



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
QUEZON CITY

\*\*\*

**SEVENTH DIVISION**

*MINUTES of the proceedings held on April 8, 2024.*

*Present:*

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

*The following resolution was adopted:*

***SB-23-CRM-0044 – People v. Herbert Constantine M. Bautista, et al.***

This resolves the following:

1. Accused Herbert Constantine M. Bautista's "OMNIBUS MOTION [FOR THE PARTIAL RECONSIDERATION OF THE RESOLUTION DATED 08 MARCH 2024 AND FOR THE SUSPENSION OF THE 20 AND 21 MARCH 2024 HEARINGS]"\* dated March 18, 2024; and
2. Prosecution's "OPPOSITION [OMNIBUS MOTION DATED 18 MARCH 2024]" dated March 22, 2024.

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**GOMEZ-ESTOESTA, J.:**

Before the court is accused Herbert Constantine M. Bautista's *Motion for Partial Reconsideration* of the Resolution dated March 8, 2024<sup>1</sup> which denied his *Motion for Leave to File Demurrer to Evidence*.

**MOTION FOR PARTIAL RECONSIDERATION  
OF ACCUSED BAUTISTA**

In assailing the court's Resolution dated March 8, 2024, the main contentions raised by accused Bautista are synthesized in this wise:

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\* In the Order dated March 19, 2024, the court granted accused Bautista's prayer to suspend the March 20 and 21, 2024 settings (Records, Volume 6, p. 408).

<sup>1</sup> Records, Volume 6, p. 344-345.

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*The probative value of the prosecution's evidence should be passed upon in determining if the same is sufficient to prove the elements of Violation of Section 3 (e) of Republic Act No. 3019.*

Accused Bautista asserts that it behooves the court to rule on the *probative value* of the prosecution evidence as is the nature of a demurrer to evidence. He quotes the case of *People v. Go*,<sup>2</sup> in which the Supreme Court ruled that in passing upon the sufficiency of the evidence to frustrate a demurrer, the court must determine whether there exists evidence in character, weight, or amount as will legally justify the judicial action demanded according to the circumstances. Citing several jurisprudence,<sup>3</sup> accused Bautista alleges that it is incumbent upon the court to appreciate the prosecution evidence to determine whether sufficient evidence has been presented to sustain the accusatory allegations in the Information.

Accused Bautista further ascribes that such failure to pass upon the probative value of the evidence violates the Constitution which mandates that “[n]o decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.”<sup>4</sup> Accused Bautista assails the matrix<sup>5</sup> showing the elements of the crime charged in conjunction with the material evidence of the prosecution. He contends that the mere enumeration of the pieces of evidence, without an analysis of their probative value, is insufficient to warrant the denial of his motion for leave.

*There is no sufficient evidence to support the elements of Violation of Section 3 (e) of Republic Act No. 3019.*

Accused Bautista argues that the alleged advance payment made by the Government does not amount to undue injury, and he defends that he was unmotivated by any gain or corrupt motive. He zeroed in on the existence of an appropriation ordinance that funded the Quezon City Government's

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<sup>2</sup> G.R. No. 191015, August 6, 2014.

<sup>3</sup> Accused Bautista cited the following cases:

*Republic v. Gimenez*, G.R. No. 174673 dated January 11, 2016; *People v. Fernandez*, G.R. No. 250200 dated February 24, 2020; *Bangayan v. Bangayan, Jr.*, G.R. 172777 dated October 19, 2011; *People v. Sandiganbayan (Fifth Division)*, G.R. No. 214297 dated January 12, 2021; and *Nicolas v. Sandiganbayan*, G.R. No. 175930-31 dated February 11, 2008.

<sup>4</sup> CONST., art. VIII, sec. 14.

Accused Bautista further cited Section 1, Rule 36 of the Rules of Court, which states:

Sec. 1 Rendition of judgments and final orders. – A judgment or final order determining the merits of the case shall be in writing personally and directly prepared by the judge, stating clearly and distinctly the facts and the law on which it is based, signed by him, and filed with the clerk of court.

