



Republic of the Philippines
Sandiganbayan
Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on June 21, 2017.

Present:

ALEXANDER G. GESMUNDO ----- Chairperson
MA. THERESA DOLORES C. GOMEZ-ESTOESTA ---- Associate Justice
ZALDY V. TRESPESES ----- Associate Justice

The following resolution was adopted:

Criminal Cases No. SB-16-CRM-0272 to 0309 – People v. FELICIANO PALAD LEGASPI, SR.

For resolution are:

A. The Prosecution's "FORMAL OFFER OF EVIDENCE" dated April 27, 2017, which prayed for the admission of Exhibits "A" to "ZZZZ" and their respective sub markings. It is noted that the same were identified in the Judicial Affidavits of the Prosecution's sixteen (16) witnesses including, *inter alia*, Sir Ryan Anthony D. Amad, Marlene S. Cruz, Myron C. Cunanan, Florida M. Dijan, Ziegfredo A. Eusebio, Portia H. German, Paulina L. Santos, and Rogelio P. Santos, Jr.;¹ and

¹ Witness Sir Ryan Anthony D. Amad identified Exhibits "A" (par. 8), "B" (par. 8), "C" (par. 8), "D" (par. 8), "E" (par. 8), "F" (par. 8), "G" (par. 8), "H" (par. 8), "I" (par. 8), "J" (par. 8), "K" (par. 8), "L" (par. 8), "M" (par. 8), "N" (par. 8), "O" (par. 8), "P" (par. 8), "Q" (par. 8), "R" (par. 8), "S" (par. 8), "T" (par. 8), "U" (par. 8), "V" (par. 8), "W" (par. 8), "X" (par. 8), "Y" (par. 8), "Z" (par. 8), "AA" (par. 8), "BB" (par. 8), "CC" (par. 8), "DD" (par. 8), "EE" (par. 8), "FF" (par. 8), "GG" (par. 8), "HH" (par. 8), "II" (par. 8), "JJ" (par. 8), and "KK" (par. 8) in his Judicial Affidavit dated January 6, 2017; Witness Portia H. German identified Exhibits "LL" (par. 8) and "LL-2" (par. 12) in her Judicial Affidavit dated October 26, 2016; Witness Rogelio P. Santos, Jr. identified Exhibits "MM" (par. 14), "NN" (par. 10) and "NN-1" (par. 10), "XX" (par. 25), "DDD" (par. 30), "EEE" (par. 33), "FFF" (par. 23), "GGG" (par. 25), and "HHH" (par. 25) in his Judicial Affidavit dated October 18, 2016; Witness Paulina L. Santos identified Exhibits "JJJ" (par. 8), "KKK" (par. 8), "LLL" (par. 8), "MMM" (par. 8), "NNN" (par. 8), "OOO" (par. 8), "PPP" (par. 8), "QQQ" (par. 8), "RRR" (par. 8), "SSS" (par. 8), "TTT" (par. 8), "UUU" (par. 8), "VVV" (par. 8), "WWW" (par. 8), "XXX" (par. 8), "YYY" (par. 8), "ZZZ" (par. 8), "AAAA" (par. 8), "BBBB" (par. 8), "CCCC" (par. 8), "DDDD" (par. 8), "EEEE" (par. 8), "FFFF" (par. 8), "GGGG" (par. 8), "HHHH" (par. 8), "IIII" (par. 8), "JJJJ" (par. 8), "KKKK" (par. 8), "LLLL" (par. 8), "MMMM" (par. 8), "NNNN" (par. 8), "OOOO" (par. 8), "PPPP" (par. 8), "QQQQ" (par. 8), "RRRR" (par. 8), "SSSS" (par. 8), and "TTTT" (par. 8) in her Judicial Affidavit dated October 10, 2016; Witness Florida M. Dijan identified Exhibits "OO" (par. 19), "PP" (par. 58), "QQ" (par. 62), "VV" (par. 68), "WW" (par. 69), "AAA" (par. 48), "BBB" (par. 53), "III" (par. 8), "WWWW" (par. 35), "XXXX" (par. 38), "YYYY" (par. 41) in her Judicial Affidavit

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B. Accused Feliciano Palad Legaspi, Sr.'s "COMMENT ON THE FORMAL OFFER OF EVIDENCE" dated June 13, 2017, which raised objections to the admission of all of the Prosecution's exhibits save solely for Exhibit "WWWW".

