

Republic of the Philippines
SANDIGANBAYAN
Quezon City

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIM. CASE NO. SB-15-CRM-0054
For: Plunder

CRIM. CASES NOS. SB-15-CRM-
0055 to 0065

For: Violation of Section 3(e) of
Republic Act No. 3019, as amended

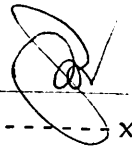
-versus-

RIZALINA L. SEACHON-LANETE,
et al.,

Accused.

Present:
Musngi, J. *Chairperson*
Pahimna, J. &
Jacinto, J.

Promulgated:
DEC 19 2022



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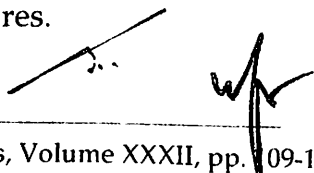
RESOLUTION

PAHIMNA, J.:

Before the Court are the following matters for resolution:

1. *Motion for Reconsideration (of Resolution promulgated on 21 November 2022)*¹ filed by accused Rizalina L. Seachon-Lanete on 28 November 2022; and
2. *Comment/ Opposition (to accused Rizalina L. Seachon-Lanete's Motion for Reconsideration dated 28 November 2022)*² filed by the prosecution on 2 December 2022.

In seeking reconsideration of the Court's Resolution dated 21 November 2022, accused-movant argues that the case of *People v. Escobar* is not applicable in her case and that the burden of properly authenticating her signatures on the PDAF documents lies on the prosecution. It is not necessary for her to prove forgery when the prosecution has not been able to establish the genuineness of her signatures.



¹ Records, Volume XXXII, pp. 109-118

² Id., pp. 130-140

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On the other hand, the prosecution counters that the accused-movant's arguments in the instant motion are merely reiterative summations of the propositions advanced in the *Motion for Leave to File Demurrer to Evidence*. The accused-movant failed to assert new or novel arguments which would warrant the reconsideration of the subject Resolution. It further argues that Section 23, Rule 119 of the Rules of Court clearly bars the review by appeal or by certiorari from an order of denial of a motion for leave to file demurrer to evidence. The prosecution insists that it was able to sufficiently establish the guilt of all the accused beyond reasonable doubt, thus, the Court properly denied her motions for leave to file demurrer to evidence. It also submits that the instant motion is a dilatory motion intended to delay the speedy resolution of the cases.

THE COURT'S RULING

The Court is not persuaded.

In *Republic of the Philippines v. Alfredo R. De Borja*, the Supreme Court explained the concept and nature of a Demurrer to Evidence, to wit:

"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. The question in a demurrer to evidence is whether the plaintiff, by his evidence in chief, had been able to establish a *prima facie* case."

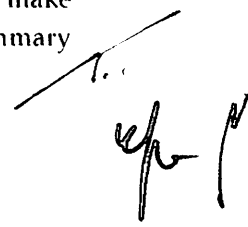
Contrary to the allegations of accused-movant, the evidence presented by the prosecution, in the eyes of the Court, are sufficient to sustain the indictment of the accused-movant in the instant cases.

As to the contention of the accused-movant that the only import of the "summary nature" of bail proceedings is that the prosecution can still present additional evidence and shore up its case during trial; and that the prosecution failed to present any additional evidence during trial proper, was misplaced. Accused-movant mainly relied on the Resolution of the Court dated 12 April 2016, which granted her bail application in the Plunder case. However, it has been previously elucidated that unlike in a full-blown trial, a hearing for bail is summary in nature: it deliberately avoids unnecessary thoroughness and does not try the merits of the case.³ Further, the Supreme Court held in the case of *People of the Philippines v. Luis Plaza*⁴ that:

[W]hen bail is discretionary, a hearing, whether summary or otherwise in the discretion of the court, should first be conducted to determine the existence of strong evidence or lack of it, against the accused to enable the judge to make an intelligent assessment of the evidence presented by the parties. A summary

³ *People of the Philippines v. Manuel Escobar*, G.R. No. 214300, July 26, 2017

⁴ G.R. No. 176933, October 2, 2009



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hearing is defined as "such brief and speedy method of receiving and considering the evidence of guilt as is practicable and consistent with the purpose of hearing which is merely to determine the weight of evidence for the purposes of bail." On such hearing, the court does not sit to try the merits or to enter into any nice inquiry as to the weight that ought to be allowed to the evidence for or against the accused, nor will it speculate on the outcome of the trial or on what further evidence may be therein offered and admitted. The course of inquiry may be left to the discretion of the court which may confine itself to receiving such evidence as has reference to substantial matters, avoiding unnecessary examination and cross examination." (Emphasis and underscoring supplied)

Thus, during the bail hearing in the Plunder case, the Court did not try the merits of the case. It merely determined the weight of the evidence for the purposes of bail. While in a demurrer to evidence, the issue is not whether the required quantum of evidence in criminal cases, which is proof beyond reasonable doubt, was provided, rather, whether the prosecution's evidence was sufficient to establish a *prima facie* case. Hence, the Court maintains that upon perusal of the records, the testimonial and documentary evidence presented by the prosecution are sufficient to establish the elements of the crimes charged against accused-movant.

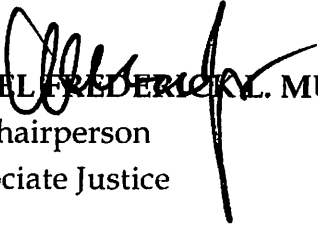
Moreover, the other matters raised by accused-movant have already been considered and/or passed upon by the Court.

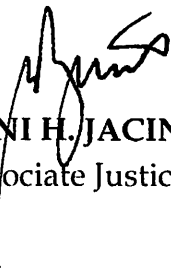
WHEREFORE, the Motion for Reconsideration filed by accused Rizalina L. Seachon-Lanete is **DENIED** for lack of merit.

SO ORDERED.


LORIFEL LACAP PAHIMNA
Associate Justice

We concur:


MICHAEL FREDERICK L. MUSNGI
Chairperson
Associate Justice


BAYANI H. JACINTO
Associate Justice