



Republic of the Philippines  
*Sandiganbayan*  
Quezon City

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**SEVENTH DIVISION**

*MINUTES of the proceedings held on 6 October 2017.*

*Present:*

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

*The following resolution was adopted:*

***Crim. Case Nos. SB-17-CRM-0201 to 0218 - People vs. THOMAS DE LARA DUMPIT, JR., ET AL.,***

This resolves the following:

1. Accused Thomas Dumpit, Jr.'s "MOTION FOR PROSECUTION TO PRODUCE THE MATERIAL DOCUMENTS- THE GENERAL APPROPRIATION ACT OF FY 2009 AND 2010 AND ITS IMPLEMENTING RULES AND TO PERMIT ACCUSED TO INSPECT AND COPY THE PROVISION OR ITEM THEREOF PERTAINING THE PDAF ALLOCATIONS IN HIS NAME";<sup>1</sup> and

2. The prosecution's "COMMENT/OBJECTION (On Motion dated September 19, 2017)" dated September 27, 2017.<sup>2</sup>

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For resolution is accused Thomas Dumpit, Jr.'s Motion for Prosecution to Produce the Material Documents- The General Appropriation Act of FY 2009 and 2010 and its Implementing Rules and to Permit Accused to Inspect and Copy the Provision or Item Thereof Pertaining the PDAF Allocations in his Name; and the prosecution's Comment/Objection thereto.

Accused invokes his constitutional right to be informed of the accusation against him as alleged in the Information. As such, he prays that the prosecution be ordered to produce material documents such as the General Appropriation Act of FY 2009 and 2010, as well as its Implementing Rules. Accused further prays that he be permitted to inspect and copy the provision or item thereof pertaining to the PDAF allocations in his name.

Accused alleges that the prosecution should accede to the request as it will help them in proving the guilt of the accused.

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<sup>1</sup> *Rollo*, Vol. 5, pp. 347-349.

<sup>2</sup> *Id.* at 354-356.

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**Minute Resolution**

*People vs. Thomas De Lara Dumpit, Jr., et al.,*

SB-17-Crm-0201 to 0218

Page 2 of 4

X-----X

The prosecution filed its Comment/Objection and argues that the budget is done yearly through the appropriation law enacted by the Congress. This enactment is an official legislative act that the court should take judicial notice of pursuant to Sec. 1 of Rule 129 of the Rules of Court.

The prosecution also avers that accused is supposed to be more familiar with the source of his PDAF. To insist in the production of the requested documents, in effect, would erase the pivotal distinction between burden of proof and burden of evidence.

**RULING**

We resolve to deny accused Dumpit, Jr.'s motion for lack of merit.

In the Minute Resolution dated 5 September 2017,<sup>3</sup> this Court denied accused Dumpit, Jr.'s motion for bill of particulars. We held that the Informations in these cases sufficiently alleged all the essential or ultimate facts constituting the elements of the offenses charged against herein accused. Thus, accused cannot validly claim that he was denied of his constitutional right to be informed of the accusation against him.

Moreover, accused sought for the production of the General Appropriation Act (GAA) of FY 2009 and 2010, as well as the copy or provisions thereof pertaining to the PDAF allocation in his name.

The Court finds that there is no need to compel the prosecution to produce copy of the said appropriation laws. It is worthy to note that the GAA is an act, which appropriates funds for the operation of the government. It is a law that implements the constitutional provisions relative to budget, which the court can take judicial notice of.<sup>4</sup> If the purpose of the accused was to have a copy of the GAA and inspect its provisions, he can have access thereto and secure a copy from the concerned government agency in custody thereof.

With respect to the provision or item thereof pertaining to PDAF allocations in his (accused's) name, the Court agrees with the prosecution's allegation that accused is more familiar with the source of his PDAF funds.

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<sup>3</sup> *Rollo*, Vol. 5, pp. 276-286.

