Original – Court, 1st Copy – Prosecutor, 2nd Copy – Accused, Other copies as needed

Enter information in block letters in all parts of the Form except when reserved for Court use, which shall be completed by the Clerk.

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| --- | --- |
| (Judicial Region)  METC/MTCC/MTC/MCTC Case No.  RTC         (Municipality/City/Province)  BRANCH | For Court Use Only |
| People of the Philippines , v.  ,  *Accused.* |
| ATTORNEY OR PARTY WITHOUT ATTORNEY  *Name* ­­­  *Firm Name*  *Address*  *Email Address*  *Tel./Cel./Fax Nos.*  *PTR No.*       *Date/Place of Issuance*  *Roll No.*       *Date/Place of Issuance*  *IBP No.*       *Lifetime* *Date/Chapter*  *MCLE* *Compliance* *Exemption No.*  *Other Compliances* ­­­­­­­­­  *Attorney for*  *Prosecution:* *Public Prosecutor* *Private Prosecutor*  *Defense:* *Public Attorney* *Private Counsel*  *Other* |

**MOTION FOR LEAVE OF COURT TO FILE**

**DEMURRER TO EVIDENCE**

The accused       moves for leave to file a Demurrer to Evidence and states:

1. An order was issued by the Court on the Formal Offer of Evidence filed by the prosecution on      , which was received by the accused on      .
2. The defense maintains that the prosecution failed to establish a prima facie case against the accused, which entitles the accused to a dismissal of the case.
3. The defense moves for leave of court to file a Demurrer to Evidence to prove the insufficiency of prosecution’s evidence.
4. This Motion is being filed within five (5) days from receipt of the Court’s ruling on the prosecution’s Formal Offer of Evidence.

Accused Date

Counsel for Accused

PROOF OF SERVICE

A copy of this Motion was served upon parties and/or their counsel(s) on       via

Personal Service

Facsimile or other Electronic Means

and received by the parties and/or their counsel(s) on      .

Proof of such service is attached to this Motion as Annex      .

Date Party/Party’s Counsel’s Signature

ORDER

The prosecution is directed to file a comment on the Motion within five (5) days from receipt.

The Motion is GRANTED.

The Motion is DENIED for having been filed beyond the 5-day period allowed.

Judge Date

COPY FURNISHED

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| Person’s Name | Method | Place Served | Date Served |
| Trial Prosecutor | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
| Counsel for Accused | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
| Private Complainant | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
| Accused | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
|  | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |
|  | Personal Service  Courier Service  Facsimile, Email, SMS |  |  |

SPECIAL INSTRUCTIONS

*Time to File Demurrer to Evidence*

Within five (5) days from receipt of the Court ruling, the defense may file a Motion for Leave to File Demurrer to Evidence (Section 23, Rule 119, ROC)

*Outright Denial of Motion for Leave to File Demurrer to Evidence*

Failure to file the Motion within the period allowed shall result in its outright denial.

*Comment on the Motion*

The Court shall give the prosecution a non-extendible period of five (5) days to oppose the Motion. (Section 23, Rule 119, ROC)

*Filing of the Demurrer*

If the Motion is granted, the accused shall file the Demurrer within a non-extendible period of ten (10) days from notice. The prosecution may oppose the Demurrer within the same period from its receipt (Section 23, Rule 119, ROC)