



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
QUEZON CITY

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**SEVENTH DIVISION**

MINUTES of the proceedings held on May 8, 2019.

*Present:*

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

The following resolution was adopted:

**Criminal Case No. SB-14-CRM-0433 -**

**PEOPLE v. JESUS ORLANDO M. QUIÑONES**

This resolves the following:

1. Accused Jesus Orlando M. Quiñones' "MOTION FOR PARTIAL RECONSIDERATION" dated April 16, 2018<sup>1</sup> and
2. The Prosecution's "COMMENT/OPPOSITION" dated April 29, 2019.<sup>2</sup>

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**GOMEZ-ESTOESTA, J.:**

With the exclusion of Exhibits "2," "3," "4," "5," "6," "7," "8," "13," and "14-a" as documentary exhibits, Jesus Orlando M. Quiñones ["accused"] filed the present *Motion for Partial Reconsideration* claiming that the admission of the same should only follow considering that during preliminary conference, the prosecution has stipulated that Exhibits "2," "3," "5," "6," and "7" are faithful reproductions of either the originals or certified true copies thereof. For Exhibits "4" and "14-a," these have been identified by the accused himself and should at least be admitted as part of his testimony. For Exhibit "8," the same has been stipulated as to its existence and due execution whereas Exhibit "13" is common with Exhibit AA.

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<sup>1</sup> Record,  
<sup>2</sup> Ibid., pp.

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The Prosecution maintains its objection to the same, reiterating that Exhibits "2," "3," and "5" are mere photocopies and lacked proper authentication; Exhibit "4" was neither produced by the custodian thereof nor the Senior Police Officer who issued the same; Exhibit "13" was not identified by any witness; and Exhibit "14-a" is likewise a photocopy, and is thus hearsay evidence.

A re-evaluation of the questioned ruling impels this Court to **RESOLVE**, thus:

**RECONSIDER** the exclusion and **ADMIT** Exhibit "6," as its existence has been duly stipulated by the Prosecution together with the author thereof, Juan Escandor, Jr.;<sup>3</sup>

**RECONSIDER** the exclusion and **ADMIT** Exhibit "8," as the Prosecution has stipulated on its authenticity which dispensed with the testimony of Amalia L. Celino, Chief Administrative Officer, Administrative Division of the NLRC;<sup>4</sup>

**RECONSIDER** the exclusion and **ADMIT** Exhibit "13," which although presented as an exhibit common with Exhibit "AA" cannot actually be accepted as such considering that accused's marking was made on a *different* document which, as pointed out by the Prosecution, was not identified by any of the defense witnesses. Accused did not even manifest during preliminary conference that he intended to adopt Exhibit "AA" as his own.<sup>5</sup> For practical considerations, however, a perusal of the same reveals that the contents of Exhibit "13" are the same as that of Exhibit "AA." Since Exhibit "AA" has already been admitted per Resolution dated July 5, 2018,<sup>6</sup> it only logically follows that Exhibit "13" be likewise admitted.

**RECONSIDER** the exclusion and **ADMIT** Exhibit "4" (Addendum to the Police Blotter Entry #2821) which appears as an original copy. This can be taken as a public document admissible in evidence without need of proof of its authenticity and due execution pursuant to Section 23, Rule 132 of the Rules of Court which provides that "*[d]ocuments consisting of entries in public records made in the performance of a duty by a public officer are prima facie evidence of the facts therein stated.*" As a public document, therefore, it need not be identified or presented by the custodian thereof in order to be admissible in evidence.<sup>7</sup>

<sup>3</sup> TSN dated November 15, 2018, pp. 17-18; Order dated November 15, 2019; Record, Volume 4, pp. 100-101

<sup>4</sup> TSN dated November 15, 2018, pp. 9-10; Order dated November 15, 2019; Record, Volume 4, pp. 100-101

<sup>5</sup> TSN dated June 28, 2017, p. 6

<sup>6</sup> Record, Volume 4, pp. 44-47

<sup>7</sup> *CSC v. De Dios*, G.R. No. 203536, February 4, 2015

The **EXCLUSION** of the following exhibits, however, remain:

Exhibit “2” where only a purported certified true copy of the Incident Report was pre-marked during preliminary conference.<sup>8</sup> In this case, the same still need to be authenticated in contemplation of pursuant to Section 24, Rule 132<sup>9</sup> of the Revised Rules on Evidence. 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.<sup>10</sup>

Exhibits “3” and “5,” despite Prosecution’s stipulation that they are “*faithful reproduction(s) of the original.*”<sup>11</sup> Although these can readily be taken as public documents which are admissible in evidence without need of proof of their authenticity and due execution pursuant to Section 23, Rule 132 of the Rules of Court which need not be identified or presented by the custodian thereof in order to be admissible in evidence,<sup>12</sup> point is, the stipulation made by the Prosecution has no effect as the **originals** themselves were not offered as evidence. For Section 23, Rule 132 to apply, no substitution should be contemplated.

Exhibits “7” and “14-a,” for lack of proper authentication, as already resolved in the questioned Resolution.

WHEREFORE, accused’s *Motion for Partial Reconsideration* is **GRANTED** in part with the **ADMISSION** of Exhibits “4,” “6,” “8,” and “13.”

The exclusion of Exhibits “2,” “3,” “5,” “7,” and “14-a” remains.

With no rebuttal evidence to be presented,<sup>13</sup> this case is now submitted for judgment.

Promulgation of judgment is set on ***October 25, 2019 at 8:30 in the morning*** before the Fourth Division Courtroom.

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<sup>8</sup> TSN dated February 9, 2017, p. 5

<sup>9</sup> **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. (25a) (Italics supplied)*

<sup>10</sup> *Cabugao v. People*, G.R. No. 158033, July 30, 2004


<sup>11</sup> TSN dated February 9, 2017, pp. 5-6

<sup>12</sup> *CSC v. De Dios*, G.R. No. 203536, February 4, 2015

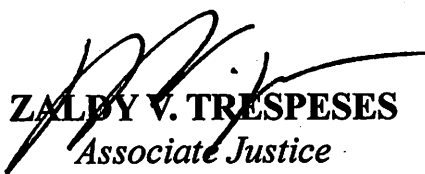
<sup>13</sup> *Per Manifestation and Compliance* dated April 12, 2019, Record, Volume 4, pp. 219-220

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**SO ORDERED.**

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

WE CONCUR:

  
**ZALDY V. TRESPESES**  
*Associate Justice*

  
**GEORGINA D. HIDALGO**  
*Associate Justice*