



Republic of the Philippines  
SANDIGANBAYAN  
Quezon City

FIFTH (5<sup>th</sup>) DIVISION

PEOPLE OF THE PHILIPPINES,  
*Plaintiff,*

CRIM CASE NO: SB-18-CRM-0396

*-versus-*

*For:* Violation of Section 3(e) of  
R.A. No. 3019, as amended

DATU UMBRA B.  
DILANGALEN, AL HADJ, ET  
AL.,  
  
*Accused.*

*Present:*  
Lagos, *J.*, Chairperson,  
Mendoza-Arcega, *J.*, and  
Corpus-Mañalac, *J.*

Promulgated:

09 July 2021 *Jcd*

X-----X

RESOLUTION

LAGOS, *J.*:

This resolves the following:

1. Accused Datu Umbra Bayam Dilangalen's *Motion for Leave of Court to File Demurrer to Evidence* dated 21 June 2021; and
2. Prosecution's *Comment to the Motion for Leave of Court to File Demurrer to Evidence Filed by Accused Datu Umbra Bayam Dilangalen* dated 26 June 2021.

The Court notes that accused Dilangalen, the Municipal Mayor of Municipality of Northern Kabuntalan, Maguindanao in the year 2011, was charged with violation of Section 3(e) of R.A. No. 3019<sup>1</sup> for conspiring with his co-accused

<sup>1</sup> Section 3. *Corrupt practices of public officers.* In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

xxx (e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

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Ali (Municipal Accountant) and Mael (Municipal Treasurer) in causing the release of full payment of the Small Water Impounding Project (SWIP) in the amount of Five Million Pesos (Php5,000,000.00) to FFJJ Construction despite the fact that the project was not yet completed.

In his *Motion for Leave of Court to File Demurrer to Evidence*, accused Dilangalen claims that the Prosecution failed to adduce evidence sufficient to support his conviction for the offense charged. In particular, he argues that:

1. Based on the evidence presented and offered by the Prosecution, it failed to sufficiently prove that he had acted with manifested partiality, evident bad faith or inexcusable negligence in causing the release of the full payment of the SWIP to FFJJ Construction;
2. Assuming arguendo that he indeed caused the release of the full payment of the project to FFJJ Construction, this fact alone does not automatically prove that he acted with manifested partiality, evident bad faith or inexcusable negligence;
3. The Prosecution failed to prove that he has caused any undue injury to the government or to any party or private person;
4. There is no evidence showing that he had extended unwarranted benefit, preference or advantage to any person involved in the implementation of the SWIP since a public bidding was duly conducted prior to the award;
5. Based on the testimony of witness Osmeña L. Palanggalan, owner of FFJJ Construction, there was no agreement between them and the LGU of Northern Kabuntalan, Maguindanao as to when the payment should be made and that he never asked for a one-time payment for the project;
6. Assuming arguendo that witness Palanggalan testified that he obtained undue advantage, benefit and preference from the full payment of the project cost, this is not what the applicable law contemplates; and
7. The testimony of the Prosecution's principal witness, Mohidin Lauban, focused on the non-implementation of SWIP and did not prove the material allegations in the complaint and Information.

In its *Comment*, the Prosecution, through the Office of the Special Prosecutor, maintains that the allegations in the Information against accused



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Dilangalen have been overwhelmingly substantiated by evidence. It stresses that there was sufficient proof that he released the payment for the SWIP despite the fact that the project was not yet completed. The evidence presented by the Prosecution established the undisputed fact that the Check No. 513845 dated 01 December 2011 in the amount of Five Million Pesos (Php5,000,000.00), signed by accused Dilangalen and his co-accused Mael, was issued in favor of and received by FFJJ Construction in December 2011, before the project was completed in 12 March 2012. Moreover, the Prosecution posits that the completion of the project alone does not absolve the accused from liability for violation of Section 3(e) of R.A. No. 3019, as amended.

**THE COURT'S RULING**

In **Bernardo v. Court of Appeals**<sup>2</sup>, the Supreme Court held that the trial court has the discretion to grant leave to the accused to file a demurrer for the purpose of determining whether the accused 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, he can still present evidence if his demurrer is denied. However, if he demurs without prior leave of court, or after his motion for leave is denied, he waives his 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 his demurrer is merely stalling the proceedings. (Underscoring supplied)

After a thorough review of the records of the case and the evidence submitted by the Prosecution, the Court rules that granting accused Dilangalen's *Motion for Leave of Court to File Demurrer to Evidence* will accomplish nothing but delay the proceedings. Also, the Court notes that accused Dilangalen, in his Motion, merely made a general denial of the existence of the elements of the offense charged.

WHEREFORE, the *Motion for Leave of Court to File Demurrer to Evidence* dated 21 June 2021 of accused Datu Umbra Bayam Dilangalen is hereby **DENIED**.

This is without prejudice to his filing of a 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 if

<sup>2</sup> G.R. No. 119010 September 5, 1997.

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denied, he shall waive his right to present evidence and submit this case for judgment on the basis of the evidence adduced by the Prosecution.

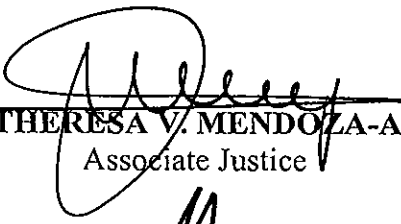
Further, accused Dilangalen is given a non-extendible period of five (5) days from receipt of this resolution to file his respective manifestation, by personal service or registered mail, and electronically, to inform this Court whether he is submitting his Demurrer to Evidence without leave of court.


Finally, the hearing set on 22 July 2021 at 1:30 in the afternoon for the presentation of evidence for the defense is maintained. The said schedule will be considered automatically cancelled upon receipt of accused's manifestation that he intends to submit his Demurrer to Evidence without leave of court.

**SO ORDERED.**

  
**RAFAEL L. LAGOS**  
Associate Justice  
Chairperson

WE CONCUR:

  
**MARIA THERESA V. MENDOZA-ARCEGA**  
Associate Justice

  
**MARYANN E. CORPUS-MAÑALAC**  
Associate Justice