

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

**Crim. Cases Nos. SB-17-CRM-
0636-0639**

DOUGLAS RALOTA CAGAS, ET AL.,
Accused,

May 11, 2022

X-----X

RESOLUTION

HERRERA, JR., J.:

For resolution of the Court in these cases are the following:

- a) ***Motion For Leave of Court To File Demurrer To Evidence***¹ dated March 16, 2022 filed by accused Maria Rosalinda M. Lacsamana, through counsel;
- b) ***Motion For Leave To File Demurrer To Evidence***² dated March 18, 2022 filed by accused Dennis L. Cunanan, through counsel, with an attached ***Demurrer To Evidence (With Prior Leave)***³ also dated March 18, 2022;
- c) ***Motion For Leave (To: File Demurrer to Evidence)***⁴ dated March 18, 2022 filed by accused Janet Lim Napoles, through counsel; and
- d) ***Joint Omnibus Motion [(1) For Reconsideration of the Honorable Court's Resolution on the Plaintiff's Formal Offer of Exhibits dated 15 March 2022, and (2) For Leave of Court to file Demurrer to Evidence]***⁵ dated March 21, 2022 filed by accused Mario L. Relampagos, Rosario S. Nuñez, Lalaine N. Paule and Marilou D. Bare, through counsel.

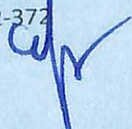
¹ Record, Vol. 12, pp. 269-276

² Id, pp. 280-286

³ Id. pp. 287-325

⁴ Id. pp. 326-351

⁵ Id. pp. 352-372



The plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, filed a **Consolidated Comment/Opposition To: 1) Accused Mario Relampagos, Rosario Nuñez, Lalaine N. Paule and Marilou D. Bare's Joint Omnibus Motion dated March 21, 2022: (a) for Reconsideration of the Honorable Court's Resolution on the Plaintiff's Formal Offer of Exhibits dated March 15, 2022; and (b) For Leave of Court to File Demurrer to Evidence; 2) Janet Lim Napoles' Motion for Leave To File Demurrer to Evidence dated March 19, 2022; and (4) Maria Rosalinda M. Lacsamana's Motion for Leave of Court to File Demurrer to Evidence** ⁶ dated March 17, 2022.

Before resolving the motions for leave to file demurrer to evidence in these cases, the Court will first deal with the plea of accused Relampagos, Nuñez, Paule and Bare for reconsideration of the **Resolution** ⁷ dated March 15, 2022 on the **Plaintiff's Formal Offer of Exhibits** dated December 10, 2021.

After going over the record, the Court grants the prayer for reconsideration and rules that the following exhibits are not included among the evidence for the prosecution admitted by the Court: Exhibits "G-26", "G-60", "EE-1" to "EE-6", "JJ", "UU" to "UU-10", "VV" to "VV-17", "WW" to "WW-4", "XX" to "XX-19", "YY" to "YY-16", "ZZ", "A³", "B³" to "B³-9", "C³" to "C³-19", "D³" to "D³-4", "E³", "F³" to "F³-31", "G³" to "G³-24", "H³" to "H³-2", "I³" to "I³-1", "J³" to "J³-4", "K³" to "K³-30", "L³" to "L³-4", "M³" and series, "N³" to "N³-10", "O³" to "O³-57", "P³" to "P³-99", "Q³", "R³" to "R³-24", "S³" to "S³-17", "T³" to "T³-1", "U³" and series, "V³" to "V³-19", "E⁴", "F⁴" to "F⁴-1", "G⁴", "G⁴-1", "G⁴-2", "G⁴-3", "K⁴", "S⁴" and series, "T⁴" to "T⁴-14", "T⁴-15", "T⁴-16", "T⁴-17", "T⁴-18", "T⁴-19", "T⁴-20", "T⁴-21", "T⁴-22", "V⁴".

The last paragraph of the **Resolution** dated March 15, 2022 is hereby amended to henceforth read, as follows:

"Acting now on the plaintiff's Formal Offer of Exhibits the Court resolves to admit Exhibits "A" to "A-460", "A-461" to "A-464", "B" to "G" and the submarkings, "H" to "Z" and the submarkings "AA" to "EE", "FF" to "II", "II-3", "KK" to "TT-9", "W³", "X³", to "Z", "A⁴" to "D⁴", "H⁴" to "J⁴", "L⁴" to "R⁴", "T⁴-6" to "T⁴-14", "U⁴" to "U⁴-190", "W⁴" to "Z⁴", "A⁵" to "G⁵" and submarkings."

⁶ Id. pp. 397-415

⁷ Id. pp. 254-255



The Court will now resolve the separate motions for leave to file demurrer to evidence in these cases pertaining to two (2) counts of **Violation of Section 3(e) of Republic Act (R.A.) No. 3019, as amended, on the Anti-Graft and Corrupt Practices Act**, docketed as Criminal Cases Nos. SB-17-CRM-0636 to 0637 and two (2) counts of **Malversation of Public Funds under Article 217 of the Revised Penal Code (RPC)**, docketed as Criminal Cases Nos. SB-17-CRM-1638 and 0639.⁸

Accused Cunanan, Napoles, Relampagos, Nuñez, Paule and Bare, are jointly charged, along with others, in the four (4) criminal cases. Accused Lacsamana is included only in two (2), and these are in Criminal Cases Nos. SB-17-CRM-0637 and 0639.

