



Republic of the Philippines
Sandiganbayan
 Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on 07 February 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 No. SB-16-CRM-1276 to 1285 - People vs. CRISPINA VEGA SALUMBRE

This resolves the following:

1. Accused Crispina Salumbre's "MOTION FOR RECONSIDERATION To the 'MINUTE RESOLUTION', dated 09 January 2019" dated January 23, 2019.¹

TRESPESES, J.

This resolves the Motion for Reconsideration of the Minute Resolution dated 09 January 2019 filed by accused Crispina Salumbre, through counsel.

Accused Salumbre contends that the Court erred when it admitted as evidence public documents, particularly Exhs. C to F, I to Z, AA to VV and XX, as they were not attested by a representative from the public offices having legal custody thereof or in a manner required by the Rules of Court.

She alleges that Exhs. C, D, E and F, sourced from the National Statistics Office; Exhs. I, J, J-1 to J-8, K, K-1, HH-1, HH-2 and P, sourced from the Bureau of Internal Revenue; Exhs. L, M, N, N-1, O, O-1 and O-2, sourced from the Securities and Exchange Commission; Exhs. P, Q, R, S, T, U and V, sourced from the Personnel Office of the Local Government Unit of Pasig City; Exh. W, X, Z, BB, CC, HH, II, LL and MM, sourced from the Assessor's Office of the Local Government Unit of Pasig City; Exh. DD, sourced from the Assessor's Office of the Local Government Unit of Rodriguez, Rizal; Exhs. Y, AA, EE, FF, GG, JJ and KK, sourced from the Registry of Deeds; Exhs. NN and OO, from the Social Security System; Exhs.

¹ *Rollo*, Vol. 3, pp. 303-312.

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QQ, RR, SS, TT, UU and VV, sourced from the Land Transportation Office, and; Exh. XX, sourced from the Civil Service Commission were merely identified by functionaries from the Ombudsman, who have no hand in the crafting of the said documents and have no knowledge thereof.

Accused argues that the prosecution did not present the custodian from the said offices, who has custody of the documents. Thus, no cross-examination took place when they were identified by the personnel from the Ombudsman. She believes that since the only thing that defense did was to compare the originals with the photocopies, this did not dispense with the process of authentication of the said documents in accordance with the rules.

On 29 January 2019, Prosecutor Gregorio Marco B. Dela Torre, orally opposed the motion in open court.

The prosecution counters that the documents were obtained by the FIO in the discharge of its duties and functions during the conduct of their fact-finding investigation from the different government agencies. The documents are all public in nature and thus, are self-authenticating. The prosecution further avers that the charge against accused is the non-inclusion of various properties to her SALN, and hence, they only need to prove that the said properties are owned by accused.

RULING

We **deny** the motion for lack of merit.

Accused argues that the documentary exhibits objected to were identified by Director San Joaquin and Administrative Officer Mosqueda, who have no hand in the preparation of the said documents and have no knowledge of the circumstances which prompted the issuance thereof. Therefore, they are considered hearsay evidence.

We do not agree with the accused on this point.

The evidence presented by the prosecution are competent evidence, having been issued by government offices certified to by authorized personnel, who are clothed with the authority and duty to issue such certifications.

As to Exhs. C to F:

Exh. C- certificate of live birth of Anne Karen Vega Salumbre (<i>faithful reproduction of the original</i>)
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Minute Resolution

People v. Crispina Vega Salumbre.

SB-16-CRM-1276 to 1285

Page 3 of 11

X-----X

Exh. D- certificate of live birth of John Kerby Salumbre (<i>faithful reproduction of the original</i>)
Exh. E- certificate of live birth of Juan Karlo Salumbre (<i>faithful reproduction of the original</i>)
Exh. F- certificate of marriage of Perfecto and Cristina Salumbre (<i>faithful reproduction of the source document which appears to be photocopy</i>)

The birth and marriage certificates are public records, the originals of which are in the custody of the local civil registrar. Considering the irremovability of these being public records, the presentation of the photocopies or certified copy of the original PSA copies, as in this case, are admissible as secondary evidence to prove their contents.

