



Republic of the Philippines
Sandiganbayan
Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on September 20, 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-12-CRM-0127 to 0128 – People v. Amado A. Inocentes, et al.

During the hearing on September 4, 2017, this Court deferred its ruling on the presentation as evidence of the attachments to the respective *Sinumpaang Salaysay* of Prosecution witnesses Anita M. Nagaño and Miguela O. Acosta, in view of the counsel for the accused's objection that these have not been pre-marked during pre-trial. A perusal of the Minutes of the Preliminary Conference¹ and the Pre-Trial Order² confirms that such attachments have indeed not been marked.

During the pre-trial of these cases in 2014, however, the Prosecution reserved the right to present additional documents for marking during the course of trial, which this Court may allow only for good cause shown. The Supreme Court has recognized such reservations made during pre-trial.³ In this case, the Pre-Trial Order states:

The Prosecution *reserved* the right to present additional documents for marking during the course of trial upon showing of good cause for their non-presentation during the preliminary conference.

The prosecution *reserves* the right to present additional exhibits during the course of the hearing particular[ly] the loan application of the persons named in the scheduled list previously marked during the preliminary conference. Schedule 1 which is marked as II-1, Schedule 2, marked as Exhibit II-2, Schedule 3 marked as Exhibit II-3, Schedule 4

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

¹ July 30, 2013, *Records*, Vol. 3, pp. 482-486, August 28, 2013, *id.*, pp. 487-492, September 17, 2013, *id.*, pp. 493-504, October 10, 2013, *id.*, pp. 505-508, October 18, 2013, *id.*, pp. 509-519, December 9, 2013, *id.*, pp. 520-522

² *Records*, Vol. 3, pp. 527-558

³ *San Juan v. Sandiganbayan, et al.*, G.R. No. 173956, August 6, 2008

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marked as II-4, Schedule 19 marked as Exhibit II-11, Schedule 7 marked as Exhibit II-7, Schedule 8 marked as Exhibit II-8 and Schedule 27-A marked as Exhibit D-10. (italics supplied)

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The Clerk of Court x x x likewise reminded the parties that no evidence shall be allowed and offered during the trial other than those identified and pre-marked during the preliminary conference except when allowed by the Court for good cause shown.⁴

The good cause propounded by the Prosecution for its failure to have the documents marked during pre-trial was that the two (2) *Sinumpaang Salaysay*, together with their annexes, were part of the documents received from the GSIS only earlier this year.⁵ While matters agreed upon in the pre-trial conference and as stated in the pre-trial order binds the parties, this may be relaxed in the greater interest of justice.⁶

It appears that the documents sought to be presented were not yet available to, and could not have been produced by, the Prosecution during the pre-trial of these cases, having been turned over to them by the GSIS only earlier this year. This constitutes good cause to allow their presentation during trial, in the interest of justice.

Necessarily, this is without prejudice to this Court's ruling on their admissibility later on.

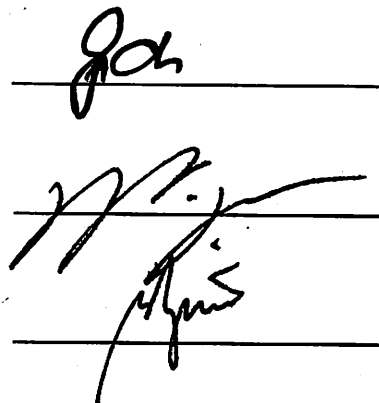
WHEREFORE, in view of the foregoing, the presentation of the documents attached to the respective *Sinumpaang Salaysay* of Anita M. Nagaño and Miguela O. Acosta, and identified during the hearing on September 4, 2017, is hereby ALLOWED.

SO ORDERED.

GOMEZ-ESTOESTA, J., *Chairperson*

TRESPESES, J.

JACINTO, J.



⁴ *Records*, Vol. 3, p. 545

⁵ TSN dated September 4, 2017, pp. 22, 60

⁶ *People v. Guzman*, G.R. No. 169246, January 26, 2007