



Republic of the Philippines
Sandiganbayan
Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on October 25, 2017.

Present:

MA. THERESA DOLORES C. GOMEZ-ESTOESTA ----- Chairperson
REYNALDO P. CRUZ* ----- Associate Justice
BAYANI H. JACINTO** ----- Associate Justice

The following resolution was adopted:

Criminal Case Nos. SB-11-CRM-0265 to 0270 – People v. Fidel Garcia, et al.

For resolution is the prosecution’s “FORMAL OFFER OF EVIDENCE” dated September 11, 2017¹ which prayed for the admission of Exhibits “A” to “L”, “N”, “Q”, “U” to “Z”, and “AA” to “DD” and their respective submarkings.²

The “COMMENT/OBJECTION (RE: PROSECUTION’S FORMAL OFFER OF EVIDENCE)”³ dated October 10, 2017 of accused Fidel Garcia and Jerome Pagaragan and the “COMMENT/OBJECTION ON PROSECUTION’S FORMAL OFFER OF EXHIBITS”⁴ dated October 5, 2017 of accused Dionesio E. Paduganan, Arcadio R. Sacol, Felipe R. Tale, and Warren C. Dultra raised various objections to the admission of several of the prosecution’s exhibits.

The following matrix is provided at the outset to obviate any confusion from the overlapping of identically-marked exhibits:

Exhibit	Document
“A-1”	Second page of the Joint Affidavit Complaint dated August 17, 2006
“A-1”	Signature of Seldio L. Pilongo

* Per Administrative Order No. 360-2017 dated October 20, 2017

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

¹ Records, Vol. 3, pp. 225-249

² It is noted that: Exhibits “M”, “R”, and “T” were not offered; the intended land titles for which Exhibit “O” was reserved were already marked as Exhibits “Z”, “AA”, “BB”, and “CC”; the intended pictures for which Exhibit “P” was reserved were already marked as Exhibits “DD-4” to “DD-6”; and the intended video footage for which Exhibit “S” was reserved was already marked as Exhibit “DD”

³ Records, Vol. 4, pp. 46-79

⁴ *Id.* at 50-56

"A-5"	Signature of Estanislao M. Delima on the Joint Affidavit Complaint dated August 17, 2006
"A-5"	Copy of Dispersal Order dated August 6, 2006

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

Exhibits "A" to "A-4", "A-1"⁵ "A-5",⁶ "A-5",⁷ "A-6" to "A-6-a", "A-8", "A-9", "A-10", "A-12", "A-13",⁸ "A-14" to "A-14-e", "A-17", "B" to "B-3", "C" to "C-3", "U" to "U-1", "V" to "V-1", "W" to "W-1", "X" to "X-1", "Y-1", and "Y-2", as part of the testimony of the prosecution's witnesses who identified the same exhibits.⁹

Exhibits "A-7", "A-7-b", "A-18", "D", "Q",¹⁰ "AA", "BB", and "CC", which were subject to the parties' stipulations in open court.¹¹

Exhibits "A-15" to "A-15-a", "A-16", and "DD" to "DD-6". Jurisprudence has it that evidence not objected to is deemed admitted and may be validly considered by the court in arriving at its judgment. This is true even if by its nature, the evidence is inadmissible and would have surely been rejected if it had been challenged at the proper time.¹²

Exhibit "Y" over the objection that it is self-serving/conjectural. The common objection known as "self-serving" is not correct because almost all testimonies are self-serving.¹³ The evidentiary weight of this document, however, is still subject to judicial evaluation within the guidelines provided by the rules of evidence.¹⁴

⁵ Signature of S/I-4 Seldio L. Pilongo

⁶ Signature of Estanislao M. Delima

⁷ Dispersal Order dated August 6, 2006, which was also subject to the parties' stipulation in open court (TSN dated February 24, 2015, pp. 31-32)

⁸ It was stipulated that Exhibit "A-13" is a faithful reproduction (TSN dated November 14, 2012, pp. 19-20 [morning session])

