



Republic of the Philippines
Sandiganbayan
Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on October 12, 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 Case No. SB-16-CRM-0433 – People v. John Rey D. Tabujara

For resolution is the prosecution's "FORMAL OFFER OF EVIDENCE" dated September 20, 2017¹ which prayed for the admission of Exhibits "A" to "AA" and their respective submarkings.

Accused John Rey D. Tabujara's ["**accused**"] "COMMENT (TO THE PROSECUTION'S FORMAL OFFER OF EVIDENCE DATED 20 SEPTEMBER 2017)" dated October 9, 2017² raised the objection that the admission of the prosecution's exhibits (save for Exhibits "A", "L", "P", "Q", "R", "U", and "AA") is irrelevant insofar as he has already admitted the purpose for which the same are being offered. Further, accused objected to the admission of Exhibits "O" and "S" on the ground that the same are photocopies and violate the best evidence rule.

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

Exhibits "A", "B", "C", "F", "H", "I", "I-1", "I-2", "J", "N", "V", and "Y" are subject of the parties' Joint Stipulation of Facts and Issue dated June 15, 2017.³

Exhibits "A-1" to "A-24", "O", and "S", over the objections interposed as the same were unconditionally admitted by counsel for accused in open court.⁴

Exhibits "D", "E", "I-1-a" to "I-1-f", "K", "M", "W", "X", and "Z" to "Z-2" over the objection that the same are irrelevant and/or immaterial. The

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

¹ Records, Vol. 1, pp. 365-376

² Records, Vol. 2, pp. 15-20

³ Records, Vol. 1, pp. 255-266

⁴ TSN dated September 6, 2017, p. 4 (Exhibits "A-1" to "A-24"); TSN dated August 24, 2017, pp. 7-8 (Exhibits "O" and "S")

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


Exhibits "L" and "U" to "U-8". 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.⁵

Exhibits "G", "P", "Q", "R", "T", and "AA", the same being common exhibits of accused (Exhibits "15", "1", "2", "4", "5" and "7", respectively) and having admitted by him as such.⁶

Let the presentation of the defense evidence proceed, as scheduled, on **October 17 and 18, 2017 at 8:30 in the morning** at the Fourth Division courtroom.

SO ORDERED.

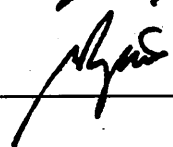
GOMEZ-ESTOESTA, J., Chairperson



TRESPESES, J.



JACINTO, J.



⁵ 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

⁶ Joint Stipulation of Facts and Issue dated June 15, 2017 (Records, Vol. 2, pp. 256-259)