<sup>5</sup> Records, Vol. 6, pp. 341-343.

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procurement of the online occupational permitting system (**the Project**). There could not have been advance payment because the actual payment therefor was made after his term as Quezon City Mayor ended on July 1, 2019. The full release of funds was only made upon the completion of delivery, testing and demonstration, evaluation, and acceptance of the items. Additionally, the Terms of Reference do not require operability of the Project in order that full payment can be made.<sup>6</sup>

Further, accused Bautista contends that there was, in fact, delivery of the Project, as shown by the following evidence:

Exhibits	Description
"G" to "G-3"	Delivery Receipts
"K"	Information Technology Development Department Inspection Report Form with JO No. 18005 dated June 7, 2019
"L"	General Services Department Report
"V"	Product Demonstration Evaluation Report
"FF"	Attendance of Pre-Bid Conference dated April 15, 2019
"J" and "BB" and series.	Attendance Sheet dated June 25, 2019
"T"	Certification dated June 14, 2021 of Ramon Jesus K. Africa

Accused Bautista highlights that Margarita T. Santos, the Head of the Business Permits Licensing Division (**BPLD**), testified that the Project was usable and viable. It was even used by the subsequent administration during the last quarter of 2021, or almost 2 years after Geodata Solutions, Inc. (**Geodata**) delivered the Project. Regarding its acceptance, the Certificate of Acceptance<sup>7</sup> executed by Garry C. Domingo, former Head of the BPLD, stated that the project was accepted, inspected, and found to be in accordance with the specifications stipulated in the Supply and Delivery Agreement.

<sup>6</sup> The accused relied on the following provision:

**VIII. BASIS OF PAYMENT**

In consideration for the delivery of the Online Occupational Permitting and Tracking System as provided herein, the City shall pay the Winning Bidder the contract price upon delivery of all the items to the QC-BPLO, pursuant to the technical specification indicated above.

Terms: 100% of the contract price upon completion of delivery, testing and acceptance of all the items indicated above.

<sup>7</sup> Exhibit "H."

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Accused Bautista reiterates that he had acted in good faith from the procurement of the Project to its implementation. In the Information, no irregularity was raised against its procurement aspect. In fact, as former Mayor, he was not even a member of the Bids and Awards Committee.

What allegedly bolstered his good faith were the existence of remedies in case Geodata came up short in its obligations, namely that: (1) the Supply and Delivery Agreement<sup>8</sup> provided remedies in case of failure to completely deliver the Project; (2) the Performance Bond<sup>9</sup> was another available remedy; and (3) the Terms of Reference<sup>10</sup> provided a warranty of three years from date of final acceptance of the Project. Despite the existence of said remedies, the same remained unutilized by the Quezon City Government.

Accused Bautista thus prays for the partial reconsideration of the questioned resolution and for the permission to file his demurrer to evidence.

**PROSECUTION'S OPPOSITION**

The prosecution's essential counter-arguments are summarized, in this wise:

The prosecution underscores that the strong words used by the accused in questioning the court's resolution (e.g., it looked into matters it "should not look into," gave attention to an "irrelevant question," "made no ruling or analysis" of the evidence of the prosecution, among others) overstepped the fine line between arguing one's legal points with zeal, on one hand, and treaded into accusations that struck at one's competence, on the other hand.

The *Rules* and jurisprudence prohibit the accused's motion for reconsideration of the order denying the motion to demur to the evidence.<sup>11</sup> The proper course of action is for accused Bautista to proceed to trial and present his case. The prosecution cites *Paz v. Court of Appeals*,<sup>12</sup> in which the Supreme Court ruled that a motion for reconsideration (in a denial for motion for leave to file demurrer) was deemed to be a demurrer filed without leave of court.

Accused Bautista proffered several allegations which are not proof. For instance, no evidence has yet been presented that accused Bautista acted to protect the interests of the government since he is yet to be presented as a witness. Moreover, the evidence showed, as testified on by Paul Rene S.

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<sup>8</sup> Exhibits "E" to "E-5."

