



REPUBLIC OF THE PHILIPPINES  
*Sandiganbayan*  
Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on June 13, 2019

PRESENT:

**HON. SARAH JANE T. FERNANDEZ**.....Associate Justice  
**HON. MICHAEL FREDERICK L. MUSNGI\***.....Associate Justice  
**HON. KEVIN NARCE B. VIVERO**.....Associate Justice

The following resolution was adopted:

SB-16-CRM-0271 –

PEOPLE vs. ALAN L. PURISIMA, ET AL.

This resolves the following:

1. *Motion to File Demurrer to Evidence With Leave of Court*<sup>1</sup> filed by accused Lenbell J. Fabia and Sonia C. Calixto;
2. *Motion for Leave of Court to File Demurrer to Evidence*<sup>2</sup> filed by accused Mario G. Juan, Enrique S. Valerio, Lorna Perena and Juliana C. Pasia;
3. *Motion for Leave of Court to File Demurrer to Evidence*<sup>3</sup> filed by accused Napoleon R. Estilles;
4. *Motion for Leave of Court to File Demurrer to Evidence*<sup>4</sup> filed by accused Gil C. Meneses;
5. *Joint Motion for Leave of Court to File Demurrer to Evidence*<sup>5</sup> filed by accused Raul D. Petrasanta and Allan A. Parreño;
6. *Motion for Leave of Court to File Demurrer to Evidence*<sup>6</sup> filed by accused Ford G. Tuazon;

\* In view of the inhibition of J. Miranda (Per A.O. No. 136-2016 dated May 16, 2016)

<sup>1</sup> Dated March 4, 2019; Record, Vol. 16, pp. 192-194

<sup>2</sup> Dated March 5, 2019; Record, Vol. 16, pp. 203-207

<sup>3</sup> *Omnibus Motion 1. For the Reconsideration of the Admission of Exhibits "A", "A-1", "A-2", "B", "B-1", "B-2", "C", and "C-1"; 2. For Leave of Court to File Demurrer to Evidence; and 3. To Hold in Abeyance the Resolution of the Motion for Leave of Court to File Demurrer to Evidence Pending the Resolution of the Admissibility of Exhibits "A", "A-1", "A-2", "B", "B-1", "B-2", "C", and "C-1" dated March 6, 2019, Record, Vol. 16, pp. 210-214; Manifestation dated April 26, 2019, Record, Vol. 17, pp. 106-108*

<sup>4</sup> Dated March 6, 2019; Record, Vol. 16, pp. 215-231

<sup>5</sup> Dated March 7, 2019; Record, Vol. 16, pp. 232-234

<sup>6</sup> Dated March 7, 2019; Record, Vol. 16, pp. 235-241

7. *Motion for Leave to File Demurrer to Evidence*<sup>7</sup> filed by accused Melchor V. Reyes;
8. *Motion for Leave to File Demurrer to Evidence With Motion to Admit Attached Demurrer to Evidence*<sup>8</sup> filed by accused Alan L. Purisima;
9. Motion for Leave of Court to File Demurrer to Evidence<sup>9</sup> filed by accused Nelson I. Bautista and Ricardo S. Zapata, Jr.;
10. *Motion for Leave of Court to File Demurrer to Evidence*<sup>10</sup> filed by accused Eduardo P. Acierto;
11. *Motion for Leave to File Demurrer to Evidence*<sup>11</sup> filed by accused Salud R. Bautista; and
12. The prosecution's *Consolidated Opposition (Re: Motions for Leave to File Demurrer to Evidence filed by accused Purisima, Acierto, Fabia and Calixto, Estilles, Petrasanta and Parreño, Meneses, Nelson Bautista and Zapata, Salud Bautista, and Juan, Velerio [sic], Perena, and Pasia, Reyes, and Tuazon)*.<sup>12</sup>

After carefully reviewing the accused' respective Motions and the prosecution's evidence, this Court resolves to **DENY** the respective Motions of the accused. As provided in Rule 119, Sec. 23 of the Rules of Court,<sup>13</sup> the accused may adduce evidence in their defense, or in the alternative, they may file a demurrer to evidence without leave of court.

The accused are given five (5) days from receipt of this Resolution to file their respective manifestations, by personal service or through courier, to inform this Court whether they are submitting their demurrer to evidence without leave of court. The hearing dates set on July 1 and 2, 2019 for the presentation of the accused' evidence is maintained. The scheduled hearing will be considered canceled upon receipt by this Court of the accused' respective manifestations that they intend to submit their demurrer to evidence without leave of court.

<sup>7</sup> Dated March 8, 2019; Record, Vol. 16, pp. 246-249

<sup>8</sup> Dated March 8, 2019; Record, Vol. 16, pp. 251-258

<sup>9</sup> *Omnibus Motion (1) Motion for Reconsideration on [sic] the Minute Resolution Dated February 18, 2019; (2) Motion for Leave of Court to File Demurrer of [sic] Evidence; (3) Motion to Hold in Abeyance the Resolution of the Motion for Leave of Court to File Demurrer to Evidence Pending the Resolution of the Motion for Reconsideration dated March 11, 2019, Record, Vol. 16, pp. 290-304; Manifestation and Motion for Leave of Court to File Demurrer of [sic] Evidence dated April 24, 2019, Record, Vol. 17, pp. 97-101*

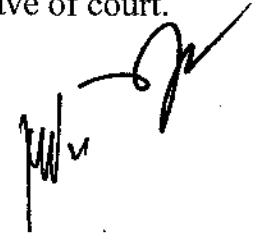
<sup>10</sup> Dated March 11, 2019; Record, Vol. 16, pp. 305-499

<sup>11</sup> Dated March 11, 2019; Record, Vol. 17, pp. 27-36

<sup>12</sup> Dated April 25, 2019; Record, Vol. 17, pp. 109-121

<sup>13</sup> **Sec. 23. Demurrer to evidence.** – After 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



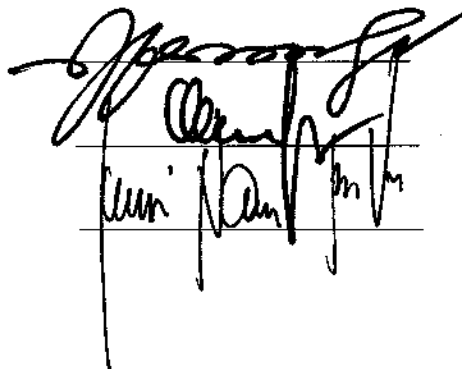
**SO ORDERED.**

**APPROVED:**

**FERNANDEZ, SJ, J.,** *Chairperson*

**MUSNGI, J.**

**VIVERO, J.**

Handwritten signatures of the three individuals listed in the 'APPROVED' section. The signatures are written in black ink and are somewhat stylized. The signature for Fernandez is the largest and most prominent, followed by Musngi and Vivero. The signatures are written over horizontal lines.