



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on May 30, 2018

PRESENT:

HON. SARAH JANE T. FERNANDEZ.....Chairperson
HON. KARL B. MIRANDA.....Associate Justice
HON. MICHAEL FREDERICK L. MUSNGI*Associate Justice

The following resolution was adopted:

SB-15-CRM-0003 to 0007 –

PEOPLE vs. LEOVIGILDA P. CINCHES

This resolves the *Motion for Reconsideration of Order Dated 18 April 2018*¹ filed by accused Leovigilda P. Cinches, seeking reconsideration of the Order dated April 10, 2018.² The prosecution, in its *Comment/Opposition (To Accused Cinches' Motion for Reconsideration Of Order Dated [10] April 2018)*,³ opposed the Motion of the accused.

This Court **DENIES** the Motion of the accused.

During the hearing on April 18, 2018, this Court, in accordance with the *Revised Guidelines for Continuous Trial of Criminal Cases*,⁴ gave the accused five (5) days, or until April 23, 2018, within which to file her motion for reconsideration by personal filing.⁵ However, the accused filed her Motion by registered mail only on May 3, 2018. Hence, her Motion was not timely filed.

Even on the merits, her Motion deserves scant consideration. Failure to timely object to the offered evidence renders it admissible. In *Advance Paper Corporation v. Arma Traders Corporation*,⁶ the Supreme Court held:

The rule is that failure to object to the offered evidence renders it admissible, and the court cannot, on its own, disregard such evidence.

* J. Musngi participated in the assailed Resolution (Per Administrative Order No. 057-2018 dated January 29, 2018; *Revised Internal Rules of the Sandiganbayan*, Rule IX, Sec. 2[a])

¹ Dated May 3, 2018, Record, Vol. 2, pp. 65-71

² Record, Vol. 2, pp. 46-47

³ Dated May 15, 2018, Record, Vol. 2, pp. 73-78

⁴ III. 2. (c), on motion for reconsideration of the resolution of a meritorious motion

⁵ Record, Vol. 2, p. 51 (Order dated April 18, 2018)

⁶ G.R. No. 176897, December 11, 2013

When a party desires the court to reject the evidence offered, it must so state in the form of a timely objection and it cannot raise the objection to the evidence for the first time on appeal. Because of a party's failure to timely object, the evidence becomes part of the evidence in the case. Thereafter, all the parties are considered bound by any outcome arising from the offer of evidence properly presented.

Rule 132, Sec. 36 of the Rules of Court provides for when the objection to evidence offered should be made. To wit:

Sec. 36. Objection. – Objection to evidence offered orally must be made immediately after the offer is made.

Objection to a question propounded in the course of the oral examination of a witness shall be made as soon as the grounds therefor shall become reasonably apparent.

An offer of evidence in writing shall be objected to within three (3) days after notice of the offer unless a different period is allowed by the court.

In any case, the grounds for the objections must be specified.

(underscoring supplied)

Here, the accused did not file her comment/opposition to the *Prosecution's Formal Offer of Documentary Exhibits With Motion to Change the Marking of Exhibit "UU-1" to "VV,"*⁷ despite the lapse of time to do so, and after having received the same from the prosecution through personal service.⁸ For failing to timely object to the prosecution's offer of evidence despite having been given the opportunity to do so, she is deemed to have waived her objection thereto.

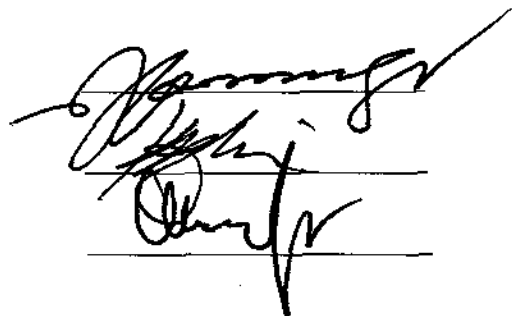
SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J.,

MIRANDA, J.

MUSNGI, J.



⁷ Record, Vol. 2, pp. 10-19

⁸ Record, Vol. 2, pp. 19, 46