



REPUBLIC OF THE PHILIPPINES  
*Sandiganbayan*  
Quezon City

**SIXTH DIVISION**

MINUTES of the proceedings held on **March 6, 2019**

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-16-CRM-0413** –

**PEOPLE vs. CELESTINO A. MARTINEZ III, ET AL.**

The Court ***NOTES*** the apology of accused Celestino A. Martinez III, with warning that the present violation will be considered in the subsequent requests for authority to travel of accused Martinez. It appearing that accused Martinez has returned to the Philippines and that he has substantially complied with the terms and conditions of his authority to travel abroad,<sup>1</sup> the Court resolves to ***GRANT*** his *Motion to Release Travel Bond with Sincere Apology*<sup>2</sup> over the objection of the prosecution.<sup>3</sup> As prayed for, let his travel bond in this case be released, subject to the usual accounting and auditing procedure.

Similarly, in the higher interest of substantial justice, and considering accused Martinez' explanation for the substitution of witnesses, the Court resolves to ***GRANT*** his *Motion for Leave to Substitute Witnesses for Accused Martinez*<sup>4</sup> over the objection of the prosecution.<sup>5</sup>

Although accused Martinez' Motions did not contain notices of hearing, the prosecution was afforded the opportunity to be heard when it was allowed to file, and it in fact filed, its *Consolidated Comment/Opposition* to said Motions. Thus, the purpose behind the three-day notice rule is deemed realized, and a relaxation of the application of the Rules is warranted.<sup>6</sup>

<sup>1</sup> Resolution dated November 14, 2018; Record, Vol. 2, pp. 518-519

<sup>2</sup> Dated February 26, 2019; Record, Vol. 3, pp. 132-136

<sup>3</sup> *Consolidated Comment/Opposition (to the Motion to Release Travel Bond With Sincere Apology and Motion for Leave to Substitute Witnesses for Accused Martinez)* dated February 28, 2019 and filed on March 4, 2019

<sup>4</sup> Dated February 26, 2019; Record, Vol. 3, pp. 127-131

<sup>5</sup> *Supra.* Note 3

<sup>6</sup> Please see *Cabrera v. Ng*, G.R. No. 201601, March 12, 2014

As prayed for, let the witnesses listed in the *Pre-Trial Order* dated July 9, 2018<sup>7</sup> be substituted with those in accused Martinez' *Motion*, and the portion of the *Pre-Trial Order* pertaining to his list of witnesses be amended. Said portion now reads:

**3. Testimonial Evidence/ Witnesses of Martinez III and Minguez**

- a. Celestino Martinez III
- b. Rhett E. Minguez
- c. Representative of the Accreditation Committee of the Sangguniang Bayan
- d. Legal Office/representative of the Department of Interior and Local Government (DILG)
- e. Representative of Sikap Yaman Foundation
- f. Vicente Rodriguez – then Vice Mayor and Presiding Officer of the Sangguniang Bayan which approved the pertinent Sangguniang Bayan Resolutions
- g. Maita Tuica-Labrado – then Secretary of the Sangguniang Bayan which approved the pertinent Sangguniang Bayan Resolutions

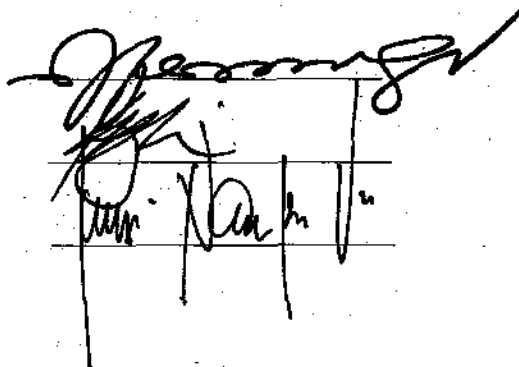
**SO ORDERED.**

**APPROVED:**

**FERNANDEZ, SJ, J.,** *Chairperson*

**MIRANDA, J.**

**VIVERO, J.**



<sup>7</sup> Record, Vol. 2, pp. 267-277