



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**      **SB-11-CRM-0458 TO 0459**  
For: Violation of Section 3(e)  
of R.A. 3019 as amended

**- versus -**

**MIGUEL D. ESCOBAR, ET AL.,**      *Present :*  
*Accused.*

**FERNANDEZ, SJ, J.,** Chairperson  
**MIRANDA, J.** and  
**VIVERO, J.**

*Promulgated:*

**JUL 18 2019** 

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**RESOLUTION**

**FERNANDEZ, SJ, J.**

For resolution are the following:

1. *Motion for Leave of Court to File Demurrer to Evidence* filed by accused Miguel D. Escobar on June 6, 2019;<sup>1</sup> and,
2. *Comment/Opposition (To Accused Escobar's Motion for Leave of Court to File Demurrer to Evidence)* filed by the prosecution on June 17, 2019.<sup>2</sup>

Accused Escobar, in his *Motion for Leave of Court to File Demurrer to Evidence*, prays that he be granted leave to file a demurrer to evidence in view of the prosecution's failure to discharge their burden

<sup>1</sup> Dated June 4, 2019.

<sup>2</sup> Dated June 14, 2019.



RESOLUTION

*People vs. Escobar, et al.*

*Criminal Cases No. SB-11-CRM-0458-0459*

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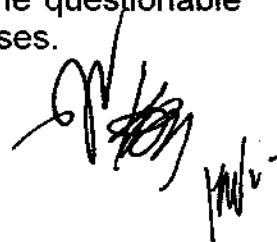
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of proving his guilt beyond reasonable doubt for violation of Section 3(e) of R.A. 3019. He claims:

1. The documentary exhibits of the prosecution do not match, in all respects, to the purposes for which they are being offered.
2. It was his ministerial duty to sign the disbursement voucher and the check issued to Malapatan Fisherman's Group.
3. The request for financial assistance and the processing of the documents did not originate from his office but from the Office of the Vice Governor.
4. The Fact-Finding Investigation Report submitted by the prosecution witness, Helen Cailing, clearly identified Mary Ann Gadian as the mastermind and Sheryl Desiree Jane Tangan as the forger in the alleged questionable transaction. Thus, these cases should have been filed against them.
5. The evidence on record shows lack of proof against him.

The prosecution opposes accused Escobar's *Motion for Leave* and contends:

1. Accused Escobar's motion should be denied because accused did not specify his grounds for filing a motion for leave of court to file a demurrer to evidence. This constitutes a violation of Paragraph 3 of Section 23, Rule 119 of the Rules of Court, which mandates that the motion for leave of court to file a demurrer to evidence should specifically state its grounds.
2. Accused Escobar's contention, that he signed the disbursement voucher and the check pursuant to his ministerial function, is a matter of defense which should be established in the course of trial.
3. The prosecution was able to sufficiently establish the participation of accused Escobar in the questionable transaction subject matter of these cases.

A handwritten signature in black ink, appearing to be a stylized name, possibly 'J. Escobar', with a date '1/11/11' written below it.

RESOLUTION

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After a careful study of the documentary and testimonial evidence presented by the prosecution, the Court finds that, if unrebutted, the same is *prima facie* sufficient to support a verdict of guilt against accused Escobar for violation of Section 3(e) of Republic Act No. 3019. The Court hereby **DENIES** accused Escobar's *Motion for Leave of Court to File Demurrer to Evidence*.

This is without prejudice to the filing by the accused of a *Demurrer to Evidence* without prior leave of court, but subject to the legal consequences provided under Section 23, Rule 119 of the Revised Rules of Criminal Procedure, that is, he shall waive his right to present evidence and is submitting this case for judgment on the basis of the evidence adduced by the prosecution.

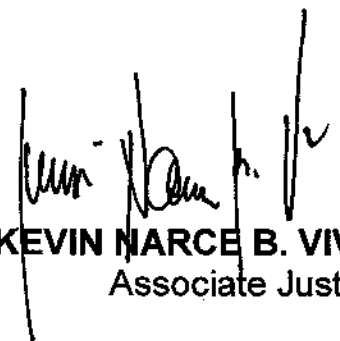
The accused is given a period of five (5) days from receipt of this Resolution within which to file, by personal filing and service, or through courier, his *Manifestation* to inform this Court whether he will file a *Demurrer to Evidence*, without leave of court.

**SO ORDERED.**

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

**WE CONCUR:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**KEVIN NARCE B. VIVERO**  
Associate Justice