<sup>4</sup> Section 1. Judicial notice, when mandatory. — A court shall take judicial notice, without the introduction of evidence, of the existence and territorial extent of states, their political history, forms of government and symbols of nationality, the law of nations, the admiralty and maritime courts of the world and their seals, the political constitution and history of the Philippines, the official acts of legislative, executive and judicial departments of the Philippines, the laws of nature, the measure of time, and the geographical divisions.

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**Minute Resolution**

*People vs. Thomas De Lara Dumpit, Jr., et al.,*

SB-17-Crm-0201 to 0218

Page 3 of 4

X-----X

This was explained in *Enrile v. People*.<sup>5</sup> In the said case, petitioner moved for bill of particulars to supply specifics on the question i.e., “under what law or official document is a portion of the ‘Priority Development Assistance Fund’ identified as that of a member of Congress, in this instance, as ENRILE’s, to be found?” The Supreme Court reasoned that:

Specifically, we believe that the exact amounts of Enrile's yearly PDAF allocations, if any, from 2004 to 2010 need not be pleaded with specific particularity to enable him to properly plead and prepare for his defense. In fact, Enrile may be in a better position to know these details than the prosecution and thus cannot claim that he would be taken by surprise during trial by the omission in the Information of his annual PDAF allocations.

But while it is said that accused should be more familiar with his PDAF allocations, still, it is the prosecution who has the burden of proof.<sup>6</sup> In *Maamo v. People*,<sup>7</sup> it was held that:

x x x in all criminal prosecutions, the Prosecution bears the burden to establish the guilt of the accused beyond reasonable doubt. In discharging this burden, *the Prosecution's duty is to prove each and every element of the crime charged in the information to warrant a finding of guilt for that crime or for any other crime necessarily included therein. The Prosecution must further prove the participation of the accused in the commission of the offense.* In doing all these, the Prosecution must rely on the strength of its own evidence, and not anchor its success upon the weakness of the evidence of the accused. The burden of proof placed on the Prosecution arises from the presumption of innocence in favor of the accused that no less than the Constitution has guaranteed. Conversely, as to his innocence, the accused has no burden of proof, that he must then be acquitted and set free should the Prosecution not overcome the presumption of innocence in his favor. In other words, the weakness of the defense put up by the accused is inconsequential in the proceedings for as long as the Prosecution has not discharged its burden of proof in establishing the commission of the crime charged and in identifying the accused as the malefactor responsible for it. (Emphasis supplied)

In the instant case, the documents sought by accused Dumpit, Jr. are the pieces of evidence, which may tend to prove the prosecution’s case. Accused need not demand for these documents because it is the prosecution who has the duty to adduce evidence on the fact in issue necessary to establish the guilt of accused. In fact, failure of the prosecution may even result to accused’s advantage or benefit.

Nevertheless, the presentation of these documents need not be done at this point in time for accused’s inspection. To allow accused would unduly delay

<sup>5</sup> G.R. No. 213455, 11 August 2015.

<sup>6</sup> *Daayata v. People*, G.R. No. 205745, 8 March 2017.

<sup>7</sup> G.R. No. 201917, 1 December 2016.

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**Minute Resolution**

*People vs. Thomas De Lara Dumpit, Jr., et al.,*

SB-17-Crm-0201 to 0218

Page 4 of 4

X-----X

the proceedings in these cases. Anyway, accused will have the opportunity to examine the prosecution's documentary exhibits during the pre-trial of the case and even in the presentation of the prosecution's evidence.

**WHEREFORE**, premises considered, accused Thomas Dumpit, Jr.'s Motion for Prosecution to Produce the Material Documents-The General Appropriation Act of FY 2009 and 2010 and its Implementing Rules and to Permit Accused to Inspect and Copy the Provision or Item Thereof Pertaining the PDAF Allocations in his Name is hereby **DENIED** for lack of merit.

*Approved:*

**GOMEZ-ESTOESTA, J. Chairperson** \_\_\_\_\_ 

**TRESPESES, J.** \_\_\_\_\_ 

**JACINTO, J.** \_\_\_\_\_ 