In *People v. Dimaao*,² the Supreme Court held:

In the case of *People v. Cayabyab*, this Court, in affirming the death penalty, held that a photocopy of the birth certificate is admissible to prove the age of the victim, as the original thereof is a public record in the custody of a public officer. The admission of this secondary evidence is one of the exceptions to the "best evidence rule" under Section 3, Rule 130 of the Revised Rules on Evidence. Further, we held that production of the original may be dispensed with, in the trial court's discretion, whenever the opponent does not bona fide dispute the contents of the document and no other useful purpose will be served by requiring its production.

In here, accused did not dispute the contents of the said exhibits as in fact, she admitted that Anne Karen V. Salumbre, John Kerby V. Salumbre and Juan Karlo V. Salumbre are her children,³ and that Perfecto Salumbre is her husband.⁴ While accused objected to the admission of Exhs. C to F, her objection does not pertain to the truth of the contents of the said documents. A reading of accused's objection to the formal offer of evidence⁵ shows that her only objection was that they were not identified by anyone from the Civil Registry of Pasig and the National Statistics Office who has custody of the documents. Thus, we deem these exhibits admissible.

With regard to Exhs. P to V:

Exh. P- SALN of Crispina V. Salumbre as of December 31, 2002 (<i>faithful reproduction of what purports to be a certified xerox copy</i>)
Exh. Q- SALN of Crispina V. Salumbre as of December 31, 2003 (<i>faithful reproduction of what purports to be a certified xerox copy</i>)

² *People v. Edgardo Dimaano*, G.R. No. 168168, 14 September 2005.

³ TSN, 10 January 2018, p. 3.

⁴ Id.

⁵ *Rollo*, Vol. 3, p. 279.

Minute Resolution

People v. Crispina Vega Salumbre.

SB-16-CRM-1276 to 1285

Page 4 of 11

X-----X

Exh. R- SALN of Crispina V. Salumbre as of December 31, 2004 <i>(faithful reproduction of what purports to be a certified xerox copy)</i>
Exh. S- SALN of Crispina V. Salumbre as of April 30, 2007 <i>(faithful reproduction of what purports to be a certified xerox copy)</i>
Exh. T- SALN of Crispina V. Salumbre as of May 3, 2007 <i>(faithful reproduction of what purports to be a certified xerox copy)</i>
Exh. U- SALN of Crispina V. Salumbre as of December 31, 2007 <i>(faithful reproduction of what purports to be a certified xerox copy)</i>
Exh. V- SALN of Crispina V. Salumbre as of January 9, 2009 <i>(faithful reproduction of what purports to be a certified xerox copy)</i>

The above exhibits are certified copies of accused Salumbre's SALN issued by the HRMO which has custody of the 201 files of all employees. On their face show a stamp mark "certified xerox copy" signed by Minerva V. Rosas, HRMO II. Section 7 of Rule 130 of the Rules of Court provides that when the original of a document is in the custody of a public officer or is recorded in a public office, its contents may be proved by a certified copy issued by the public officer in custody thereof. Thus, Exhs. P to V are admissible in evidence.

As for Exhs. J to J-1:

Exh. J- Certification dated 24 August 2010 of Florante R. Aninag, RDO, BIR Region 7, East, Pasig City <i>(faithful reproduction of the original)</i>
Exh. J-1 to J-8- attachment to the Certification issued by Florante R. Aninag, RDO Officer, BIR Region No. 7, East, Pasig City <i>(faithful reproduction of the original)</i>

The Certification was subscribed and sworn to before a notary public. It should be stressed that documents acknowledged before notaries public are public documents, which are admissible in evidence without necessity of preliminary proof as to their authenticity and due execution. They enjoy the presumption of regularity. It is a prima facie evidence of the facts stated therein.⁶

The same goes with the following exhibits which were subscribed and sworn to either before the notary public or person authorized to administer oaths:

⁶ *Cavile v. Heirs of Cavile*, G.R. No. 148635, 01 April 2003.