<sup>9</sup> Exhibits "D" to "D-1."

<sup>10</sup> Exhibits "CC" to "CC-8."

<sup>11</sup> 2000 Revised Rules of Criminal Procedure, rule 119, sec. 23.

The prosecution also cited *Soriques v. Sandiganbayan*, G.R. No. 152526, October 25, 2005.

<sup>12</sup> G.R. No. 119010, September 5, 1997.

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Padilla, that the software was inoperable. If accused Bautista claims that full payment of the Project can be made because the word “operational” was not found in the Terms of Reference, all the more should the accused be accountable for bad faith and gross neglect of duty—it would be contrary to common sense that a local chief executive would allow, much less pay for, the procurement of a non-operable, non-usable software.

While accused Bautista alleged that the procurement aspect of the Project was a non-issue, the prosecution counters that the evidence on procurement requirements was rife with irregularities, as testified on by witnesses Rosario Batul and Marian C. Orayani.

Further, the prosecution reiterates that there was *no delivery* of the software when payment was made in June 2019, citing the testimonies of several witnesses: (1) Gabriel Fernando Y. Agno; (2) Rosario Batul; (3) Margarita T. Santos; (4) Mercedes Tarrobal; and (5) Paul Rene S. Padilla.

The prosecution thus prays for the denial of accused Bautista’s motion.

### **THE COURT’S RULING**

A MOTION FOR RECONSIDERATION IS NOT THE PROPER REMEDY TO QUESTION THE DENIAL OF A MOTION FOR LEAVE TO FILE DEMURRER TO EVIDENCE.

The procedure governing the denial of a motion for leave to demur to the evidence is governed by the *Revised Rules of Criminal Procedure* and the *Revised Guidelines for Continuous Trial of Criminal Cases*, viz:

Section 23, Rule 119 of the *Revised Rules of Criminal Procedure*:

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 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. (Emphasis supplied)**

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Section 13 (d), Part III of the *Revised Guidelines for Continuous Trial of Criminal Cases*:<sup>13</sup>

(d) Demurrer to Evidence. — After the prosecution has rested its case, the court shall inquire from the accused if he/she desires to move for leave of court to file a demurrer to evidence, or to proceed with the presentation of his/her evidence. (See Annex 9)

If the accused orally moves for leave of court to file a demurrer to evidence, the court shall orally resolve the same. **If the motion for leave is denied, the court shall issue an order for the accused to present and terminate his/her evidence on the dates previously scheduled and agreed upon, and to orally offer and rest his/her case on the day his/her last witness is presented.**

If despite the denial of the motion for leave, the accused insists on filing the demurrer to evidence, the previously scheduled dates for the accused to present evidence shall be cancelled. (Emphasis supplied)

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In the event that a demurrer to evidence is denied, the remedy of the aggrieved party is to present their evidence, and if judgment be rendered against them, to appeal the same before the appellate court.<sup>14</sup> The case of *Cruz v. People*<sup>15</sup> explains:

Regarding the denial of the demurrer to evidence, we have likewise ruled that the question of whether the evidence presented by the prosecution is sufficient to convince the court that the defendant is guilty beyond reasonable doubt rests entirely within the sound discretion of the trial court. The error, if any, in the denial of the demurrer to evidence may be corrected only by appeal. The appellate court will not review in such special civil action the prosecution's evidence and decide in advance that such evidence has or has not established the guilt of the accused beyond reasonable doubt. **The orderly procedure prescribed by the Revised Rules of Court is for the accused to present his evidence, after which the trial court, on its own assessment of the evidence submitted, will then properly render its judgment of acquittal or conviction. If judgment is rendered adversely against the accused, he may appeal the judgment and raise the same defenses and objections for review by the appellate court.** (Emphasis supplied)

While neither the *Rules* nor the *Continuous Trial Guidelines* specifically treat of the filing of a motion for reconsideration in case of a denial of a motion for leave to demur to the evidence, the effect thereof, which is the interruption of the orderly proceedings, runs counter to the purpose of the procedural rules. Verily, the objective of the *Continuous Trial Guidelines* is to “to protect and advance the constitutional right of persons to a speedy

<sup>13</sup> A.M. No. 15-06-10-SC dated April 25, 2017.