After a consideration of the same, the Court resolves to **ADMIT**:

Exhibits "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", "P", "Q", "R", "S", "T", "U", "V", "W", "X", "Y", "Z", "AA", "BB", "CC", "DD", "EE", "FF", "GG", "HH", "II", "JJ", "KK", inclusive. Based on the cases of *Iwasawa v. Gangan*² and *People v. Alvero*,³ in conjunction with *R.A. 10625* (otherwise known as the *Philippine Statistical Act of 2013*),⁴ the Court notes that the said exhibits, being duplicate originals and/or certified true copies of certificates of marriage issued by the Philippine Statistics Authority ("PSA"), do not require authentication by the records officer who has custody of the originals thereof in order to be admissible in evidence because they bear the certification of Lisa Grace S. Bersales, the National Statistician and Civil Registrar General of the PSA. The said certificates are public documents, and, as such, they are admissible in evidence even without further proof of their due execution and genuineness.

Exhibits "LL", "MM", "NN", "OO", "PP", "QQ", "RR", "SS", "TT", "UU", "VV", "WW", "XX", "YY", "ZZ", "AAA", "BBB", "CCC", "DDD", "EEE", "FFF", "GGG", "HHH", "III", "JJJ", "KKK", "LLL", "MMM", "NNN", "OOO", "PPP", "QQQ", "RRR", "SSS", "TTT", "UUU", "VVV", "WWW", "XXX", "YYY", "ZZZ", "AAAA", "BBBB", "CCCC", "DDDD", "EEEE", "FFFF", "GGGG", "HHHH", "IIII", "JJJJ", "KKKK", "LLLL", "MMMM", "NNNN", "OOOO", "PPPP", "QQQQ", "RRRR", "SSSS", "TTTT", "UUUU", "VVVV", "XXXX", "YYYY", and "ZZZZ" inclusive. The Court observes that the same are duplicate originals or photocopies of documents which were authenticated⁵ by the Prosecution's witnesses and/or certified⁶ by the respective public officer in custody thereof to be true and

dated November 21, 2016; Witness Myron C. Cunanan identified Exhibits "AAA" (par. 26) and "AAA-1" (par. 26) in his Judicial Affidavit dated November 10, 2016; Witness Marlene S. Cruz identified Exhibits "CCC" (par. 7) and "UUUU" (par. 11) in her Judicial Affidavit dated November 15, 2016; Witness Ziegfredo A. Eusebio identified Exhibits "RR" (par. 7), "SS" (par. 7), "TT" (par. 7), "UU" (par. 7), "VV" (par. 7), "WW" (par. 7), "XX" (par. 7), "YY" (par. 7), and "ZZ" (par. 7) in his Judicial Affidavit dated January 5, 2017

² G.R. No. 204169, September 11, 2013

³ G.R. No. 132364, September 27, 2002

⁴ Under Section 11 (c) of R.A. 10625, it is the National Statistician, as the head of the PSA, who has the duty to "[p]rovide overall direction in the implementation of the Civil Registry Law and related issuances and exercise technical supervision over the local civil registrars as Civil Registrar General[.]"

