



Republic of the Philippines  
*Sandiganbayan*  
Quezon City  
\*\*\*

**SEVENTH DIVISION**

*MINUTES of the proceedings held on 29 May 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-11-CRM-0205 to 0208- People vs. TOMAS N. JOSON III, et al.***

This resolves the following:

1. Accused Tomas N. Joson III, Amelia Gamilla, and Eduardo Basilio M. Joson's "JOINT AND CONSOLIDATED FORMAL OFFER OF EVIDENCE" dated May 7, 2018."<sup>1</sup>
2. Accused Eduardo Basilio M. Joson's "MANIFESTATION" dated May 9, 2018;<sup>2</sup>
3. Prosecution's "COMMENT [JOINT AND CONSOLIDATED FORMAL OFFER OF EVIDENCE dated May 7, 2018]" dated May 22, 2018.<sup>3</sup>

---

The Manifestation filed by accused Eduardo Basilio Joson alleging that in the Joint and Consolidated Formal Offer of Evidence, it was inadvertently stated that the court-marked Exhs. 1 to 4, including the submarkings were attached to the court records when in fact they were in the possession of his counsel; and that he is submitting the court-marked exhibits, is **Noted**.

Acting on the Joint and Consolidated Formal Offer of Evidence filed by accused Tomas N. Joson III, Eduardo Basilio M. Joson, and Amelia A. Gamilla, over the objection of the prosecution, the Court resolves to **ADMIT** the following documentary exhibits for the defense, to wit:

---

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

<sup>1</sup> *Rollo*, Vol. 4, pp. 256-295.

<sup>2</sup> *Id.* at 296-313.

<sup>3</sup> *Id.* at 314-326.

7-  
1 2

**Minute Resolution**

*People v. Tomas Joson III, et al.*

SB-11-CRM-0205 to 0208

Page 2 of 3

X-----X

**Exhs. 1 and 5** (Kapasiyahan Blg. 37-A, s-2007),<sup>4</sup> and **Exh. 2**<sup>5</sup> as they are common exhibits of the prosecution and the defense. The objection interposed by the defense refers only to the purpose for which the documents were offered.

**Exhs. 4 and 8** (Affidavit of Edward Thomas F. Joson, Bella Aurora A. Dulay, Cesar V. Cucio, Jose Bernardo V. Yangco, Cesar Eduardo, Leonardo C. Garcia, Allan A. Gamilla and Mark Alvin V. Diaz),<sup>6</sup> **Exh. 9** (Counter-Affidavit of Tomas N. Joson III),<sup>7</sup> and **Exh. 9-a** (signature of Tomas N. Joson III),<sup>8</sup> as they were identified by the affiants thereto.

The Court notes that **Exhs. 11 and 12** were not submitted or attached to the records of this case. However, Exh. 11, which was described as Kapasiyahan Blg. 37-A, s-2007 is similar to the document marked as Exhs. 1 and 5, while Exh. 12 described as "Affidavit of Edward Thomas F. Joson, Bella Aurora A. Dulay, Cesar V. Cucio, Jose Bernardo V. Yangco, Cesar Eduardo, Leonardo C. Garcia, Allan A. Gamilla and Mark Alvin V. Diaz" is similar to Exhs. 4 and 8.

On the other hand, the following documentary exhibits are **EXCLUDED**:

**Exh. 3** and its sub-markings (Joint Counter-Affidavit of Eduardo Basilio M. Joson and Amelia Gamilla) and **Exh. 8-a** (Affidavit of Mark Alvin V. Diaz), for being hearsay, as they were not identified by their respective affiants.<sup>9</sup>

**Exh. 10** (Memorandum dated 1 September 2011 of the Office of the Ombudsman). An examination of the document shows that it does not bear the signature of Ombudsman Conchita Carpio Morales and hence, the same cannot be considered an official act of the Ombudsman, which would classify it a public document under Sec. 9 (a), Rule 132 of the Rules of Court.<sup>10</sup> Consequently, authentication was a precondition to its admissibility, which however was not complied in this case.

---

<sup>4</sup> Also marked as Exh. B.

<sup>5</sup> Also marked as Exh. E.

<sup>6</sup> *Rollo*, Vol. 4, p. 102 (Judicial Affidavit of Allan Gamilla), p. 132 (Judicial Affidavit of Edward Thomas Joson), p. 178 (Judicial Affidavit of Tomas N. Joson III), p. 225 (Judicial Affidavit of Cesar V. Cucio).

<sup>7</sup> *Id.* at 180 (Judicial Affidavit of Tomas N. Joson III).

<sup>8</sup> TSN, 5 February 2018, pp. 18-19.

<sup>9</sup> *Gumabon v. Philippine National Bank*, G.R. No. 202514, 25 July 2016.

<sup>10</sup> SEC. 19. Classes of Documents. — For the purpose of their presentation in evidence, documents are either public or private.

Public documents are:

- (a) The written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country;

X x x

**Minute Resolution**

*People v. Tomas Joson III, et al.*

SB-11-CRM-0205 to 0208

Page 3 of 3

X-----X

It bears emphasizing that the admission of exhibits is subject to the Court's appreciation of their probative value as to the purposes for which they were offered. In view of the admission of the documentary exhibits, accused are deemed to have rested their case.

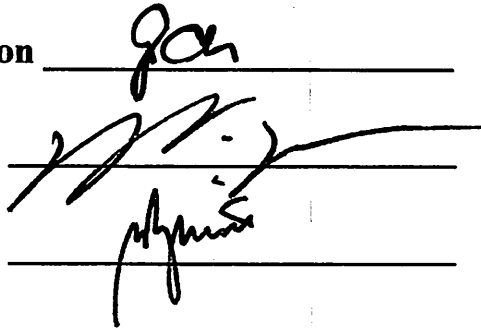
The parties are reminded of the setting for the presentation of prosecution's rebuttal evidence on **June 28, 2018 at 8:30 in the morning at the Fourth Division Courtroom.**

**SO ORDERED.**

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

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

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

Handwritten signatures of the judges: Gomez-Estoesta, Trespeses, and Jacinto, each written over a horizontal line.