



Republic of the Philippines  
**Sandiganbayan**  
Quezon City  
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**FIFTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff,

- versus -

**SB-17-CRM-1762**  
**For: Violation of Sec. 3(e)**  
**RA No. 3019**

**ENRICO R. ECHIVERRI,**  
**EDNA V. CENTENO and**  
**JESUSA C. GARCIA,**  
Accused.

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**PEOPLE OF THE PHILIPPINES,**  
Plaintiff,

- versus -

**SB-17-CRM-1763**  
**For: Falsification of Public**  
**Document**

**EDNA V. CENTENO and**  
**JESUSA C. GARCIA,**  
Accused.

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

**Promulgated:**

October 15, 2018 *jal*

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**RESOLUTION**

***CORPUS - MAÑALAC, J.:***

For the Court's consideration is accused's Motion for the production of the alleged full or complete version of the prosecution's Exhibits "XX" to "XX-111" pertaining to the Annual Investment Plan (AIP) of the City of Caloocan for the year 2011 and the prosecution's Comment thereto.

The accused alleged that the copy of the AIP appended to the Judicial Affidavit of prosecution witness Aurora C. Ciego, which she identified during her presentation on August 2, 2018, excluded attachments consisting of 12 additional pages. It being an alleged "incomplete version of the AIP," which she herself prepared and certified "as Head of the Caloocan City Planning and

*jal*

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Development Department,” the accused invoked Section 17, Rule 132 of the Rules of Court, praying that the prosecution and witness Ciego be required to produce the alleged complete version of the said AIP.

The prosecution countered the argument, alleging that the accused failed to cite or describe what these twelve (12) page appendages to the 2011 AIP of Caloocan City are, which were not marked by the accused during the Pre-Trial Conference. The AIP certified and submitted by Ciego has page numbers, attested and signed by accused Enrico Echiverri, which does not mention any reference to an appendix, hence, the logical assumption is that it has no attachments. It maintained that it has no knowledge of the existence of the alleged twelve (12) page documents, the AIP being a public record and that it is not the custodian thereof.

It likewise alleged that during the hearing on August 2, 2018, the accused accepted the offer of the testimony of witness Ciego and stipulated that said witness can confirm the authenticity of the AIP marked as Exhibits “XX” to “XX-111.” Such stipulation being a judicial admission is binding upon the accused pursuant to Section 4, Rule 129 of the Rules of Court.

#### **The Court’s Ruling**

At the outset, the Court is not properly guided as to the existence or details of the portion of the 2011 AIP referred to in the motion as “*excluded attachments to it consisting of additional 12 pages.*”

As aptly argued by the prosecution, the aforesaid “*excluded attachments*” were not titled nor referenced by any particulars so as to fairly apprise the prosecution of their existence, which the latter in the first place denied to have any knowledge of. Simply put, the accused failed to provide sufficient factual basis of the existence of documents they asked witness Ciego and the prosecution to produce.

Apparently, the accused quickly assumed that the copy of the AIP identified and marked by witness Ciego as Exhibits “XX” to “XX-111” is an “*incomplete version of the AIP.*” However, in light of the testimony of Ciego during the August 2, 2018 hearing that the copy of the AIP she appended to her Judicial Affidavit is “*the whole AIP,*” it rather becomes the burden of the accused to prove by evidence, at the opportune time, that the same is incomplete or that it has missing appendages. This is more so considering that the accused stipulated on the offered testimony of Ciego that she can “authenticate and certify the existence, contents and due execution of the Annual Investment Plan (AIP) of the City Government of Caloocan for Calendar Year 2011.”


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**WHEREFORE**, in the light of foregoing, the instant motion is  
**DENIED** for want of meritorious basis.

**SO ORDERED.**

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

WE CONCUR:

  
**RAFAEL R. LAGOS**  
Associate Justice  
Chairperson

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