



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on April 10, 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.

The Court finds no justification to warrant the reversal or modification of the assailed Resolution,¹ and resolves to **DENY** accused Antonio R. Floirendo, Jr.'s *Motion for Reconsideration (of Minute Resolution dated March 4, 2019)*.²

The accused' contention that the testimonies of the witnesses are hearsay is untenable. As pointed out by the prosecution in its *Opposition (To Accused's Motion for Reconsideration dated 18 March 2019)*,³ the witnesses, except for Auditor Josefina M. Gonzales,⁴ were legal custodians of the prosecution's documentary evidence. Furthermore, the testimonies of the witnesses were dispensed with after the parties entered into the pertinent stipulations.

The rest of the arguments in the accused' *Motion for Reconsideration* are a mere reiteration or rehash of those in his *Motion for Leave to File Demurrer to Evidence*⁵ and *Motion to Quash The Information*.⁶ This Court, in denying said Motions, had already considered such arguments and found the same to be without merit. Thus, there is no need to discuss them anew.

¹ Dated March 4, 2019; Record, Vol. 5, pp. 93-94

² Dated March 18, 2019; Record, Vol. 5, pp. 108-120

³ Dated March 26, 2019; Record, Vol. 5, pp. 129-140

⁴ With respect to Exhibits Q and Q-10

⁵ Dated January 17, 2019; Record, Vol. 5, pp. 54-63

⁶ *Opposition to the Motion to Suspend the Accused and Motion to Quash the Information* dated June 27, 2018, pp. 7-18; Record, Vol. 2, pp. 143-154

This Court reiterates its directive in the assailed Resolution. As provided in Rule 119, Sec. 23 of the Rules of Court,⁷ the accused may adduce evidence in his defense, or in the alternative, he may file a demurrer to evidence without leave of court. He 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 set on June 3, 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.

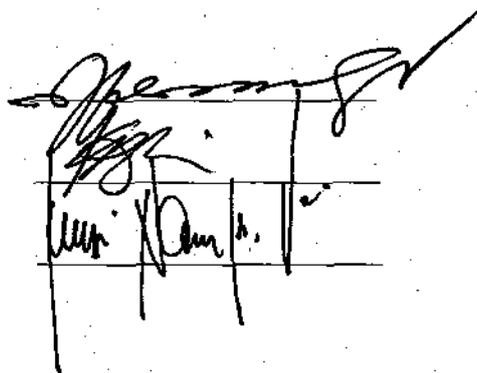
SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J.,

MIRANDA, J.

VIVERO, J.



⁷ **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