<sup>14</sup> *Ricketts v. Sandiganbayan-Fourth Division*, G.R. No. 236897 (Notice), November 18, 2021.

<sup>15</sup> G.R. No. 121422, February 23, 1999.

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disposition of their criminal cases[, and to] reinforce and give teeth to the existing rules [. . .] which promote speedy disposition of criminal cases[.]”<sup>16</sup> As pointed out by the prosecution, the filing of accused’s motion for reconsideration only serves to stall the proceedings.

What is clear, therefore, is that trial must proceed following the denial of the motion for leave to demur to the evidence. Consequently, on this technical ground alone, the motion should be denied.

Nonetheless taken as a permissible remedy, the arguments still fail to persuade.

A MOTION TO DEMUR TO EVIDENCE ONLY  
TESTS THE SUFFICIENCY OF PROSECUTION  
EVIDENCE.

Accused Bautista strongly asserts that the denial of his motion for leave to file demurrer to evidence barred him from fully arguing and presenting his case. He faults the court, in disparaging words, for not ruling on the *probative value* of the prosecution evidence and for merely enumerating pieces of evidence without analyzing how the same sustained the charge for Violation of Section 3 (e) of *R.A. 3019*.

In other words, accused Bautista asseverates that passing upon “sufficiency of evidence” is delving into the “probative value” of the prosecution evidence. He reckons this premise from a quote from *People v. Go*,<sup>17</sup> viz:

Demurrer to the 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, in passing upon the sufficiency of the evidence raised in a demurrer, is merely required to ascertain whether there is competent or sufficient evidence to sustain the indictment or to support a verdict of guilt. x x x **Sufficient evidence for purposes of frustrating a demurrer thereto is such evidence in character, weight or amount as will legally justify the judicial or official action demanded according to the circumstances.** To be considered sufficient therefore, the evidence must prove: (a) the commission of the crime, and (b) the precise degree of participation therein by the accused." Thus, when the accused files a demurrer, the court must evaluate whether the prosecution evidence is sufficient enough to warrant the conviction of the accused beyond reasonable doubt.

<sup>16</sup> 2017 Revised Guidelines for Continuous Trial of Criminal Cases, Part II.

<sup>17</sup> G.R. No. 191015, August 6, 2014.

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Sufficient evidence for purposes of frustrating a demurrer thereto is such evidence in character, weight or amount as will legally justify the judicial or official action demanded according to the circumstances. (Emphasis supplied; citations omitted)

Jurisprudence is consistent, as no issue can be raised at this point, that, “[s]ufficient evidence for purposes of frustrating a demurrer thereto is such evidence in character, weight or amount as will legally justify the judicial or official action demanded according to the circumstances. To be considered sufficient, therefore, the evidence must prove: (a) the commission of the crime, and (b) the precise degree of participation therein by the accused.”<sup>18</sup>

Verily, it is such evidence in **character, weight or amount** as will legally justify the judicial or official action demanded according to the circumstances. While accused Bautista does not wrangle on such evidence in character or amount that are tallied for sufficiency, it is the weight of such evidence that he permeates into. For him, weight is tantamount to probative weight, or probative value, that should lead to the issuance of a resolution, or as he demands it, a decision that should clearly and distinctly state the facts and the law on which it is based, citing Section 14, Article VIII of the Philippine Constitution.<sup>19</sup>

This is the flaw from where accused Bautista quickly ascribed the perceived error on the part of the court.

