



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:

August 08, 2018 *lal*

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RESOLUTION

MENDOZA-ARCEGA, J.:

This resolves the *Motion for Resolution of Demurrer to Evidence*¹ dated July 23, 2018 filed by accused Edgar D. Valdez to which the prosecution filed its *Comment/Opposition*² thereto.

In his motion, Edgar D. Valdez (“Valdez”) asseverated that the Court issued a Resolution dated June 25, 2018 giving the prosecution a non-extendible ten (10) days from its receipt of the accused’s Demurrer to Evidence to file its Comment/Opposition thereto. On June 27, 2018, Valdez, thru counsel, received a copy of the said Order and the latter filed a demurrer on June 29, 2018, furnishing the prosecution a copy thereof on the same date.

¹ Records, Volume 10, pp. 437-439.

² Ibid., pp. 445-448.

lal

Consequently, the period for the prosecution to file its Comment/Opposition already lapsed.

By way of comment, the prosecution countered that it timely filed a motion for reconsideration on the Resolution dated June 25, 2018. The filing of a motion for reconsideration is allowed under the rules; hence, the timely filing thereof necessarily interrupts the running of the period given to the prosecution to file its Comment/Opposition to the Demurrer to Evidence until the same is resolved. Moreover, the proceedings in the Court have to be suspended until the Petition for Certiorari before the Supreme Court is resolved in deference to the latter upon whose order the entire case records are already elevated. Considering the circumstances, the period given to the prosecution to file its Comment/Opposition to the demurrer cannot be deemed to have lapsed. It is insisted by the prosecution that it still has the remaining 10-day period which was interrupted by the filing of its motion for reconsideration.

THE COURT'S RULING

Upon conscientious sifting of the records, the Court finds the instant motion bereft of merit.

On August 2, 2018, this Court issued a Resolution giving the prosecution a non-extendible period of ten (10) days from receipt within which to file its Comment/Opposition to the Demurrers of Evidence filed by herein accused-movant and by Janet Lim Napoles. Relevantly, the allegations raised by the parties are already resolved by this Court in the said Resolution and the same were rendered moot and academic. The Supreme Court defined a moot and academic case or issue, *viz.*³

“In *Osmeña III v. Social Security System of the Philippines*,⁴ we defined a moot and academic case or issue as follows:

‘A case or issue is considered moot and academic when it **ceases to present a justiciable controversy** by virtue of supervening events, so that an adjudication of the case or **a declaration on the issue would be of no practical value or use**. In such instance, there is **no actual substantial relief which a petitioner would be entitled to**, and which would be negated by the dismissal of the petition. Courts generally decline jurisdiction over such case or dismiss it on

³ *Carpio v. Court of Appeals, et al.*, G.R. No. 183102, February 27, 2013.

⁴ *Ibid.*, citing G.R. No. 165272, 13 September 2007, 533 SCRA 313, citing *Province of Batangas v. Romulo*, G.R. No. 152774, 27 May 2004, 429 SCRA 736, 754; *Olanolan v. Comelec*, 494 Phil. 749, 759 (2005); *Paloma v. CA*, 461 Phil. 269, 276-277 (2003).

RESOLUTION

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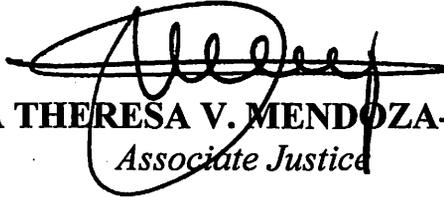
the ground of mootness ~save when, among others, a compelling constitutional issue raised requires the formulation of controlling principles to guide the bench, the bar and the public; or when the case is capable of repetition yet evading judicial review.⁵”

To reiterate, there is no need to pass upon the issues raised both by accused Valdez and the prosecution as the same were already resolved by this Court in its August 2, 2018 Resolution.

WHEREFORE, premises considered, the *Motion for Resolution of Demurrer to Evidence* dated July 23, 2018 filed by accused Edgar D. Valdez **NEED NO LONGER TO BE ACTED UPON**, for being moot and academic.

Accordingly, the Resolution dated August 2, 2018 hereby **STANDS**.

SO ORDERED.



MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice

WE CONCUR:



RAFAEL R. LAGOS
Associate Justice
Chairperson



MARYANNE E. CORPUS-MAÑALAC
Associate Justice

⁵ Ibid.