



REPUBLIC OF THE PHILIPPINES  
 Sandiganbayan  
 Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,  
 Plaintiff,

SB-23-CRM-0001 to 0016  
 For: Violation of Section 3(e)  
 of Republic Act No. 3019

SB-23-CRM-0017 to 0032  
 For: Violation of Section 3(h)  
 of Republic Act No. 3019

- versus -

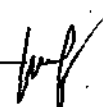
Present:

SULTAN USMAN TANTAO  
 SARANGANI, ET AL.

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

Accused.

Promulgated:

April 12, 2024 

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RESOLUTION

FERNANDEZ, SJ, J.:

This resolves accused Sultan Usman T. Sarangani's *Motion for Leave of Court to File Demurrer to Evidence*,<sup>1</sup> and the prosecution's *Manifestation (In place of Comment/Opposition on the Motion for Leave to File Demurrer to Evidence)*.<sup>2</sup>

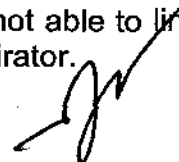
In his Motion, accused Sarangani prays that the same be granted. He avers:

1. The prosecution's documentary evidence is not sufficient to further proceed to trial. In the same manner, the testimonies of the prosecution's witnesses are weak, and were not able to link or identify him as Nanayaon Dibratun's co-conspirator.



<sup>1</sup> Dated April 4, 2024 and filed on even date  
<sup>2</sup> Dated April 11, 2024 and filed on even date





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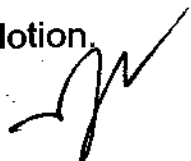
2. In SB-23-CRM-0007, 0008, 0013 to 0017, 0021, 0022, and 0024 to 0029, no complaint was filed and no investigation was conducted. The documentary evidence linked his participation to his signature. From the start, he vehemently and categorically stated that his signatures in the documents were forged.
3. The disbursement vouchers on which 32 counts of violations of Sec. 3(e) and (h) [of Republic Act No. 3019] are based were not individually identified by the Office of the Special Prosecutor. He was not informed of the precise nature of the accusation against him, and hence, he was denied due process.
4. There was inordinate delay in the preliminary investigation.

In its *Manifestation*, the prosecution states:

1. Accused Sarangani's Motion was filed out of time. In an open court Order dated January 16, 2024, he was given five days from receipt of the resolution on the prosecution's formal offer of evidence (FOE) to file his Motion.
2. Accused Sarangani received the resolution on the FOE as early as March 21, 2024 but he filed his Motion only on April 4, 2024.
3. Sec. 23 of Rule 119 of the Revised Rules of Criminal Procedure provides that the period for filing a motion for leave to file a demurrer to evidence is non-extendible.
4. Accused Sarangani also appears to be engaging in forum shopping. The matters he raised in his Motion are the same as those he raised in G.R. SP No. 267458, entitled *Sultan Usman T. Sarangani v. People of the Philippines and Sandiganbayan Sixth Division*, which the Supreme Court denied.
5. Accused Sarangani's allegation of forgery and lack of conspiracy are matters of defense, which should be properly weighed and appreciated in a full-blown trial during the presentation of defense evidence.

### THE COURT'S RULING

The Court resolves to deny accused Sarangani's Motion.



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In *Bernardo v. Court of Appeals*,<sup>3</sup> the Supreme Court held that the power to grant leave to the accused to file a demurrer to evidence is addressed to the trial court's sound discretion. The purpose is to determine whether the accused, in filing a demurrer, is merely stalling the proceedings. *Viz.:*

In fine, under the new rule on demurrer to evidence the accused has the right to file a demurrer to evidence after the prosecution has rested its case. If the accused obtained prior leave of court before filing his demurrer, [the accused] can still present evidence if his [or her] demurrer is denied. However, if he [or she] demurs without prior leave of court, or after his [or her] motion for leave is denied, [the accused] waives his [or her] right to present evidence and submits the case for decision on the basis of the evidence for the prosecution. *This power to grant leave to the accused to file a demurrer is addressed to the sound discretion of the trial court. The purpose is to determine whether the accused in filing [a] demurrer is merely stalling the proceedings.*

(emphasis supplied)

After examining the prosecution's evidence and the arguments accused Sarangani raised in his Motion, the Court rules that granting accused Sarangani leave to file his demurrer to evidence will merely delay the proceedings.

The other matters accused Sarangani raised in his instant Motion, i.e., inordinate delay and alleged denial of due process, had already been addressed in the Resolution dated May 10, 2023 denying his *Comment (To Prosecution's Motion to Amend Informations)*, which this Court considered as accused Sarangani's Motion to Dismiss, and in the Resolution dated May 25, 2023 denying accused Sarangani's *Motion for Reconsideration*. Moreover, in its Resolution in *Sultan Usman Tantao Sarangani v. People of the Philippines and Sandiganbayan Sixth Division*,<sup>4</sup> the Supreme Court held that this Court committed no grave abuse of discretion in issuing the said Resolutions dated May 10, 2023 and May 25, 2023.

**ACCORDINGLY**, accused Sarangani's *Motion for Leave of Court to File Demurrer to Evidence* is hereby **DENIED** for lack of merit.



<sup>3</sup> G.R. No. 119010, September 5, 1997

<sup>4</sup> G.R. No. 267458, July 31, 2023 [Unsigned Resolution, Third Division]



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As provided in Rule 119, Sec. 23<sup>5</sup> of the Rules of Court, he may adduce evidence in his defense, or in the alternative, he may file his demurrer to evidence without leave of court.

Accused Sarangani is given five days from receipt of this Resolution to file his manifestation, by personal filing or registered mail, and electronically, to inform this Court whether he is submitting his demurrer to evidence without leave of court.

The trial date previously set on April 23, 2024 is maintained. The scheduled hearing will be considered cancelled upon receipt by this Court of accused Sarangani's manifestation that he intends to submit his demurrer to evidence without leave of court.

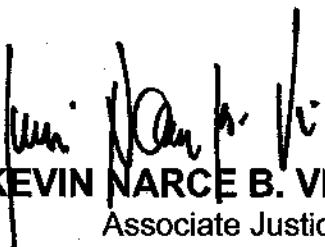
The prosecution's *Manifestation* is hereby **NOTED**.

**SO ORDERED.**

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

**We Concur:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**KEVIN NARCE B. VIVERO**  
Associate Justice

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<sup>5</sup> **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.

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