

Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

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**SECOND DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
*Plaintiff,*

**CRIM CASE No.**  
**SB-21-CRM-0104**

*versus*

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

**ALDRIN L. SAN PEDRO and**  
**ANGEL P. PALMIERY,**  
*Accused.*

Promulgated:

January 24, 2023

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**RESOLUTION**

**HERRERA, JR., J.:**

For resolution of the Court in this case are the following:

- 1) ***Motion For Leave To File Demurrer To Evidence***<sup>1</sup> dated December 5, 2022 filed by accused Aldrin L. San Pedro, through counsel, to which the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, filed a ***Comment and Opposition (Re: Motion for Leave to File Demurrer to Evidence filed by Accused Aldrin L. San Pedro dated 05 December 2022)***<sup>2</sup> dated December 19, 2022; and
- 2) ***Motion For Leave Of Court To File Demurrer To Evidence***<sup>3</sup> dated December 19, 2022 filed by accused Angel P. Palmiery, through counsel, to which the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, filed a ***Manifestation To Adopt Comment and Opposition Dated 19 December 2022 ( Re: Motion for Leave of Court to File Demurrer to Evidence filed by Accused Angel Palmiery dated 19 December 2022)***<sup>4</sup> dated December 27, 2022.

<sup>1</sup> Record, Vol. 5, pp. 27-54

<sup>2</sup> Id, pp. 157 to 162

<sup>3</sup> Id, pp. 114 to 150

<sup>4</sup> Id, pp. 114 to 150

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Accused San Pedro and Palmiery are charge with **Violation of Section 3(e) Republic Act (R.A) No. 3019**, as amended, under an **Information**<sup>5</sup> dated January 6, 2021, the accusatory portion of which reads:

*"That in 2008-2009, or sometime prior or subsequent thereto, in Muntinlupa City, Philippines, and within this Honorable Court's jurisdiction, accused **ALDRIN L. SAN PEDRO** (San Pedro), a high-ranking public officer, being then the Mayor of Muntinlupa City (LGU), while in the performance of his administrative and/or official functions and conspiring with accused **ANGEL P. PALMIERY** (Palmiery), General Manager of Palmer-Asia, Inc. (Palmer-Asia), a private entity, acting with evident bad faith, manifest partiality or gross inexcusable negligence, did then and there willfully, unlawfully and criminally cause undue injury to the government and give unwarranted benefits and advantage to Palmer-Asia by:*

- a) approving/signing Disbursement Voucher Nos. 100080709433, 100081215195, 100081216429 and 100090201500, and Land Bank of the Philippines (LBP) Check No. 464808, 470665, 476557, and 478485 covering the total amount of **NINETY SEVEN MILLION FIVE HUNDRED TWENTY THOUSAND PESOS (PHP97,520,000.00)**, more or less, sourced by the LGU from the LBP Omnibus Term Loan Facility as payment to Palmer-Asia for three fire trucks and one aerial ladder truck procured by the LGU, which amount was received by Palmer-Asia in four tranches on 27 July 2008, 15 December 2008, 27 January 2009 and 16 March 2009 even without delivering the said vehicles to the LGU;*
- b) signing the Deeds of Sale for said vehicles only on 27 March 2012 and 20 May 2009;*
- c) thereby allowing Palmer-Asia to register the said vehicles under its name on 02 April 2009, 25 March 2009, 16 March 2009 and 07 November 2014, respectively, and to mortgage the same to Banco de Oro and AIG PhilAm Savings Bank, the chattel mortgage thereon having been released only on 23 April 2009 and 31 March 2009*
- d) consequently, allowing the three fire trucks to be registered under the LGU's name only on 16 July 2012 and the aerial ladder truck only on 25 November 2014, in violation of existing laws and rules; and*
- e) causing the LGU to incur interests on its withdrawn loan while being deprived of the use of the procured vehicles, to its damage and prejudice.*

**CONTRARY TO LAW."**

In praying for leave to file demurrer to evidence, accused San Pedro and Palmiery, in their separate motions, essentially contend that the evidence adduced by the prosecution in this case failed to prove their guilt of the crime

<sup>5</sup> Id, pp. 190-193



charged beyond a reasonable doubt. Invariably, they assert that the prosecution failed to prove that there was a conspiracy in the commission of the crime charged in the Information.

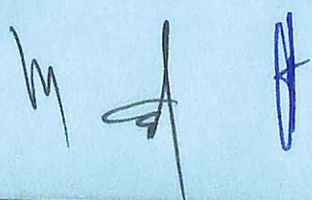
The Court is not convinced.

