



REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
QUEZON CITY

FIFTH DIVISION

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PEOPLE OF THE PHILIPPINES,  
*Plaintiff,*

CRIM. CASE NOS.  
25940 to 25962

- versus -

For: Violation of  
Sec. 3(e), R.A. No.  
3019, as amended

ANTONIO P. BELICENA, et al.,  
*Accused.*

Present:  
Lagos, J., Chairperson,  
Mendoza-Arcega, J., and  
Corpus-Mañalac, J.

Promulgated:

June 18, 2018 *lal*

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RESOLUTION

**MENDOZA-ARCEGA, J.:**

This resolves the following Motions filed by accused Ester T. Gabaldon  
(*hereinafter accused-movant*):

- a) The “Compliance to Show Good Cause with Motion to Allow the Marking of Additional Documentary Exhibits”<sup>1</sup> dated 8 March

<sup>1</sup> pages 274-291, Volume 33, Record.

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2018 which was orally interposed by the prosecution on 21 March 2018 as per attached Transcript of Stenographic Notes<sup>2</sup>;

- b) The “*Submission (of Judicial Affidavit of Ms. Romula Y. Montalla) with Manifestation of Good Cause and Motion to Hold Marking (of Additional Documentary Exhibits Attached to the Judicial Affidavit of Ms. Romula Y. Montalla)*”<sup>3</sup> dated 12 April 2018 and the prosecution’s “*Opposition*”<sup>4</sup> dated 26 April 2018.

In relation to Criminal Case No. 25943, the accused-movant testified before this Court and during her re-direct examination identified the following additional exhibits<sup>5</sup>:

Exhibit	Description
20	J&P Coats Cash Voucher No. 0186 dated 4 January 1996.
20-1; 20-2	DOLE NCR document for inspection fee for Boiler Installation dated 23 November 1995; corresponding O.R.
21	J&P Coats Manila Bay Check Voucher No. 03-0864 dated 31 March 1998.
21-1; 21-2	DOLE NCR document regarding payment of inspection fee for Boiler Installation dated 16 March 1998; corresponding O.R.
22	J&P Coats Manila Bay Check Voucher No. CV 99-047467 dated 21 April 1999.
22-1; 22-2	DOLE NCR document regarding payment of inspection fee dated 16 December 1998; corresponding O.R.

Accused-movant asserted that these additional exhibits will support her claim that J&P Coats Manila Bay, Inc. has and used boilers for its raw-material manufacturing operations from the time of its incorporation up to the present, which includes the years of the subject information. She adds that the said exhibits are also being offered to refute the prosecution’s claim that the Permit to Operate Steam Boiler for J&P Coats, was dated 1986 and only had a one-year validity and thus, irrelevant of the years subject of the Information under Criminal Case No. 25943.

Now, the accused-movant implores before this Court that the additional documents are relevant to her cause and thereby be allowed admission for marking based on the following purpose and good cause:

*“One of the major points of herein accused’s defense is to prove that J&P Coats has boilers that were used for its raw materials*

<sup>2</sup> TSN dated March 21, 2018, attached to the Records.

<sup>3</sup> pages 323-357, Volume 33, Record.

<sup>4</sup> pages 415-421, Volume 33, Record.

<sup>5</sup> Pages 275-277, Volume 33, Record.

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*counsel as the latter suffered dementia and eventually passed away. Also, these documents are now being marked and presented to address an issue brought about during the re-cross examination of accused Gabaldon.*"<sup>8</sup>

In its Opposition, the prosecution maintains that the accused-movant failed to show good cause to allow marking of the additional evidence thru the testimony of Ms. Montalla since these will not address the issue raised as to the specific period within which J&P Coats was able to produce 660,000kg requirement. Additionally, the prosecution reiterates that the documents to be marked are already existing since 1995 and can be readily known by the accused-movant. Finally, it claims that the BOI Certificate of Registration dated 9 December 1980 as export producer/trader of 660,000 kilograms of threads was under an old law and cannot be used to apply for a tax credit in 1996.

Upon consideration of the positions taken, this Court resolves to grant the present Motions. Accused-movant has sufficiently shown good cause to allow the marking of additional documentary exhibits.

We are aware that these documents were already existing at the time of the pre-trial and preliminary conference, however the accused cannot be faulted for limiting the documents that could be produced and marked during the trial. These documents will necessarily support the accused's stand on the issues. Conversely, the identification and marking of these exhibits are not prejudicial to the prosecution's case. As properly held in *San Juan v. Sandiganbayan*<sup>9</sup> the additional pieces of documentary evidence were not surprise evidence because during the filing of their respective pre-trial briefs, both parties have made reservations to present additional documentary and testimonial evidence, as may be necessary in the course of the trial; such reservations were incorporated in the Pre-trial Order.

The Court has consistently emphasized that when there is a strong showing that grave miscarriage of justice would result from the strict application of the Rules, it will not hesitate to relax the same in the interest of substantial justice.<sup>10</sup> The Rules of Court were conceived and promulgated to set forth guidelines in the dispensation of justice but not to bind and chain the hand that dispenses it, for otherwise, court will be mere slaves to or robots of technical rules, shorn of judicial discretion. That is precisely why courts in rendering real justice have always been, as they in fact ought to be, conscientiously guided by the norm that when on the balance, technicalities take a backseat against substantive rights, and not the other way around.<sup>11</sup>

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<sup>8</sup> Supra, Note 7.

<sup>9</sup> G.R. No. 173956, August 6, 2008.

<sup>10</sup> People vs. Flores and Macalintal, G.R. No. 106581, March 3, 1997.

<sup>11</sup> Domingo de Guzman vs. Sandiganbayan, G.R. No. 103276, April 11, 1996.

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In granting these Motions, this Court does not disregard the guidelines<sup>12</sup> set by the Supreme Court on the conduct of a pre-trial, but rather it has taken consideration to afford the amplest opportunity for the accused to properly defend her case free from the severity of technical procedure.


**WHEREFORE**, the *Compliance to Show Good Cause with Motion to Allow the Marking of Additional Documentary Exhibits and Submission (of Judicial Affidavit of Ms. Romula Y. Montalla) with Manifestation of Good Cause and Motion to Hold Marking (of Additional Documentary Exhibits Attached to the Judicial Affidavit of Ms. Romula Y. Montalla)* filed by accused Ester T. Gabaldon are **GRANTED**. Thereby, witness Romula Y. Montalla is allowed to identify and mark in evidence additional documentary exhibits alleged in her Judicial Affidavit, during the taking of her testimony.

The marking of additional documentary exhibits as identified by accused Ester T. Gabaldon shall continue as scheduled.

**SO ORDERED.**

  
**MARIA THERESA V. MENDOZA-ARCEGA**  
Associate Justice

  
**RAFAEL R. LAGOS**  
Chairperson  
Associate Justice

  
**MARYANN E. CORPUS -MAÑALAC**  
Associate Justice

<sup>12</sup> Rule 1-B, 2(c) of A.M. No. 03-1-09-SC.