



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on March 4, 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-18-CRM-0101** –

**PEOPLE vs. ANTONIO R. FLOIRENDO, JR.**

After carefully reviewing the prosecution's evidence, accused Antonio R. Floirendo, Jr.'s *Motion for Leave to File Demurrer to Evidence*,<sup>1</sup> and the prosecution's *Comment and Opposition (To the Motion for Leave to File Demurrer to Evidence dated 17 January 2019)*,<sup>2</sup> this Court resolves to **DENY** the accused' Motion. As provided in Rule 119, Sec. 23 of the Rules of Court,<sup>3</sup> he may adduce evidence in his defense, or in the alternative, he may file a demurrer to evidence without leave of court.

The accused is given five (5) days from receipt of this Resolution to file his manifestation, by personal service or through courier, to inform this Court whether he is submitting his demurrer to evidence without leave of court. The hearing date set on March 25, 2019 for the presentation of the accused' evidence is maintained. The scheduled hearing will be considered cancelled upon receipt by this Court of the accused' manifestation that he intends to submit his demurrer to evidence without leave of court.

SO ORDERED.

<sup>1</sup> Dated January 17, 2019; Record, Vol. 5, pp. 54-63

<sup>2</sup> Dated January 28, 2019; Record, Vol. 5, pp. 67-80

<sup>3</sup> **Sec. 23. Demurrer to evidence.** – 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.

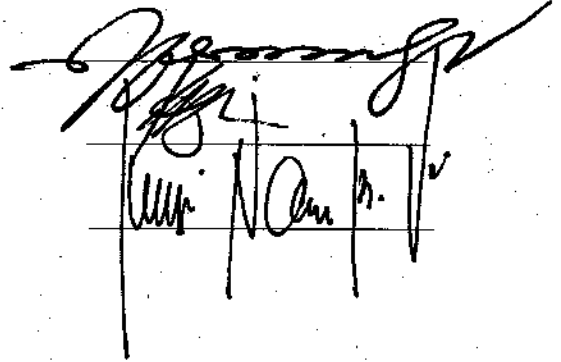
If the court denies the demurrer to evidence filed with leave of court, the accused may adduce evidence in his defense. When the demurrer to evidence is filed without leave of court, the accused waives the right to present evidence and submits the case for judgment on the basis of the evidence for the prosecution. x x x

**APPROVED:**

**FERNANDEZ, SJ, J.,**

**MIRANDA, J.**

**VIVERO, J.**



Handwritten signatures of the three judges: Fernandez, SJ, J.; Miranda, J.; and Vivero, J.