

REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
QUEZON CITY

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,  
*Plaintiff,*

SB-17-CRM-1924 to 2069

For: Violation of Section 3(e) of  
R.A. No. 3019, as amended,  
Malversation of Public  
Funds, and Falsification of  
Public Documents

- versus -

Present:

QUIROZ, J., Chairperson,  
CRUZ, J., and  
JACINTO, J.

JOHN ESTELITO G. DOLLOSA, JR., ET  
AL.,  
*Accused.*

Promulgated:

JUN 18 2019

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RESOLUTION

QUIROZ, J.:

This resolves the *Motion for Leave of Court to File Demurrer to Evidence*<sup>1</sup> dated April 8, 2019 of accused Datuali K. Abpi, Al Haj (Abpi) and the *Comment/Opposition*<sup>2</sup> dated April 29, 2019 of the prosecution.

Accused Abpi contends that the prosecution failed to prove his guilt for violation of Section 3(e) of Republic Act (R.A.) No. 3019, since the latter was unable to establish how he committed acts of manifest partiality, evident bad faith, or gross inexcusable negligence and the amount of undue injury or damage caused to the government. He avers that the prosecution likewise failed to adduce enough evidence to convict him for Malversation of Public Funds due to its failure to present as evidence the Allocation and Obligation Slip proving his act of obligating the funds with incomplete deficient

<sup>1</sup> Records Volume 3, pp. 571-579.

<sup>2</sup> Id. at 584-593.

*J*

*m*

RESOLUTION

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documentation. He argues that he should be acquitted of Malversation of Public Funds as he never participated in the preparation and signing of the disbursement vouchers or in the release of the funds. He adds that he should also be acquitted from all the charges of Falsification of Public Documents for his lack of participation in the preparation of and signatures on the disbursement vouchers, charge invoices, official receipts, purchase requests, and purchase orders.

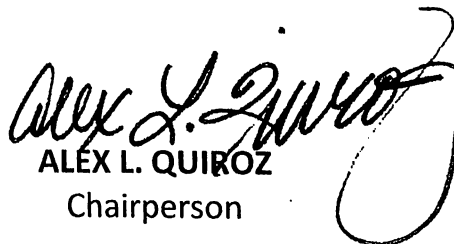
The prosecution counters that accused Abpi failed to state the grounds he relied upon to justify his claim that the evidence presented against him is lacking to prove his guilt beyond reasonable doubt. The prosecution further asserts that his motion must be dismissed for utter lack of merit as it presented sufficient evidence to prove his guilt for the crime charged.

A circumspect review of the pieces of evidence presented by the prosecution reveals that the same are sufficient to convict accused Abpi for the crimes of violation of Section 3(e) of R.A. No. 3019, Malversation of Public Funds, and Falsification of Public Documents, if the said evidence remain uncontroverted.

**WHEREFORE**, the *Motion for Leave of Court to File Demurrer to Evidence* of accused Datuali K. Abpi, Al Haj is **DENIED** without prejudice to the said accused filing such demurrer to evidence without prior leave of court, subject to Section 23, Rule 119 of the Revised Rules of Criminal Procedure, as amended, that he shall waive his right to present evidence and submit this case for judgment on the basis of the evidence adduced by the prosecution.

Let the reception of evidence for accused Datuali K. Abpi, Al Haj proceed as previously scheduled on June 19 and 20, 2019, both at 1:30 in the afternoon.

**SO ORDERED.**

  
ALEX L. QUIROZ  
Chairperson

  
REYNALDO P. CRUZ  
Associate Justice

  
BAYANI H. JACINTO  
Associate Justice