



Republic of the Philippines
Sandiganbayan
Quezon City

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-14-CRM-0317 to 0324
For: Violation of Sec. 3(e)
of R.A. No. 3019, as
amended;
Malversation of Public
Funds Thru Falsification of
Official/ Public Documents

- versus -

LUZVIMINDA S. VALDEZ,
Accused.

Present:
Lagos, I., *Chairperson*,
Mendoza - Arcega and
Corpus - Mañalac, II.

Promulgated:
August 02, 2018 *lol*

X ----- X

RESOLUTION

CORPUS - MAÑALAC, J.:

This resolves the accused's "Motion for Reconsideration (of the Minute Resolution dated May 29, 2018 Relative to the Formal Offer of Prosecution's Documentary Exhibits)"¹ filed on June 26, 2018, as well as the Opposition thereto filed by the prosecution on July 9, 2018.

In her motion, the accused alleged that the admission of the following documents formally offered by the prosecution was erroneous considering that:

1. Exhibits "B" to "B-4", "B-5" to "B-7", "S", "T", "U", "B3", and "U3", are mere photocopies or machine copies in violation of the Best Evidence Rule. It was argued that it is of no moment if these documents were

¹ Record, pp. 226-266

identified by witnesses Ms. Portal and Mr. Santillan, which served as the Court's basis for admitting the same, since it does not change the nature of these exhibits from being mere photocopies to original copies, and that there is no testimony as to the loss of the original documents. That witness Mr. Santillan's identification of Exhibits "S", "T" and "U" is also of no moment since he was not the one who prepared and issued them, thus, he is not the proper person to authenticate the same. On Exhibit "U-3," what was shown to witness Ms. del Monte is also a mere photocopy.

2. Exhibits "B-7-a" to "B-7b", "D", "F", "G", "L", "M", "N", "V", "W", "X", "Y-1", "Z", "A2" to "F2", "H2", "K2", "L2", "M2", "O2", "P2", "Q2", "R2", "S2", "U2", "V2", "W2", "Z2", "C3", "D3", "E3", "F3", "I3", "J3", "L3", "M3", "N3", "R3", "K4-1" & "L4" to "L4-31" were neither presented nor identified by any of the prosecution's witnesses during trial. That contrary to the ruling in the assailed Minute Resolution of May 29, 2018, Exhibit "A2" [Purchase Request] and "B2" [Purchase Request] were not identified by witness Ms. Castillo during her testimony on April 28, 2016 because what she identified were "confirmation slips." Also, contrary to the ruling of the Court, what witness Ms. Portal identified during her testimony on May 9, 2017 marked as Exhibit "D3" is a different document and not the back portion of PNB Check No. 10072 offered by the prosecution. On the other hand, said witness was not cross-examined on Exhibits "G" and "P2," contrary to the ruling in the assailed Minute Resolution. On Exhibits "V," "K2" and "C3," witness Mr. Juguan allegedly was not competent to testify, identify and authenticate the same, who only testified on the bank procedure for check encashment. That the court's observation that these documents are "common exhibits" does not give probative value to the documents.
3. Exhibits "Q", "Z3-1", "R", and "C4-1" were not identified by Myrna Hermosa (Exhibit "Q"), Joan Trompeta (Exhibit "R") and Ma. Regina Parreno (Exhibit "C4-1") who actually and personally prepared them, as they were not presented; thus, these documents have no probative value because the accused was not able to cross-examine them.

In opposition, the prosecution averred that the issues raised by the defense were a rehash of the matters raised in their "Comment/ Opposition to the Formal Offer of Prosecution's Documentary Exhibits" dated May 10, 2018.²

It maintained that Exhibits "B" to "B-4", "B-5" to "B-7", "S", "T" and "U" are certified machine copies identified by witness Ms. Portal, thus, admissible as part of her testimony. That when asked by the Court, Ms. Portal testified that her

² Record, pp. 205-212

office transferred from the old to the new City Hall and despite diligent efforts exerted, they could not locate the subject documents. As for Exhibits "S", "T," and "U," Ms. Portal stated that the original copies were not submitted to her as they were needed by the establishments for BIR purposes, while Mr. Santillan testified to the existence of the originals of Exhibits "S", "T" and "U" which forms part of his testimony. Meanwhile, Ms. Del Monte as the one who claims to have issued Exhibit "U" testified on the same.

Exhibits "Z3-1" and "C4-1" are original certifications issued by Grace Pharmacy dated October 12, 2015. Exhibit "Z3-1," which state that Cash Slips Nos. 41509 (Exhibit "S"), 9100270 (Exhibit "U"), and 110438 (Exhibit "T") could no longer be located, while Exhibit "C4-1" states that the original copy of all cash slips (Exhibits "B5" and "U3") of Sta. Fe Resort and Realty Development which are more than five years were already disposed of as waste matter. Hence, pursuant to Section 5, Rule 130, the prosecution allegedly had established the existence of these documents, showed their unavailability, and presented witnesses to prove their contents through the certified machine copies.

