT'S RULING

The Court finds the subject motion for reconsideration bereft of merit.

6 p. 537, Vol. II, *Record*; p. 1, *Motion for Reconsideration*
7 p. 538, Vol. II, *Record*; p. 2, *Motion for Reconsideration*
8 206 SCRA 127(1992)
9 556 SCRA 73 (2008)
10 69 PHIL 635(1940)
11 273 SCRA 384 (1997)
12 pp.540-541, Vol. II, *Record*; pp. 4-5, *Motion for Reconsideration*
13 p. 553, Vol. II, *Record*; p.2, *Comment/ Opposition*
14 P. 553, Vol. II, *Record*; p. 2, *Comment/Opposition*
15 *Id*



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First. The assailed minute resolution was not a decision and did not have the effect of a final adjudication on the guilt of the accused, warranting compliance with the afore-said constitutional requirement. It bears stressing that a “resolution,” more so a minute resolution, is not a “decision” within the constitutional requirement of Section 14, Article VIII.

In **Borromeo v. Court of Appeals**,¹⁶ the Supreme Court reiterated the doctrine that “the constitutional requirement that a decision must express clearly and distinctly the facts and law on which it is based [refers] only to *decisions*.” This was echoed recently in the case of **Madrid v. Dealca**.¹⁷ Even the cases cited by the accused himself, explicitly refer to “decisions” and not resolutions or minute resolutions. On this note, the accused’s citation of **People v. Bugarin**¹⁸ as purportedly referring to “decisions or resolutions”¹⁹ is patently erroneous.

Second. The utilization of minute resolutions, and the validity thereof, have been repeatedly upheld by the Supreme Court given their purpose of assisting in the prompt dispatch of actions.²⁰

Third. The power to grant leave to the accused to file a demurrer is addressed to the sound discretion of the trial court.²¹ The purpose is to determine whether the accused in filing his demurrer is merely stalling the proceedings.²²

Upon deliberation on the merits of the accused’s *Motion for Leave of Court to File Demurrer*, the Court issued the said minute resolution denying the same for lack of merit because the Court sees the need for the accused to present his evidence.

To be sure, the Court did not pass upon the merits of the attached demurrer itself so as not to pre-empt or foreclose the accused’s option to file a demurrer without leave of court under Section 23 of Rule 119 of the Rules of Court, should he be steadfast in pursuing the same.

¹⁶ 186 SCRA 1 (1990)

¹⁷ 734 SCRA 468 (2014)

¹⁸ 273 SCRA 384 (1997)

¹⁹ p. 529, Vol. II, *Record*; p. 3, *Motion for Reconsideration*

²⁰ *Agoy v. Araneta* 668 SCRA 883 (2012)

²¹ *Bernardo v. Court of Appeals*, 278 SCRA 782, 791 (1997)

²² *Id.*, citing *People v. Mahinay*, 246 SCRA 451,457 (1995)



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WHEREFORE, the Court **DENIES** accused Efraim C. Genuino's motion for reconsideration for lack of merit.

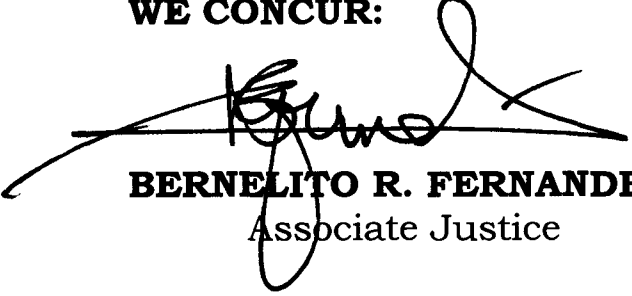
SO ORDERED.

Quezon City, Metro Manila



AMPARO M. CABOTAJE-TANG
Presiding Justice
Chairperson

WE CONCUR:



BERNELITO R. FERNANDEZ
Associate Justice



SARAH JANE T. FERNANDEZ
Associate Justice