



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIM. CASE Nos. SB-17-
CRM-1405 & 1406

For: Violation of Sec. 3(e),
R.A. No. 3019, as amended

-versus-

ROMEO MEDINA COVARRUBIAS,
Accused.

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

Promulgated:

July 24, 2018 *lal*

X-----X

RESOLUTION

MENDOZA-ARCEGA, J.:

Posed for resolution are accused Romeo Medina Covarrubias' *Compliance with Motion for Reconsideration*¹ and the prosecution's *Comment/Opposition (Re: Accused's Compliance with Motion for Reconsideration dated June 28, 2018 and its attached Motion for Leave to File Demurrer to Evidence and Demurrer to Evidence dated May 28, 2018)*².

In the said compliance, Romeo Medina Covarrubias ("Covarrubias") moved to reconsider the Court's Order³ dated June 26, 2018 denying his motion for leave to file demurrer to evidence. The said motion for leave was denied since neither the Court nor the prosecution received a copy of the

¹ Records, pp. 370-388.

² Ibid., pp. 407-411.

³ Ibid., p. 369.

lal

RESOLUTION

People v. Covarrubias

Crim. Case Nos. SB-17-CRM-1405 & 1406

Page 2 of 3

x-----x

motion that was purportedly filed by Covarrubias. It was maintained by the defense that the Motion for Leave with attached Demurrer to Evidence was timely filed via registered mail on May 28, 2018 as evidenced by the original postal registry receipt. However, it was just unfortunate that the postal service was not able to deliver the same on time.

In its *Comment/Opposition*, the prosecution averred that the accused failed to state the grounds in his Motion for Leave or in the Compliance with Motion for Reconsideration as required in Section 23, Rule 119 of the Rules on Criminal Procedure. Instead, Covarrubias discussed the grounds in the Demurrer to Evidence itself. The prosecution explained that it cannot comment yet on the attached Demurrer to Evidence without an Order denying or granting the accused's aforementioned motions. The prosecution likewise posited that the said compliance did not state any date of hearing; thus, the motion is a mere *pro forma* motion.

THE COURT'S RULING

After a sedulous evaluation of the records and the arguments raised by the parties, the Court finds the instant motion devoid of merit.

A *demurrer to evidence* is defined as "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".⁴ The party demurring challenges the sufficiency of the whole evidence to sustain a verdict.⁵ In passing upon the sufficiency of the evidence raised in a demurrer, the court is merely required to ascertain whether there is competent or sufficient proof to sustain the indictment or to support a verdict of guilt.⁶

Without necessarily preempting the evidence that the defense may adduce, it appears that the pieces of evidence established by the prosecution, if unrebutted, would suffice to warrant the conviction of accused Covarrubias. The prosecution presented several witnesses and submitted numerous documentary evidence to prove the indictment for violation of Sec. 3(e) of R.A. No. 3019, as amended. The Court is more inclined in seeing the present cases reach the end with both parties presenting their respective witnesses and

⁴ Rivera v. People, G.R. No. 163996, June 9, 2005 citing Gutib v. Court of Appeals, 371 Phil. 293, 300 (1999).

⁵ Ibid., citing Ong v. People, G.R. No. 140904, October 9, 2000, 342 SCRA 372, 383, citing Gutib v. CA, supra.

⁶ Ibid., citing Choa v. Choa, 441 Phil. 175, 183 (2002), citing Ong v. People, supra; and Gutib v. CA, supra.

x-----x

pieces of evidence. In such a way, We shall be able to ferret out the truth. Besides, judicial action to grant prior leave to file demurrer to evidence is discretionary upon the trial court.⁷

WHEREFORE, viewed from the foregoing, the *Compliance with Motion for Reconsideration* filed by accused Romeo Medina Covarrubias is hereby **DENIED** for utter lack of merit.

Accordingly, the setting on August 16, 2018 for the initial presentation of defense evidence is maintained.

SO ORDERED.


MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice

WE CONCUR:


RAFAEL R. LAGOS
Associate Justice
Chairperson


MARYANN E. CORPUS-MAÑALAC
Associate Justice

⁷ Bernardo v. Court of Appeals, et al., G.R. No. 119010, September 5, 1997.