

Republic of the Philippines
SANDIGANBAYAN
Quezon City

THIRD DIVISION

MINUTES of the proceedings held on **October 17, 2023.**

PRESENT:

HON. AMPARO M. CABOTAJE-TANG Presiding Justice
HON. BERNELITO R. FERNANDEZ Associate Justice
HON. RONALD B. MORENO Associate Justice

The following resolution was adopted:

SB-14-CRM-0238 – PEOPLE vs. JUAN PONCE ENRILE, ET AL.

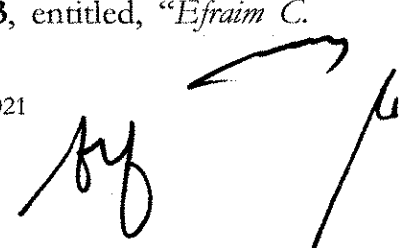
This ***RESOLVES*** the following:

1. The “Motion for Reconsideration (Of the Minute Resolution, dated 19 September 2023)” filed before the Court by accused Jessica Lucila G. Reyes, through counsel, which was received through electronic mail (email) on October 10, 2023; and
2. The “Opposition [Re: Motion for Reconsideration (Of the Minute Resolution, dated 19 September 2023) dated 06 October 2023 filed by Accused Jessica Lucila G. Reyes]” filed before the Court by the prosecution through electronic mail (email) on October 16, 2023.

Accordingly, accused Jessica Lucila G. Reyes’ motion for reconsideration is ***DENIED*** for lack of merit considering that:

1. Apart from restating the grounds mentioned in the motion for leave to file demurrer to evidence, no new arguments were raised that would warrant a reversal of the Court’s **Resolution** dated **September 19, 2023**, which is only an interlocutory order and not a decision or judgment that finally disposes of the action, as opposed to the rules quoted in accused Reyes’ motion for reconsideration. In fact, to cite the decision entitled, “*Mark E. Jalandoni, Petitioner vs. The Office of the Ombudsman, Orlando C. Casimiro, and the Hon. Sandiganbayan, through its Third Division, Respondents*”,¹ the Supreme Court First Division was categorical in its **Resolution** dated **July 5, 2023**, entitled, “*Efraim C.*

¹ In G.R. Nos. 211751, 217212-80, 244467-535 and 245546-614, dated May 10, 2021

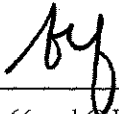


Genuino and Edward F. King v. Sandiganbayan, Third Division, presided by Hon. Amparo M. Cabotaje-Tang, with Hon. Sarah Jane T. Fernandez and Hon. Bernelito R. Fernandez, and People of the Philippines” and “Efraim C. Genuino and Edward F. King v. Sandiganbayan, Third Division and People of the Philippines”,² that:

The constitutional requirement that the court must clearly and distinctly express the basis of its ruling in fact and in law only refers to decisions. The requirement does not apply to incidental matters. In any case, minute resolutions are “*adjudication on the merits of the controversy*” and are as valid and effective as a full-length decision. Courts are not obligated to follow a definite and stringent rule on how its judgment must be framed.

Here, the Minute Resolution denying the Motions *is merely an interlocutory order*. The Sandiganbayan was not required to issue a full-blown decision distinctly explaining the facts and the law on which the denial was based. Thus, it did not gravely abuse its discretion in issuing the summary denial.³

2. In her motion for leave to file demurrer to evidence, accused Reyes repeatedly denied the existence of conspiracy as a manner of incurring criminal liability. However, the said accused decried partiality when the Court allowed her purported co-conspirator and co-accused Juan Ponce Enrile to file his demurrer to evidence. While accused Reyes assails the alleged presence of conspiracy in this case, she now asserts the very same concept of conspiracy in her motion for reconsideration to entitle herself to file the intended demurrer to evidence; and
3. No period to file a reply was given to accused Reyes in the Court’s **Resolution** dated **September 8, 2023**; hence, the said accused’s reply⁴ was merely noted in the Court’s **Resolution** dated **September 26, 2023**, or when the subject motion for leave to file demurrer to evidence had already been denied.


² In G.R. Nos. 235265-66 and G.R. Nos. 251252-53, dated July 5, 2023

³ Italics and underscoring supplied

⁴ Accused Reyes’ “Reply (To the Opposition dated 18 September 2023)” was received through electronic mail (email) on September 25, 2023.

Further, let the presentation of defense evidence be held **ANEW** on **November 7 and 9, 2023**, both at **2:00 o'clock in the afternoon**, and **every Tuesday/s and Thursday/s** thereafter, as previously scheduled.

It is understood that the presentation of evidence shall follow the order of appearance of the accused's name/s in the Information.

SO ORDERED 

APPROVED:

CABOTAJE-TANG, PJ., *Chairperson*

B. FERNANDEZ, J.,

R. MORENO, J.,

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