



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
QUEZON CITY

SEVENTH DIVISION

MINUTES of the proceedings held on September 6, 2018.

Present:

JUSTICE MA. THERESA DOLORES C. GOMEZ-ESTOESTA ----- Chairperson
JUSTICE ZALDY V. TRESPESES ----- Member
JUSTICE GEORGINA D. HIDALGO ----- Member

The following resolution was adopted:

Crim. Case No. SB-14-CRM-0419 -

People v. Arturo O. Radaza, et al.

This resolves the following:

1. Accused Cleofe O. Solis' "**FORMAL OFFER OF EXHIBITS**" dated July 19, 2018;¹
2. Accused Jennet B. Valencia's "**FORMAL OFFER OF EXHIBITS**" dated July 31, 2018;²
3. Accused Engr. Rogelio D. Veloso, Dr. Cipriano D. Flores, Engr. Sharon A. Baguio, Buenaventura C. Igot, Jerico Mercado, and Engr. Maribeth L. Sorono's "**FORMAL OFFER OF EVIDENCE**" dated August 2, 2018;³ and
4. The Prosecution's "**CONSOLIDATED COMMENT/OPPOSITION**" dated August 22, 2018.⁴

GOMEZ-ESTOESTA, J.:

Having terminated their presentation of defense evidence while the other accused⁵ are still in the midst of trial, accused Cleofe Solis, accused Jennet B. Valencia, and accused Rogelio D. Veloso, et al. filed their respective *Formal Offer of Exhibits*, which, except a few of those of accused Cleofe

¹ Records, Volume 6, pp. 363-395

² Id., pp. 468-502

³ Id., pp. 401-467

⁴ Records, Volume 7, pp. 55-68

⁵ Referring to accused Mayor Arturo Radaza; accused Teodulo N. Ybañez, Michael M. Dignos, Victoria W. Andoy and Elena T. Pacaldo; and accused Marita M. Guiao, Leandro Dante, Ernesto D. Imbong, Jr. and Rogaciano S. Tampus

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Solis, mostly adopted the documentary exhibits of the prosecution already admitted by this Court in its Resolution dated December 11, 2017.⁶

In its *Consolidated Comment/Opposition*, the Prosecution raised objections as to the purposes to which such exhibits were offered, elucidating that they are either irrelevant, immaterial or misleading, which affect more of the probative value of the documentary exhibits rather than their admissibility.

We thus **RESOLVE** to:

For accused Cleofe Solis:

ADMIT Exhibits “1-Solis” and “1-a-Solis,” referring to a photocopy of the *Counter-Affidavit* submitted by accused Cleofe Solis to the Office of the Ombudsman and her signature appearing therein, the truthfulness of the allegations contained therein having been confirmed by said accused;⁷

ADMIT Exhibits “1-b-Solis” and “1-c-Solis,” having been stipulated by the Prosecution as to their existence, due execution and authenticity, being public documents;⁸

ADMIT Exhibits “1-d-Solis,” “1-e-Solis,” “1-g-Solis,” and “1-h-Solis,” as the objection on their relevance and materiality refers more to the probative value rather than the admissibility of the documents;

ADMIT Exhibits “1-f-Solis,” “1-i-Solis,” “1-j-Solis,” and “1-k-Solis,” where no objection was made. The unyielding rule is that evidence not objected to may be deemed admitted and be validly considered by the Court in arriving at its judgment. This is true even if by its nature, the evidence is inadmissible and would have surely been rejected if it had been challenged at the proper time.⁹

ADMIT Exhibits “1-l-Solis,” “3-Solis,” “4-Solis,” and “7-Solis,” being common with Prosecution’s Exhibit “E⁵-1,” “L,” “M,” and “A-39, respectively;” and

EXCLUDE Exhibit “5-Solis,” being an internal memorandum which the Court can take no judicial notice of and which has not been properly authenticated¹⁰ by the custodian thereof pursuant to Section 24, Rule 132 of the Revised Rules of Evidence;¹¹

⁶ Records, Volume 5, pp. 480-482

⁷ TSN dated February 20, 2018, pp. 33-34

⁸ Id., pp. 31-35

⁹ *People v. Mendoza*, G.R. No. 180501. December 24, 2008; *Heirs of Marcelino Doronio v. Heirs of Fortunato Doronio*, 565 Phil. 766, 780-781 (2007).

¹⁰ TSN dated April 24, 2018, pp. 7-17

¹¹ **Section 24. Proof of official record.** — The record of public documents referred to in paragraph (a) of Section 19, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the

For accused Jennet B. Valencia:

ADMIT all the documentary exhibits offered, being common with the documentary exhibits of the Prosecution already admitted by the Court, viz:

Exhibits for Accused Valencia	Exhibits for the Prosecution
1	A-21
2	A-23
3	A-24
4	A-25
5	A-26
6	A-27
7	A-28
8	A-39
10	Q
11	S
18	FF
19	GG
23 to 40	JJJ to ZZZ
41	E ⁵ -1

The objection of the Prosecution on their purportedly misleading character refers more to the probative value rather than the admissibility of the documents.

For accused Engr. Rogelio D. Veloso, Dr. Cipriano D. Flores, Engr. Sharon A. Baguio, Buenaventura C. Igot, Jerico Mercado, and Engr. Maribeth I. Sorono:

ADMIT all documentary exhibits¹² offered, being common with the documentary exhibits of the Prosecution already admitted by the Court, viz:

Exhibits for Accused Veloso, et al.	Exhibits For the Prosecution
2	C
4	E
5	F
8	I
9	J
10	K
11	L
12 ¹³	M
13	N
15	P
16	Q

officer having the legal custody of the record, or by his deputy, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody.

¹² Markings for the accused do not appear in subsequent pages of Prosecution's exhibits

¹³ Exhibits "12-a," "12-b," and "12-c" were marked on Exhibits "L-1," "L-2" and "L-3," respectively

17	R
18	S
19	T
20	U
21	V
22	W
23	X
24	Y
25	Z
26	AA
27	DD
28	FF
29	GG
30	HH
37	OO
31	II
32	JJ
33	KK
34	LL
35	MM
36	NN
38	PP
39	QQ
40	RR

The objection of the Prosecution on their purportedly misleading character refers more to the probative value rather than the admissibility of the documents.

The purpose of the offer and the objection in each exhibit shall be evaluated in the ultimate disposition of the case.

Let the continuation in the presentation of defense on the part of the following accused **PROCEED**, as scheduled:

Accused	Schedule of Presentation
Teodulo N. Ybañez, Michael M. Dignos, Victoria W. Andoy and Elena T. Pacaldo	September 18 and 20, 2018
Marita M. Guiao, Leandro Dante, Ernesto D. Imbong, Jr. and Rogaciano S. Tampus	October 15 and 16, 2018
Mayor Arturo Radaza	November 19 and 20, 2018


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SO ORDERED.


MA. THERESA DOLORES C. GOMEZ-ESTOESTA
Associate Justice, Chairperson

WE CONCUR:


ZALDY V. TRESPESES
Associate Justice


GEORGINA D. HIDALGO
Associate Justice