



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-15-CRM-0284 to 0285
For: Violation of Sec. 3(e)
and 3(g) of R.A. 3019

- versus -

CELESTINO A. MARTINEZ III,
ET AL.,

Accused.

Present:

FERNANDEZ, SJ, J.
Chairperson
MIRANDA, J. and
VIVERO, J.

Promulgated:

MAR 28 2019

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RESOLUTION

VIVERO, J.

This resolves the following motions, to wit:

1. *Motion for Leave to File Demurrer to Evidence*¹ filed by accused Rhett E. Minguez on 15 February 2019; and
2. *Motion for Leave to File Demurrer to Evidence*² filed by accused Celestino Martinez III on 19 February 2019.
3. *Motion for Leave to File Demurrer to Evidence*³ filed by accused Julio S. Ursonal, Jr. on 6 March 2019.

Accused Minguez in his *Motion*⁴ argues that the evidence presented by the prosecution is insufficient to hold him criminally liable beyond reasonable doubt for violation of Section 3(e) of

¹ Dated 14 February 2019, pp. 1-3.

² Dated 18 February 2019, pp. 1-8.

³ Dated 20 February 2019, pp. 1-4.

⁴ *Supra*, footnote 1.

RESOLUTION

People vs. Martinez III, et al.
SB-15-CRM-0284 to 0285

Page 2 of 3

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Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act and, thus, prays for leave to file demurrer to evidence. Likewise, accused Martinez III in his own *Motion*⁵ insists that the prosecution failed to sufficiently discharge its bounden duty to prove his guilt beyond reasonable doubt for violation of Section 3(e) and 3(g) of Republic Act No. 3019 or the Anti-Graft and Corrupt Practices Act and therefore similarly prays for leave to file demurrer to evidence.

The prosecution in its *Consolidated Comment/Opposition (To Accused Celestino A. Martinez' Motion for Leave of Court to File Demurrer to Evidence and To Accused Rhett E. Minguez' Motion for Leave of Court to File Demurrer to Evidence)*⁶, argues that it was able to sufficiently establish the existence of all the elements of the crimes charged, and, hence the respective *Motions* of accused Martinez and Minguez should be denied for lack of merit.

Accused Ursonal, Jr. in his *Motion*⁷ simply echoes the earlier contention of his co-accused that the evidence of the prosecution is insufficient to prove beyond reasonable doubt that he violated sections 3(e) and 3(g) of Republic Act 3019 or the Anti-Graft and Corrupt Practices Act. Hence, accused prays for leave to file demurrer to evidence.

The prosecution in its *Comment/Opposition (To Accused Julio S. Ursonal's Motion for Leave to File Demurrer to Evidence)*⁸, argues that it was able to discharge its duty to prove the existence of all the elements for violation of sections 3(e) and (g) of R.A. 3019, and, thus the *Motion* of accused Ursonal, Jr. should be denied for lack of merit.

THE COURT'S RULING

After evaluating the arguments proffered by the accused-movants in support of their respective Motion for Leave to File Demurrer to Evidence, and upon a careful study of the evidence submitted by the prosecution, the Court believes and so holds that if unrebutted, the same is sufficient to convict accused Minguez, Martinez III and Ursonal, Jr. The arguments raised by the accused in their respective *Motions* are evidentiary in nature and are matters of defense, the merits of which may be passed upon in a full-blown trial on the merits.

⁵ Supra, footnote 2.

⁶ Dated 26 February 2019, pp. 1-10.

⁷ Supra, footnote 3.

⁸ Dated 12 March 2019, pp. 1-5.

RESOLUTION

People vs. Martinez III, et al.
SB-15-CRM-0284 to 0285

Page 3 of 3

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Accordingly, the Court hereby **DENIES** the following:

1. *Motion for Leave to File Demurrer to Evidence* filed by accused Rhett E. Miguez;
2. *Motion for Leave to File Demurrer to Evidence* filed by accused Celestino Martinez III; and
3. *Motion for Leave to File Demurrer to Evidence* filed by accused Julio S. Ursonal, Jr.

This is without prejudice to the filing of a 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*, that is, accused shall waive his right to present his evidence and is submitting this case for judgment on the basis of the evidence adduced by the prosecution.

Accused Miguez, Martinez III and Ursonal, Jr. are given a period of five (5) calendar days from receipt of this Resolution within which to file their Manifestation to inform this Court whether they will file a demurrer to evidence without leave of court.

The hearings for the presentation of defense evidence is set on June 5 and 6, 2019, at 1:30 in the afternoon. The said scheduled date will be considered automatically cancelled upon receipt by the Court of the respective demurrer to evidence of the accused without leave of court, if one is filed.⁹

SO ORDERED.


KEVIN NARCE B. VIVERO
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KARL B. MIRANDA
Associate Justice

⁹ Pursuant to A.M. No. 15-06-10-SC or the Revised Guidelines for Continuous Trial of Criminal Cases.