**First.** The main task of the court in passing upon a demurrer to evidence is only to test the *sufficiency of prosecution evidence*.<sup>20</sup>

A demurrer to evidence is defined as 'an objection or exception by one of the parties in an action at law, to the effect that the evidence which his adversary produced is insufficient in point of law (whether true or not) to make out his case or sustain the issue.' The demurrer challenges the sufficiency of the plaintiff's evidence to sustain a verdict. **In passing upon the sufficiency of the evidence raised in a demurrer, the court is merely required to ascertain whether there is competent or sufficient proof to sustain the indictment or to support a verdict of guilt.** Moreover, "the grant or denial of a demurrer to evidence is left to the sound discretion of the trial court, and its ruling on the matter shall not be disturbed in the absence of a grave abuse of such discretion." (Emphasis supplied)

The basic question that prevails, therefore, is **whether there is competent or sufficient proof to sustain the indictment or to support a**

<sup>18</sup> *Ong v. People*, G.R. No. 140904, October 9, 2000.

<sup>19</sup> Section 14. No decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.

<sup>20</sup> *Go-Yu v. Yu*, G.R. No. 230443, April 3, 2019.

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**verdict of guilt.** If the test adduces the **sufficiency** of prosecution evidence, it then establishes a *prima facie* case to convict the accused.<sup>21</sup> This is only logical considering that the accused will be given the opportunity to refute the evidence presented.

Following the cited case of *Republic v. Gimenez*,<sup>22</sup> the guidelines laid down by the Court in resolving a demurrer to evidence are:

A demurrer to evidence may be issued when, upon the facts and the law, the plaintiff has shown no right to relief. Where the plaintiff's evidence together with such inferences and conclusions as may reasonably be drawn therefrom does not warrant recovery against the defendant, a demurrer to evidence should be sustained. A demurrer to evidence is likewise sustainable when, **admitting every proven fact favorable to the plaintiff and indulging in his favor all conclusions fairly and reasonably inferable therefrom**, the plaintiff has failed to make out one or more of the material elements of his case, or when there is no evidence to support an allegation necessary to his claim. It should be sustained where the plaintiff's evidence is *prima facie* insufficient for a recovery. (Emphasis supplied)

The "character, weight or amount [of such evidence] as will legally justify the judicial or official action demanded according to the circumstances" is such that it admits "**every proven fact favorable to the plaintiff and indulges in [its] favor all conclusions fairly and reasonably inferable therefrom.**"

This is the reason why sufficiency of evidence at this instance is only seen and balanced from the perspective of the prosecution. If there is sufficiency of evidence to prove the elements of the crime, the charge is sustained and trial proceeds for the reception of evidence for the defense.

As such, ruling on a Demurrer to Evidence entails "***an appreciation of the evidence adduced by the prosecution and its sufficiency to warrant conviction beyond reasonable doubt, resulting in a dismissal of the case on the merits, tantamount to an acquittal of the accused.***" The trial court "***must evaluate whether the prosecution evidence is sufficient enough to warrant the conviction of the accused beyond reasonable doubt.***"<sup>23</sup>

The yardstick all points to the evidence adduced by the prosecution if it is sufficient enough to warrant the conviction of the accused beyond reasonable doubt.

<sup>21</sup> *People v. Court of Appeals*, G.R. No. L-51635, December 14, 1982.

<sup>22</sup> G.R. No. 174673 dated January 11, 2016, citing *Spouses Condes v. Court of Appeals*, 555 Phil. 311, 324 (2007) [Per J. Nachura, Third Division], citing *Heirs of Emilio Santioque v. Heirs of Emilio Calma*, 536 Phil. 524, 540-541 (2006) [Per J. Callejo, Sr., First Division].

<sup>23</sup> *People v. Fernandez*, G.R. No. 250200 dated February 24, 2020.

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**Second.** Only at the instance when **the plaintiff has shown no right to relief** that a judgment on the merits is made. This is where the cited case of *Republic v. Gimenez*<sup>24</sup> gains ground, if a **full quote** of the decision is correctly referenced here, viz:

In *Cabreza, Jr., et al. v. Cabreza*, this court defined a judgment rendered on the merits:

**A judgment may be considered as one rendered on the merits "when it determines the rights and liabilities of the parties based on the disclosed facts, irrespective of formal, technical or dilatory objections"; or when the judgment is rendered "after a determination of which party is right, as distinguished from a judgment rendered upon some preliminary or formal or merely technical point."**

