



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE PHILIPPINES, SB-19-CRM-0144**  
*Plaintiff,* For: Violation of Section 8, in  
relation to Section 11 of R.A. No.  
6713

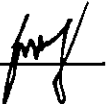
- versus -

*Present :*

**ABUBACAR P. MAULANA,**  
*Accused.*

**FERNANDEZ, SJ, J.,** Chairperson  
**MIRANDA, J.,** and  
**VIVERO, J.**

*Promulgated:*

**JUL 11 2022** 

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**RESOLUTION**

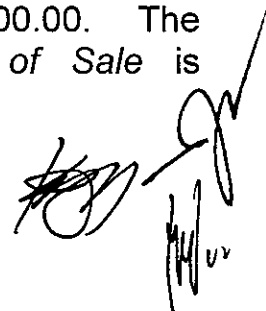
**FERNANDEZ, SJ, J.**

For resolution is the *Motion for Leave of Court to File Demurrer to Evidence*<sup>1</sup> of accused Maulana.

In his *Motion*, accused Maulana asks the court to grant him leave to file his demurrer to evidence on the ground that the evidence of the prosecution failed to meet the quantum of proof to warrant his conviction beyond reasonable doubt. In support of his *Motion*, accused Maulana claims:

1. There was no clear and categorical proof that the accused acquired the subject vehicle for P2,000,000.00. The chassis number in the spurious *Deed of Sale* is

<sup>1</sup> Dated June 16, 2022, filed on June 21, 2022 by electronic mail.



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3GKGGKZG42G184032. The chassis number in the genuine *Deed of Sale* (Exhibit 3) is 3GKGGK26G184032.<sup>2</sup>

2. The prosecution failed to prove his participation in the execution of the *Document of Sale* dated July 3, 2013.<sup>3</sup>

a. The prosecution failed to prove that he was the one who signed the *Document of Sale*.<sup>4</sup>

b. The prosecution did not present a witness who has personal knowledge of the execution of the *Document of Sale*.<sup>5</sup>

c. The prosecution failed to present any witness who can prove the authenticity of the *Document of Sale*, or the authority of the notary public who notarized the same.<sup>6</sup>

d. There is no proof that he owns the *Document of Sale* or that he was the one who filed or submitted the same.<sup>7</sup>

e. There is no proof that he was the one who purchased the subject vehicle.<sup>8</sup>

f. In the *Document of Sale*, he was referred to as the vendor, not the vendee.<sup>9</sup>

3. The *Document of Sale* dated July 3, 2013 is spurious. The *Deed of Sale* presented is incomplete and contains obvious defects and flaws.<sup>10</sup>

a. His signature therein is a forgery;<sup>11</sup>

b. The stamp mark "certified true copy" does not cure "its quality of being falsified";<sup>12</sup>

<sup>2</sup> p. 5, *Motion for Leave of Court to File Demurrer to Evidence*

<sup>3</sup> p. 15, *Motion for Leave of Court to File Demurrer to Evidence*.

<sup>4</sup> p. 28, *Motion for Leave of Court to File Demurrer to Evidence*

<sup>5</sup> p. 4, *Motion for Leave of Court to File Demurrer to Evidence*

<sup>6</sup> p. 15, *Motion for Leave of Court to File Demurrer to Evidence*

<sup>7</sup> p. 3, *Motion for Leave of Court to File Demurrer to Evidence*

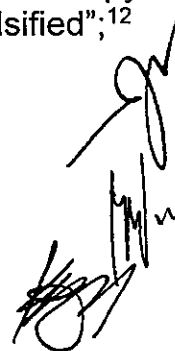
<sup>8</sup> p. 3, *Motion for Leave of Court to File Demurrer to Evidence*

<sup>9</sup> p. 4, *Motion for Leave of Court to File Demurrer to Evidence*

<sup>10</sup> p. 16, *Motion for Leave of Court to File Demurrer to Evidence*

<sup>11</sup> P. 4, *Motion for Leave of Court to File Demurrer to Evidence*

<sup>12</sup> p. 4, *Motion for Leave of Court to File Demurrer to Evidence*

Handwritten signature and stamp mark. The signature is written in black ink and appears to be a stylized name. Below the signature is a rectangular stamp mark, which is partially obscured by the signature. The stamp mark contains the text "certified true copy" and "its quality of being falsified".

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- c. There are discrepancies in the dates in the *Official Receipt and Certificate of Registration*;<sup>13</sup>
  - d. Accused' signature does not appear in the *Document of Sale* to support its authenticity.<sup>14</sup>
4. The prosecution failed to prove the existence of the documents which were the basis for the charge. They did not present the original of the documentary exhibits.<sup>15</sup>
- a. The prosecution only presented certified true copies of its documentary exhibits, without showing that the originals were lost, destroyed, or cannot be presented in court.<sup>16</sup>
  - b. The presentation of the original document alleged to have been falsified is indispensable in a criminal proceeding for falsification.<sup>17</sup>
5. He was not identified by the prosecution witnesses.<sup>18</sup>
6. The prosecution failed to clearly establish that the document was indeed the SALN of accused Maulana. It also failed to establish the contents of the SALN.<sup>19</sup>