⁹ Witness Father Jenor Luis identified Exhibits "A-5" (Dispersal Order dated August 6, 2006 – TSN dated August 16, 2012, pp. 3-4), "Y-1" (remarked in place of Exhibit "Y" – TSN dated August 16, 2012, pp. 24-25), "Y-2" (sketch of accused in open court – TSN dated November 15, 2012, pp. 64-66, 74), "U" (TSN dated August 16, 2012, p. 33), "V" (TSN dated August 16, 2012, pp. 33-34), "W" (TSN dated August 16, 2012, p. 34), and "X" (TSN dated August 16, 2012, p. 35); Witness Estanislao M. Delima identified Exhibits "A" to "A-3" and "A-5" (his signature on the Joint Affidavit Complaint dated August 17, 2006 – TSN dated November 14, 2014, pp. 22-23 [morning session]), and "A-13" (TSN dated November 14, 2014, p. 17 [morning session]); Witness Ma. Luna Grisola identified Exhibit "A-17" (TSN dated March 19, 2013, p. 31); Witness Jecelyn Q. Regala identified Exhibits "A-8" and "A-9" (TSN dated July 9, 2013, pp. 44-45); Witness S/I-4 Seldio L. Pilongo identified Exhibits "A" to "A-4" (TSN dated February 24, 2015, p. 13), "A-1" (his signature on the Joint Affidavit Complaint dated August 17, 2006 – TSN dated February 24, 2015, p. 15), "A-10", "A-12" (TSN dated February 24, 2015, p. 17), "A-14" to "A-14-e" (TSN dated February 24, 2015, p. 33) "B", and "C" (TSN dated February 24, 2015, p. 20)

¹⁰ Exhibit "DD" was remarked as "Q" as requested by the prosecution in its Omnibus Motion dated August 24, 2017 (Records, Vol. 3, pp. 216-219)

¹¹ The parties stipulated on the following exhibits: "A-7" and "A-7-b" (TSN dated April 10, 2014, p. 26 [morning session]), "A-18" (TSN dated October 5, 2015, p. 8), "D" (TSN dated February 24, 2015, p. 29), "Q" (TSN dated April 10, 2014, pp. 31-32 [morning session]), "AA" (TSN dated April 10, 2014, pp. 26-27 [morning session]), "BB" (TSN dated April 10, 2014, p. 27 [morning session]), and "CC" (TSN dated April 10, 2014, p. 28 [morning session])

¹² *Vide: Spouses Enriquez v. Isarog Line Transport, Inc.*, G.R. No. 212008, November 16, 2016; *Heirs of Marcelino Doronio v. Heirs of Fortunato Doronio*, G.R. No. 169454, December 27, 2007

¹³ *Hernandez v. CA, et al.*, G.R. No. L-104874, December 14, 1993

¹⁴ *Lepanto Consolidated Mining Co. v. Dumapis, et al.*, G.R. No. 163210, August 13, 2008

Exhibits “G”, “H”, “I”, “J”, “K”, “L”, “N”, and “Z”¹⁵ over the objection that the same are irrelevant and/or immaterial. The purpose of the offer and the objection in each exhibit shall be evaluated in the ultimate disposition of the case.


However, the following are **EXCLUDED**:

Exhibits “A-11”, “E”, and “F” are private documents that have not been properly authenticated. Under Section 20, Rule 132 of the *Rules of Court*, before a private document is admitted in evidence, it must be authenticated either by the person who executed it, the person before whom its execution was acknowledged, any person who was present and saw it executed, or who after its execution, saw it and recognized the signatures, or the person to whom the parties to the instruments had previously confessed execution thereof.¹⁶ The prosecution did not present any witness able to identify the said exhibits. In fact, witness Estanislao M. Delima, who is even a signatory to Exhibit “E” did not identify the same in his testimony.

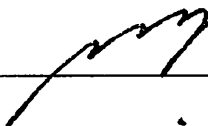
Let the initial presentation of defense evidence proceed, as scheduled,¹⁷ on November 6 and 7, 2017 at 8:30 in the morning at the Fourth Division Courtroom, 4th Floor, Sandiganbayan Building, Quezon City.

SO ORDERED.

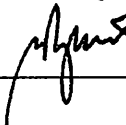
GOMEZ-ESTOESTA, J., Chairperson



CRUZ, J.



JACINTO, J.



¹⁵ It was stipulated that Exhibit “Z” is a faithful reproduction (TSN dated April 10, 2014, p. 26 [morning session])

¹⁶ *Malayan Insurance Co., Inc. v. Philippine Nails and Wires Corp.*, G.R. No. 138084, April 10, 2002

¹⁷ As per Resolution dated July 26, 2017 (Records, Vol. 3, p. 206)