To reiterate, "[d]emurrer to evidence authorizes a judgment on the merits of the case without the defendant having to submit evidence on his [or her] part, as he [or she] would ordinarily have to do, **if plaintiff's evidence shows that he [or she] is not entitled to the relief sought.**" The order of dismissal must be clearly supported by facts and law since an order granting demurrer is a judgment on the merits:

As it is settled that an order dismissing a case for insufficient evidence is a judgment on the merits, it is imperative that it be a reasoned decision clearly and distinctly stating therein the facts and the law on which it is based. (Emphasis supplied; citations omitted)

Accused Bautista would rather that a judgment on the merits be automatically made upon accused's motion for leave. This only eludes the basic first step in testing the sufficiency of prosecution evidence. For if the prosecution has shown that it is entitled to the relief sought, no judgment on the merits is required to be made.

**Third.** For a judgment to be rendered on the merits, a general reference ordinarily made to Rule 133 on Weight and Sufficiency of Evidence where Section 2 provides:

*Section 2. Proof beyond reasonable doubt.* – In a criminal case, the accused is entitled to an acquittal, unless his or her guilt is shown beyond reasonable doubt. Proof beyond reasonable doubt does not mean such a degree of proof as, excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind. (2a)

Rule 133 does not cover the parameters of sufficiency of evidence in a demurrer as it is covered by Rule 119, to wit:

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<sup>24</sup> G.R. No. 174673 dated January 11, 2016.

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**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.

Conceivably, the posture laid out by accused Bautista that the court should have already determined probative weight is misplaced.

Generally speaking, the weight of evidence is not a question of mathematics, but depends on its effect in inducing belief, under all of the facts and circumstances proved.<sup>25</sup> **Evidence is to be weighed according to the proof which was in the power of one side to have produced, and in the power of the other to have contradicted,** and the reasonableness of the evidence given, in view of the surrounding circumstances and the inherent probabilities, should be considered in determining its weight.<sup>26</sup>

The adjudication that follows, therefore, cannot just sway the balance in favor of the prosecution who, at present, is the only one which completed its presentation of evidence, without weighing the evidence produced by the accused to contradict or refute it.

The court's finding of **sufficiency** of prosecution evidence – insofar as the charge on “complete delivery” – does not, therefore, merit a full adjudication on the merits of the case.

This would necessarily explain why, on the contrary, the court's ruling on the **insufficiency** of prosecution evidence on the “lack of appropriation” merited a different stance.

THE COURT IS NOT OBLIGATED TO  
RENDER AN EXTENDED DECISION IN  
RESOLVING A MOTION FOR LEAVE TO  
DEMUR TO THE EVIDENCE.

It is not proper for accused Bautista to question the court's ruling, specifically the matrix,<sup>27</sup> by alleging that it simply listed pieces of evidence sans any analysis, which he believed contravened Section 14, Article VIII of the Constitution:

<sup>25</sup> Diosdado M. Peralta and Eduardo B. Peralta, Jr., *Insights on Evidence* 962-963 (2020) citing *Siao Aba v. De Guzman, Jr.*, A.C. No. 7649, December 14, 2011.

<sup>26</sup> Diosdado M. Peralta and Eduardo B. Peralta, Jr., *Insights on Evidence* 962-963 (2020) citing 7 Francisco at page 430.

<sup>27</sup> The court's Resolution dated March 8, pp. 19-21 (Records, Vol. 6, pp. 341-343).

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Sec. 14. No decision shall be rendered by any court without expressing therein clearly and distinctly the facts and the law on which it is based.

The accused veered off-tangent by only highlighting a selected portion of the ruling in isolation that completely disregarded the entirety of the discussion. In the first place, the provided matrix is not a final judgment on the merits. Secondly, the matrix formed only part of the big picture of the discussion as to which of the 36 documentary exhibits and testimonies of the 27 witnesses were able to establish the elements of the crime charged in relation to the specific acts of the accused. What was analyzed was the totality of all phases of the procurement of the online occupational permitting system: from the inception of procurement which began with the issuance of the project procurement management plan of the Office of the City Mayor, to the delivery and acceptance of the Project, until payment was made therefor, and including the material events that transpired in between each phase. It thus cannot be concluded that the matrix was a mere listing of pieces of evidence.

