



REPUBLIC OF THE PHILIPPINES

*Sandiganbayan*  
Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on October 23, 2018

PRESENT:

**HON. SARAH JANE T. FERNANDEZ**.....Chairperson  
**HON. KARL B. MIRANDA**.....Associate Justice  
**HON. KEVIN NARCE B. VIVERO**.....Associate Justice

The following resolution was adopted:

SB-17-CRM-2138 and 2139 –

PEOPLE vs. ENRICO R. ECHIVERRI, ET AL.

After carefully reviewing the accused' Motion and the prosecution's evidence, this Court resolves to **PARTIALLY GRANT** the *Motion for Leave to File Demurrer to Evidence*<sup>1</sup> of accused Enrico R. Echiverri, Edna V. Centeno and Jesusa C. Garcia over the objection<sup>2</sup> of the prosecution.

As prayed for, the accused are given a non-extendible period of ten (10) days from the receipt of this Resolution within which to file their demurrer to evidence in **SB-17-CRM-2138**.<sup>3</sup> Similarly, the prosecution is given a non-extendible period of ten (10) days from the receipt of the accused' demurrer to evidence within which to file its comment/opposition thereto. Thereafter, the incident is deemed submitted for resolution.

The Court **DENIES** accused Centeno and Garcia's *Motion for Leave to File Demurrer to Evidence* in **SB-17-CRM-2139**.<sup>4</sup> As provided in Rule 119, Sec. 23 of the Rules of Court,<sup>5</sup> said accused may adduce evidence in their defense, or in the alternative, they may file a demurrer to evidence without leave of court.

<sup>1</sup> Dated September 19, 2018; Record, Vol. 3, pp. 363-385

<sup>2</sup> *Opposition (Re: Accused Motion for Leave to File Demurrer to Evidence)* dated September 24, 2018; Record, Vol. 3, pp. 402-415

<sup>3</sup> Violation of Sec. 3(e) of R.A. No. 3019

<sup>4</sup> Falsification under Art. 171 (4) of the Revised Penal Code

<sup>5</sup> **Sec. 23. Demurrer to evidence.** – After the prosecution rests its case, the court may dismiss the action on the ground of insufficiency of evidence (1) on its own initiative after giving the prosecution the opportunity to be heard or (2) upon demurrer to evidence filed by the accused with or without leave of court.

If the court denies the demurrer to evidence filed with leave of court, the accused may adduce evidence in his defense. When the demurrer to evidence is filed without leave of court, the accused waives the right to present evidence and submits the case for judgment on the basis of the evidence for the prosecution. x x x

Accused Centeno and Garcia are given five (5) days from receipt of this Resolution to file their manifestation, by personal service or through courier, to inform this Court whether they are filing their demurrer to evidence without leave of court. The hearing date set on October 29, 2018 for the presentation of the accused' evidence in **SB-17-CRM-2139** is maintained. The scheduled hearing will be considered cancelled upon receipt by this Court of accused Centeno and Garcia's manifestation that they intend to file their demurrer to evidence without leave of court.

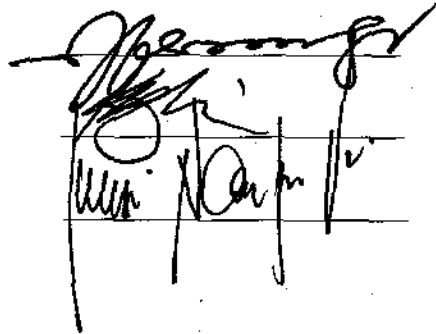
**SO ORDERED.**

**APPROVED:**

**FERNANDEZ, SJ, J.,**

**MIRANDA, J.**

**VIVERO, J.**

Handwritten signatures of the judges: Fernandez, SJ, J., Miranda, J., and Vivero, J. The signatures are written in black ink and are somewhat stylized.