To prove the charge against the accused, the prosecution presented as witnesses the following: 1.) Atty. Ronald Allan Ramos, Graft Investigation and Prosecution Officer III, Field Investigation Office, Office of the Ombudsman; 2.) Ms. Melania M. Casanova, Supervising Administrative Officer, Accounting Department, City Government of Muntinlupa; 3.) Ms. Fernita Beltran, State Auditor IV, Commission on Audit; and 4.) Mr. Abel Sumabat, former Internal Auditor IV, City Government of Muntinlupa, who is now under the Witness Protection Program of the Department of Justice. The prosecution dispensed with the testimony of Atty. R.J Bernal, Chief Counsel, Company Registration and Monitoring Department, Securities and Exchange Commission (SEC), after a stipulation<sup>6</sup> with the accused, through counsels, "who agreed that Atty. Bernal can identify the documents marked as prosecution Exhibits "PP", "QQ", "RR", "RR-1" and "SS", and that these documents are authentic and part of the records of the Securities and Exchange Commission."

The prosecution also submitted as evidence documents marked as plaintiff's Exhibits "A" to "Z", "AA" to "KK", "MM", "NN", "PP" to "ZZ", "AAA" to "ZZZ", "AAAA" to "KKKK" and "KKKK-1", "LLLL" to "LLLL-6" and "NNNN", inclusive of sub-markings and sub-marked documents.

The charge pertains to irregularities concerning the purchase by the Local Government Unit (LGU) of Muntinlupa, with accused San Pedro as Mayor, from Palmer-Asia, Inc., where accused Palmiery is General Manager, of three (3) firetrucks and one aerial ladder truck for P97,520,000.00. The evidence tend to show that the advance payments were made to Palmer-Asia even before the delivery of the vehicles to the LGU of Muntinlupa. After the first payment, the ownership of the vehicles was not yet transferred to the LGU. LGU-Muntinlupa was already paying the monthly principal amortization and interest even before the delivery of the procured vehicles and while the fire trucks remained

<sup>6</sup> Record, Vol. 4 p. 153





encumbered in favor of Palmer-Asia and registered under its name. The transfer of ownership of the firetrucks from Palmer-Asia to LGU-Muntinlupa through the execution of a Deed of Sale and the transfer of registration was only made in the year 2012 and the aerial ladder in November 2014, despite the fact that the actual sale transpired in January 2009.

The Court finds that the testimonial and documentary evidence presented by the prosecution appear to be *prima facie* sufficient for conviction of the accused of the crime charged in the **Information**, unless successfully contradicted by defense evidence. Accused San Pedro and Palmiery need to present countervailing evidence.

A *prima facie* case is a cause of action that is sufficiently established by a party's evidence to justify a verdict in his favor, provided such evidence is not successfully rebutted by the other party.

In **Cometa v. State Investment Trust, Inc** <sup>7</sup>, the Supreme Court stated:

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

In **Soriquez v. Sandiganbayan** <sup>8</sup>, the Supreme Court explained:

"A demurrer to evidence is an objection by one of the parties in an action, to the effect that the evidence which his adversary produced is insufficient in point of law, whether true or not, to make out a case or sustain an issue. The party demurring challenges the sufficiency of the whole evidence to sustain a verdict. The court, in passing upon the sufficiency of the evidence raised in a demurrer, is merely required to ascertain whether there is competent or sufficient evidence to sustain the indictment or to support a verdict of guilt.

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

<sup>7</sup> G.R No. 124062, December 29, 1999


<sup>8</sup> 474 SCRA 222



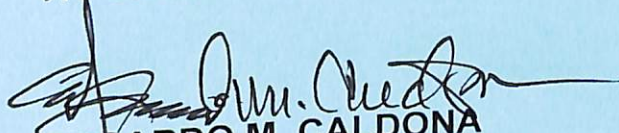
**WHEREFORE**, premises considered, the Court hereby resolves:

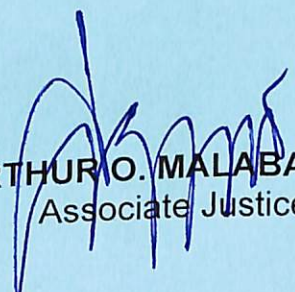
- (1) To deny the ***Motion for Leave to File Demurrer to Evidence*** dated December 5, 2022 filed by accused Aldrin L. San Pedro, through counsel; and
- (2) To deny the ***Motion for Leave of Court to File Demurrer to Evidence*** dated December 19, 2022 filed by accused Angel P. Palmiery, through counsel.

**SO ORDERED.**

  
**OSCAR C. HERRERA, JR.**  
Chairperson  
Associate Justice

We concur:

  
**EDGARDO M. CALDONA**  
Associate Justice

  
**ARTHUR O. MALABAGUIO**  
Associate Justice