



Republic of the Philippines
Sandiganbayan
Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on August 23, 2017.

Present:

MA. THERESA DOLORES C. GOMEZ-ESTOESTA ----- Chairperson
ZALDY V. TRESPESES ----- Associate Justice
BAYANI H. JACINTO* ----- Associate Justice

The following resolution was adopted:

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

This resolves the following:

1. Accused Feliciano Palad Legaspi, Sr.'s "MOTION FOR RECONSIDERATION (OF THE RESOLUTION DATED JUNE 21, 2017)"** dated July 19, 2017; and
2. Prosecution's "OPPOSITION (MOTION FOR RECONSIDERATION FILED BY FELICIANO P. LEGASPI, SR., DATED [JULY 19,] 2017)"*** dated August 16, 2017.

In a *Resolution*¹ dated June 21, 2017, this Court admitted the Prosecution's Exhibits "A" to "ZZZZ".

Not satisfied, accused Feliciano Palad Legaspi, Sr. ["accused"] now filed a *Motion for Reconsideration*² seeking the exclusion of *all* of the Prosecution's exhibits. Accused essentially contends that all of the evidence proffered by the Prosecution, Exhibits "A" to "ZZZZ" are not duplicate originals or certified true copies, but mere photocopies purporting to be certified copies, some of which are "colored photocopies". Moreover, accused is insistent that the signatures of the parties and the persons who issued certifications were not authenticated. They were not asked, for instance, if

* Per Administrative Order No. 284-2017 dated August 18, 2017

** In a Resolution dated August 10, 2017, this Court considered Exhibits "4" and "5" as forming part of accused's Motion for Reconsideration (Records, Vol. 4, p. 168)

*** Erroneously dated June 21, 2017

¹ Records, Vol. 4, pp. 132-134

² *Id.* at 159-161

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they know the signatures as appearing on the exhibits, and neither were they asked how they know that the signatures are that which they purport to be.

In its *Opposition*,³ the Prosecution assailed accused's *Motion* on two (2) grounds. First, it argued that accused failed to comply with the minimum mandatory three (3) day notice rule as the *Motion* was set for hearing on July 28, 2017, but it was received by the prosecution only on July 26, 2017, in violation of Section 4, Rule 15 of the *Rules of Court*. As a result thereof, the *Motion* is a worthless piece of paper. Second, the Prosecution pointed out that its documentary evidence consisted of public records/documents and certified as true copies identified by the proper public officials, whose respective offices have the legal custody of the records on file. In fact, it is particularly emphasized that Exhibits "A" to "KK" are Philippine Statistics Authority certified marriage certificates which were authenticated by witness Sir Ryan Anthony D. Amad. Thus, it prayed that accused's *Motion* be denied.

Accused's contentions are not well-taken.

It bears stressing that under Section 6 of *Republic Act No. 10625 (R.A. 10625)* otherwise known as the Philippine Statistical Act of 2013, one of the functions of the Philippine Statistics Authority (PSA) is to "[s]erve as the central statistical authority of the Philippine government on primary data collection[.]"⁴ 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 Of the constituent units comprising the PSA, the Civil Registration Services Office "shall be responsible for the civil registry document management and archiving, policy advocacy and research on civil registration matters, court decrees and legal instruments affecting civil registry documents, administrative correction of civil registry documents, outlet and customer services and other civil registration concerns."⁶

There is ample jurisprudence in support of the conclusion that a National Statistics Office (now PSA) certified document is admissible in evidence *without further proof of its due execution and genuineness*. The case of *Iwasawa v. Gangan*⁷ is reiterated, viz:

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Hence this petition raising the sole legal issue of whether the testimony of the NSO records custodian certifying the authenticity and due

³ *Id.* at 170-176

⁴ An Act Reorganizing the Philippine Statistical System, Repealing for the Purpose Executive Order Numbered One Hundred Twenty-One, Entitled "Reorganizing and Strengthening the Philippine Statistical System and For Other Purposes" [Philippine Statistical Act of 2013], Republic Act No. 10625, Section 6 (a)

⁵ Philippine Statistical Act of 2013, Section 11 (c)

⁶ Implementing Rules and Regulations of the Philippine Statistical Act of 2013, Rule 9, art. 13 (c) vii.