In its *Comment/Opposition*,<sup>20</sup> the prosecution moves for the denial of the *Motion* and contends that it has established a *prima facie* case for violation of Section 8, in relation to Section 11 of R.A. No. 6713 against accused Maulana. The prosecution further argues:

- 1. Contrary to the contention of accused Maulana, his SALN for the year 2014 was compared to the original during the presentation of Analie S. Cuison on May 26, 2022.<sup>21</sup>
- 2. The accused admitted during the Pre-Trial that he declared the acquisition of a 2002 model GMC Yukon Van

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<sup>13</sup> p. 4, *Motion for Leave of Court to File Demurrer to Evidence*

<sup>14</sup> P. 4, *Motion for Leave of Court to File Demurrer to Evidence*

<sup>15</sup> p. 10, *Motion for Leave of Court to File Demurrer to Evidence*

<sup>16</sup> pp. 10-12, *Motion for Leave of Court to File Demurrer to Evidence*

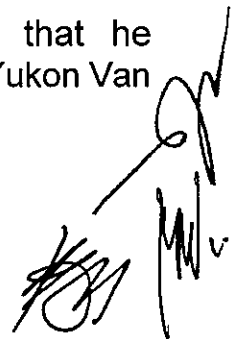
<sup>17</sup> pp. 12-15, *Motion for Leave of Court to File Demurrer to Evidence*

<sup>18</sup> p. 24, *Motion for Leave of Court to File Demurrer to Evidence*

<sup>19</sup> pp. 3-4, *Motion for Leave of Court to File Demurrer to Evidence*

<sup>20</sup> Dated June 29, 2022, filed on June 30, 2022.

<sup>21</sup> p.1, *Comment/Opposition*



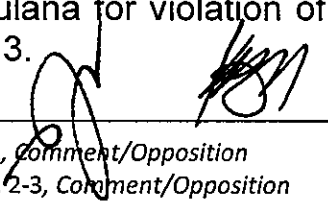
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with Plate Number XCZ 570 for Php750,000 in his SALN for the year 2014.<sup>22</sup>

3. The *Document of Sale* (DOS) was offered as a public document as it served as official basis for LTO to register the GMC Yukon under the name of accused Maulana. It is *prima facie* evidence of the truth of the facts stated therein and a conclusive presumption of its existence and due execution.<sup>23</sup>
4. The *Document of Sale* marked as its exhibit was compared to the original on record during the testimony of LTO representative Vilma R. Pallago. Accused Maulana stipulated that the marked DOS is a faithful reproduction of the original DOS.<sup>24</sup>
5. The designation of accused Maulana in the DOS as the vendor, was merely an error. The body of the DOS clearly shows that he was the vendee. Likewise, the discrepancy in the chassis number is merely a typographical error. The description, plate number, and MV File No. of the vehicle are correct. The vehicle is registered under accused Maulana's name.<sup>25</sup>
6. Accused Maulana's copy of the DOS indicating the acquisition cost of P750,000.00 is a matter of defense.<sup>26</sup>
7. The exhibits show that the GMA Yukon van was acquired at P2,000,000.00 but accused only declared the amount of P750,000.00 in his SALN for the calendar year 2014.<sup>27</sup>

### THE COURT'S RULING

After a careful study of the documentary and testimonial evidence presented by the prosecution, the Court finds that, if unrebutted, the same is *prima facie* sufficient to support a verdict of guilt against accused Maulana for violation of Section 8, in relation to Section 11 of R.A. No. 6713.

  
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<sup>22</sup> p.1, *Comment/Opposition*

<sup>23</sup> pp. 2-3, *Comment/Opposition*

<sup>24</sup> p. 3, *Comment/Opposition*

<sup>25</sup> p. 3, *Comment/Opposition*

<sup>26</sup> pp. 3-4, *Comment/Opposition*

<sup>27</sup> P. 3, *Comment/Opposition*



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The *Motion for Leave of Court to File Demurrer to Evidence* of accused Maulana is **DENIED**, for lack of merit.

This is without prejudice to the filing by the accused of a *Demurrer to Evidence* without prior leave of court, but subject to the legal consequences provided under Section 23, Rule 119 of the Revised Rules of Criminal Procedure, that is, he shall waive his right to present evidence and is submitting this case for judgment based on the evidence adduced by the prosecution.

The accused is given a period of five (5) days from receipt of this *Resolution*, within which to file his *Manifestation* to inform this Court whether he will file a *Demurrer to Evidence*, without *Leave of Court*.

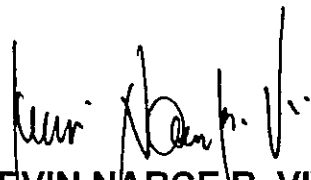
The initial presentation of defense evidence set on July 7, 2022 is cancelled and reset to July 14, 2022 and every Thursday thereafter, all at 1:30 p.m. The same will be deemed automatically cancelled upon receipt by the Court of the *Demurrer to Evidence*, without *Leave of Court*, filed by the accused.

**SO ORDERED.**

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

**WE CONCUR:**

  
**KARL E. MIRANDA**  
Associate Justice

  
**KEVIN NARCE B. VIVERO**  
Associate Justice