

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Crim. Cases Nos.
SB-18-CRM-0505 to 0507
For: Violation of Section 3(e) of
R.A. 1319, as amended

-versus-

Present:
Herrera, Jr., J: *Chairperson*
Caldona, J. &
Malabaguio, J.

CONSTANTINO G. JARAULA, ET AL.,
Accused.

Promulgated:
November 25, 2022

X-----X

RESOLUTION

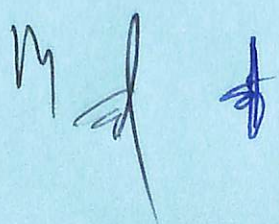
HERRERA, JR., J.:

This resolves the ***Consolidated Motion for Leave to File Demurrer To Evidence with Consolidated Demurrer to Evidence***¹ dated October 17, 2022 filed by accused Constantino G. Jaraula, through counsel, praying for the dismissal of the cases against him, purportedly because the evidence adduced by the prosecution are insufficient to prove his guilt of the crimes charged beyond reasonable doubt. The plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, filed an ***Opposition (To Accused Constantino Jaraula's Consolidated Motion for Leave to File Demurrer to Evidence with Consolidated Demurrer to Evidence)***² dated October 25, 2022.

The record will show that a similar motion praying for leave to file demurrer to evidence was earlier filed in these cases by Godofredo P. Bajas, a

¹ Record, Vol. 9, pp. 432-453

² Id, pp. 455-467



co-accused of accused Jaraula, which was denied by the Court in a **Resolution**³ dated November 7, 2022.

The cases pertain to charges contained in two (2) separate **Amended Information**⁴ both dated February 19, 2019.

First is Criminal Case No. SB-18-CRM-0505 where accused Jaraula, jointly with others, is charged with **Violation of Section 3(e) of Republic Act. (R.A.) No. 3019, as amended**, or the **Anti-Graft and Corrupt Practices Act**, in connection with the misuse of public funds intended for the implementation of the Farm Inputs and Farm Implements Projects (FIFIP) of the Department of Agriculture.

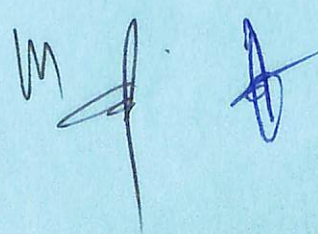
Second is Criminal Case No. SB-18-CRM-0507 where accused Jaraula, jointly with others, is charged with **Malversation of Public Funds** defined in **Article 217** of the **Revised Penal Code**, also in connection with the (FIFIP) of the Department of Agriculture.

To prove the charges, prosecution presented as witnesses the following:

- 1) Mr. Glicerio P. Kalaw, Supervising Administrative Officer, Records Management Services, Commission on Audit (COA);
- 2) Atty. Ronald Allan D. Ramos, Graft Investigation Officer, Field Investigation Office, Office of the Ombudsman;
- 3) Mr. Hermando S. Sac, Administrative Officer IV, Corporate Filings and Records Division, SEC;
- 4) Ms. Belinda E. Naguita, Supervising Administrative Officer and concurrently Assistant City Administrator of Cagayan de Oro City;
- 5) Ms. Simonette Sagaral, Information Technology Officer I, Investment Marketing Division of Cagayan de Oro Trade and Investment Promotion Center;
- 6) Ms. Maribel M. Querejero, Senior Agriculturist, Fertilizer and Regulation Division and Head of Licensing Division, Fertilizer and Pesticide Authority;
- 7) Ms. Rowena C. Reyes, Supervising Agriculturist, Assistant Chief of the Fertilizer and Pesticide Authority;
- 8) Ms. Josephine B. Mercader, Branch Manager, Landbank Velez Branch, Cagayan

³ Id, pp. 468-471

⁴ Record, Vol. 3, pp. 533-540



de Oro City; 9) Mr. Marlon D. Deblois, Senior Agriculturist, Fertilizer Product Registration Section, Fertilizer and Pesticide Authority; and 10) Mr. Edwin Canios, State Auditor V, COA Region X.

The prosecution also submitted as evidence documents marked Exhibits "A", "C", "C-1", "D", "E", "G" to "K" and "K-1", "L", "O" to "R", "V" to "Z", "AA" to "OO" and "OO-1", "PP", "QQ", "RR", "RR-1" to "RR-4", "TT" to "TT-2", "UU", "H³", "H³-1" to "H³-5", "I³" and "I³-1" to "I³-5".


After a careful study, the Court, consistent with the **Resolution** of November 7, 2022, finds that evidence adduced by the prosecution, testimonial as well as documentary, appear to be *prima facie* sufficient for conviction of accused Jaraula and the other accused, unless successfully rebutted by defense evidence.

In **Soriquez v. Sandiganbayan**⁵, the Supreme Court held that:

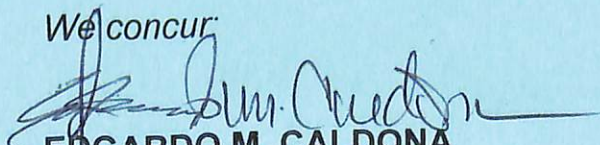
"The determination of the sufficiency or insufficiency of the evidence presented by the prosecution as to establish a *prima facie* case against the accused is left to the exercise of sound judicial discretion."

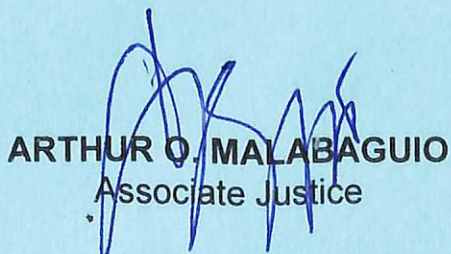
WHEREFORE, premises considered, the **Consolidated Motion for Leave to File Demurrer To Evidence with Consolidated Demurrer to Evidence** dated October 17, 2022 filed by accused Constantino G. Jaraula, through counsel, is hereby denied.

SO ORDERED.


OSCAR C. HERRERA, JR.
Chairperson
Associate Justice

We concur:


EDGARDO M. CALDONA
Associate Justice


ARTHUR O. MALABAGUIO
Associate Justice

⁵ 474 SCRA 222