The prosecution also averred that Exhibits "A" and "B" which allegedly were "neither presented nor identified by prosecution witnesses during trial" were actually identified by witnesses Ms. Portal and Mr. Juguan. Anent Exhibit "D3" allegedly being different from what was testified to by Ms. Portal during the May 9, 2017 hearing, which is the Audit Observation Memorandum is actually Exhibit "V3" that was just erroneously cited in the TSN as Exhibit "B3." The prosecution maintained that Exhibits "V", "K" and "C3" were properly identified by witness, Mr. Juguan, as a competent witness, who testified on bank procedures including the identification and verification of the check and authentication of the signature appearing at the dorsal portion.

Finally, the prosecution argued that Exhibits "Q" and "R" were Confirmation Letters which were prepared by witness, Ms. Portal, and identified during her testimony. Exhibit "Z3-1" and C4-1" are Certifications attesting to the loss of the originals.

The prosecution pointed out that, as observed by the Court, the defense still has the opportunity to rebut the prosecution evidence during its presentation of evidence.

The Court's Ruling

Jurisprudence commands that the materiality and/or relevance of the offered documents are best left to the appreciation of the Court. In *People vs. Abalos*,³ the Supreme Court declared that:

³ *People vs. Abalos*, G.R. No.29039, November 28, 1969, 30 SCRA 599



As a matter of general practice, it is deemed best to resolve doubts in favor of the admission of the contested evidence, without prejudice to such action as the court may deem fit to take in deciding the case on the merits. This practice has added importance as regards the evidence for the prosecution in criminal cases, for, once the accused has been acquitted, there is no means to secure a review by appeal, no matter how erroneous the action of the lower court may have been.

In the instant Motion for Reconsideration, the objections were essentially the same as those raised in the accused's Comment/ Opposition to the Formal Offer, which were already passed upon in the assailed Minute Resolution. Contrary to the protestations thereto, the prosecution had convincingly laid down the basis for their admission as argued above, as in fact, the Court had previously ruled in its favor. There being no cogent reason to disturb the findings in the assailed Minute Resolution, the Court is not persuaded to reconsider.

In *Licomcen Incorporated v. Foundation Specialists, Inc.*,⁴ citing *Ortigas and Company Limited Partnership v. Velasco*,⁵ the Supreme Court held that:

"The filing of a motion for reconsideration, authorized by Rule 52 of the Rules of Court, does not impose on the Court the obligation to deal individually and specifically with the grounds relied upon therefor, in much the same way that the Court does in its judgment or final order as regards the issues raised and submitted for decision. This would be a useless formality or ritual invariably involving merely a reiteration of the reasons already set forth in the judgment or final order for rejecting the arguments advanced by the movant; x x x It suffices for the Court to deal generally and summarily with the motion for reconsideration, and merely state a legal ground for its denial (Sec. 14, Art. VIII, Constitution); i.e., the motion contains merely a reiteration or rehash of arguments already submitted to and pronounced without merit by the Court in its judgment, or the basic issues have already been passed upon, or the motion discloses no substantial argument or cogent reason to warrant reconsideration or modification of the judgment or final order; or the arguments in the motion are too unsubstantial to require consideration, etc."

Considering the objections raised are not new which have been studied in the assailed Resolution dated May 29, 2018, thus, the Court finds no persuasive reason to reconsider.

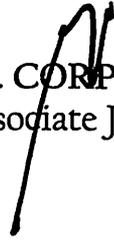
WHEREFORE, the accused's "Motion for Reconsideration (of the Minute Resolution dated May 29, 2018 Relative to the Formal Offer of Prosecution's

⁴ *Licomcen Incorporated v. Foundation Specialists, Inc.*, G.R. Nos. 167022 & 169678, August 31, 2007

⁵ *Ortigas and Company Limited Partnership v. Velasco*, G.R. Nos. 109645 & 112564, March 4, 1996

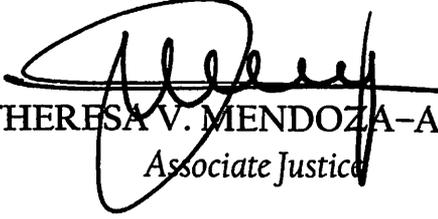
Documentary Exhibits)” is hereby DENIED. The assailed Resolution dated May 29, 2018 stands. Accordingly, the initial presentation of evidence for the defense set August 07 and 08, 2018 both at 8:30 o’clock in the morning is maintained.

SO ORDERED.


MARYANN E. CORPUS – MAÑALAC
Associate Justice

WE CONCUR:


RAFAEL R. LAGOS
Chairperson
Associate Justice


MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice