



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

AURELIO M. UMALI, RENATO P.
MANANTAN, NARCISA O.
MANINGDING, ANITA
TANSIPEK AND CORAZON
BAUTISTA,

Accused.

x----- x

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

AURELIO M. UMALI, RENATO P.
MANANTAN, NARCISA O.
MANINGDING, ANITA
TANSIPEK AND CORAZON
BAUTISTA,

Accused.

x----- x

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

AURELIO M. UMALI, RENATO P.
MANANTAN, NARCISA O.
MANINGDING, RENATO L.
MANALANSAN, EVELYN DE
LEON AND JANET LIM
NAPOLES,

Accused.

x----- x

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

CRIM CASE NO. SB-19-CRM-0057

For: Violation of Section 3(e) of R.A. No.
3019 Anti-Graft and Corrupt Practices
Act, as amended.)

CRIM CASE NO. SB-19-CRM-0058

For: Violation of Section 3(e) of R.A. No.
3019 Anti-Graft and Corrupt Practices
Act, as amended.)

CRIM CASE NO. SB-19-CRM-0059

For: Violation of Section 3(e) of R.A. No.
3019 Anti-Graft and Corrupt Practices
Act, as amended.)

CRIM CASE NO. SB-19-CRM-0060

For: Violation of Section 3(e) of R.A. No.
3019 Anti-Graft and Corrupt Practices
Act, as amended.)

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AURELIO M. UMALI, RENATO P.
MANANTAN, NARCISA O.
MANINGDING, ANITA
TANSIPEK AND CORAZON
BAUTISTA,

Accused.

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PEOPLE OF THE PHILIPPINES,
Plaintiff,

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AURELIO M. UMALI, RENATO P.
MANANTAN, NARCISA O.
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TANSIPEK AND CORAZON
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PEOPLE OF THE PHILIPPINES,
Plaintiff,

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AURELIO M. UMALI, RENATO P.
MANANTAN, NARCISA O.
MANINGDING, ANITA
TANSIPEK AND CORAZON
BAUTISTA,

Accused.

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PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

AURELIO M. UMALI, RENATO P.
MANANTAN, NARCISA O.
MANINGDING, ANITA
TANSIPEK AND CORAZON
BAUTISTA,

Accused.

x-----x

CRIM CASE NO. SB-19-CRM-0061

For: Violation of Article 217 of the
Revised Penal Code (Malversation of
Public Funds)

CRIM CASE NO. SB-19-CRM-0062

For: Violation of Article 217 of the
Revised Penal Code (Malversation of
Public Funds)

CRIM CASE NO. SB-19-CRM-0063

For: Violation of Article 217 of the
Revised Penal Code (Malversation of
Public Funds)

Present:

HERRERA, JR., J., Chairperson

MUSNGI, J., Associate Justice

MALABAGUIO, J., Associate Justice

June 2, 2022



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RESOLUTION

MALABAGUIO, J.

For resolution of the Court are the following:

1. *Motion for Leave (To: File Demurrer to Evidence)*¹ dated April 7, 2022 filed by accused Janet Lim Napoles (**Napoles**), through counsel;
2. *Motion for Leave to File Demurrer to the Prosecution's Evidence*² dated April 11, 2022 filed by accused Renato P. Manantan (**Manantan**), through counsel ;
3. *Motion for Leave to File Demurrer to Evidence*³ dated April 11, 2022 filed by accused Narcisa O. Maningding (**Maningding**), through counsel;
4. *Motion for Leave of Court to File Demurrer to Evidence*⁴ dated April 8, 2022 filed by accused Corazon Bautista (**Bautista**), through counsel; and
5. *Motion for Leave to File Demurrer to Evidence*,⁵ dated April 11, 2022 filed by accused Anita Tansipek (**Tansipek**), through counsel.

In response, the plaintiff People of the Philippines, through the Office of the Special Prosecutor (**OSP**), Office of the Ombudsman (**Prosecution**), filed its *Consolidated Comment/Opposition [Re: Motions for Leave to File Demurrer to Evidence filed separately by: (i) Accused Bautista dated 08 April 2022; (ii) Accused Napoles, dated 07 April 2022; (iii) Accused Maningding, dated 11 April 2022; (iv) Accused Tansipek, dated 11 April 2022 and (v) Accused Manantan, dated 11 April 2022]*⁶ dated April 25, 2022.

There are seven (7) criminal cases jointly tried by the Court.

The first four (4) Criminal Case Nos. SB-19-CRM-0057 to 0060 are for Violation of Section 3(e) of Republic Act (**RA**) No. 3019, or the Anti Graft and Corrupt Practices Act, under four (4) separate *Informations* all dated July 11, 2018. Those charged in the said four (4) *Informations* are the following: Aurelio M. Umali (**Umali**), Manantan and Maningding. In Criminal Case Nos. SB-19-CRM-0057, 0058 and 0060, the accused include

¹ Records (Vol. 6), pp. 375-386;

² *Id.* at 423-427.

