



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
 Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
 Plaintiff,

SB-16-CRM-0051

For: Violations of Section 3(e),
 R.A. No. 3019

- versus -

Present:

PEOPLE VS. MELCHOR M.
QUEMADO, SR.,
 Accused.

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

Promulgated:

AUG 01 2018

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves the *Motion for Leave to File Demurrer to Evidence*¹ filed by accused Melchor M. Quemado, Sr. on July 6, 2018; together with the *Opposition*² filed by the prosecution on July 11, 2018.

Accused Quemado asks this Court to grant him leave of court to file demurrer to evidence on the ground that the prosecution's testimonial and documentary evidence were insufficient to prove the guilt of the accused beyond reasonable doubt.³

Accused Quemado claims that most of the testimonial evidence were hearsay; and, while the existence of most of the documentary evidence were stipulated by the parties, the accused objected to their authenticity and due execution.⁴

¹ Dated July 5, 2018; Record, Vol. II, pp. 82-83.

² (Re: Accused's Motion for Leave to File Demurrer to Evidence) dated July 9, 2018; Record, Vol. II, pp. 84-88.

³ Motion for Leave to File Demurrer to Evidence dated July 5, 2018, p. 1.

⁴ Motion for Leave to File Demurrer to Evidence dated July 5, 2018, p. 1.

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On the other hand, the prosecution claims that it was able to prove the existence of all the elements of the offense charged.⁵

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 support a verdict of guilt for violation of Section 3(e), Republic Act No. 3019. The Court hereby **DENIES** the *Motion for Leave to File Demurrer to Evidence* filed by accused Melchor M. Quemado, Sr.

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, by personal filing and service, or through courier, his *Manifestation*, to inform this Court whether he will file a *Demurrer to Evidence*, without leave of court.

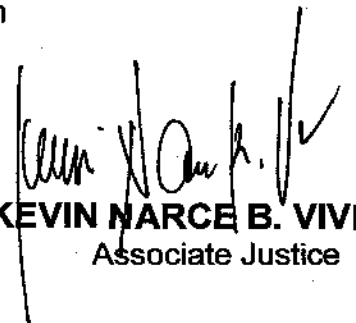
The hearings set for the accused to present his evidence on July 25; and, August 6 and 7, 2018, all at 1:30 in the afternoon, are maintained. The said scheduled dates will be considered automatically cancelled upon receipt by the Court of the *Demurrer to Evidence* of the accused.⁶

SO ORDERED.


SARA JANE T. FERNANDEZ
Associate Justice
Chairperson

WE CONCUR:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice

⁵ Opposition dated July 9, 2018, p. 1.

⁶ Pursuant to A.M. No. 15-06-10-SC, Revised Guidelines for Continuous Trial of Criminal Cases