



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

**PEOPLE OF THE
PHILIPPINES,**

Plaintiff,

SB-17-CRM-0978

For: Violation of Section 3 (e) of
Republic Act (R.A.) No. 3019

-versus-

**ROSELYN MURILLO S.
MAMON & PHERHAM S.
SAIDDI,**

Accused,

PRESENT:

FERNANDEZ, SJ, J., *Chairperson*
MIRANDA, &
VIVERO, JJ.

Promulgated:

OCT 01 2019 *[Signature]*

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RESOLUTION

MIRANDA, J.:

This resolves the: 1) Motion for Leave to File Demurrer to Evidence dated August 7, 2019 filed by accused Pherham S. Saiddi (Saiddi); 2) Manifestation with Motion to Adopt dated August 7, 2019 filed by accused Roselyn Murillo S. Mamon (Mamon); and 3) Consolidated Opposition dated August 20, 2019 filed by the Prosecution.

[Handwritten signatures]

In his motion, accused Saiddi claimed that the evidence of the Prosecution is insufficient to support a conviction for the crime of violation of Section 3 (e) of R.A. No. 3019. Accused Saiddi alleged that the Prosecution failed to prove that: 1) he was the counsel of Phon Mohammad and Dadoh Mohammad who were accused of Frustrated Murder in Criminal Case No. 26697; 2) he offered and gave Two Hundred Thousand Pesos to Police Officer II Flavio A. Enriquez in consideration of his desistance from testifying against Phon Mohamad and Dadoh Mohammad; 3) as a result, Phon Mohamad and Dadoh Mohammad received unwarranted benefits, advantage and preference; and 4) he conspired with accused Mamon in the commission of these acts.

In her manifestation, accused Mamon adopted the Motion for Leave to File Demurrer to Evidence dated August 7, 2019 of accused Saiddi.

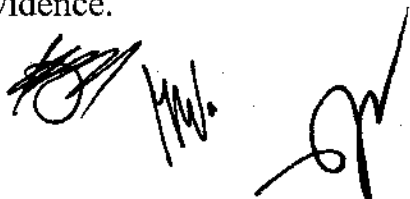
In its consolidated opposition, the Prosecution, through the Office of the Special Prosecutor, stated that the documentary and testimonial evidence adduced are sufficient to sustain the indictment of accused Mamon and Saiddi for violation of Section 3 (e) of R.A. No. 3019.

After a thorough review of the records of the case and the evidence submitted by the Prosecution, the Court finds that, if unrebutted, the same is sufficient to support a verdict of guilt for violation of Section 3 (e) of R.A. No. 3019. The Court hereby **DENIES** the Motion for Leave to File Demurrer to Evidence filed by accused Mamon and Saiddi.

This is without prejudice to the filing by accused Mamon and Saiddi of their Demurrer to Evidence without prior leave of court, but subject to the legal consequence provided under Section 23, Rule 119 of the Revised Rules of Criminal Procedure, as amended, that they shall waive the right to present evidence and submit this case for judgment on the basis of the evidence adduced by the Prosecution.

WHEREFORE, the Motion for Leave to File Demurrer to Evidence dated August 7, 2019 of accused Pherham S. Saiddi and the Manifestation with Motion to Adopt dated August 7, 2019 of accused Roselyn Murillo S. Mamon are **DENIED**.

Accused Mamon and Saiddi are given a non-extendible period of five (5) days from receipt of this Resolution within which to file their Demurrer to Evidence without prior leave of court, if they so desire, or file a Manifestation informing the Court that they will no longer file a Demurrer to Evidence.




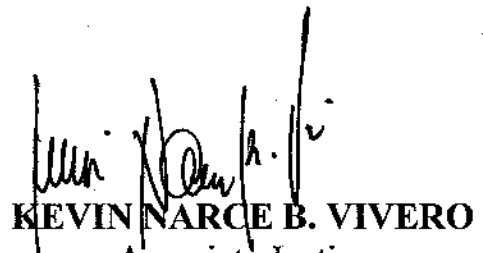
The hearings set on October 7 and 8, 2019, and every Monday and Tuesday thereafter, all at 1:30 in the afternoon for the presentation of the evidence for the Defense are maintained. The said scheduled dates will be considered automatically cancelled upon receipt by the Court of the Demurrer to Evidence of the accused.

SO ORDERED.


KARL B. MIRANDA
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KEVIN NARCE B. VIVERO
Associate Justice