



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on November 6, 2018

PRESENT:

HON. SARAH JANE T. FERNANDEZ.....Associate Justice

HON. KARL B. MIRANDA.....Associate Justice

HON. KEVIN NARCE B. VIVERO.....Associate Justice

The following resolution was adopted:

SB-13-CRM-0792 to 0794 –

PEOPLE vs. LUIS RAYMUND F. VILLAFUERTE, JR., ET AL.

In his *Motion for Clarification and/or Issuance of a Categorical Ruling*,¹ accused Luis Raymund F. Villafuerte, Jr. argues that the Court should not have considered relevant, and should not have admitted into evidence certain exhibits offered by the prosecution, namely, **Exhibits A and series, B and series, V to V-29, X and X-2**. Accused Jeffrey Lo adopted as his own accused Villafuerte's Motion.²

As pointed out by the prosecution in its *Comment/Opposition*,³ the accused did not file their respective motions for reconsideration of the Resolution dated May 23, 2018, and instead, filed their respective motions for leave to file demurrer to evidence.⁴ After the Special Sixth Division of the Sandiganbayan denied⁵ said motions for leave to file demurrer to evidence, accused Villafuerte now assails the admissibility of the aforementioned exhibits. Hence, this Court will consider accused Villafuerte's instant Motion as his motion for reconsideration of the Resolution dated May 23, 2018,⁶ ruling on the prosecution's formal offer of evidence, and resolves to **DENY** the same.

¹ Dated October 19, 2018; Record, Vol. 8, pp. 272-279

² Agendum dated October 26, 2018

³ *Comment/Opposition (Re: Motion for Clarification and/or Issuance of a Categorical Ruling)* dated October 25, 2018; Record, Vol. 8, pp. 299-304

⁴ *Motion for Leave to File Demurrer* dated June 7, 2018, Record, Vol. 7, pp. 406-407 (accused Lo); *Motion for Leave to File Demurrer to Evidence* Dated June 13, 2018, Record, Vol. 7, pp. 408-433 (accused Villafuerte)

⁵ Resolution dated August 28, 2018, Record, Vol. 7, pp. 555-563; Resolution dated September 25, 2018; Record, Vol. 8, pp. 93-103

⁶ Record, Vol. 7, pp. 341-342

MINUTES

Dated November 6, 2018

PP vs. Luis Raymund F. Villafuerte, Jr., et al.
Crim. Cases No. SB-13-CRM-0792 to 0794

Page 2 of 2

X-----X

Accused Villafuerte's instant Motion should be denied outright for being filed beyond the time allowed for filing a motion for reconsideration.⁷ At any rate, even on the merits, his motion should still be denied.

In *Notarte v. Notarte*,⁸ the Supreme Court held that in case of doubt as to the relevance, competence, or admissibility of exhibits offered by a party, it is safer to be liberal, and to admit the same, unless such exhibits are plainly irrelevant, immaterial or incompetent. To wit:

Even assuming that the MTC had reservations about the relevancy of some exhibits offered by the respondent, still, it should have admitted the same subject to judicial evaluation as to their probative value. In connection with evidence which may appear to be of doubtful relevancy, incompetency, or admissibility, this Court has held that:

[I]t is the safest policy to be liberal, not rejecting them on doubtful or technical grounds, but admitting them unless plainly irrelevant, immaterial or incompetent, for the reason that their rejection places them beyond the consideration of the court, if they are thereafter found relevant or competent; on the other hand, their admission, if they turn out later to be irrelevant or incompetent, can easily be remedied by completely discarding them or ignoring them.

Although this Court admitted the aforementioned exhibits into evidence, it has yet to determine the probative value of the same. If the aforementioned exhibits later turn out to be irrelevant to the allegations in the Informations, or to the issues at hand, this Court will disregard the same in resolving the present cases.

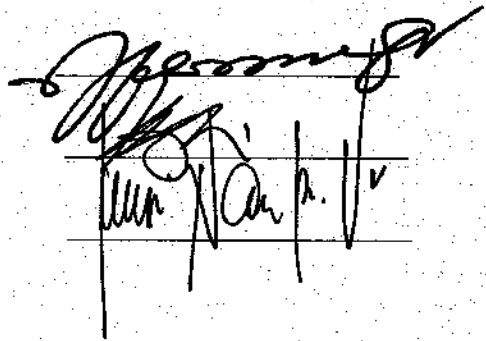
SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J., *Chairperson*

MIRANDA, J.

VIVERO, J.



⁷ Revised Guidelines for Continuous Trial of Criminal Cases. III. 2. (c) x x x The motion for reconsideration of the resolution of a meritorious motion shall be filed within a non-extendible period of five (5) calendar days from receipt of such resolution, x x x.

⁸ G.R. No. 180614, August 29, 2012