³ *Id.* at 418-422.

⁴ *Id.* at 399-405.

⁵ *Id.* at 459-461.

⁶ *Id.* at 462-478.



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Tansipek and Bautista, while in Criminal Case No. SB-19-CRM-0059 the accused include Renato L. Manalansan (**Manalansan**), Evelyn De Leon (**De Leon**) and Napoles.

The next three (3) cases, Criminal Case Nos. SB-19-0061, 00062, and 0063, are for *Malversation of Public Funds* under Article 217 of the Revised Penal Code (**RPC**). Accused Umali, Manantan, Maningding, Tansipek and Bautista are all charged under three (3) separate *Informations* all dated April 2, 2019.

The charges of *Violation of Section 3(e) of RA 3019* against the accused in Criminal Case Nos. SB-19-CRM-0057, 0058, 0059 and 0060, relate to the release of the Priority Development and Assistance Fund (**PDAF**) of accused Umali, member of the House of Representatives (Congressman of 3rd District of *Nueva Ecija*), in the total amount of around PhP15,000,000.00, supposedly for implementation of PDAF-funded projects which turned out to be non-existent.

On the other hand, the charges against the accused in Criminal Case Nos. SB-19-0061, 0062, and 0063 of *Malversation of Public Funds* under Article 217 of the RPC pertain to their alleged misappropriation of the public funds drawn from PDAF for the implementation of the PDAF-funded projects which turned out to be non-existent.

Motion for Leave (To: File Demurrer to Evidence)
filed by accused Napoles

Accused Napoles prays for leave to file Demurrer to Evidence based on the following grounds: (a) the Prosecution failed to prove her overt acts in relation to the allegation of conspiracy in the Informations; (b) the Court's Resolution dated March 15, 2022,[sic]⁷ simply admitted the exhibits formally offered by the Prosecution without ruling if they are admitted for the purposes for which they were offered, the evidence offered by the Prosecution have no probative value which exposes these criminal cases to dismissal due to insufficiency of evidence; and (c) the evidence formally offered by the Prosecution, violates the Best Evidence Rule (now the Original Document Rule), and thus, have no probative value. In particular, Napoles claims to be exempted from liability on the ground that her personality is distinct from MAMFI. The Prosecution's evidence failed to show that she is either an incorporator, a trustee, a member, an officer, or even an employee or representative of the said NGO.

In its *Consolidated Comment/Opposition*, the Prosecution counters that its pieces of evidence show that accused Napoles exercised control and ownership over MAMFI and it was utilized in these cases to funnel the PDAF of accused Umali through Nutrigrowth Philippines for their own

⁷ The Resolution admitting the exhibits formally offered by the Prosecution is dated April 5, 2022.

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benefit, to the damage and injury of the 3rd District of *Nueva Ecija* and the government.

***Motion for Leave Of Court to File Demurrer to Evidence
filed by accused Bautista***

Accused Bautista prays for leave to file demurrer to evidence on the ground that the evidence presented by the prosecution failed to prove that she conspired with accused-public officers in committing the crime charged in the Informations.

***Motion for Leave to File Demurrer to Evidence
filed by accused Maningding***

Meanwhile, accused Maningding seeks to justify the filing of her Motion for Leave of Court to File Demurrer to Evidence on the ground that (a) the prosecution's evidence is insufficient to prove any wrongdoing on her part; and (b) there is no proof that she conspired with the other accused.

***Motion for Leave to File Demurrer to the Prosecution's Evidence
filed by accused Manantan***

In support of his Motion for Leave to File Demurrer to the Prosecution's Evidence, accused Manantan claims that (a) he had no participation in the selection process of the NGOs MAMFI and SMPGI as these were the personal choices of Representative Umali; (b) the overt acts attributed to him in violation of Section 3(e) of R.A. No. 3019 are absent in the prosecution's evidence; (c) he had no control or custody of the public funds disbursed to the same NGOs; and (d) there is no evidence of his conspiracy with the other accused.

***Motion for Leave To File Demurrer to Evidence
filed by Tansipek***

Accused Tansipek mainly argues that the prosecution failed to prove her guilt beyond reasonable doubt for violation of Sec. 3(e), R.A. No. 3019 and Malversation of Public Funds as: (a) the prosecution's documentary evidence have no probative value; and (b) the prosecution witnesses have no personal knowledge of the facts they testified on.

In its *Consolidated Comment/Opposition*, the Prosecution insists that the separate motions filed by accused Bautista, Maningding, Manantan and Tansipek should be denied outright for lack of merit as the same fail to meet the specificity requirement for motions of this nature. The said motions fail to specifically state the grounds for their respective submission, and merely contain an enumeration of supposed grounds for said submission.



