



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

**PEOPLE OF THE
PHILIPPINES,**

Plaintiff,

SB-17-CRM-0057 - 0058

For: Violation of Sections 3(e) and
3(g) of Republic Act (R.A.) No. 3019

-versus-

PRESENT:

**NELSON C. DAVID,
JOCELYN B. LIAO,
FELICIDAD I. CRUZ, AND
ROLANDO L. FLORES,**

Accused,

FERNANDEZ, SJ, J., *Chairperson*
MIRANDA, J., &
VIVERO, J.

Promulgated:

AUG 09 2018

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RESOLUTION

MIRANDA, J.:

For resolution are the: 1) Motion for Leave (To File Demurrer to Evidence) dated June 28, 2018 filed by accused Jocelyn B. Linao (Linao), Felicidad I. Cruz (Cruz), and Rolando L. Flores (Flores) on July 2, 2018; 2) Motion for Leave to File Demurrer to Evidence dated July 1, 2018 filed by accused Nelson C. David (David) on July 2, 2018; and 3) Consolidated Comment/Opposition (Re: Motions for Leave to File Demurrer to Evidence) dated July 5, 2018 filed by the Prosecution.

Accused Linao, Cruz, and Flores move for leave to file demurrer to evidence on the ground that the Prosecution's documentary and testimonial evidence are insufficient to prove conspiracy and their guilt beyond

reasonable doubt. They argue that the Municipal Appraisal Report dated October 1, 2002 was only recommendatory and was approved by the *Sangguniang Bayan* of Limay, Bataan.

Accused David alleges that the Municipal Appraisal Committee came up with an independent appraisal report, and that the *Sangguniang Bayan* of Limay, Bataan authorized him to purchase the lots owned by his sons.

On the other hand, the Prosecution contends that accused David conspired with accused Linao, Cruz, and Flores in the appraisal of the agricultural/pasture land owned by the sons of accused David at One Hundred Forty Pesos (Php140.00) per square meter. The Prosecution asserts that the subject property has a zonal value of Five Pesos (Php5.00) per square meter, and a market value of Four Hundred Thirty-Six Thousand Three Hundred Two Pesos (Php436,302.00). The subject property was also bought by the sons of accused David for only Three Pesos (Php3.00) per square meter barely two years prior to the anomalous transaction.

After a thorough review of the records of the case and the evidence formally offered by the Prosecution, the Court finds that, if unrebutted, the same is sufficient to support a verdict of guilt for violation of Sections 3(e) and 3(g) of R.A. No. 3019. The Court hereby **DENIES** the Motion for Leave (To File Demurrer to Evidence) dated June 28, 2018 of accused Linao, Cruz and Flores and the Motion for Leave to File Demurrer to Evidence dated July 1, 2018 of accused David.

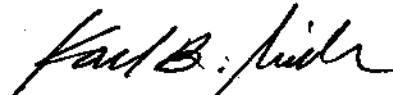
This is without prejudice to the filing by the accused of their Demurrer to Evidence without prior leave of court, but subject to the legal consequence provided under Section 23, Rule 119 of the Revised Rules of Criminal Procedure, as amended, that they shall waive their right to present evidence and submit these cases for judgment on the basis of the evidence adduced by the Prosecution.

WHEREFORE, the Motion for Leave (To File Demurrer to Evidence) dated June 28, 2018 of accused Linao, Cruz and Flores and the Motion for Leave to File Demurrer to Evidence dated July 1, 2018 of accused David are **DENIED**. The accused, through their respective counsel, are given a non-extendible period of five (5) days from receipt of this Resolution within which to file their Demurrer to Evidence without prior leave of court, if they so desire, or file a Manifestation informing the Court that they will no longer file a Demurrer to Evidence.

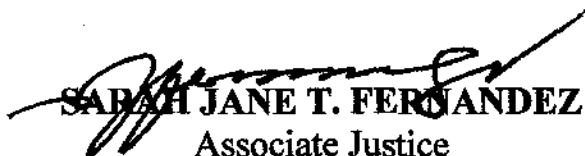



The hearings set on August 15, 2018 and September 12-13, 2018 for accused David, and on September 20 and 25, 2018, October 3, 10, 11, 17 and 25, 2018 for accused Linao, Cruz, and Flores, all at 1:30 in the afternoon for the presentation of the evidence for the Defense are maintained. The scheduled hearings set for the accused who filed a Demurrer to Evidence without prior leave of court will be automatically cancelled.

SO ORDERED.


KARL B. MIRANDA
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KEVIN NARCE B. VIVERO
Associate Justice