



REPUBLIC OF THE PHILIPPINES

Sandiganbayan  
Quezon City

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*Seventh Division*

***MINUTES of the proceedings held on January 25, 2019.***

***Present:***

*Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA-- Chairperson*  
*Justice ZALDY V. TRESPESES ----- Member*  
*Justice GEORGINA D. HIDALGO----- Member*

The following resolution was adopted:

***Crim. Case Nos. SB-17-CRM-1809 to 1810 – People of the Philippines vs. Constantino Huit Cordial, Jr., et al.***

This resolves the following:

1. Prosecution's "FORMAL OFFER OF PROSECUTION'S DOCUMENTARY EVIDENCE" dated December 10, 2018;<sup>1</sup> and
2. Accused Constantino Huit Cordial, Jr.'s "COMMENT (To Prosecution's Formal Offer of Documentary Evidence)" dated December 19, 2018.<sup>2</sup>

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**HIDALGO, J.:**

First, it must be noted that accused Irene Ranara Breis and Danilo Obias Belleza did not file any comment or opposition to the prosecution's Formal Offer of Documentary Evidence despite sufficient time given them to do so.

Therefore,

After due consideration of the prosecution's Formal Offer of Documentary Evidence and accused Cordial, Jr.'s Comment/Opposition thereto, the Court resolves to:

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<sup>1</sup> Record, Vol. 2, pp. 115-217.

<sup>2</sup> Id. at 219-226.

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**ADMIT** Exhibits “A,” “E,” “F,” “G,” and “H.” The Complaint of Fermin Mabulo, Eduardo Bonita, et al. dated July 9, 2014; the two Affidavits dated April 7, 2014 and April 29, 2014 of Francis Benemerito; and the two Affidavits dated April 7, 2014 and April 29, 2014 of Eduardo Bonita, having been identified by prosecution witnesses Benemerito and Bonita in court.<sup>3</sup>

**ADMIT** Exhibits “M,” “N,” “O,” “O-1,” and “P.” The Counter-Affidavit of accused Cordial, Jr. (Exhibit “M”) and the Joint Counter-Affidavit of accused Irene Breis and Danilo Belleza (Exhibit “N”) are original copies filed with this Court and admitted by accused Cordial, Jr. himself as to their existence, due execution, and authenticity.<sup>4</sup> Also, Exhibits “N,” “O” (Joint Affidavit of Juanita Belleza, et al.), and “P” (Certification by Jeman Ramirez), being common exhibits of the prosecution and the accused who respectively admitted their existence, due execution, and authenticity.<sup>5</sup> Exhibit “P” is an original document<sup>6</sup> and was identified by prosecution witness Ramirez himself in his Judicial Affidavit and in open court.<sup>7</sup>

**ADMIT** Exhibits “B,” “C,” “D,” and “L.” Resolution No. 48, Series of 2014 (Exhibit “C”); Resolution No. 48-A, Series of 2014 (Exhibit “D”); and Minutes of the Regular Session of the 9<sup>th</sup> Sangguniang Bayan of Caramoan, Camarines Sur (Exhibit “L”), although mere photocopies, are admitted in light of the disquisition of this Court in its Order dated December 3, 2018:

Atty. Nelson Paraiso, counsel for [accused] Belleza, x x x eventually admitted or conceded that those three documents are no longer in the possession of Danilo Belleza, having already left them at the coffers of the Sangguniang Bayan during the time that he was summarily told not to report for office. The same [are] now alluded to be within the custody of the Sangguniang Bayan itself. Considering said manifestation, the *Notice to Produce Original Documents* is noted.

The manifestation of Prosecutor Jackson Domantay is likewise noted that he is now ready to formally file prosecution’s offer of documentary exhibits, right after he prayed for a permanent marking of these three documents.<sup>8</sup>

<sup>3</sup> Id. at 115, 118, 119, 120. Direct Examination of Eduardo Bonita and Francis Benemerito, TSN, June 25, 2018, pp. 8-9, 32-33.

<sup>4</sup> Pre-Trial Order, id. at 9. See Folder of Exhibits.

<sup>5</sup> Id. at 12. See Minutes of Preliminary Conference dated March 23, 2018, p. 2.

<sup>6</sup> See Folder of Exhibits.

<sup>7</sup> TSN, July 30, 2018, p. 9.

<sup>8</sup> Record, Vol. 2, p. 113.

The Court considers the photocopies of the above documents as secondary evidence. While the Court should not receive in evidence that which is substitutionary in nature, such as photocopies, **in the absence of any clear showing that the original has been lost or destroyed or cannot be produced in court**,<sup>9</sup> in the present cases, the Court takes exception because the three subject documents are no longer in the possession of accused Belleza and it has become apparent that he could not produce them. Thus, taking from the quoted Court's Order, which recognized that these documents are in the custody of the Sangguniang Bayan of Caramoan, Camarines Sur, the introduction of secondary evidence<sup>10</sup> by the prosecution becomes in order.

Executive Order No. 04-001 (Exhibit "B"), on the other hand, is admitted as it is intimately related to the above three documents subject of the Notice to Produce Original Documents, all of which advert to the Sagip Kalikasan Task Force created by the Governor of Camarines Sur. It is also an official issuance of the Governor of Camarines Sur—a government document that is self-authenticating public document which requires no further authentication in order to be presented as evidence in court.<sup>11</sup>

**EXCLUDE** Exhibits "I," "J," and "K." Affidavit dated April 8, 2014 and Affidavit dated April 29, 2014 of Lydia Obias, and Affidavit dated April 29, 2014 of Manolo Pineda, Jr., being mere photocopies and no sufficient explanation was given as to why these documents should be exempted from the Best Evidence Rule. Furthermore, the prosecution was not able to present Obias and Pineda, Jr. during trial in order for them to identify their affidavits, hence hearsay.<sup>12</sup>

The evidentiary and/or probative value of the documentary exhibits, nevertheless, shall be left to the determination and appreciation of this Court in the final disposition of these cases.

<sup>9</sup> *Pacasum vs. People*, G.R. No. 180314, April 16, 2009, citing a Sandiganbayan ruling.

<sup>10</sup> Section 3, Rule 130 of the Rules of Court states:

Best Evidence Rule

Section 3. *Original document must be produced; exceptions.* — When the subject of inquiry is the contents of a document, no evidence shall be admissible other than the original document itself, except in the following cases:

(a) When the original has been lost or destroyed, or cannot be produced in court, without bad faith on the part of the offeror;

(b) When the original is in the custody or under the control of the party against whom the evidence is offered, and the latter fails to produce it after reasonable notice;

(c) When the original consists of numerous accounts or other documents which cannot be examined in court without great loss of time and the fact sought to be established from them is only the general result of the whole; and

(d) When the original is a public record in the custody of a public officer or is recorded in a public office. (2a) (emphasis supplied)

<sup>11</sup> *Asian Terminals, Inc. vs. Philam Insurance Co.*, G.R. Nos. 181163, etc., July 24, 2013.

<sup>12</sup> *Republic vs. Marcos-Manotoc*, G.R. No. 171701, February 8, 2012.


The Formal Offer of Documentary Evidence having been ruled upon, the prosecution is deemed to have rested its case.

**WHEREFORE**, and considering the foregoing, the hearing for the initial presentation of defense evidence on February 11, 2019, at 8:30 in the morning, as per Order dated December 3, 2018, shall proceed.

**SO ORDERED.**

  
**GEORGINA D. HIDALGO**  
Associate Justice

WE CONCUR:

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

  
**ZALBY V. TRESPESES**  
Associate Justice