



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on August 28, 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 *Notice of Change of Address and Motion for Reconsideration*¹ filed by accused Melchor V. Reyes, and the prosecution's *Opposition (Re: Motion for Reconsideration of accused Reyes)*.²

The Court NOTES the Notice of Change of Address of counsel for accused Reyes. On the other hand, accused Reyes' Motion for Reconsideration is hereby DENIED.

As pointed out by the prosecution, accused Reyes' Motion for Reconsideration was filed beyond the period for filing a motion for reconsideration.

Under the *Revised Guidelines for Continuous Trial of Criminal Cases (Revised Guidelines)*,³ a motion for reconsideration of the resolution of a meritorious motion shall be filed within a non-extendible period of five (5) calendar days from receipt of such resolution.⁴ Hence, having received the assailed Resolution⁵ on July 24, 2019, accused Reyes only had until July 29, 2019, within which to file his Motion for Reconsideration.

Even on the merits, accused Reyes' Motion for Reconsideration still fails. His arguments therein are a mere substantial reiteration of that in his *Motion for Leave to File Demurrer to Evidence*. Such arguments had already been

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

¹ Dated August 8, 2019; Record, Vol. 17, pp. 380-384

² Dated August 23, 2019; Record, Vol. 17, pp. 467-470

³ A.M. No. 15-06-10-SC

⁴ III. 2. (c)

⁵ Dated June 13, 2019; Record, Vol. 17, p. 241-D to 241-F

considered when this Court denied said *Motion for Leave to File Demurrer to Evidence*.

In *Bernardo v. Court of Appeals*,⁶ it was held that the Court is given the power to grant leave to the accused to file a demurrer to determine whether the accused, in filing a demurrer, is merely stalling the proceedings. When this Court denied accused Reyes' *Motion for Leave to File Demurrer to Evidence*, it determined that granting him leave to file his demurrer will merely delay the proceedings.

This Court reiterates its ruling in the assailed Resolution. As provided in Rule 119, Sec. 23 of the Rules of Court,⁷ accused Reyes may adduce evidence in his defense, or in the alternative, he may file his demurrer to evidence **without** leave of court.

Accused Reyes 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 dates set on September 2 and 3, 2019 are maintained.

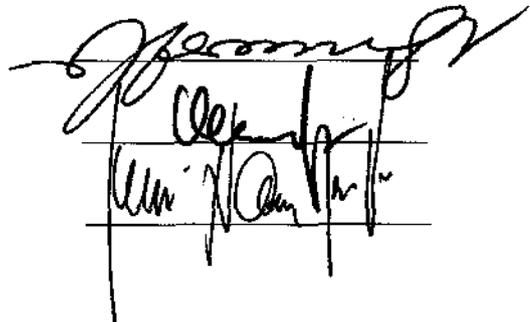
SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J., Chairperson

MUSNGI, J.

VIVERO, J.



⁶ G.R. No. 119010, September 5, 1997

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