

****Title:**** Republic of the Philippines vs. Alfredo R. De Borja

****Facts:**** The Republic of the Philippines initiated a Complaint for “Accounting, Reconveyance, Forfeiture, Restitution, and Damages” aimed at the recovery of assets allegedly amassed illegally during Ferdinand E. Marcos’ administration. Alfredo De Borja, a nephew of Geronimo Z. Velasco (former President and Chairman of PNOC), was implicated in the misappropriation of “address commissions” from charter agreements, which were not remitted to PNOC but to DRMC, allegedly under De Borja’s control as a dummy for Velasco. The testimony of Epifanio Verano and an affidavit from Jose M. Reyes formed the crux of the Republic’s evidence. The Sandiganbayan granted De Borja’s Demurrer to Evidence, concluding the Republic’s evidence was insufficient, a decision upheld upon the Republic’s Motion for Reconsideration.

****Issues:****

- Whether the Sandiganbayan erred in granting De Borja’s Demurrer to Evidence.
- Applicability and impact of procedural lapses by the Republic in its appeal to the Supreme Court.
- The sufficiency of the Republic’s evidence against De Borja, particularly focusing on Verano’s testimony and Reyes’s affidavit.

****Court’s Decision:****

The Supreme Court affirmed the Sandiganbayan’s ruling, holding the Republic’s evidence as speculative and insufficient to prove De Borja’s complicity. The Court reiterated that a demurrer to evidence challenges the sufficiency of the plaintiff’s evidence, and in this case, the Republic failed to establish a prima facie case against De Borja. Notably, the Court dismissed procedural challenges to the appeal, such as lack of proof of service, in favor of resolving the case on substantive merits.

****Doctrine:**** The decision underscores the principle that the burden of proof in civil cases lies with the plaintiff, who must establish their case by preponderance of evidence. Also, it demonstrates the procedural aspect of a demurrer to evidence, emphasizing its use as a tool for challenging the sufficiency of evidence prior to defense presentation.

****Class Notes:****

- ****Burden of Proof in Civil Cases:**** The necessity for the plaintiff to establish their case by a preponderance of evidence.
- ****Demurrer to Evidence:**** A motion asserting that the opposing party’s evidence is

insufficient to warrant a verdict or decision in their favor, even without presenting evidence to counter it.

- **Evidence:** The importance of direct evidence and the limitations of speculative or hearsay evidence in proving allegations.

- **Procedural Requirements:** The significance of complying with procedural rules, such as proof of service, though courts may overlook procedural lapses in favor of resolving cases on their merits.

Historical Background: The case is part of broader efforts by the Philippine government to recover ill-gotten wealth amassed during the Marcos administration. It highlights the complexities involved in tracking and litigating cases related to alleged corruption and misappropriation of state assets during that era. The emphasis on procedural adherence, alongside the substantive evaluation of evidence, illustrates the balancing act courts face between procedural rigor and substantive justice.