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In sum, all the accused in these separate motions praying for leave to file demurrer to evidence essentially contend that **the evidence adduced by the prosecution in the instant cases are insufficient to sustain a conviction.** Consistently, they all claim that the evidence of the prosecution failed to prove they are guilty of the crimes charged against them.

The Ruling of the Court

The Court finds the instant motions for leave to file demurrer to evidence untenable.

At the outset, a demurrer to evidence is a motion to dismiss on the ground of insufficiency of evidence. It is a remedy available to the defendant, to the effect that the evidence produced by the plaintiff is insufficient in point of law, whether true or not, to make out a case or sustain an issue.⁸ The power to grant leave to accused to file a demurrer to evidence is addressed to the sound discretion of the court, and wide latitude is given to it in exercising such discretion.⁹

Demurrer to evidence is governed by Rule 119, Section 23, of the Rules of Court, as amended, which provides that the trial court may dismiss the action on the ground of insufficiency of evidence upon a demurrer to evidence filed by the accused with or without leave of court. Pertinent portion of the said rule reads:


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 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.

xxx xxx xxx

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.

 ⁸ Republic v. De Borja, G.R. No. 187448, January 9, 2017.

⁹ Quinte v. Sandiganbayan, G.R. Nos. 240021-24 (Notice), December 7, 2020.

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In *Jalandoni v. Office of the Ombudsman*,¹⁰ the Supreme Court explained the function of a demurrer to evidence, *viz.*:

When a demurrer to evidence is filed, the trial court ascertains whether there is competent or sufficient evidence to issue a judgment. Thus, a demurrer's resolution belongs to the court's sound discretion. In *People v. Sandiganbayan*:

Under Section 23, Rule 119 of the Revised Rules of Criminal Procedure, as amended, the trial court may dismiss the action on the ground of insufficiency of evidence upon a demurrer to evidence filed by the accused with or without leave of court. **Thus, in resolving the accused's demurrer to evidence, the court is merely required to ascertain whether there is competent or sufficient evidence to sustain the indictment or support a verdict of guilt. 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 discretion. (Emphasis Supplied)**

In this case, in order to prove the charges against the accused, the Prosecution presented testimonial evidence and submitted documentary evidence marked as Exhibits "A" to "Z", "AA" to "FF", "KK" to "ZZ", "AAA" to "VVV", "XXX", "ZZZ" and "GGGG" inclusive of submarkings and submarked documents.

Guided by the foregoing rule and jurisprudence, followed by a conscientious examination of the records and all the evidence presented by the prosecution as against the elements of the crimes charged in the *Informations*, the Court resolves to deny the motions for leave to file demurrer to evidence separately filed by all the accused. It must be emphasized that at this point, the Court is not yet passing upon the merits of the case. The incident before Us is merely a determination of whether the evidence on record is sufficient to sustain the indictment or support a verdict of guilt and does not lead to a conclusion of the guilt or innocence of accused.

Furthermore, it is significant to note that the other grounds raised in the instant motions were mere general allegations that the prosecution's pieces of evidence are insufficient to prove beyond reasonable doubt the elements of violation of *Sec. 3(e) of RA No. 3019* and *Malversation of Public Funds* as well as their conspiracy in the commission. They have not provided any reason or explanation on how they arrived at such conclusion

¹⁰ G.R. Nos. 211751, 217212-80, 244467-535 & 245546-614, May 10, 2021 (Citations Omitted).

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to warrant the dismissal of the case. Such general statements run counter to the requirements under Section 23 of Rule 119 of the Rules of Court which instructs that the motion for leave shall specifically state its ground.

Finding sufficient evidence to sustain the indictment for the crimes charged at this point of the trial, all of the accused now bear the evidentiary burden to controvert the evidence of the prosecution which should properly be made during the presentation of accused's evidence in chief.

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


1. *Motion for Leave (To: File Demurrer to Evidence)* dated April 7, 2022 filed by accused Janet Lim Napoles, through counsel;
2. *Motion for Leave to File Demurrer to the Prosecution's Evidence* dated April 11, 2022 filed by accused Renato P. Manantan, through counsel;
3. *Motion for Leave to File Demurrer to Evidence* dated April 11, 2022 filed by accused Narcisa O. Maningding, through counsel;
4. *Motion for Leave of Court to File Demurrer to Evidence* dated April 8, 2022 filed by accused Corazon Bautista, through counsel; and
5. *Motion for Leave to File Demurrer to Evidence*, dated April 11, 2022 filed by accused Anita Tansipek, through counsel.

SO ORDERED.


ARTHUR O. MALABAGUIO
Associate Justice

We Concur:


OSCAR C. HERRERA, JR.
Chairperson/ Associate Justice


MICHAEL FREDERICK L. MUSNGI
Associate Justice