⁵ Exhibit "MM" – Records, vol. 2, p. 221; Exhibits "NN" and "OO" – Records, vol. 2, p. 277; Exhibits "PP" and "QQ" – Records, vol. 2, pp. 282-283; Exhibits "AAA" to "AAA-1" – Records, vol. 2, p. 475; Exhibit "BBB" – Records, vol. 2, p. 282; Exhibits "FFF", "GGG", and "HHH" – Records, vol. 2, p. 222; Exhibit "III" – Records, vol. 2, p. 276; Exhibit "XXXX" – Records, vol. 2, p. 280.

⁶ Exhibits "LL" to "LL-2" were certified by Portia H. German (Local Assessment Operations Officer IV, Head of Business Permits and Licensing Office of Norzagaray, Bulacan) – Records, vol. 2, pp. 114-115; Exhibits "RR", "SS", "TT", "UU", "VV", "WW", "XX" to "XX-5", "YY", "ZZ" to "ZZ-4", and "YYYY" were certified by Ziegfredo A. Eusebio (Administrative Officer III of the Case Records, Evaluation, Monitoring and Enforcement Bureau, Office of the Deputy Ombudsman for Luzon) – Records, vol. 1, pp. 322-324; Exhibits "CCC" and "UUUU" were certified by Marlene S. Cruz (designated In-Charge-Officer, Municipal Human Resources Management Office of Norzagaray, Bulacan) – Records, vol. 1, pp. 181-182; Exhibits "DDD" and "EEE" were certified by Manuel R. Marcial (Municipal Accountant of Norzagaray,

authentic photocopies of records on file pursuant to Section 7, Rule 130 of the *Revised Rules on Evidence*.⁷ Public documents⁸ may be proved by the original copy, an official publication thereof, or a certified true copy thereof.⁹

Exhibit “WWWW”, the same being a common exhibit of accused (Exhibit “1”) and having been admitted by him as such.¹⁰

The purpose of the offer and the objection in each exhibit shall be evaluated in the ultimate disposition of the case.

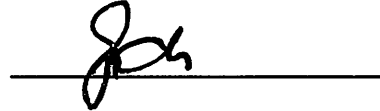
Let the presentation of the defense evidence proceed, as scheduled, on **July 13, 2017 at 8:30 in the morning** at the Fourth Division courtroom.

SO ORDERED.

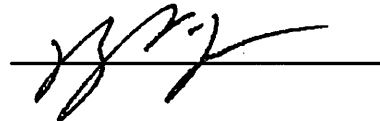
GESMUNDO, J., Chairperson



GOMEZ-ESTOESTA, J.



TRESPESES, J.



Bulacan) – Records, vol. 2, p. 121; Exhibits “JJJ”, “KKK”, “LLL”, “MMM”, “NNN”, “OOO”, “PPP”, “QQQ”, “RRR”, “SSS”, “TTT”, “UUU”, “VVV”, “WWW”, “XXX”, “YYY”, “ZZZ”, “AAAA”, “BBBB”, “CCCC”, “DDDD”, “EEEE”, “FFFF”, “GGGG”, “HHHH”, “IIII”, “JJJJ”, “KKKK”, “LLLL”, “MMMM”, “NNNN”, “OOOO”, “PPPP”, “QQQQ”, “RRRR”, “SSSS”, and “TTTT” were certified by Paulina L. Santos (Municipal Civil Registrar of Norzagaray, Bulacan) – Records, vol. 2, pp. 167-173

⁷ Section 7, Rule 130 of the *Revised Rules on Evidence* provides:

SEC. 7. Evidence admissible when original document is a public record. - When the original of a document is in the custody of a public officer or is recorded in a public office, its contents may be proved by a certified copy issued by the public officer in custody thereof.

⁸ Section 19 (a), Rule 132 of the *Revised Rules on Evidence* reads:

Sec. 19. Classes of Documents – For the purpose of their presentation in evidence, documents are either public or private.

Public documents are:

- (a) The written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country; xxx

⁹ *Vide: Delfin v. Billones*, G.R. No. 146550, March 17, 2006

¹⁰ Records, vol. 3, p. 238; Records, vol. 4, p. 129