



REPUBLIC OF THE PHILIPPINES  
**SANDIGANBAYAN**  
QUEZON CITY

**THIRD DIVISION**

**PEOPLE OF THE  
PHILIPPINES,**

**Plaintiff,**

**- versus -**

**JUDY JALBUENA SYJUCO, et  
al.,**

**Accused.**

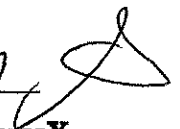
**Criminal Case Nos. SB-  
16-CRM-0780-0781**

For: *Violation of Section 3 (e) of  
Republic Act No. 3019  
and Malversation of  
Public Funds through  
Falsification*

*Present:*

**CABOTAJE-TANG, P.J.,**  
Chairperson,  
**FERNANDEZ, B., J.** and  
**MORENO, J.**

*Promulgated:*

*FEBRUARY 1, 2021* 

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**RESOLUTION**

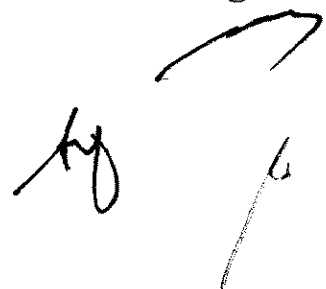
**CABOTAJE-TANG, P.J.:**

For resolution is accused Judy J. Syjuco's "Motion for Leave to file Attached Motion to Dismiss" dated December 08, 2020.<sup>1</sup>

In seeking leave, accused-movant Syjuco submits that part of her constitutional right to due process is to be free from being subjected to further litigation when it appears that the accused has not committed any wrong or that she is innocent of the crime charged.<sup>2</sup> In support thereof, she contends that a review of the records of the case would reveal the following:

<sup>1</sup> pp. 415-422, Record, Vol. X

<sup>2</sup> p. 415, *Id*



**Resolution**

Criminal Cases Nos. SB-16-CRM-0780-0781

People vs. Syjuco, *et al.*

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1. The prosecution's evidence do not support its position as against accused Mrs. Judy Jalbuena Vda. De Syjuco;
2. The facts charged do not constitute an offense, as against her;
3. The Informations contain averments which, if true, would constitute a legal excuse or justification; and
4. The higher interest of justice and humanitarian concerns in these cases make such reliefs just and equitable.<sup>3</sup>

In its *Opposition* dated January 16, 2021,<sup>4</sup> the prosecution argues that the present motion is not allowed under the Revised Rules of Court, Revised Internal Rules of the Sandiganbayan and the Revised Guidelines for Continuous Trial of Criminal Cases.

Moreover, it claims that accused Syjuco should have raised her arguments in a motion to quash which should have been filed before arraignment or in a motion for leave of court to file demurrer to evidence after the prosecution had rested its case. The prosecution likewise points out that the Court denied accused-movant Syjuco's co-accused' motion for leave to file demurrer to evidence and their subsequent motions for reconsideration, indicating that the evidence presented by the prosecution is sufficient to prove the charges against the accused in these cases.

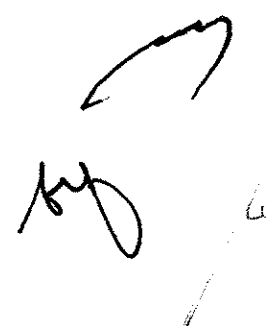
**THE RULING OF THE COURT**

The Court finds the subject *motion* unmeritorious.

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<sup>3</sup> pp. 415-416, *Id*

<sup>4</sup> pp. 424-430, *Id*

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To begin with, a motion to dismiss is neither allowed under the *Revised Rules of Criminal Procedure* nor the *Revised Internal Rules of the Sandiganbayan*. As correctly pointed out by the prosecution, the arguments raised by accused-movant Syjuco should have been properly raised either in a motion to quash or in a demurrer to evidence. However, the record shows that the said accused-movant failed to file either of the aforementioned motions. Instead, after the prosecution rested its case, the same accused-movant filed a *Motion for Plea Bargaining* citing old age, memory deterioration and favorable circumstances to the State as basis for its approval.<sup>5</sup> This motion, however, was denied by the Court.<sup>6</sup>

Even if this motion were treated as a motion for leave to file demurrer to evidence, the same motion still fails. To be sure, the Court had previously denied the motions for leave to file demurrer to evidence filed by the accused-movant's co-accused for lack of merit.<sup>7</sup> We repeat our pronouncement in our *Resolution* dated January 15, 2020 that the denial of the said motions indubitably shows that the prosecution was able to present sufficient evidence to prove the charges against the herein accused unless successfully rebutted by them.<sup>8</sup>

Finally, it bears emphasizing that the case is already at the stage of the defense' presentation of evidence and which must proceed as a matter of course. While we empathize with the humanitarian concerns raised by the accused-movant such as her old age and recent loss of her husband, unfortunately, these are not recognized grounds for the grant of her subject motion.

**WHEREFORE**, the Court hereby **DENIES** the *Motion for Leave to file Attached Motion to Dismiss* with the attached *Motion to Dismiss*, filed by accused-movant Judy Jalbuena Syjuco, for lack of merit.

**SO ORDERED.**



<sup>5</sup> pp. 201-204, Record, Vol. IX

<sup>6</sup> Resolution promulgated on January 15, 2020, pp. 409-414, Record, Vol. IX

<sup>7</sup> pp. 362-363, 480-481, Record, Vol. IX

<sup>8</sup> p. 414, *Id*


**Resolution**

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Quezon City, Metro Manila

  
**AMPARO M. GABOTAJE-TANG**  
Presiding Justice  
Chairperson

**WE CONCUR:**

  
**BERNELITO R. FERNANDEZ**  
Associate Justice

  
**RONALD B. MORENO**  
Associate Justice