



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,

Plaintiff,

SB-17-CRM-1806 - 1808

For: Sexual Harassment

PRESENT:

-versus-

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

**COL. JESSIE MARIO BORJA
DOSADO, P.A.,**

Accused,

Promulgated:

NOV 05 2018

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RESOLUTION

MIRANDA, J.:

This resolves: (1) Accused Jessie Mario Borja Dosado's Motion for Leave of Court to File Demurrer to Evidence with Attached Demurrer to Prosecution's Evidence dated August 24, 2018; and (2) the Prosecution's Comment/Opposition (Re: Motion for Leave of Court to File Demurrer to Evidence) dated August 31, 2018.

The accused moves for leave to file demurrer to evidence on the ground that the Prosecution's documentary and testimonial evidence are insufficient to prove his guilt beyond reasonable doubt. The accused argues that: 1) the evidence of the Prosecution does not prove anything; 2) the testimonies of Prosecution witnesses are full of inconsistencies, unworthy of belief, and fabricated; and 3) the further continuation of the proceedings in these cases

would cause injustice to the accused and to the Court whose time, money and resources would be wasted if the trial is continued.

On the other hand, the Prosecution contends that: 1) the sexual gestures and unwelcome sexual remarks of the accused resulted in an intimidating, hostile or offensive environment for private complainants Sergeant Florizel G. Suico (Sgt. Suico) and Master Sergeant Dynne G. Bersonda (MSgt. Bersonda); 2) the accused admitted that he is the Commanding Officer of the Philippine Army Procurement Center and the Assistant Chief of Staff for Logistics (OG4), Philippine Army, both at Fort Bonifacio, Taguig City; 3) Sgt. Suico was the secretary and subordinate employee of the accused at OG4; 4) MSgt. Bersonda was detailed at the Philippine Army Procurement Center and a subordinate employee of the accused; 5) Sgt. Suico and MSgt. Bersonda testified that the accused committed the sexual harassment complained of when they were performing their functions as subordinate employees of the accused; 6) Sgt. Suico and MSgt. Bersonda were both consistent and categorical in their allegations against the accused of unwelcome sexual advances and improper sexual gestures; and 7) it is unlikely that Sgt. Suico and MSgt. Bersonda would perjure themselves considering the possibility of losing their jobs or to become the subjects of reprisal from their superiors.

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 Sexual Harassment under Republic Act No. 7877 (R.A. No. 7877). The Court hereby **DENIES** the Motion for Leave of Court to File Demurrer to Evidence with Attached Demurrer to Prosecution's Evidence dated August 24, 2018 of the accused.

This is without prejudice to the re-filing by the accused of his 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 he shall waive his 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 of Court to File Demurrer to Evidence with Attached Demurrer to Prosecution's Evidence dated August 24, 2018 of accused Colonel Jessie Mario B. Dosado is **DENIED**. The accused, through counsel, is given a non-extendible period of five (5) days from receipt of this Resolution within which to re-file his Demurrer to Evidence without prior leave of court, if he so desires, or file a Manifestation informing the Court that he will no longer file a Demurrer to Evidence.



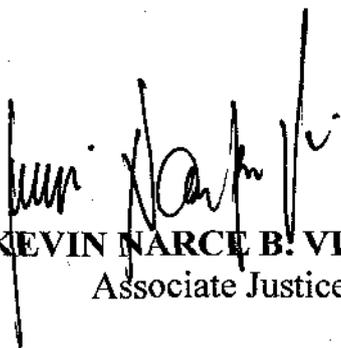
The presentation of evidence for the Defense on November 9, 2018, December 7, 2018 and January 11, 2019, all at 1:30 in the afternoon, are maintained. The scheduled hearings will be automatically cancelled upon receipt by the Court of the Demurrer to Evidence of the accused.

SO ORDERED.


KARL B. MIRANDA
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KEVIN NARCE B. VIVERO
Associate Justice