



REPUBLIC OF THE PHILIPPINES

*S*andiganbayan

Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on April 15, 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-12-CRM-0274 to 0282 –

PEOPLE vs. LUZVIMINDA S. VALDEZ, ET AL.

This resolves the following:

1. *Motion for Reconsideration (of the Minute Resolution Dated February 18, 2019)*¹ filed by accused Brendo C. Eligio and Ricardo T. Dahildahil;
2. *Motion and Manifestation to Adopt and Join the Motion for Reconsideration Filed by Co-Accused (of the Minute Resolution Dated February 18, 2019)*² filed by accused Luzviminda S. Valdez;
3. *Prosecution's Comment/Opposition (To Accused Elegio and Dahildahil's Motion for Reconsideration dated 19 March 2019)*³;
4. *Prosecution's Manifestation to Adopt Comment/Opposition (Re: Accused Valdez's Motion and Manifestation to Adopt and Join the Motion for Reconsideration Filed by Co-Accused dated 01 April 2019)*⁴;

The Court resolves to **DENY** the respective Motions for Reconsideration of accused Eligio and Dahildahil, and Valdez, assailing the Resolution dated February 18, 2019.⁵

Said accused argue that the assailed documentary exhibits should not be admitted in evidence for being mere machine copies or photocopies (Exhibits A, A-1, C-11, D-9, E-8, F-10, G-11, G-12, H-11, I-11, K-11, Z, CC, FF, HH, JJ, LL,

¹ Dated March 19, 2019; Record, Vol. 4, pp. 133-141

² Dated April 1, 2019; Record, Vol. 4, pp. 155-157

³ Dated April 2, 2019; Record, Vol. 4, pp. 158-165

⁴ Dated April 8, 2019; Record, Vol. 4, pp. 166-169

⁵ Record, Vol. 4, pp. 107-111

MM, PP, SS); and because the persons who prepared the pertinent documents were not presented as witnesses (Exhibits B, L, M, N, O, P, Q, R, S, T, V, Y and Y-1, BB and BB-1, EE, II and II-1, RR and RR-1). These are the very same arguments as those in said accused's comment/opposition to the prosecution's *Formal Offer of Evidence*. These had already been considered and found to be without merit in the assailed Resolution, and hence, there is no need to discuss the same anew.

This Court notes that witness Sheila V. Portal identified the letters she prepared (Exhibits Y, RR, II, BB, T and EE). Furthermore, witness Portal testified on how she obtained the copies of the duplicate originals of the cash slips (Exhibits PP, Z, SS, LL, MM, JJ, HH, CC, FF, which were reproduced in Exhibits C-11, D-9, E-8, F-10, G-11, G-12, H-11, I-11, K-11).⁶

Finally, as the Supreme Court held in *Notarte v. Notarte*,⁷ in case of doubt as to the relevance, competence, or admissibility of exhibits offered by a party, it is safer to be liberal, and to admit the same, unless such exhibits are plainly irrelevant, immaterial or incompetent. To wit:

Even assuming that the MTC had reservations about the relevancy of some exhibits offered by the respondent, still, it should have admitted the same subject to judicial evaluation as to their probative value. In connection with evidence which may appear to be of doubtful relevancy, incompetency, or admissibility, this Court has 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.

Although this Court admitted the questioned exhibits into evidence, it has yet to determine the probative value of the same. If said exhibits later turn out to be irrelevant or incompetent, this Court will disregard the same in resolving the present cases.

SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J., *Chairperson*

MIRANDA, J.

VIVERO, J.

⁶ TSNs, October 19, 2016, pp. 55-56; August 23, 2017, p. 32)

⁷ G.R. No. 180614, August 29, 2012