

Republic of the Philippines  
SANDIGANBAYAN  
Quezon City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,

*Plaintiff,*

CRIM. CASE NOS. SB-16-CRM-1239  
to 1241

*For:* Violation of Sec 3(e), Republic  
Act No. 3019; Direct Bribery under  
Art. 210, Revised Penal Code; and  
Violation of Sec. 7(d), Republic Act  
No. 6713

-versus-

*Present:*

Herrera, Jr., J., Chairperson

Musngi, J. &

Pahimna, J.

CECILIA RACHEL VALERA  
QUISUMBING,

*Promulgated:*

*Accused. August 28, 2018*

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RESOLUTION

**PAHIMNA, J.:**

In the subject *Motion for Reconsideration* filed by accused Cecilia Rachel Valera Quisumbing through counsel on 1 August 2018, from the Court's Resolution of 20 July 2018, accused charges this Court of grave abuse of discretion in denying her previous Motion for Leave to File Demurrer to Evidence.

Accused insists that the prosecution failed to prove the elements of the crimes charged considering that the prosecution evidence contradicts the allegations of the informations. She believes that the prosecution evidence is grossly insufficient; hence, there is essentially nothing for her to rebut. This Court cannot now allegedly shift the burden of evidence to her to refute the prosecution's exculpatory evidence.

**The motion lacks merit.**

First of all, it is procedurally infirm to invoke grave abuse of discretion in the present motion as the same is not a ground in a motion for reconsideration.

*M*

*[Signature]*

**RESOLUTION**

P.P. v. Quisumbing

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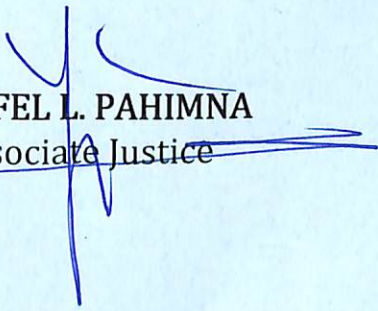
Moreover, as correctly pointed out by the prosecution in its *Vehement Opposition* filed on 3 August 2018, the arguments cited by the accused are without merit and are in fact a mere rehash of the issues raised before and judiciously resolved by the Court. We find no new circumstance or compelling reason warranting the modification or reversal of Our assailed Resolution.

Further, an assiduous review of records discloses that both testimonial and documentary evidence appear to be prima facie sufficient to sustain a conviction of the crimes charged. The Court stands by its opinion that burden of evidence is now shifted to the accused to contradict the evidence introduced against her.


At any rate, if accused insists on her belief that she need not present defense evidence for gross insufficiency of prosecution evidence, she may file her demurrer to evidence without leave of court, subject to consequences under Section 23, Rule 119 of the Revised Rules of Criminal Procedure, as amended, that in case of its denial, she shall waive her right to present her evidence and submit these cases for judgement based on the evidence adduced by the prosecution.

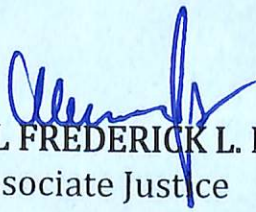
WHEREFORE, for lack of merit, the instant *Motion for Reconsideration* is hereby DENIED.

SO ORDERED.

  
LORIFEL L. PAHIMNA  
Associate Justice

WE CONCUR:

  
OSCAR C. HERRERA, JR.  
Chairperson

  
MICHAEL FREDERICK L. MUSNGI  
Associate Justice