



REPUBLIC OF THE PHILIPPINES

Sandiganbayan
QUEZON CITY

SIXTH DIVISION

MINUTES of the Proceedings held on November 22, 2018

PRESENT:

Hon. SARAH JANE T. FERNANDEZ - *Chairperson*
Hon. KARL B. MIRANDA - *Associate Justice*
Hon. KEVIN NARCE B. VIVERO - *Associate Justice*

The following resolution was adopted in the following case:

Crim. Cases No. SB-16-CRM-0317 - *PEOPLE VS. GEMMA F. ADANA, ET AL.*

This resolves the following: (1) *Motion for Reconsideration* filed by the Prosecution on August 1, 2018; and (2) *Comment of the Accused (re: Prosecution's Motion for Reconsideration of the Resolution dated July 13, 2018)* filed by all accused on October 24, 2018.

In its motion, the prosecution prays for the exclusion of Exhibits "4" to "4-M" for accused Gemma Adana, and Exhibits "9" to "9-M" for accused Roland C. Grijalvo, et al., which were admitted by the Court in its Resolution dated July 13, 2018, because the original copies thereof were not presented in Court, in violation of the Best Evidence Rule.

In their comment, the accused maintain that the Exhibits "4" to "4-M" for accused Adana were presented and offered as part of the respective judicial affidavits of accused Adana, Grijalvo and Enteria, who, upon testifying, already confirmed and authenticated the contents thereof. The accused also contend that the Best Evidence Rule does not apply to Exhibits "9" and "9-M", which depict the photographs of road rollers and road graders proposed to be delivered, because they were presented not solely for the purpose of proving the contents thereof but more as object evidence for the purpose of establishing the taking and existence of these photographs by the accused.

After due consideration of the above incident, the Court resolves to deny the motion for reconsideration filed by the Prosecution because notwithstanding the admission of the said exhibits for the purposes they were offered, the evidentiary weight of the said exhibits will still depend on judicial evaluation within the guidelines provided by the rules of evidence. Hence, the Court, upon deciding this case on the merits, will consider the admissibility and relevance of the exhibits of the prosecution and the accused and will accordingly render its judgment thereon.

Set the presentation of rebuttal evidence of the prosecution on November 29, 2018 at 1:30 in the afternoon.

SO ORDERED.

RESOLUTION

Crim. Case No. SB-16-CRM-0317

People vs. Gemma Adana, et al.

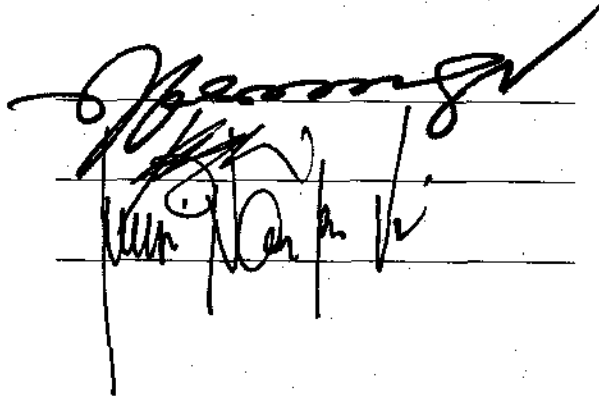
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APPROVED:

FERNANDEZ, S.J., J.

MIRANDA, J.

VIVERO, J.



Handwritten signatures of Fernandez, Miranda, and Vivero, each written on a horizontal line.