In praying for leave to file demurrer to evidence, the above-named accused essentially contend that the evidence adduced by the prosecution are insufficient to sustain their conviction for the offenses charged. Invariably, they assert that the prosecution failed to prove that they are involved in a conspiracy for the commission of the crimes alleged in the Informations.

The Court disagrees.

To prove the charges the prosecution presented the following witnesses: (1) Mr. Joseph Peñas, City Mayor of Digos City; (2) Mr. Fanco M. Calida, Vice Mayor, Hagonoy, Davao del Sur; (3) Ms. Susan Garcia, Asst. Commission on Audit (COA); (4) Ms. Merlina Talay, Social Security Officer II, Social Security System (SSS); (5) Atty. Joel Rey L. Lopez; (6) Mr. Jose Martorillos; (7) Mr. Felix Bariquit; (8) Mr. Edwin Reyes; (9) Mr. Julian L. Albores; (10) Ms. Mary Arlene Baltazar, former employee of JLN Corporation; (12) Benhur Luy; (13) Atty. Leigh Vhon Santos, Bank Officer V, Anti-Money Laundering Council (AMLC) Secretariat ; (14) Mr. Nelson John Badar, former Landbank of the Philippines Asst. Dept. Manager, DECs Extension Office; (15) Mr. Dario Sabilano, Special Investigator, Intelligence Service, National Bureau of Investigation (NBI); (16) Mr. Robert Gregorio, Administrative Assistant I, Digital Forensics Laboratory, NBI; (17) Mr. Jhoven G. Litanía, Supervising Administrative Officer, General Services Division and Records Officer, Technology Resource Center, Transition Committee, Department of Science and Technology (DOST); (18)

⁸ Id. pp. 1-23



Ms. Ophelia Estupigan , Head, Manager and Review Stream of Operations Division, Manulife; and 19) Ms. Vilma Guinto, Asst. Manager, Enrollment Fulfillment Department, Maxicare.

The testimony of Atty. Eunice G. Dalisay Salazar of the Securities and Exchange Commission (SEC) was dispensed with, after a stipulation with the accused, represented by counsels, who admitted that the Atty. Salazar issued certified true copies of documents in custody of the SEC.⁹

The prosecution also submitted as evidence numerous documents referred to in the **Resolution** dated March 15, 2022, as herein amended.

The Court finds unwarranted the pleas of the accused for leave to file demurrer to evidence. Following a careful study of the evidence on record, both testimonial and documentary, the Court rules that these are *prima facie* sufficient for the conviction of the accused of the crime charges in the Informations filed, unless successfully contradicted by defense evidence.

In **Cometa v. State Investment Trust, Inc.**,¹⁰ the Supreme Court defined prima facie evidence, to wit:

"It denotes evidence which, if unexplained and uncontradicted, is sufficient to sustain a prosecution or established the facts, as to counterbalance the presumption of innocence and warrant the conviction of the accused."

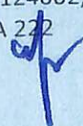
Finally, in **Soriquez v. Sandiganbayan**,¹¹ the Supreme Court held that:

"The determination of the sufficiency or insufficiency of the evidence presented by the prosecution as to establish a prima facie case against on accused is left to the exercise of sound judicial discretion."

⁹ Record, Vol. 5, p. 35


¹⁰ G.R. No. 124062, December 29, 1999

¹¹ 474 SCRA 272

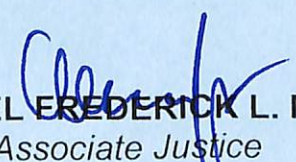


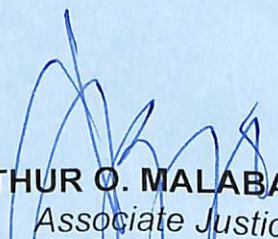
WHEREFORE, premises considered, the Court resolves to deny the following:

- a) **Motion For Leave of Court To File Demurrer To Evidence** dated March 16, 2022 filed by accused Maria Rosalinda M. Lacsamana, through counsel;
- b) **Motion For Leave To File Demurrer To Evidence** dated March 18, 2022 filed by accused Dennis L. Cunanan, through counsel, with an attached **Demurrer To Evidence (With Prior Leave)** also dated March 18, 2022;
- c) **Motion For Leave (To: File Demurrer to Evidence)** dated March 18, 2022 filed by accused Janet Lim Napoles, through counsel; and
- d) The prayer of accused Mario L. Relampagos, Rosario S. Nuñez, Lalaine N. Paule and Marilou D. Bare for leave of court to file demurrer to evidence contained in their **Joint Omnibus Motion, etc.** dated March 21, 2022.


OSCAR C. HERRERA, JR.
Chairperson
Associate Justice

We concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


ARTHUR O. MALABAGUIO
Associate Justice