



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-0627
For: Violation of Sec. 3(e) of
R.A. 3019

- versus -

WILLIAM I. RAMIREZ, ET AL.,
Accused.

Present:

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

Promulgated:
SEP 14 2018

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RESOLUTION

VIVERO, J.

This resolves the *Motion for Leave to File Demurrer to Evidence*¹ filed by accused William I. Ramirez on 10 August 2018 and the *Comment/Opposition (Re: Motion for Leave to File Demurrer to Evidence)*² filed by the prosecution on 15 August 2018.

Accused submits that the prosecution failed to prove his guilt beyond reasonable doubt.³ Accused posits the following:

- a) The testimony of witness Belinda C. David is an indication that there was no damage nor irregularity in the payment.⁴
- b) The Philippine Sports Commission (PSC) – Bids and Awards Committee was not aware of the fact of revocation of registration of Excelgard Security and Research Services (Excelgard).⁵

¹ Dated 09 August 2018; Record, Vol. II, p. 224.

² Dated 13 August 2018; Record, Vol. II, pp. 241.

³ Accused's Motion for Leave to File Demurrer to Evidence dated 09 August 2018, p. 2.

⁴ Ibid.

⁵ Id., p. 3.

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- c) There was no notice of disallowance nor notice of suspension issued by the Commission on Audit (COA) against Excelgard.⁶
- d) Prosecution witnesses Jun Michael T. Unzo and Atty. Maribel Rodriguez have no personal knowledge regarding the transaction involved in this case.⁷
- e) The failure of the prosecution to overcome the presumption of regularity in the procurement of services warrants the outright dismissal of this case.⁸

In its *Comment/Opposition*⁹, the prosecution asked this Court to deny accused's *Motion for Leave to File Demurrer to Evidence* on the following grounds:

- a) The prosecution was able to prove the existence of all the elements of the crime of violation of Section 3(e) of Republic Act (R.A.) No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act.¹⁰
- b) Accused Ramirez entered into the Addendum to the Contract of Service dated 04 December 2008, for the hiring of additional ninety-five (95) security guards in addition to the one hundred eighth (108) security guards provided for in the Original Contract of Service dated 31 October 2008, without the benefit of a public and competitive bidding under R.A. No. 9184 and absent any authority from the Board of PSC as required under R.A. No. 6847.¹¹
- c) Accused Ramirez entered into the Addendum to the Contract of Service with the same effective date as that of the Original Contract of Service, which is 01 November 2008 (*Exhibit "C" to "C-5"*).¹²
- d) Accused Ramirez claimed that Excelgard was a "*qualified, licensed and authorized by law*" when the truth is that Excelgard's Certificate of Registration was revoked as early as 03 November 2003 (*Exhibit "B"*).¹³

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ See note 2 above.

¹⁰ Prosecution's Comment/Opposition (Re: Motion for Leave to File Demurrer to Evidence), p. 1.

¹¹ Id., pp. 2-3.

¹² Id., p. 2.

¹³ Id., p. 3.

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- e) Excelgard was paid for November 2008 the amount of Php10,439,175.00 (*Exhibit "K"*) when it is only entitled to Php2,075,484.00 per month (*Exhibit "C"*).¹⁴

RULING

After a careful study, we find the grounds relied upon by accused Ramirez in his *Motion for Leave to File Demurrer to Evidence* to be **WITHOUT MERIT**. The arguments raised by accused Ramirez are evidentiary in nature and are matters of defense, the truth of which can best be passed upon in a full-blown trial on the merits.

Accordingly, the Court hereby **DENIES** the *Motion for Leave to File Demurrer to Evidence* filed by the accused-movant William I. Ramirez. However, this is without prejudice to the filing 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, accused shall waive his right to present his evidence and is submitting this case for judgment on the basis of the evidence adduced by the prosecution.

Accused Ramirez is given a period of five (5) calendar days from receipt of this Resolution within which to file his Manifestation to inform this Court whether they will file a demurrer to evidence without leave of court.

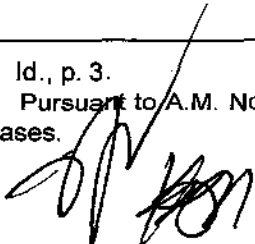
The hearing for the presentation of defense evidence is set on **08, 15 and 22 November 2018 at 1:30 in the afternoon**. The said scheduled dates will be considered automatically cancelled upon receipt by the Court of accused Ramirez's demurrer to evidence without leave of court, if one is filed.¹⁵

SO ORDERED.


KEVIN NARCE B. VIVERO
Associate Justice

¹⁴ Id., p. 3.

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





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WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KARL E. MIRANDA
Associate Justice

