



Republic of the Philippines
Sandiganbayan
Quezon City

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:
November 16, 2018/jca

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RESOLUTION

CORPUS - MAÑALAC, J.:

This treats of accused's *Motion for Reconsideration* of the Resolution dated October 15, 2018, which denied their earlier motion for the production of the alleged complete version of the prosecution's Exhibits "XX", "XX-1" to "XX-111a" pertaining to the Annual Investment Plan (AIP) of the City of Caloocan for the year 2011, as well as the prosecution's Comment thereto.

The accused alleged that the witness [Aurora C. Ciego] herself admitted that what was appended to her Judicial Affidavit is an incomplete version of the 2011 AIP and that this Court had already ordered the production by the witness of the complete version of the same without objection from the prosecution.

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The prosecution countered that accused's averments are mere rehash of the same arguments already passed upon and resolved in the assailed Resolution. There was nothing in the Judicial Affidavit of Ms. Ciego, as well as in her open court testimony, where she admitted that the AIP she appended to her Judicial Affidavit is incomplete. Further, the allegation that the prosecution did not object to the production of the complete copy is misleading. Allegedly, it merely did not object to the suspension of the hearing and nothing else.

The Court agrees with the prosecution.

Revisiting the testimony of Ms. Ciego, it does not show her alleged admission of the alleged incompleteness of her attached AIP, viz:

ATTY. FORTUN:

That being the case, are you certain that the document which you identified and over which each and every page was certified to by you is actually the complete Annual Investment Plan of the City of Caloocan for 2012..

WITNESS:

2011.

ATTY. FORTUN:

2011. I'm referring to Exhibit "XX", "XX-1" to "XX-111", is this complete?

WITNESS:

The whole book, yes, sir. This is all the programs and projects whether budgeted within the city budget or not, all source of funds.

ATTY. FORTUN:

Do you state under oath that you did not exclude or take out any attachment to this?

WITNESS:

Yes, sir.

ATTY. FORTUN:

Are you sure?

WITNESS:

Yes, sir.

ATTY. FORTUN:

Wasn't this originally part of a binder?

WITNESS:

Yes.

ATTY. FORTUN:

Which is circular plastic thing that puts them all together including appendages?

WITNESS:

Yes and references, sir.

ATTY. FORTUN:

As well, yes. Now, maam, I'm sure you know that you are under oath?

WITNESS:

Yes, sir.

ATTY. FORTUN:

I'll ask you for the last time, this is complete?

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WITNESS: Can I check on this document?
ATTY. FORTUN: Yes, take your time.
COURT INTERPRETER: The witness is going over the document marked
as
Exhibits "XX" to "XX-111".
ATTY. FORTUN: Yes?
WITNESS: Sir, this is the whole AIP.
ATTY. FORTUN: Yes, the whole AIP which contains all
appendages to make it complete AIP, correct?
WITNESS: The AIP itself, sir.
ATTY. FORTUN: Yes, for 2011?
WITNESS: For 2011.
ATTY. FORTUN: Of the City of Caloocan?
WITNESS: Yes, Sir.

[Emphasis supplied, Transcript of Stenographic Notes (TSN), August 2,
2018, pp. 14-17]

As stated in the assailed Resolution, this Court reiterates:

Xxxx 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."

There remains no satisfactory factual basis of the existence of alleged "excluded attachments" to the 2011 AIP.

The prosecution has convincingly clarified its stand that what it did not object to during the August 2, 2018 hearing pertained to the suspension of hearing, and not necessarily to the production of the "complete" AIP contrary to what the accused are now insisting. The Order on even date deferred the cross-examination of witness Ciego, considering accused's motion for the said witness to bring the complete binder. There was no directive for the production of the purported complete version of the AIP.

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WHEREFORE, in the light of foregoing, the instant motion is
DENIED for want of merit.

SO ORDERED.


MARYANN E. CORPUS-MANALAC
Associate Justice

WE CONCUR:


RAFAEL R. LAGOS
Associate Justice
Chairperson


MARIA THERESA V. MENDOZA - ARCEGA
Associate Justice