Minute Resolution

People v. Crispina Vega Salumbre.

SB-16-CRM-1276 to 1285

Page 5 of 11

X-----X

Exh. K- Certification dated 08 April 2011 issued by Florante R. Aninag, RDO, BIR Region No. 7, East Pasig City (<i>faithful reproduction of the original</i>)	The Certification was subscribed and sworn to by Florante R. Aninag before a notary public.
Exh. K-1- attachment on the Certification, Return Inquiry Screen (<i>faithful reproduction of the original</i>)	

Exh. DD- Certification issued by Anselmo Caparas, Municipal Assessor, Municipality of Rodriguez, Rizal dated September 24, 2010 (<i>Faithful reproduction of the original</i>)	Certification issued by Anselmo D. Caparas was subscribed and sworn to before Municipal Mayor Cecilio C. Hernandez.
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Exh. PP- Certification dated March 7, 2011 of BIR Revenue Region 8, Parañaque City issued by Elisabeth Gracia Sacramento. The Certification is 1 page but it has 5-page attachment (<i>Faithful reproduction of the original</i>).	The Certification issued by Elizabeth Gracia V. Sacramento was subscribed and sworn to before the Chief of the Legal Division of the Bureau of Internal Revenue.
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Exh. XX- Certification by the Civil Service Commission thru Myla O. Rosas, dated September 23, 2010, that there are no available record on file pertinent to SALN of Mrs. Crispina V. Salumbre on file for calendar years 1999, 2000, 2001, 2005 and 2008 (<i>Faithful reproduction of the original</i>)	It was a letter certification from Maila Rosas addressed to Atty. EH Amat, Acting Director of GIB-B, FIO, Office of the Ombudsman. It is a public document subscribed and sworn to by Maila Rosas before Hilda G. Diokno, Director IV of the CSC.
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Moreover, in *Adelaida Escobar, et al. v. Ligaya Oligario Luna, et al.* citing *People v. Lazaro*,⁷ the Supreme Court held that the certification without the testimony of the person giving the certification, is sufficient and competent evidence, which is an exception to the hearsay rule. Therefore, Exhs. J and J-1, K and K-1, DD, PP and XX need not be identified by the persons issuing the said documents and are thus, admissible in evidence.⁸

With regard to Exhs. N to O:

Exh. N -Sec. Registration No. 0106177 of Integrated Manpower Resource Incorporated dated July 29, 1982 (<i>faithful reproduction of the original</i>)	Exhs. N and N-1 were secured from the Securities and Exchange Commission.
Exh. N-1- Attachment: Articles of Incorporation Integrated Manpower	

⁷ G.R. No. 169204, 23 March 2007.

⁸ *People v. Apolinar Lazaro y Servania*, G.R. No. 112090, 26 October 1999.

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Resource Incorporated <i>(faithful reproduction of the original)</i>	
Exh. O- Certificate of Incorporation, Potassium Inc. Company Registry No. CS200710305 issued on June 29, 2007 <i>(faithful reproduction of the original)</i>	Exh. O, O-1 and O-2 were secured from the Securities and Exchange Commission.
Exh. O-1 – Attachment: Cover Sheet of the Articles of Incorporation <i>(faithful reproduction of the original)</i>	
Exh. O-2 – By-laws of Potassium Inc. <i>(faithful reproduction of the original)</i>	

The Court notes that they were secured from the Securities and Exchange Commission. They were certified at the dorsal portion thereof as “true and correct xerox representation of the Official file (s) thereof in the custody of this Commission” by Leodegaria C. Canlapan, PSRU Specialist III of the Central Receiving and Records Division. This is sufficient attestation of document for the purpose of evidence required by the Rules⁹ and hence, does not require further authentication for admissibility.

