



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
QUEZON CITY

SEVENTH DIVISION

MINUTES of the proceedings held on June 29, 2018.

Present:

MA. THERESA DOLORES C. GOMEZ-ESTOESTA ----- Chairperson
ZALDY V. TRESPESES ----- Associate Justice
GEORGINA D. HIDALGO ----- Associate Justice

The following resolution was adopted:

CRIMINAL CASE NOS. SB-14-CRM-0224 to 0227

PEOPLE v. CAMILO T. LAMMAWIN, ET AL.

Before the Court are the following:

1. Accused-spouses Camilo and Salud Lammawin's "MOTION" dated June 14, 2018; and
2. The Prosecution's "COMMENT/OPPOSITION (To Motion dated June 14, 2018)" dated June 22, 2018

For Resolution is the accused's *Motion*¹ asking for the production of the originals or certified true copies of the following documents:

- a. Letter of LWUA Administrator Lorenzo H. Jamora to Susan M. Rodriguez dated March 21, 2003 (marked as Exhibit "40"); and
- b. Notice of Board Action in Administrative Case No. 0309-087 Re: Resolution No. -2003 passed by the Project Management Unit of Tabuk, Kalinga dated September 8, 2003.

According to the accused, what they have are mere photocopies of these documents, since they have either lost them or these documents were in the custody of the adverse party or legal entities presumed to have kept copies of them.

The *Motion* is bereft of merit.

¹ Records, Vol. 4, pp. 27-32

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A perusal of the Records would reveal that this Court has already granted the accused's motion for the production² of the letter dated March 21, 2003 in its Resolution dated February 5, 2018,³ rendering this *Motion* moot with respect to said document. In its Resolution, this Court directed Susan Rodriguez to produce the original or certified true copy of the "*letter from the Local Water Utilities Administration dated 21 March 2003*", among others. The non-compliance with this Court's earlier directive cannot be remedied by a subsequent motion to produce the very same document.

On the other hand, the Prosecution opposes⁴ the *Motion* with respect to the production of the Notice of Board Action dated September 9, 2003 on the grounds that (a) this was already existing when the case was instituted and during preliminary conference and pre-trial; and (b) this is irrelevant, as Rodman's financial standing has no bearing on the charge of direct bribery, and the accused are estopped from asserting Rodman's lack of license to operate, having already approved the latter's bid and entering into a contract with it.

Notably, the Notice of Board Action dated September 9, 2003 has not been pre-marked during pre-trial, and the accused have not shown this Court good cause to allow the presentation of this document despite its non-introduction during pre-trial, when it was already in existence. The *Motion* does not even explain why the accused failed to get hold of a copy of such document prior to pre-trial. Moreover, as stated in the accused's *Motion*:

15. The defense states that the private complainant's company was suffering from financial problems that constrained them to borrow from the accused, the document which the accused are asking to be produced will directly or indirectly point to that direction and this situation subsisted despite the fact that they were duly paid on what was stated in the contract for that particular phase of the construction;

A perusal of the copy of the Notice of Board Action dated September 9, 2003 attached to the *Motion* reveals that it says nothing on Rodman's financial situation during the dates alleged in the *Information*, i.e., July 10, 2002 and October 18, 2002, or anytime thereafter. The requested document, therefore, does not support the cause presented in accused's *Motion*.

WHEREFORE, in view of the foregoing, the *Motion* filed by the accused is **DENIED** for lack of merit.

SO ORDERED.

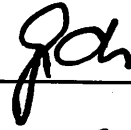
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² *Records*, Vol. 3, pp. 329-331

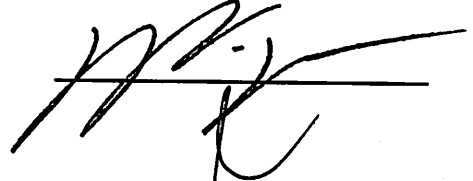
³ *Id.*, pp. 315-381

⁴ Comment/Opposition dated June 22, 2018, *Records*, Vol. 4, pp. 38-40

GOMEZ-ESTOESTA, J., *Chairperson*



TRESPESES, J.



HIDALGO, J.

