



Republic of the Philippines

Sandiganbayan

Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on October 21, 2019.

Present:

JUSTICE MA. THERESA DOLORES C. GOMEZ-ESTOESTA -----	Chairperson
JUSTICE ZALDY V. TRESPESES -----	Member
JUSTICE GEORGINA D. HIDALGO -----	Member

The following resolution was adopted:

Crim. Case No. SB-14-CRM-0438 to 0441 -

People vs. LAURENCIA S. EDMA, et al.

This resolves the following:

1. Accused Laurencia S. Edma, Felipa A. Catanus, Carlito S. Matias, and Bernardita G. Basay's **"MOTION FOR LEAVE OF COURT TO FILE DEMURRER TO EVIDENCE"** dated August 5, 2019;¹ and

2. The Prosecution's **"COMMENT/OPPOSITION to Accused's Motion for Leave of Court to File Demurrer to Evidence"** dated October 2, 2019.²

On the basis of Section 23, Rule 119 of the Revised Rules of Criminal Procedure, the resolution of accused Laurencia S. Edma, et al.'s *Motion for Leave to File of Court to File Demurrer to Evidence* should take precedence before the attached *Demurrer to Evidence* is admitted for consideration.

¹ Records, Volume 7, pp. 169-190. The *Motion for Leave* attached thereto a *Demurrer to Evidence*. The resolution of the same was deferred until after the resolution of Prosecution's *Motion for Partial Reconsideration* and accused Laurencia S. Edma, et al.'s *Partial Motion for Reconsideration*. Both motions were eventually denied in the Court's Resolution dated July 25, 2019 (See Records, Volume 7, pp. 149-154).

² *Ibid.*, pp. 82-88

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A perusal thereof shows that the *Motion* is predicated on the following:³

a. Exhibits "A-304", "A-305" to "A-308" and "A-309" to "A-312" for being violative of the Best Evidence Rule;

b. The testimony of Maria Helen C. Taray on identifying the said exhibits and its due execution is considered hearsay due to lack of personal knowledge;

c. The Honorable Court erred in admitting Exhibits "A" to "A-470", being hearsay evidence when identified by Maria Helen C. Taray and in violation of Section 40 of P.D. 1445; and

d. Thus, the evidence presented by the prosecution during trial are insufficient to warrant a conviction of the guilt of the accused beyond reasonable doubt since it is a hearsay evidence, violative of the Best Evidence Rule and violation of Section 40 of P.D. 1445.

In its *Comment/Opposition*, the Prosecution registered its vehement objection, as follows:

a. Ground (c) has already been resolved in the Court's Resolution dated July 25, 2019 when Exhibits "A" to "A-470" have been admitted;

b. Grounds (a), (b), and (d) may be alleged as to have rendered as insufficient the evidence presented by the Prosecution but accused failed to state the specific ground therefore pursuant to Section 23, Rule 119 of the Revised Rules of Criminal Procedure; and that

c. Granting without conceding that the *Motion for Leave* be admitted, sufficient evidence has been presented in each of the charges. A discussion of the existence of the elements proceeded.

Verily, as pointed out by the Prosecution, accused's *Motion for Leave of Court to File Demurrer to Evidence* barely complies with the codal provision of Section 23, Rule 119 of the Revised Rules of Criminal Procedure which allows a demurrer on the ground of *insufficiency of evidence*, as follows:

Section 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.

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The motion for leave of court to file demurrer to evidence shall specifically state its grounds and shall be filed within a non-extendible period of five (5) days after the prosecution rests its case. The prosecution

³ Vide: *Motion for Leave*, pp. 1-2

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may oppose the motion within a non-extendible period of five (5) days from its receipt. [Emphasis supplied]

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While the *Motion* alluded to evidence as “*insufficient to warrant a conviction of the guilt of the accused beyond reasonable doubt since it is hearsay evidence, violative of the Best Evidence Rule and [a] violation of Section 40 of P.D. 1445,*” this leaves much to be desired since the grounds raised are the same grounds already rejected by this Court in ruling on the admissibility of the documentary exhibits. Contrary to accused’s posture, the appreciation of Exhibits “A” to “A-470”, inclusive of Exhibits “A-304”, “A-305” to “A-308” and “A-309” to “A-312”, is based on the fact that they are already *admitted* evidence for the Prosecution. Accused’s incessant carping, therefore, that these exhibits remain as hearsay evidence, violative of the Best Evidence Rule and a violation of Section 40 of P.D. 1445, should now be relegated to the backdrop as accused’s own stance, not adopted by the Court, as these were already considered in resolving Prosecution’s formal offer of documentary evidence.

For the accused to use the same ground to strike at the *sufficiency* of prosecution evidence now treads on a different level. It is no longer the admissibility of prosecution evidence which is at the core of the issue. Rather, it borders on the function of a demurrer to evidence.