⁷ *Vide*: G.R. No. 204169, September 11, 2013.

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execution of the public documents issued by said office was necessary before they could be accorded evidentiary weight.

Petitioner argues that the documentary evidence he presented are public documents which are considered self-authenticating and thus it was unnecessary to call the NSO Records Custodian as witness. He cites Article 410 of the Civil Code which provides that books making up the civil register and all documents relating thereto shall be considered public documents and shall be prima facie evidence of the facts stated therein. Moreover, the trial prosecutor himself also admitted the authenticity of said documents.

The OSG, in its Comment, submits that the findings of the RTC are not in accord with law and established jurisprudence. It contends that both Republic Act No. 3753, otherwise known as the Law on Registry of Civil Status, and the Civil Code elaborated on the character of documents arising from records and entries made by the civil registrar and categorically declared them as public documents. Being public documents, said documents are admissible in evidence even without further proof of their due execution and genuineness and consequently, there was no need for the court to require petitioner to present the records custodian or officer from the NSO to testify on them. The OSG further contends that public documents have probative value since they are prima facie evidence of the facts stated therein as provided in the above-quoted provision of the Civil Code. Thus, the OSG submits that the public documents presented by petitioner, considered together, completely establish the facts in issue.

In her letter dated March 19, 2013 to this Court, private respondent indicated that she is not against her husband's petition to have their marriage declared null and void. She likewise admitted therein that she contracted marriage with Arambulo on June 20, 1994 and contracted a second marriage with petitioner on November 28, 2002. She further admitted that it was due to poverty and joblessness that she married petitioner without telling the latter that she was previously married. Private respondent also confirmed that it was when she found out that Arambulo passed away on July 14, 2009 that she had the guts to confess to petitioner about her previous marriage. Thereafter, she and petitioner have separated.

We grant the petition.

There is no question that the documentary evidence submitted by petitioner are all public documents. As provided in the *Civil Code*:

ART. 410. The books making up the civil register and all documents relating thereto shall be considered public documents and shall be prima facie evidence of the facts therein contained.

As public documents, they are admissible in evidence even without further proof of their due execution and genuineness. Thus, the RTC erred when it disregarded said documents on the sole ground that the petitioner did not present the records custodian of the NSO who issued them to testify on their authenticity and due execution since proof of authenticity and due execution was not anymore necessary. **Moreover, not only are said documents admissible, they deserve to be given evidentiary weight because they constitute prima facie evidence of the facts stated therein.**

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And in the instant case, the facts stated therein remain un rebutted since neither the private respondent nor the public prosecutor presented evidence to the contrary. (Emphasis supplied)

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Likewise, *People v. Alvero*⁸ is recapitulated. In this case, the Supreme Court admitted in evidence the NSO Certificate of Live Birth, which was signed by the Civil Registrar General, as proof of the age of the accused-appellant at the time of the commission of the offense, in this wise:

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Attached to the present Motion for Reconsideration, however, is a certified true copy of appellant's Certificate of Live Birth showing that he was born on May 7, 1979. Appellant relies on the presentation of this documentary evidence to prove his claim of minority and preclude the imposition of the death penalty.

In its Comment dated October 10, 2001, the Office of the Solicitor General (OSG) alleged that the National Statistics Office (NSO) must submit a written authentication relative to the existence of the Birth Certificate presented by the appellant, because the NSO is the only government agency which can attest to the genuineness of the said document.

In a Resolution dated 12 March 2002, the Court required appellant's counsel, the Public Attorney's Office (PAO), to obtain a certification from the NSO that the Certificate of Live Birth, bearing the number 6783336, issued on March 3, 2001 was a genuine copy issued by the said agency. In compliance, the PAO submitted to this Court on May 23, 2002 a Certificate of Live Birth issued by the NSO, duly marked as "Best Possible Image" and signed by Carmelita N. Ericta, Administrator and Civil Registrar General of the NSO.

In a Manifestation and Motion dated May 28, 2002, the OSG stated that the name Alfredo Parado Albero Jr., which appears on the Certificate of Live Birth issued by the NSO, is different from appellant's name, Alfredo Alvero y Tarado, as reflected in the Information charging him of rape. The OSG expressed its suspicion that Alfredo Parado Albero and Alfredo Alvero y Tarado may not be one and the same person.