As to exhibits EE, HH, HH-1 and HH-2:

Exh. EE- Transfer Certificate of Title No. PT-1136-92, Municipality of Pasig, Metro Manila in the name of spouses Perfecto D. Salumbre and Crispina V. Salumbre *(Faithful reproduction of the source document which is a stamped certified true copy)*

Exh. HH- Deed of Absolute Sale entered into by Herminia Francisco and spouses Perfecto D. Salumbre and Crispina V. Salumbre involving the parcel of land covered by TCT No. 63146 dated June 16, 2000 *(Faithful reproduction of what is stamp certified true copy)*

Exh. HH-1 – Tax Clearance Certification for the tax payer Herminia Cruz Francisco *(the source document is a certified true copy)*

Exh. HH-2- Certification issued by the BIR to Herninia Francisco *(Faithful reproduction of what is stamp certified true copy by the Office of the Register of Deeds)*

⁹ Rule 132. Section 25. *What attestation of copy must state.* — Whenever a copy of a document or record is attested for the purpose of evidence, the attestation must state, in substance, that the copy is a correct copy of the original, or a specific part thereof, as the case may be. The attestation must be under the official seal of the attesting officer, if there be any, or if he be the clerk of a court having a seal, under the seal of such court.

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It appears that they are certified true copies. The original copies are in the custody of the Register of Deeds which were submitted upon registration of the property. Hence, the stamp mark "certified true copy" on each and every page, verified and signed by the Register of Deeds of Pasig City renders the documents admissible without further authentication.¹⁰

Exhs. QQ, SS and TT are Verifications issued by the Chief of the Records Section of the LTO, to wit:

Exh. QQ- Verification dated November 24, 2009 issued by the LTO Chief of Records Section Arabello E. Petilla pertinent the vehicle Ford Escape with Plate No. ZDY 306 under the name Crispina V. Salumbre (<i>Faithful reproduction of the original</i>)
Exh. SS- Verification dated November 24, 2009 issued by the LTO Chief of Records Section Arabello E. Petilla relevant to the motor vehicle Mitsubishi L-300 bearing plate number UNW 877 under the name of Perfecto D. Salumbre (<i>Faithful reproduction of the original</i>)
Exh. TT- Verification dated November 24, 2009 issued by the LTO Chief of Records Section Arabello E. Petilla relevant to the motor vehicle KIA Picanto bearing plate number ZCF 899 under the name of Perfecto D. Salumbre (<i>Faithful reproduction of the original</i>)

Exhs. QQ, SS and TT are public documents issued by the public officer whose office has custody of the records thereof. The verifications, although not identified by the issuing officer, are admitted as they are an exception to the hearsay rule pursuant to Sec. 44, Rule 130 of the Rules of Court.¹¹

As to Exhs. UU and VV and their submarkings:

Exh. UU- Deed of Absolute Sale involving Florian Ventura and Perfecto D. Salumbre dated July 1998 or 1999 consisting of 2 pages with attachments (<i>Faithful reproduction of a certified true copy</i>)
Exh. VV- Chattel Mortgage between the PSB and spouses Perfecto D. Salumbre and Crispina V. Salumbre of the 2006 KIA Picanto

¹⁰ Section 24. *Proof of official record.* — The record of public documents referred to in paragraph (a) of Section 19, when admissible for any purpose, *may be evidenced by* an official publication thereof or by a *copy attested by the officer having the legal custody of the record, or by his deputy*, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody. If the office in which the record is kept is in foreign country, the certificate may be made by a secretary of the embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the Philippines stationed in the foreign country in which the record is kept, and authenticated by the seal of his office.

¹¹ *People v. Apolinar Lazaro y Servania*, G.R. No. 112090, 26 October 1999.

Rule 130, Section 44. Entries in official records. — Entries in official records made in the performance of his duty by a public officer of the Philippines, or by a person in the performance of a duty specifically enjoined by law, are prima facie evidence of the facts therein stated."

