

Republic of the Philippines
SANDIGANBAYAN
Quezon City

Second Division

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Crim. Case No. SB-22-CRM-0143

-versus-

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

ANTONIO Y. ORTIZ, ET AL.,
Accused.

Promulgated:
July 6, 2023 *amb*

X-----X

RESOLUTION

HERRERA, JR., J.:

For resolution of the Court are the following:

- a) ***Motion For Leave to File Demurrer To Evidence***¹ dated May 23, 2023 filed by accused Dennis L. Cunanan, through counsel; and
- b) ***Motion For Leave of Court To File Demurrer To The Evidence***² dated May 23, 2023 filed by accused Rosalinda M. Lacsamana, through counsel.

The plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, filed a ***Consolidated Comment and Opposition (with Motion to Admit) [Re: (i) Motion for Leave to File Demurrer to Evidence dated 17 April filed by Dennis L. Cunanan; and (ii) Motion to Demur with Leave of Court to File Demurrer to the Evidence dated 23 May 2023 filed by Ma. Rosalinda M. Lacsamana]***³ dated May 31, 2023.

Accused Cunanan and Lacsamana, jointly with others, are charged in this case with ***Violation of Section 4 (a) of Republic Act (R.A.) No. 9160, as***

¹ Record, Vol. 4, pp. 78-99

² Id, pp. 65-71

³ Id, pp.101,118

amended, or the **Anti-Money Laundering Act**, under an **Information**⁴ dated July 13, 2020, the accusatory portion of which reads:

"That, in December 2007, or sometime prior or subsequent thereto, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court accused, Director General **Antonio Yrigon Ortiz** (Ortiz), Deputy Director General **Dennis Lacson Cunanan** (Cunanan), Group Manager **Maria Rosalinda Masongsong Lacsamana** (Lacsamana), all public officers, being employees and officers of the Technology Resource Center (TRC), while in the performance of their official functions and committing the offense in relation to office, taking advantage of their official positions, conspiring and confederating with one another, together with private individuals **Petronila A. Balmaceda** (Balmaceda), **Thelma Melegrito** (Melegrito) and **Leonicio G. Balisi** (Balisi) did then and there, willfully, unlawfully, and criminally, give or release to above-mentioned private individuals and Pangkabuhayan Foundation, Inc. (PFI), a non-government organization, Php22, 500,000.00 representing the Priority Development Assistance Fund (PDAF) of Senator Gregorio B. Honasan (Honasan), for the implementation of a PDAF project which later out turned to be bogus or non-existent and transacted the said public funds, making it appear that the said public funds have originated from legitimate source, through a scheme described as follows:

- a) Accused TRC officials released Honasan's PDAF in the total amount of Php22,500,000.00 to PFI and its officers;
- b) Accused PFI officials then submitted deficient and spurious documents to liquidate funds received. Balmaceda and Melegrito made it appear that the PDAF-funded project was completely implemented, when in truth and in fact, there was none;
- c) Accused Balmaceda and Balisi transacted the criminal proceeds amounting to Php22,500,000.00 by depositing, commingling, and withdrawing the same from PFI's LBP SA Account No. 1871046014 and UCPB SA No. 1301127696 and CA Account No. 1360018334;
- d) Balmaceda and Balisi withdrew Honasan's PDAF funds amounting to Php22,500,000.00 and they had full control and possession thereof. Respondents, in conspiracy with one another, made it appear that the Php22,500,000.00 fund originated from legitimate sources or transaction and would be used for the intended beneficiaries when in fact the alleged PDAF project and its beneficiaries were non-existent or bogus; and
- e) By their above acts, the above named TRC officials allowed PFI through Balmaceda, Melegrito and Balisi, to take possession of the PDAF-drawn public funds, and attempted to conceal or disguise the nature/source of illegally obtained public funds and made it appear that said funds originated from legitimate sources, to the damage and prejudice of the Republic of the Philippines.

CONTRARY TO LAW."

Accused Cunanan, in his motion, asserts that the evidence presented by the prosecution is not sufficient to prove his guilt of the crime charged beyond

⁴ Id, pp. 1-4

reasonable doubt. On the other hand, accused Lacsamana contends that the evidence adduced by the prosecution is insufficient to rebut the presumption of innocence in her favor.

The Court is not convinced.

To prove the charge, the prosecution presented the following witnesses:

- (1) Ms. Alicia Torres, Bank Officer V, Anti-Money Laundering Council Secretariat;
- (2) Atty. Israel A. Lay-at, Graft and Investigation Prosecution Officer III, Field Investigation Office, Office of the Ombudsman; and (3) Mr. Laurence L. Rebuldeda, Associate Graft Investigation Officer I, Field Investigation Office, Office of the Ombudsman.

The prosecution dispensed with the testimony of the following witnesses, to wit:

- (1) Ms. Joanne Mae L. Alberto, Associate Prosecution Officer III, after a stipulation with accused Dennis Cunanan, Ma. Rosalinda Lacsamana, Petronila Balmaceda, Thelma Melegrito and Leonicio Balisi that Ms. Alberto can identify prosecution Exhibits "A" to "Z", its submarkings, "DD" to "JJ" and its submarkings, and "PP", "PP-1", "QQ" and "QQ-1" to "QQ-156" and its submarkings⁵;

- (2) Ms. Katrina Amor D. Corpuz, Manager and Head of Landbank Philippines, after a stipulation with accused Cunanan and Lacsamana that the documents marked as Exhibits "G", "T", "T-1", "U", "U-1", "U-2", "V", "W", "X", "Y", "Z", "CC", "CC-1", "CC-2", "CC-3", "CC-4", "CC-5", "CC-6", "CC-7", "CC-8" and "CC-9" are part of the records of the Landbank of the Philippines, formerly United Coconut Planters Bank, which were submitted to the Office of the Ombudsman. However, Ms. Corpuz was cross-examined by accused Balmaceda, Melegrito and Balisi, through counsels⁶;

- (3) Ms. Marilou M. Saturno, Department Manager, Landbank of the Philippines, after a stipulation with the accused that the documents marked as Exhibits "G", "H", "I", "I-1", "J", "J-1", "K", "L", "M", "M-1", "N", "N-1", "N-2", "O",

⁵ Record, Vol. 2, p. 385

⁶ Id, p. 428

"P", "S", and "BB" were retrieved from the bank and submitted to the Office of the Ombudsman⁷;

(4) Mr. Isidro A. Bautista, Jr., Assistant Vice-President and Head of Landbank Philippines, Pasig Capitol Branch, after a stipulation with the accused who admitted the existence of prosecution Exhibits "QQ-1" and "R"⁸;

(5) Ms. Marissa A. Santos, Chief Administrative Officer, Central Records Division, Department of Budget and Management (DBM), after a stipulation on the documents from the DBM⁹;

(6) Mr. Niño U. Perez, Administrative Aide VI, Special Audit Office, Commission on Audit, after a stipulation with the accused that he can identify the documents marked as Exhibits "EE", "GG", "HH", "II" to "II-3", "JJ" to "JJ-1", "QQ-34", "QQ-36", "QQ-37", "QQ-41", "QQ-47", "QQ-49", "QQ-53", "QQ-55", "QQ-58", "QQ-60", "QQ-62", "QQ-63", "RR-10", "RR-21", "RR-22" to "RR-23-1", "RR-24-a" to "RR-4-f", and "RR-25"¹⁰; and

(7) Atty. R.J.A. Bernal, Chief Counsel, Securities and Exchange Commission (SEC), after a stipulation with the accused that he can identify the documents marked as Exhibits "RR-2", "RR-3", "G", "RR-4" to "RR-9" of the prosecution¹¹.

The prosecution also submitted as evidence the documents marked as plaintiff's Exhibits "A" to "J-1", "L" to "Z", "BB" to "CC-9", "EE" to "JJ-2", "PP" to "QQ-156" and "RR-2" to "RR-25", inclusive of all sub-markings and sub-marked documents.

After carefully going over the records, the Court finds that the evidence presented by the prosecution, both testimonial and documentary, are *prima facie* sufficient to sustain a conviction for the offense charged in the **Information**, unless satisfactorily rebutted by defense evidence. It is therefore necessary for accused Cunanan and Lacsamana to present evidence and disprove the accusation against them. As it is now, the evidence of the

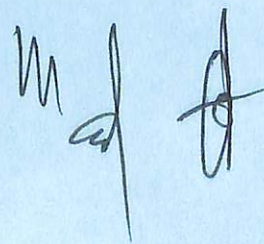
⁷ Id, p. 428

⁸ Id, p. 434

⁹ Id, p. 459

¹⁰ Id, p. 483

¹¹ Id, p. 483



prosecution alone is sufficient to overcome the presumption of innocence in favor of the accused Cunanan and Lacsamana.

In **Cometa v. State Investment Trust Inc.**¹², the Supreme Court explained the meaning of *prima facie* evidence:

"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**¹³, 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 an accused is left to the exercise of sound judicial discretion."

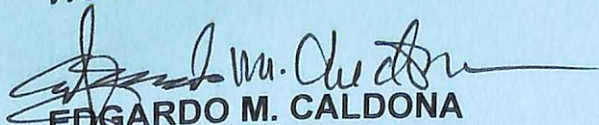
WHEREFORE, premises considered, the Court hereby denies:

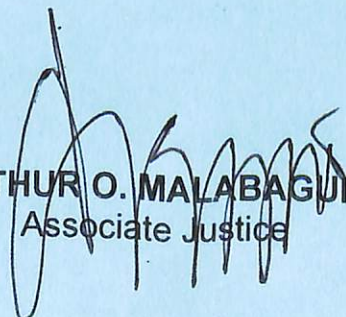
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SO ORDERED.


OSCAR C. HERRERA, JR.
Chairperson
Associate Justice

We concur:


EDGARDO M. CALDONA
Associate Justice


ARTHUR O. MALABAGUIO
Associate Justice

¹² G.R. No. 124062, December 29, 1999

¹³ 474 SCRA 222