



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
QUEZON CITY

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**SEVENTH DIVISION**

*MINUTES of the proceedings held on October 11, 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 NO. SB-17-CRM-0063**

**PEOPLE v. JAIME K. RECIO**

Before the Court are the following:

1. Accused Jaime Recio's "MOTION FOR RECONSIDERATION (Of the Minute Resolution dated 6 September 2018)" dated September 13, 2018; and
2. The prosecution's "COMMENT/OPPOSITION (Re: Motion for Reconsideration dated 13 September 2018)" dated October 8, 2018.

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**GOMEZ-ESTOESTA, J.:**

Accused Recio seeks a reconsideration<sup>1</sup> of this Court's *Resolution* dated September 6, 2018,<sup>2</sup> admitting the prosecution's Exhibits "C", "E", "J", and "K", despite being mere photocopies with notations *P.M.* (provisionally marked), and not having been certified or identified by any witness, because accused Recio failed to object to the admissibility of these documents on said grounds.

In his *Motion*, accused Recio submits that in *BPI v. Mendoza*,<sup>3</sup> where the Supreme Court ruled that evidence not objected to is deemed admitted, does not apply to him, as there was absolutely no opposition filed in said case,

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<sup>1</sup> Motion for Reconsideration dated September 13, 2018, *Records*, Vol. 6, pp. 15-18

<sup>2</sup> *Id.*, pp. 4-8

<sup>3</sup> G.R. No. 198799, March 10, 2017

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while he opposed the admission of these documents on the ground that “the witness who identified and testified on the same documents had no personal knowledge as to the contents or of the underlying transactions leading to the execution of the same.” This was an opposition on the basis that identification was insufficient, albeit differently worded.

In its *Comment/Opposition*,<sup>4</sup> the prosecution differs and points out that accused Recio’s objection was merely on the purpose for which these exhibits were offered.

The *Motion* is bereft of merit.

While a revisit of accused Recio’s *Comment/Opposition* to the prosecution’s *Formal Offer of Evidence*<sup>5</sup> indeed reveals that he objected to the admission of the said exhibits on the ground the witness who testified on these documents had no personal knowledge of their contents or the transactions, this is by no means the same as objecting on the **proper grounds** for their exclusion, which are (a) they were mere photocopies which were not certified; and (b) they were not identified in the first place.<sup>6</sup> This Court cannot expand an objection on one ground to include grounds not cited. Clearly then, it is not the filing or non-filing of an opposition to a formal offer that is important, but raising objections to admissibility of documents on the proper grounds.

As explained in *Lorenzana v. Lelina*:<sup>7</sup>

In order to exclude evidence, the objection to admissibility of evidence must be made at the proper time, **and the grounds specified**. Objection to evidence must be made at the time it is formally offered. In case of documentary evidence, offer is made after all the witnesses of the party making the offer have testified, specifying the purpose for which the evidence is being offered. It is only at this time, and not at any other, that objection to the documentary evidence may be made. And when a party failed to interpose a timely objection to evidence at the time they were offered in evidence, such objection shall be considered as waived. 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. **Moreover, grounds for objection must be specified in any case. Grounds for objections not raised at the proper time shall be considered waived, even if the evidence was objected to on some other ground.** Thus, even on appeal, the appellate court may not consider any other ground of objection, except those that were raised at the proper time. (emphases supplied)

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<sup>4</sup> *Records*, Vol. 6, pp. 27-30

<sup>5</sup> *Records*, Vol. 5, p. 345, par. 12

<sup>6</sup> “Our rule on evidence provides the procedure on how to present documentary evidence before the court, as follows: firstly, the document should be authenticated and proved in the manner provided in the rules of court; secondly, the document should be identified and marked for identification; and thirdly, it should be formally offered in evidence to the court and shown to the opposing party so that the latter may have an opportunity to object thereon.” (*Chua v. CA, et al.*, G.R. No. 88383, February 19, 1992)

<sup>7</sup> G.R. No. 187850, August 17, 2016

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WHEREFORE, in view of the foregoing, accused Recio's *Motion for Reconsideration* is **DENIED** for lack of merit.

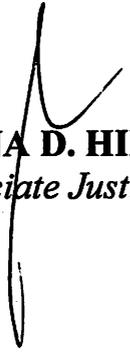
The parties are reminded of the setting for the presentation of defense evidence on October 18, 2018, at 8:30 in the morning.

SO ORDERED.

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

WE CONCUR:

  
**ZALDY V. TRESPESSES**  
*Associate Justice*

  
**GEORGINA D. HIDALGO**  
*Associate Justice*