



Republic of the Philippines
Sandiganbayan
 Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on March 26, 2019.

Present:

<i>MA. THERESA DOLORES C. GOMEZ-ESTOESTA</i> -----	<i>Chairperson</i>
<i>ZALDY V. TRESPESES</i> -----	<i>Associate Justice</i>
<i>GEORGINA D. HIDALGO</i> -----	<i>Associate Justice</i>

The following resolution was adopted:

SB-13-CRM-0096 to 0101 – People v. Antonio P. Belicena, et al.

In view of the dismissal of the instant cases following the grant of accused Raul C. De Vera and Rosanna P. Diala’s Demurrer to Evidence as well as accused Brandy L. Marzan’s “Demurrer to Evidence” which dismissal amounts to an acquittal,¹ the cash bonds posted by accused De Vera, Diala and Marzan are ordered released to them or their duly authorized representative/s subject to the usual accounting rules and procedure. Further, the Hold Departure Order (HDO) issued by the Fifth Division of this Court dated January 14, 2013 is set aside while the Order issued by the Bureau of Immigration dated January 24, 2013 including their names in the Hold Departure List is ordered recalled.

In a similar vein, considering that the instant cases have all been dismissed, which dismissal has benefited accused Antonio P. Belicena and Uldarico P. Andutan, Jr.,² the same HDO and Bureau of Immigration Order are set aside insofar as accused Belicena and Andutan, Jr. are concerned. Further, the bench warrant dated November 8, 2017 issued against accused Andutan, Jr. is now rendered *functus officio* in character and is thus lifted. On the other hand, insofar as accused Belicena is concerned, since the cases were suspended as against him until such time that his mental condition shall have improved adequately per the Resolution of the Court dated September 22, 2014, his doctors from the National Center for Mental Health (NCMH) are hereby relieved of their duty to render a report if and when accused Belicena is competent to stand trial, at least insofar as the instant cases are concerned. For this purpose, furnish the NCMH a copy of this Resolution for its information and guidance.

¹ *People v. Sandiganbayan & Barcenas*, G.R. No. 174504, March 21, 2011

² Indeed, under Section 23, Rule 119 of the Rules of Court, 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.

With the dismissal of the instant cases, the setting for initial presentation of defense evidence on April 23, 2019 is necessarily cancelled.

Finally, considering that accused Honorato Lacsina and Joseph A. Cabotaje are still at large, let the instant cases be **ARCHIVED** as to them.

SO ORDERED. *jp*

GOMEZ-ESTOESTA, J., *Chairperson*

TRESPESES, J.

HIDALGO, J.

