



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-2133 and 2134 –

PEOPLE vs. ENRICO R. ECHIVERRI, ET AL.

In the Resolution dated October 25, 2018,¹ this Court granted accused Enrico R. Echiverri, Edna V. Centeno and Jesusa C. Garcia's *Motion for Leave to File Demurrer to Evidence* in SB-17-CRM-2133, and denied the same in SB-17-CRM-2134. Subsequently, in the Resolution dated November 27, 2018, upon accused Centeno and Garcia's *Motion for Partial Reconsideration*, this Court granted said accused leave to file their demurrer to evidence in SB-17-CRM-2134, and directed them to file their demurrer to evidence.

In the instant *Motion for Reconsideration (Re: Resolution dated November 27, 2018)*,² the prosecution prays that this Court reconsider its November 27, 2018 Resolution 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* for the prosecution's failure to show how granting accused Centeno and Garcia's *Motion for Leave to File Demurrer to Evidence* in SB-17-CRM-2134 will cause unnecessary delay in the proceedings.

A court, in resolving a Motion for Leave to File a Demurrer to Evidence, determines whether the accused is merely stalling the proceedings.⁴

¹ Record, Vol. 3, pp. 484-485

² Dated and filed on December 10, 2018

³ *Opposition* dated and filed on December 18, 2018

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

This Court, in its discretion, initially denied accused Garcia and Centeno leave to file their demurrer in SB-17-CRM-2134, it appearing that the same would merely cause delay in the proceedings. However, upon said accused' *Motion for Partial Reconsideration*, and in the light of the Supreme Court's recent ruling in *Germar v. Legaspi*,⁵ this Court made a preliminary determination of the sufficiency of the prosecution's evidence, and in its discretion, determined that granting accused Garcia and Centeno leave to file their demurrer in SB-17-CRM-2134 would not cause unnecessary delay.

The Court NOTES the prosecution's *Manifestation*,⁶ and the accused' *Counter Manifestation*.⁷

It appears that the prosecution has not yet filed its comment/opposition to accused Centeno and Garcia's demurrer to evidence in SB-17-CRM-2134 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 comment/opposition to the demurrer to evidence in SB-17-CRM-2134. Thereafter, the incident is deemed submitted for resolution.

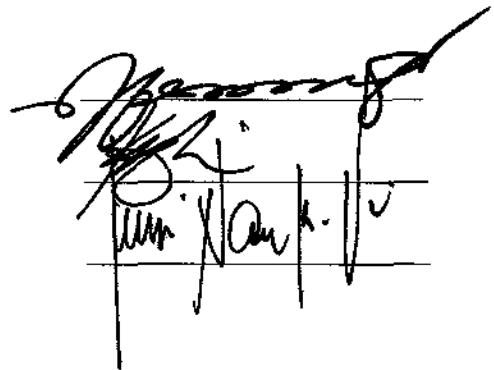
SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J.,

MIRANDA, J.

VIVERO, J.



⁵ G.R. No. 232532, October 1, 2018

⁶ Dated and filed on December 20, 2018

⁷ Dated and filed on January 4, 2019