Significantly, in *Jalandoni v. Ombudsman*,<sup>28</sup> the Court silenced the issue on minute resolutions resolving demurrers to evidence:

Petitioners insist that they may assail the denial of their demurrers in a petition for certiorari because the Sandiganbayan acted with grave abuse of discretion. They assert that their due process rights were violated because the denials were issued in a minute resolution.

Their argument fails.

The constitutional requirement that the court must clearly and distinctly express the basis of its ruling in fact and in law only refers to decisions. The requirement does not apply to incidental matters. In any case, minute resolutions are "adjudication on the merits of the controversy" and are as valid and effective as a full-length decision. Courts are not obligated to follow a definite and stringent rule on how its judgment must be framed.

Here, the Minute Resolution denying the Motions is merely an interlocutory order. **The Sandiganbayan was not required to issue a full-blown decision distinctly explaining the facts and the law on which the denial was based.** Thus, it did not gravely abuse its discretion in issuing the summary denial. (Emphasis supplied; citations omitted)

With more reason that the court is not obligated to adjudicate an extended resolution when the pending incident is that of a *motion for leave to demur* to the evidence.

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<sup>28</sup> G.R. No. 211751, May 10, 2021.

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While the accused decried that he was barred from fully presenting his case, quite the contrary, he will precisely be given the opportunity to do so upon the commencement of the presentation of the defense evidence. Evidently, the accused's arguments that no undue injury was inflicted upon the Quezon City Government, that he acted in good faith in discharging his functions as Mayor, that there was delivery of the Project, among others, amount to allegations which should be substantiated by competent proof in the course of trial on the merits.

The court cannot infuse accused Bautista's arguments into the resolution when proof on these points is yet to be proffered.

THE GRACE AND FLUIDITY OF  
LANGUAGE IN A PLEADING IS WHAT  
ENTHRALLS AND ENLIGHTENS.

It is not a rare occasion that a counsel's zealous plea for a cause would jump right off the page, invigorating arguments that can persuade and convince. The tone initially set in the *Motion* haplessly does strike a sensitive chord, bordering as it does, on incivility and intemperate ascriptions on the "irregularity" allegedly committed by the court and its varying "prevarications." The prosecution need not even call out these unfortunate inferences as they are palpably perceptible in the pleading. Whether such language be attributed to the cause the counsel has, the court will simply let them pass without resonance in thought or action, *for now*.

**ACCORDINGLY**, accused Herbert Constantine M. Bautista's *Omnibus Motion [For the Partial Reconsideration of the Resolution Dated 08 March 2024 and for the Suspension of the 20 and 21 March 2024 Hearings]* dated March 18, 2024 is **DENIED** for lack of merit.

Accused Herbert Constantine M. Bautista, being the first to present evidence, is directed to **SUBMIT** the judicial affidavits of his intended witnesses at least five days before the initial presentation of defense evidence set on **April 17 and 18, 2024 at 8:30 a.m.** at the Fourth/Seventh Division courtroom. The trial dates are intransferable in character.

Considering that accused Bautista had moved for the suspension of the March 20 and 21, 2024 settings,<sup>29</sup> let two trial dates be deducted from accused Bautista's allotted time to present his evidence.

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<sup>29</sup> The court granted the suspension of March 20 and 21, 2024 settings (*See* the court's Order dated March 19, 2024).

17.1

**Resolution**

*People v. Herbert Constantine M. Bautista, et al.*

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X-----X

**SO ORDERED.**

  
**MA. THERESA DOLORES C. GOMEZ-ESTOESTA**

*Chairperson*  
*Associate Justice*

WE CONCUR:

  
**ZALDY V. TRESPES**

*Associate Justice*

  
**GEORGINA D. HIDALGO**

*Associate Justice*