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They are certified true copies of the deed of sale, certificate of registration, official receipt, invoice and chattel mortgage issued by the Land Transportation Office (LTO) Camp-Aguinaldo Extension Office and LTO-Pasig. The LTO being the central repository and custodian of all records of motor vehicles, the stamp mark "certified true copy" on each and every page, verified and signed by the Acting Records Officer Rodolfo Y. Estrella and LTO-Pasig Eddie O. Fernando, renders the documents admissible without further authentication.¹²

With respect to Exhs. I, L and M:

Exh. I - Letter dated 24 August 2010 of Florante R. Aninag, Revenue District Officer, BIR, Region 7 addressed to Atty. EH Amat, Acting Director of the General Investigation Bureau-B, FIO, Office of the Ombudsman (*faithful reproduction of the original*)

Exh. L - Letter issued by Atty. Gerardo F. Del Rosario dated 10 March 2010 Company Registration Monitoring Department, Securities and Exchange Commission (*faithful reproduction of the original*)

Exh. M - Letter issued by Atty. Gerardo F. Del Rosario dated 10 March 2010 Company Registration Monitoring Department, Securities and Exchange Commission (*faithful reproduction of the original*)

Although these letters originated from the Bureau of Internal Revenue and the Securities and Exchange Commission, they were sent to the Office of the Ombudsman which now has custody thereof. Thus, officers from the Office of the Ombudsman are competent to identify the said letters. They are admitted as part of the testimony of the prosecution witnesses who identified the same.

With respect to the following exhibits:

Exh. W- Tax Declaration of the Real Property owned by spouses Perfecto D. Salumbre and Crispina V. Salumbre located at Suarezville Subdivision, Pinagbuhatan, Pasig City (*faithful reproduction of the document certified true copy*)

¹² Section 24. *Proof of official record.* — The record of public documents referred to in paragraph (a) of Section 19, when admissible for any purpose, *may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy*, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody. If the office in which the record is kept is in foreign country, the certificate may be made by a secretary of the embassy or legation, consul general, consul, vice consul, or consular agent or by any officer in the foreign service of the Philippines stationed in the foreign country in which the record is kept, and authenticated by the seal of his office.

Minute Resolution

People v. Crispina Vega Salumbre.

SB-16-CRM-1276 to 1285

Page 9 of 11

X-----X

Exh. X- Declaration of the Real Property owned by spouses Perfecto D. Salumbre and Crispina V. Salumbre located at Suarezville Subd., Pinagbuhatan Pasig City (*faithful reproduction of the document certified true copy*)

Exh. Y- Transfer Certificate of Title No. 44198, Municipality of Pasig, Metro Manila (*Certified xerox copy signed by one Robert Mina*)

Exh. Z- Deed of Absolute Sale entered on February 24, 1984 Suarez Moli Development Corporation in favor of spouses Perfecto D. Salumbre and Crispina V. Salumbre (*Reproduction of the certified xerox copy signed by one Robert Mina*)

Exh. AA- Transfer of Certificate of Title No. 33532, Municipality of Pasig, Metro Manila (*Faithful reproduction of the certified true copy signed by Robert Mina*)

Exh. BB- Deed of Absolute Sale involving spouses Simeon Martinez and Eugenio Crisostomo, Agreement entered into by the heirs of Martinez in favor of spouses Perfecto D. Salumbre and Crispina V. Salumbre notarized on January 7, 1979 (*Faithful reproduction of the certified true copy signed by Robert Mina*)

Exh. CC- Sworn Statement of the True Current and Fair Market Value of Real Properties by Perfecto D. Salumbre dated April 16, 2008 (*Faithful reproduction of the certified true copy signed by Robert Mina*)

Exh. FF- Transfer Certificate of Title No. PT-108975, issued in the name of spouses Perfecto D. Salumbre and Crispina V. Salumbre (*Faithful reproduction of the certified xerox copy signed by Robert Mina*)

