



Republic of the Philippines

Sandiganbayan

Quezon City

SIXTH DIVISION

**PEOPLE OF THE
PHILIPPINES,**

Plaintiff,

SB-17-CRM-1562 - 1566

For: Violation of Section 3(e) of
Republic Act (R.A.) No. 3019 and
Malversation of Public Funds

-versus-

PRESENT:

**RODOLFO V. VALDEZ, PAZ
P. FORTUNATO and MA.
CYNTHIA A. PUYAT,**

Accused,

FERNANDEZ, SJ, J., *Chairperson*

MIRANDA, J., &

VIVERO, J.

Promulgated:

MAR 29 2019

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RESOLUTION

MIRANDA, J.:

This resolves the: 1) Manifestation and Motion for Leave to File Verified Demurrer to Evidence dated February 7, 2019 filed by accused Rodolfo V. Valdez (Valdez) and Paz P. Fortunato (Fortunato) on February 11, 2019; and 2) Counter Manifestation dated February 13, 2019 filed by the Prosecution on February 14, 2019.

In their manifestation and motion for leave to file verified demurrer to evidence, accused Valdez and Fortunato allege that: 1) the documentary evidence adduced by the Prosecution, except for the complaint and recent certifications, are inadmissible in evidence for being secondary evidence and identified by people who do not have personal knowledge of their existence, due execution, preparation, issuance and veracity of the contents thereof; 2) the testimonial evidence of the prosecution witnesses are hearsay and inadmissible as none of them have personal knowledge of the material allegations in the informations; 3) the certifications issued by prosecution witnesses show that material documentary evidence could not be found; and 4) the certifications were not under oath and did not definitely state the cause,

date and place of the occurrence that led to the loss of the original copies of the documentary evidence.

In its counter manifestation, the Prosecution alleges that the manifestation and motion for leave to file verified demurrer to evidence was prematurely filed as its Formal Offer of Evidence has yet to be resolved by the Court.

On January 25, 2019, the Prosecution filed its Formal Offer of Evidence (With Motion to Mark Exhibit "CCC") of even date. On February 11, 2019, accused Valdez and Fortunato filed their Manifestation and Motion for Leave to File Verified Demurrer to Evidence dated February 7, 2019.

When accused Valdez and Fortunato sought leave of court to file demurrer to evidence, the Court had yet to resolve the Prosecution's formal offer of evidence. At that time, the documentary exhibits and testimonial evidence of the Prosecution have neither been admitted nor denied by the Court. Clearly, the filing of the manifestation and motion for leave to file verified demurrer to evidence by accused Valdez and Fortunato was premature.

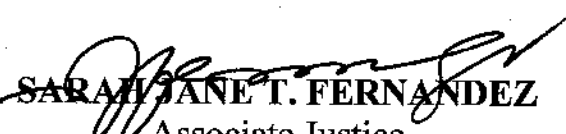
WHEREFORE, the Manifestation and Motion for Leave to File Verified Demurrer to Evidence dated February 7, 2019 of accused Rodolfo V. Valdez and Paz P. Fortunato is **DENIED**.

The hearings set on May 6 and 7, 2019 at 1:30 in the afternoon for the presentation of defense evidence are maintained.

SO ORDERED.


KARL B. MIRANDA
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KEVIN NARCE B. VIVERO
Associate Justice