



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on April 12, 2019

PRESENT:

HON. SARAH JANE T. FERNANDEZ.....Associate Justice
HON. MICHAEL FREDERICK L. MUSNGI*.....Associate Justice
HON. KEVIN NARCE B. VIVERO.....Associate Justice

The following resolution was adopted:

SB-16-CRM-0271 –

PEOPLE vs. ALAN LA MADRID PURISIMA, ET AL.

This resolves the following:

1. *Omnibus Motion (1) For the Reconsideration of the Admission of Exhibits "A", "A-1", "A-2", "B", "B-1", "B-2", "C", and "C-1"; (2) For Leave of Court to File Demurrer to Evidence; and (3) To Hold in Abeyance the Resolution of the Motion for Leave of Court to File Demurrer to Evidence Pending the Resolution of the Admissibility of Exhibits "A", "A-1", "A-2", "B", "B-1", "B-2", "C", and "C-1"*¹ filed by accused Napoleon R. Estilles;
2. *Omnibus Motion (1) Motion for Reconsideration on the Minute Resolution Dated February 18, 2019; (2) Motion for Leave of Court to File Demurrer of Evidence; (3) Motion to Hold in Abeyance the Resolution of the Motion for Leave of Court to File Demurrer to Evidence Pending the Resolution of the Motion for Reconsideration*² filed by accused Nelson L. Bautista and Ricardo S. Zapata, Jr.; and,

The Court resolves to **DENY** the said accused' respective Motions for Reconsideration of the Resolution dated February 18, 2019.³

Said accused argue that the assailed documentary exhibits should not be admitted in evidence for being mere photocopies. Such arguments are a reiteration or rehash of those in their comments/objections to the prosecution's *Formal Offer of Evidence*. These had already been considered and found to be

* In view of the inhibition of J. Miranda (Per A.O. No. 136-2016 dated May 16, 2016)

¹ Dated March 6, 2019; Record, Vol. 16, pp. 210-214

² Dated March 11, 2019; Record, Vol. 16, pp. 290-304

³ Record, Vol. 16, pp. 145-A to 145-D

without merit in the assailed Resolution, and hence, there is no need to discuss the same anew.

Furthermore, as pointed out by the prosecution in its *Consolidated Opposition (Re: Omnibus Motions of Accused Estilles, and Nelson Bautista and Zapata, Jr.)*,⁴ during the hearing on April 26, 2018, the prosecution manifested that the parties had agreed on the authenticity, due execution and existence of the prosecution's documents except for **Exhibits B, G, H, I and K**.⁵ Counsel for accused Estilles,⁶ and for Nelson L. Bautista and Zapata⁷ confirmed said manifestation. Accused Estilles, Nelson L. Bautista and Zapata cannot now contest the admissibility of **Exhibits A, C, D, E, F and J**, on the ground that said exhibits are mere photocopies.

Finally, with respect to the matter of said accused' Motions for Reconsideration, the Supreme Court's ruling in *Notarte v. Notarte*⁸ is *apropos*. There, it was held that 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 case.

The Court likewise **DENIES** the respective Motions for Leave to File their Demurrers to Evidence of accused Estilles, and Nelson L. Bautista and Zapata for being prematurely filed. In the meantime, said accused are **DIRECTED** to manifest, within five (5) days from the receipt of this Resolution, if they are adopting their prematurely filed Motions, or if they intend to file anew their respective Motions for Leave to File their Demurrers to Evidence.

⁴ Dated March 22, 2019; Record, Vol. 17, pp. 57-63

⁵ TSN, April 26, 2018, pp. 8-9

⁶ *Ibid.*, p. 9

⁷ *Ibid.*, p. 10

⁸ G.R. No. 180614, August 29, 2012

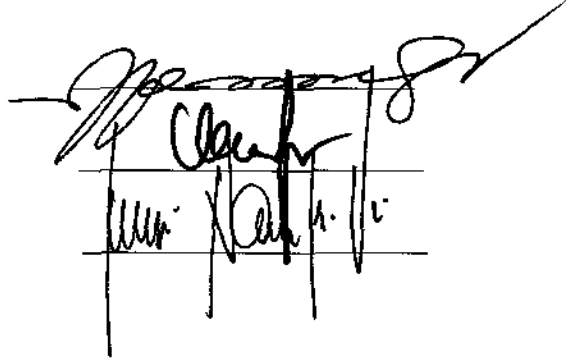
SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J., *Chairperson*

MUSNGI, J.

VIVERO, J.



Handwritten signatures of the three individuals listed above. The first signature is for Fernandez, SJ, J., the second for Musngi, J., and the third for Vivero, J. The signatures are written in black ink and are somewhat stylized.