



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on August 29, 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.

Acting on the *Manifestation/Compliance (with Motion to Defer Presentation of Evidence) (for Accused Gil C. Meneses)*,¹ this Court **NOTES** the Manifestation/Compliance of accused Gil C. Meneses, and hereby **DENIES** his Motion to Defer Presentation of Evidence.

This Court has, in the Resolutions dated June 13, 2019 and August 13, 2019, denied accused Meneses' *Motion for Leave to File Demurrer to Evidence* and his *Partial Motion for Reconsideration on the Minute Resolution dated 13 June 2019*, respectively. In the Resolution dated August 13, 2019, denying his *Partial Motion for Reconsideration*, and reiterating its ruling in the Resolution dated June 13, 2019, this Court held:

This Court reiterates its ruling in the assailed Resolution. As provided in Rule 119, Sec. 23 of the Rules of Court,² the accused may adduce evidence in their defense, or in the alternative, they may file their respective demurrers to evidence **without** leave of court.

Accused Estilles, Juan, et al., and Meneses 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 respective demurrers to evidence without leave of court.

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

¹ Dated and filed on August 28, 2019

² **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

The hearing dates set on August 19, 20 and 27, 2019 for the presentation of the accused' evidence are maintained.

(underscoring supplied)

Moreover, the last paragraph of Rule 119, Sec. 23 of the Rules of Court reads:

Sec. 23. Demurrer to evidence. – x x x

x x x

The order denying the motion for leave of court to file demurrer to evidence or the demurrer itself shall not be reviewable by appeal or by *certiorari* before judgment.

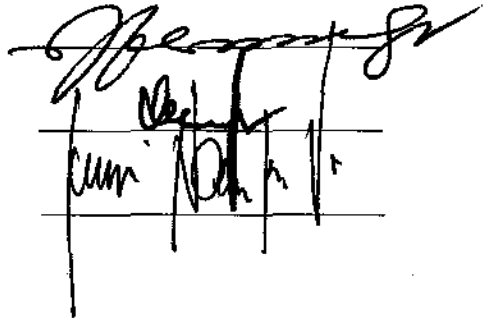
SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J., *Chairperson*

MUSNGI, J.

VIVERO, J.



The image shows three handwritten signatures in black ink, each written over a horizontal line. The top signature is the most cursive and appears to be 'Fernandez'. The middle signature is more legible and appears to be 'Musngi'. The bottom signature is also legible and appears to be 'Vivero'.