Exh. GG- Transfer Certificate of Title No. PT-108973, Municipality of Pasig, Metro Manila issued in the name of spouses Perfecto D. Salumbre and Crispina V. Salumbre (*Faithful reproduction of the certified xerox copy signed by Robert Mina*)

Exh. II- Deed of Absolute Sale involving Mayor Vicente P. Eusebio and spouses Perfecto D. Salumbre and Crispina V. Salumbre dated May 18, 1998 (*faithful reproduction of what is stamp certified xerox copy signed by Robert Mina*)

Exh. JJ- Transfer Certificate of Title No. PT-126291, Municipality of Pasig, Metro Manila registered in the name of Anne Karen V. Salumbre and Juan Karlo V. Salumbre (*faithful reproduction of what is stamp certified xerox copy signed by Robert Mina*)

Exh. KK- Transfer Certificate of Title No. PT0126292, Municipality of Pasig, Metro Manila registered in the name of Anne Karen V. Salumbre, John Kerby V. Salumbre and Juan Karlo V. Salumbre (*faithful reproduction of what is stamp certified xerox copy signed by Robert Mina*)

Exh. LL- Deed of Absolute Sale between Virginia Silva and Anne Karen V. Salumbre, John Kerby V. Salumbre and Juan Karlo V. Salumbre entered into on November 2004 (*faithful reproduction of what is stamp certified xerox copy signed by Robert Mina*)

Exh. MM- Deed of Absolute Sale between Virginia Silva and Anne Karen V. Salumbre, John Kerby V. Salumbre and Juan Karlo V. Salumbre entered into on November 23,

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2004 (faithful reproduction of what is stamp certified xerox copy signed by Robert Mina)

Exhs. W to CC, FF to GG and II to MM all bears stamp mark "certified true copy" signed by Robert D. Mina, Assistant City Assessor. However, the Assessor's Office is not the custodian of the said documents.

While Exh. RR:

Exh. RR- Ford Balintawak Vehicle Invoice No. 5804 dated 06/07/06 with attached Certificate of Quality Control and LTO Motor Vehicle Inspection Report (Faithful reproduction of another photocopy document which bears the stamp certified true)

consisting of four pages bears a stamp mark "certified true xerox copy" on each and every page. However, it does not show from which office the said documents were obtained.

Notwithstanding, the Court **admits** Exhs. W to CC, FF to GG, II to MM and RR as part of the testimony of the prosecution witnesses who identified the same. It should be noted however, that admission of documentary evidence does not necessarily mean that it will be accorded any probative weight upon evaluation at the appropriate time.

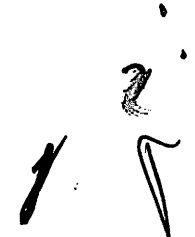
Finally, as to the objections of the defense, the court finds it proper to be more liberal in admitting documents offered in evidence. The rationale for this was explained in *Republic v. Fe Roa Gimenez, et al.*:¹³

The Sandiganbayan should have considered *Atienza v. Board of Medicine, et al.* where this court held that ***it is better to admit and consider evidence for determination of its probative value than to outright reject it based on very rigid and technical grounds.***

Although trial courts are enjoined to observe strict enforcement of the rules of evidence, in connection with evidence which may appear to be of doubtful relevancy, incompetency, or admissibility, we have 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. (Emphasis supplied)

¹³ G.R. No. 174673, 11 January 2016.



In sum, We find no cogent reason to justify the reconsideration of the assailed resolution.

WHEREFORE, premises considered, accused Crispina Vega Salumbre's Motion for Reconsideration of the Minute Resolution dated 09 January 2019 is **denied** for lack of merit.

SO ORDERED.

Quezon City, Philippines.


ZALDY V. TRESPESSES
Associate Justice

WE CONCUR:


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


GEORGINA D. HIDALGO
Associate Justice