



Republic of the Philippines
Sandiganbayan
Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on September 25, 2017

Present:

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

The following resolution was adopted:

SB-09-CRM-0044, 0052, 0057, 0062 to 0067, 0085, 0086, 0091, 0092, 0095, 0096, 0105, 0106, 0115, 0116, 0125, 0126, 0131, 0132, 0135, and 0136 – People v. Antonio P. Belicena, et al.

In her *Motion for Leave of Court to Require the National Bureau of Investigation's Questioned Documents Division to Conduct an Examination of the 12 September 1996 Secretary's Certificate Allegedly Signed by Grace Chingkoe Ong*, accused Chingkoe asserts that criminal liability has been pinned on her based solely on a Secretary's Certificate dated September 12, 1996, which she denies having signed. On the propriety of allowing the examination by the NBI of an alleged forgery, *Marquez v. Sandiganbayan*¹ is instructive:

In this case, the defense interposed by the accused Marquez was that his signatures in the disbursement vouchers, purchase requests and authorizations were forged. It is hornbook rule that as a rule, forgery cannot be presumed and must be proved by clear, positive and convincing evidence and the burden of proof lies on the party alleging forgery.

Thus, Marquez bears the burden of submitting evidence to prove the fact that his signatures were indeed forged. **In order to be able to discharge his burden, he must be afforded reasonable opportunity to present evidence to support his allegation. This opportunity is the actual examination of the signatures he is questioning by no less than the country's premier investigative force the NBI.** If he is denied such opportunity, his only evidence on this matter is negative testimonial evidence which is generally considered as weak. And, he cannot submit any

* Per A.O. No. 284-2017 dated August 18, 2017

¹ G.R. Nos. 187912-14, January 31, 2011

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other examination result because the signatures are on the original documents which are in the control of either the prosecution or the graft court.

At any rate, any finding of the NBI will not be binding on the graft court. It will still be subject to its scrutiny and evaluation in line with Section 22 of Rule 132. **Nevertheless, Marquez should not be deprived of his right to present his own defense.** How the prosecution, or even the court, perceives his defense to be is irrelevant. To them, his defense may seem feeble and his strategy frivolous, but he should be allowed to adduce evidence of his own choice. The court should not control how he will defend himself as long as the steps to be taken will not be in violation of the rules. (emphases supplied)

Further to this Court's Order in open court on September 22, 2017 granting accused Chingkoe's *Motion*, this Court lays the following protocol:

- a. The original of the Secretary's Certificate dated September 12, 1996, which is in the possession of the Prosecution, must be produced, for purposes of comparison on the preliminary conference set on **October 3, 2017 at 2:00 p.m.**, before the Division Clerk of Court;
- b. Before the original copy is sent to the NBI for questioned document examination, a photocopy of the Secretary's Certificate dated September 12, 1996 must be compared with the original and stipulated on by the parties as a faithful reproduction thereof. Such photocopy may be used during the proceedings in lieu of the original copy while the latter remains unavailable;
- c. Accused Grace Chingkoe must produce before this Court original copies of at least eight (8) handwriting exemplars which must be public documents (this includes notarized private documents) bearing her standard/specimen signature, executed within three (3) months **prior to** or three (3) months **after** the execution of the questioned document;
- d. Faithful reproductions, as stipulated, of the questioned document, together with the photocopies of the handwriting exemplars bearing accused Grace Chingkoe's standard/specimen signature, shall be furnished to the Prosecution and submitted to this Court;
- e. From receipt of the formal request to conduct a questioned document examination on the Secretary's Certificate dated September 12, 1996, the NBI's Questioned Documents Division is directed to finalize and submit its Report to this Court within a period of ninety (90) days therefrom.

WHEREFORE, in view of the foregoing, accused Chingkoe's *Motion for Leave of Court to Require the National Bureau of Investigation's*

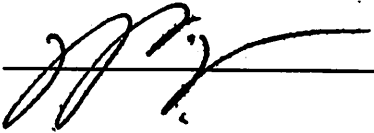
Questioned Documents Division to Conduct an Examination of the 12 September 1996 Secretary's Certificate Allegedly Signed by Grace Chingkoe Ong is GRANTED, subject to the above conditions.

SO ORDERED.

GOMEZ-ESTOESTA, J., *Chairperson*



TRESPESES, J.



JACINTO, J.

