

Thereafter, on February 28, 2022, accused filed the present motion challenging the sufficiency of the prosecution's evidence to sustain a conviction for violation of Section 3(e) of RA 3019 on two (2) grounds.

First, accused contends that there is no evidence to prove that he was a public officer at the time material to this case, to wit:

9. First, the prosecution failed to adduce evidence that the Accused is a public officer at the time of the alleged commission of the crime. There is not a single (sic) evidence offered by the prosecution to prove that the accused is a public officer.

10. During pre-trial, the prosecution proposed a stipulation that "the accused Ravanera, during the time of the commission of the crime, was a public officer being then the Chairperson of the Cooperative Development Authority (CDA) with Salary Grade (30)". However, we denied this proposal.

11. In the alternative, Accused proposed to stipulate that accused was appointed as Chairperson of the Cooperative Development Authority (CDA) only last 11 March 2015. However, it was not admitted by the prosecution.

Second, accused claims that the prosecution did not adduce evidence to establish that he had knowledge about the various documents, including court orders and decisions and that his issuance of the Certificate of Good Standing to and approval of the Registration of Amendment of the Davao del Norte Electric Cooperative (DANECO) were improper, to wit:

15. The prosecution failed to adduce evidence to show that there was evident bad faith, manifest partiality, or at the very least, gross inexcusable negligence in the discharge of his official or administrative functions. None of the evidence show that it was not proper for the CDA to issue these Certificates. No bad faith, manifest impartiality, (sic) or gross inexcusable was imputed in relation to the process of issuance of these certificates.

16. The prosecution made an effort to impute that the accused knows [the] decisions and resolutions from different administrative agencies and courts merely by alleging that their mere existence is sufficient to prove that the accused knows its (sic) contents.

17. We reiterate that the accused was appointed as CDA Chairperson only last 2015. However, the prosecution is actually imputing knowledge of the issues and events which transpired years prior to his appointment. Xxx.

X x x x

18. Again, these cases and orders were issued prior to the date of the Accused's appointment. Second, accused is not a party in any of these proceedings. If Accused is not a party thereto, and these were cases prior to his appointment, how can the accused possess knowledge of what transpired then? Assuming he has knowledge, the prosecution did not

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show a single (sic) evidence, except merely for imputing knowledge of these documents simply because they exist.

On March 7, 2022, the prosecution filed its opposition to the present motion, insisting that the totality of its evidence is sufficient to convict the accused of violating Section 3(e) of RA 3019.

As to the *first* ground, the prosecution counters that accused's issuance of the Certificate of Good Standing to and his approval of the Registration of Amendment of DANECO, as the Cooperative Development Authority (CDA) Chairperson, were never disputed and are conclusive proofs that he is a public officer, performing or discharging official functions. Anent the *second* ground, it asserts that the orders, decisions, and/or resolutions of the National Electrification Administration and/or of various courts already existed at the time when the accused issued the Certificate of Good Standing to and approved the Registration of Amendment of DANECO. Moreover, it stresses that the accused is duty-bound to look into the records of DANECO, considering the significance of a certificate of good standing, that is, it assures the public legitimacy of a cooperative. Furthermore, it claims that it presented evidence proving that the CDA was a party to the various cases and that some of the documents are kept in the CDA office.

RULING

The Court resolves to deny the present motion.

Rule 119, Section 23 of the Revised Rules of Criminal Procedure states in part that “[t]he motion for leave of court to file demurrer to evidence shall specifically state its grounds and shall be filed within a non-extendible period of five (5) days after the prosecution rests its case. The prosecution may oppose the motion within a non-extendible period of five (5) days from its receipt.” The power to grant leave to file demurrer to evidence is addressed to the sound discretion of the trial court and its purpose is to determine whether the demurrer is only meant to delay the proceedings.⁴

Here, while the present motion was timely filed, the grounds invoked, although proper, fail to persuade the Court of the necessity for a demurrer to evidence. A cursory examination of the case records reveals that the prosecution presented testimonial and documentary evidence pertaining to facts which the accused stated as grounds in his motion. Granting leave to file demurrer to evidence, therefore, will only unnecessarily delay the proceedings in this case. Accordingly, the present motion is denied.

⁴ *Bernardo vs. Court of Appeals*, G.R. No. 119010, September 5, 1997, citing *People v. Mahinay*, G.R. No. 109613, July 17, 1995.

It should be pointed out, however, that in resolving the present motion, the Court limited its consideration to the grounds the accused invoked, which are: (1) insufficiency of evidence that he was a public officer at the time material to this case; and (2) insufficiency of evidence regarding his knowledge about the orders, decisions, and resolutions of various courts and other bodies and that, therefore, it was improper for him to issue the Certificate of Good Standing to and to approve the Registration of Amendment of DANECO.

The denial here of the present motion is without prejudice to right of the accused to file demurrer to evidence without leave of court, subject to the rule that if the demurrer to evidence without leave of court is denied, he shall be deemed to have waived his right to present evidence and the case shall be submitted for decision on the basis of the evidence for the prosecution.⁵


WHEREFORE, the motion for leave of court to file demurrer to evidence is **DENIED**.

The presentation of evidence for the defense shall proceed as scheduled.

SO ORDERED.


MARYANN E. CORPUS-MAÑALAC
Associate Justice

WE CONCUR:


RAFAEL R. LAGOS
Associate Justice
Chairperson


MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice

⁵ See Rule 119, Section 23 of the Revised Rules of Criminal Procedure.