



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on January 14, 2019

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-0648 and 0649 –

PEOPLE vs. ENRICO R. ECHIVERRI, ET AL.

In its *Motion for Reconsideration (Re: Resolution dated November 27, 2018)*,¹ the prosecution prays that this Court reconsider its November 27, 2018 Resolution² on the ground that the prosecution's evidence is sufficient to support a guilty verdict. The accused opposed³ the prosecution's Motion.

This Court resolves to DENY the prosecution's *Motion for Reconsideration*.

A court, in resolving a Motion for Leave to File a Demurrer to Evidence, determines whether the accused is merely stalling the proceedings.⁴ The prosecution, in its Motion, failed to show how granting the accused' *Motion for Leave to File Demurrer to Evidence* will cause unnecessary delay in the proceedings in these cases.

The Court NOTES the prosecution's *Manifestation*,⁵ and the accused' *Counter Manifestation*.⁶

It appears that the prosecution has not yet filed its comment/opposition to the accused' demurrer to evidence by reason of the pendency of its instant *Motion for Reconsideration*. Thus, the prosecution is given a non-extendible period of ten (10) days from the receipt of this Resolution within which to file its

¹ Dated December 7, 2018 and filed on December 10, 2018

² Record, Vol. 3, p. 61

³ *Opposition* dated December 24, 2018 and filed on December 27, 2018

⁴ Please see *Bernardo v. Court of Appeals*, G.R. No. 119010, September 5, 1997

⁵ Filed on December 21, 2018

⁶ Dated and filed on January 4, 2019

comment/opposition to the accused' demurrer to evidence. Thereafter, the incident is deemed submitted for resolution.

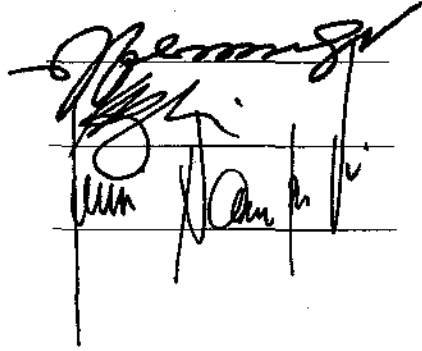
SO ORDERED.

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 on a set of horizontal lines.