In its Comment dated August 16, 2002, the PAO explained that the discrepancy in the names appearing in the Information and the Certificate of Live Birth issued by the NSO is not substantial considering that the name Albero can easily be mistaken for Alvero just as the name Parado can be erroneously be heard as Tarado. Verily, it solemnly assured the Court that Alfredo Albero y Parado is one and the same person as Alfredo Alvero y Tarado, the appellant in this case; and prayed that the duly authenticated Certificate of Live Birth issued by the NSO be admitted in evidence, even after trial and after final Judgment has been promulgated.

The arguments of appellant are well-taken. The duly authenticated Certificate of Live Birth issued by the NSO clearly

⁸ Vide: G.R. No. 132364, September 27, 2002.

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evinces that the appellant was only a minor or seventeen (17) years old at the time of the commission of the offense. The slight discrepancy in the names appearing in the Birth Certificate and the Information is quite negligible and, as argued by the PAO, is just a clerical error arising from inadvertence or oversight of persons responsible for making the entries in these documents. Moreover, considering that the PAO has given the assurance that the names Alfredo Albero y Parado and Alfredo Alvero y Tarado refer to one and the same person, we are inclined to accept the veracity of the document presented and the contents thereof, particularly with respect to the actual age of appellant.

In any case, such variance is too trivial or insignificant to deprive appellant of an opportunity to avail of a right provided by law which he may otherwise be entitled to. This finds greater relevance considering that the supreme penalty of death has been imposed on the appellant. In the interest of justice, we shall admit in evidence the Certificate of Live Birth presented by the appellant to prove his age at the time the crime was committed. (Emphasis supplied)

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Conversely, it is when the *record is not kept in the Philippines* that the certified or attested copy *must be accompanied by a certificate of the records officer that he or she has the custody of the original*. This was the doctrine espoused by the Highest Court in *Makati Shangri-la Hotel and Resort Inc. v. Harper*.⁹

Based on the aforecited case law in conjunction with *R.A. 10625*, the Prosecution's Exhibits "A" to "KK" consisting of certificates of marriage issued by the PSA are admissible in evidence because they bear the certification of Lisa Grace S. Bersales, the National Statistician and Civil Registrar General of the PSA. Even if the testimony of the PSA officer, witness Sir Ryan Anthony D. Amad, were to be dispensed with, the said certificates are public documents, and as such, they are still admissible in evidence even without further proof of their due execution and genuineness.

As to the remaining documentary evidence of the Prosecution, namely Exhibits "LL" to "ZZZ", Section 19, Rule 132 of the *Revised Rules on Evidence* provides:

SECTION 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;

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⁹ G.R. No. 189998, August 29, 2012.

Handwritten signature/initials

Section 24, *supra*, reads:

SECTION 24. Proof of official record. — The record of public documents referred to in paragraph (a) of Section 19, when admissible for any purpose, may be evidenced by an official publication thereof or by a **copy attested by the officer having the legal custody of the record**, or by his deputy, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody. If the office in which the record is kept is in a foreign country, the certificate may be made by a secretary of the embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the Philippines stationed in the foreign country in which the record is kept, and authenticated by the seal of his office. (Emphasis supplied)


Guided by these provisions, while the Prosecution's Exhibits "LL" to "ZZZZ" are photocopies, they were nonetheless *certified* as true copies of documents by witnesses who are public officers and whose offices have the custody of the respective documents in question. Ergo, the said evidence are admissible.

Furthermore, it may be recalled that accused has made an admission that the Prosecution's Exhibit "WWWW" is a common exhibit of his Exhibit "1",¹⁰ which bolsters the conclusion that the same should not be excluded.

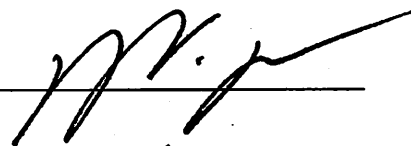
WHEREFORE, the *Motion for Reconsideration (of the Resolution dated June 21, 2017)* filed by accused is **DENIED**.

SO ORDERED.

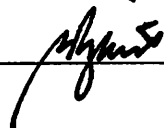
GOMEZ-ESTOESTA, J., Chairperson



TRESPESES, J.



JACINTO, J.



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