



Republic of the Philippines  
**Sandiganbayan**  
 Quezon City  
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**SEVENTH DIVISION**

*MINUTES of the proceedings held on 5 March 2019.*

*Present:*

*Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA----- Chairperson*  
*Justice ZALDY V. TRESPESES----- Member*  
*Justice GEORGINA D. HIDALGO----- Member*

*The following resolution was adopted:*

***Crim. Case No. SB-16-CRM-0841 to 0848 - People vs. JORGE V. SEGOVIA, et al.***

This resolves the following:

1. Accused Jorge V. Segovia, Aurelio Baladad, Joselito Reyes, Cristobal Zaragosa, Marion Balonglong, Allan Nobleza and Jovily Cabading's "MOTION FOR LEAVE TO FILE DEMURRER TO EVIDENCE" dated January 28, 2019;<sup>1</sup>
2. The prosecution's "OPPOSITION RE: ACCUSED'S MOTION FOR LEAVE TO FILE DEMURRER TO EVIDENCE" dated February 6, 2019;<sup>2</sup>
3. Accused Jorge V. Segovia, Aurelio Baladad, Joselito Reyes, Cristobal Zaragosa, Marion Balonglong, Allan Nobleza and Jovily Cabading's "REPLY (Re: Opposition dated 6 February 2019)" dated February 14, 2019.<sup>3</sup>

**TRESPESES, J.**

This resolves accused Jorge V. Segovia, Aurelio B. Baladad, Joselito M. Reyes, Cristobal N. Zaragosa, Marion D. Balonglong, Allan C. Nobleza and Jovily Cabading's Motion for Leave to File Demurrer to Evidence, and the prosecution's Opposition thereto.

<sup>1</sup> Record, Vol. 7, p. 334-338.  
<sup>2</sup> Id. at 344-350.  
<sup>3</sup> Id. at 352-358.

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### ACCUSED'S MOTION FOR LEAVE

Accused pray for leave to file their Demurrer. Their motion was anchored on the ground that the prosecution's evidence is insufficient to establish the guilt of accused beyond reasonable doubt.

Accused allege that the prosecution failed to prove: 1) the existence and identities of the complainants' alleged lawyer of choice at the time the alleged offense occurred, from February 6 to 10, 2010; 2) that the complainants informed accused of the identities of their supposed lawyer of choice; 3) that the complainants demanded to see the supposed lawyer of choice; 4) that the complainants' named lawyer of choice went to see them at Camp Capinpin from February 6 to 10, 2010; 5) that any of the individual accused obstructed, prevented or prohibited the complainants' alleged lawyer of choice from conferring with them during their detention; 6) that accused acted in conspiracy, and; 7) that accused are guilty beyond reasonable doubt of the offense charged in the Information. As such, accused claim that they are entitled to acquittal.

### PROSECUTION'S OPPOSITION

The prosecution counters that the motion should be denied for failure to comply with Sec. 23, Rule 119 of the Rules of Court, which provides that the motion must specifically state the grounds relied upon. The prosecution alleges that to be specific, each ground should at least cite its basis why accused claim that the prosecution failed to prove any of the enumerated facts as against the detailed testimony of the prosecution witnesses. However, an examination of the testimonies of the prosecution witnesses would debunk accused's claim.

The prosecution also avers that accused harps on the theory that complainants should have named and identified counsel of choice from the time of arrest and detention who they have requested to see and confer with. But it should be noted that this theory has already been rejected by the Court in the Resolution dated 10 January 2017.

The prosecution adds that for complainants to be able to choose a counsel of their choice, they should have been given access first to any lawyer to choose from. However, lawyers who were outside of Camp Capinpin who sought to see and confer with accused were not allowed entry inside the detention facility. Also, being first time detainees, they cannot be expected to readily have a counsel of choice.

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The prosecution asserts that, notwithstanding accused's allegations, it is enough that accused prevented the counsel identified by the complainants and their witnesses as those who went to Camp Capinpin to see them, but were not allowed or otherwise prevented from conferring with them. .

As to the allegation of conspiracy, the prosecution posits that it need not be established by direct evidence.

#### ACCUSED'S REPLY

The defense argues that the Rule does not require accused to go into the grounds with such particularity, otherwise the filing of the Demurrer to Evidence would be a superfluity. Hence, their motion for leave sufficiently complied with the requirement of "specifically stating its ground" for a demurrer to evidence.

#### RULING

After carefully reviewing accused's motion for leave and the prosecution's evidence, and further finding the issues and arguments relied by accused to be substantial and not merely to delay the proceedings, the Court resolves to **GRANT** the same.

Accordingly, accused Jorge V. Segovia, Aurelio B. Baladad, Joselito M. Reyes, Cristobal N. Zaragosa, Marion D. Balonglong, Allan C. Nobleza and Jovily Cabading are given a **non-extendible period of ten (10) days** from receipt hereof within which to file their respective Demurrer to Evidence. The prosecution is given a **non-extendible period of ten (10) days** from receipt of the demurrer within which to file its comment thereto. Thereafter, the incident shall be considered submitted for resolution.

**SO ORDERED.**

Quezon City, Philippines.

  
**ZALBY V. TRESPESES**  
*Associate Justice*

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**Minute Resolution**

*People v. Jorge V. Segovia, et al.*

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WE CONCUR:

*Jon*  
**MA. THERESA DOLORES C. GOMEZ-ESTOESTA**

*Associate Justice*

**Chairperson**

**GEORGINA D. HIDALGO**

*Associate Justice*