



Republic of the Philippines
Sandiganbayan
Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on 11 April 2018.

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 No. SB-17-CRM-0219- People vs. ALEX B. WANGKAY, et al.

This resolves the following:

1. Prosecution's "FORMAL OFFER OF PROSECUTION'S DOCUMENTARY EXHIBITS" dated March 19, 2018;¹
2. Roberto S. Semilla's "COMMENT/OBJECTIONS TO THE PROSECUTION'S FORMAL OFFER OF DOCUMENTARY EXHIBITS" dated March 23, 2018;²
3. Accused Alex B. Wangkay's "COMMENT/OBJECTION TO FORMAL OFFER OF EVIDENCE" dated March 28, 2018.³

This resolves the Formal Offer of Prosecution's Documentary Exhibits dated 19 March, 2018 and the Comment/Objections thereto separately filed by accused Roberto S. Semilla (Semilla) and Alex B. Wangkay (Wangkay).

After due consideration of the above-incident, the Court resolves to **ADMIT:**

Exh. A (Affidavit-Complaint of Primo C. Foronda), as part of the testimony of prosecution witness Primo C. Foronda who identified the said exhibit.⁴ Foronda was cross-examined based on the affidavit by counsels for accused Semilla and Wangkay.

*Sitting as Special Member per Administrative Order No. 284-2017 dated 18 August 2017.

¹ *Rollo*, Vol. 2, pp. 107-204.

² *Id.* at 205-207.

³ *Id.* at 208-210.

⁴ TSN, 23 November 2017, p. 7.

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Exhs. B (Memorandum of Agreement), as it is a common exhibit of the prosecution and accused Semilla; accused Wangkay's objection pertains only to the purpose for which the exhibit was offered and not as to its admissibility.

Exhs. C (O.R. No. 1855663) and **D** (O.R. No. 1855667), as they appear to be original and they were identified by prosecution witness Roy Dalit.⁵

Exh. E (1st Indorsement dated 15 June 2011 signed by Manolo C. Sy), **F** (Affidavit of Susan L. Pace-Donalvo), **G** (Commission on Audit Evaluation Report), **8th page of Exh. G** (Memorandum dated 8 February 2012 signed by Manolo C. Sy), as part of the testimonies of the prosecution witnesses who identified the said exhibits.⁶ The objection raised by accused Wangkay and Semilla refers only to the purpose for which the exhibits were offered and not as to their admissibility.

Exh. H (Executive Order No. 09-010), as it is a common exhibit of the prosecution and accused Wangkay; while no objection was raised by accused Semilla to the admission of the said exhibit.

Exhs. I (Affidavit of Ronville M. Muego), **J** (Affidavit of Jennifer Leila S. Salvador), **K** (Affidavit of Ermelita G. Malaki), **L** (Affidavit of Robinson V. Sioco, Avelino B. Bernardo and Rodrigo B. Muda, Jr.), **M** (LBP letter from Joseph R. Agullo dated 29 August 2013), **M-1** (page 2 of Exh. M), as part of the testimonies of the prosecution witnesses who identified the said exhibits⁷ and since the objection raised by the defense pertains not to their admissibility but to the purpose for which the exhibits were offered.

Exhs. Q (Original Copy of Service Record of Alex B. Wangkay), **R** and **S** (Certified True Copy from Original of the service record of Alex B. Wangkay), as they were admitted by accused Wangkay during the pre-trial conference⁸ and the objection raised by accused Semilla refers only to the purpose of the offer and not the admissibility of the documents.

Exhs. T (Original copy of Certification dated 14 June 2017 of Rodrigo Ablaza); **Exh. T-1 and T-1-a** (Advances and Liquidations dated

⁵ *Rollo*, Vol. 1, pp. 432-433.

⁶ Manolo C. Sy identified Exh. E (*Rollo*, Vol. 2, p. 35) and 8th page of Exh. G (*Rollo*, Vol. 2, p. 35-36; TSN, 22 January 2018, p. 11); Exh. F and G were identified by Susan Pace-Donalvo (TSN, 23 January 2018, pp. 29-31).

⁷ Ronville Muego identified Exh. I (TSN, 23 November 2017, p. 98); the Affidavit of Jennifer Leila Salvador was adopted as her direct testimony during the hearing held on 23 November 2017; Ermelita G. Malaki identified Exh. K (TSN, 23 November 2017, p. 130); Avelino Bernardo identified Exh. L (TSN, 23 November 2017, pp. 75-76); Joseph Agullo identified Exhs. M and M-1 (*Rollo*, Vol. 2, pp. 51-52).

⁸ *Rollo*, Vol. 1, pp. 402-403 (Pre-Trial Order dated 25 October 2017).

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February 2017); **Exh. T-2 and T-2-a** (Report of Checks Issued by the Bureau of Soils and Water Management for the period 29 April 2009); **Exhs. T-3 and T-3-a** (Page 2 of Report of Checks Issued); **Exhs. T-4, T-4-a and T-4-b** (New Series issued by the BSWM), as they were identified by prosecution witness Rodrigo I. Ablaza.⁹ The objection raised by accused Semilla pertains only to the purpose of the offer while accused Wangkay did not interpose any objection to the admissibility of the said exhibits.

Exhs. U (O.R. No. 1768), **V** (Disbursement Voucher signed by Alex Wangkay in the amount of ₱3,222,450.00), **W** (request for Issuance of a Manager's Check), **X** (O.R. No. 1719), **Y** (Disbursement Voucher signed by Alex Wangkay in the amount of ₱920,700.00), **Z** (Contract between the Municipality of Jose Abad Santos and R. Semilla Construction and Marketing), **AA** (Notice of Award), **BB** (Notice to Proceed), **CC** (Abstract of Quotation), **DD** (Unsigned Invitation to Apply for Eligibility and to Bid), **EE** (Unsigned Detailed Cost of Estimate), **FF** (Resolution No. 02 of the Tanggapan ng Sangguniang Barangay ng Quiapo), **GG** (Report of Check Issued), and **HH to HH-11** (Photos of the Uncompleted SWIP issued), as they were stipulated on by the parties during the trial.¹⁰ Accused Semilla objects only to the purpose of the offer of Exhs. U to HH-11; while accused Wangkay interposed no objection to the admissibility of Exhs. U to Z and did not register any comment or objection with respect to Exhs. AA to HH-11.

The admission of these exhibits is subject to the Court's appreciation of their probative value and as to the purposes for which they were offered. In view of the admission of the documentary exhibits, the prosecution is deemed to have rested its case.

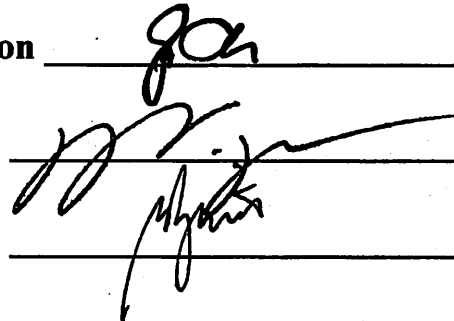
The parties are reminded of the settings of the presentation of defense evidence on **July 9 and 10, 2018, at 8:30 in the morning at the Fourth Division Courtroom.**

SO ORDERED.

GOMEZ-ESTOESTA, J. Chairperson _____

TRESPESES, J. _____

JACINTO, J. _____



⁹ Rollo, Vol. 2, pp. 68-70)

¹⁰ TSN, 23 November 2017, 56-58