Demurrer to evidence is an objection by one of the parties in an action, to the effect that the evidence which his adversary produced is insufficient in point of law, whether true or not, to make out a case or sustain the issue. The party demurring challenges the sufficiency of the whole evidence to sustain a verdict. The court then ascertains whether there is competent or sufficient evidence to sustain the indictment or to support a verdict of guilt.⁴

At this instance, accused Edma, et al. have to point to a specific ground why leave should be granted.

Haplessly, accused Edma, et al. failed to attribute a *specific ground* for their demurrer. **The vacuum in their *Motion* cannot be supplied by the attached *Demurrer to Evidence* since leave of Court has not yet been granted for the same to be considered for resolution.**

While the *Comment/Opposition* filed by the Prosecution countered that it was able to present strong and sufficient evidence to prove all the elements of the crime charged, We cannot, however, indulge the accused by examining in detail the evidence pointed by the prosecution when accused themselves have not provided the roadmap on which their *Demurrer* should be based on.

⁴ *Macapagal-Arroyo v. People and Sandiganbayan*, G. R. No. 220598, July 19, 2016

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For this reason, the *Motion* fails.

The vintage case of *Hermanos v. Yap Tico, et al.*⁵ is here quoted in detail as it clearly and succinctly ruminated the sentiment of the Court tasked to resolve a *Demurrer*, albeit in a civil case, looming in its own scarcity, *viz*:

To the complaint before us a demurrer was interposed, stating merely that the complaint did not allege facts sufficient to constitute a cause of action. **No particular ground was specified. No specific failure was asserted or named. No precise weakness was pointed out.** The order overruling the demurrer does not indicate that the court was informed as to the specific grounds upon which it was based. Certainly, so far as the records goes, the plaintiffs never knew until after the demurrer was decided precisely what the defendant was driving at when he presented it.

Under such conditions, we do not feel that we should use our discretion to indulge presumptions in favor of the demurrant in determining whether or not the allegations of the complaint are sufficient. We do not feel like going out of the beaten path, even if we could, to search for defects in the complaint when neither the plaintiff nor the court was precisely informed of the alleged defects until it was too late to be use to either. We do not feel like favoring a demurrer which is as full of defects as the court overruling the demurrer should be sustained if there is any legal ground upon which it can be, although such ground was not presented by the court below as one of the reasons for its decision. The fact that the demurrer was worthless as a pleading is one of the strongest reasons for overruling.

It has been urged that our decision requiring that in all demurrers the specific grounds of the particular objection should be set out distinctly, is against the weight of authority. We do not think so. But if it were, we should still be forced, in conscience, to stand upon the proposition as we have stated it, as it seems to us to be fundamentally right and to be fully supported by reason and logic.

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Where the *Motion itself* gave this Court no specific ground on why leave should be granted, save for the allegation that the evidence was “*not sufficient*” but which again failed to disclose particular facts why it was so, it is inevitable that it be struck at the outset.

It is thus best for accused Edma, et al. to substantially refute the evidence presented against them, as a calibration of the probative worth of the evidence is not at this time, but only upon the ultimate disposition of the case.

WHEREFORE, the *Motion for Leave of Court to File Demurrer to Evidence* filed by accused Laurencia S. Edma, Felipa A. Catanus, Carlito S. Matias, and Bernardita G. Basay is **DENIED**.

⁵ G.R. No. 6791, March 27, 1913

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The *Demurrer to Evidence* attached thereto is merely noted without further action from the Court *unless* said accused, within five (5) days from receipt of this Resolution, signify their intention through a written manifestation that they shall pursue their *Demurrer to Evidence* even without leave of Court subject to the consequences provided in Section 23, Rule 119 of the Revised Rules of Court, viz:

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.

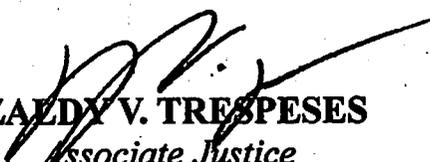
If the court denies the demurrer to evidence filed with leave of court, the accused may adduce evidence in his defense. **When the demurrer to evidence is filed without leave of court, the accused waives the right to present evidence and submits the case for judgment on the basis of the evidence for the prosecution.**

Let the initial presentation of defense evidence, starting with accused Menchie Landicho-Dardo, **PROCEED on November 20, 2019 at 8:30 in the morning** at the Fourth Division Courtroom.

SO ORDERED.


MA. THERESA DOLORES C. GOMEZ-ESTOESTA
Associate Justice
Chairperson

WE CONCUR:


ZAEDY V. TRESPESES
Associate Justice


GEORGINA D. HIDALGO
Associate Justice