



REPUBLIC OF THE PHILIPPINES

Sandiganbayan
Quezon City

Seventh Division

MINUTES of the proceedings held on May 2, 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-0456 – People of the Philippines vs.
Alexander Ty Pimentel***

This resolves the following:

1. Accused's FORMAL OFFER OF EXHIBITS dated April 3, 2019¹; and,
2. Prosecution's COMMENT ON ACCUSED'S FORMAL OFFER OF EVIDENCE dated April 12, 2019²;

HIDALGO, J.

Submitted for resolution is the accused Alexander Ty Pimentel's (accused Pimentel) FORMAL OFFER OF EXHIBITS dated April 3, 2019 and the COMMENT [ON ACCUSED'S FORMAL OFFER OF EVIDENCE] dated April 12, 2019, filed by the prosecution.

After due consideration of accused Pimentel's Formal Offer of Exhibits and the Comment thereto, the Court resolves to:

ADMIT Exhibit "2" (Original Affidavit of Waiver of Mr. Mario G. Cuartero dated June 28, 2010) over the objection of the prosecution that it is irrelevant and immaterial to the main issue of this case because the materiality and relevancy of this document shall be determined in the final disposition of this case.

More, when witness Mario Garcia Cuartero was placed on the witness stand on March 7, 2019, his testimony was stipulated consisting

¹ Record, Vol. 2, pp. 79 to 83

² Record, Vol.2, pp. 113 to 117

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of the fact that he executed an Affidavit of Waiver dated June 28, 2010.³

ADMIT Exhibits "13" (Certified True Copy of the Summary List of IRA received) having been prepared and identified by witness City Accountant Hector A. Sales when he was placed on the witness stand on November 26, 2018⁴, **"14-A" to "14-N" (Certified True Copies of the Credit Advice issued by the Landbank of the Philippines)** over the objection that these exhibits are irrelevant and immaterial because the materiality and relevancy of this document shall be determined in the final disposition of this case.

ADMIT Exhibit "15" (Original Copy of Mario Cuartero's Affidavit of Desistance) having been a subject of stipulation when witness Cuartero himself was placed on the witness stand on March 7, 2019.⁵

EXCLUDE Exhibit "1" (Certified True Copy of Resolution No. 043 Series of 2009 of the Sangguniang Panlungsod of Tandag, Surigao del Sur) on the objection of the prosecution that it lacks proper authentication as the person or officer who certified the document was not presented to authenticate it.

This documentary exhibit, while issued by the Sangguniang Panlungsod of the City of Tandag, Province of Surigao del Sur, the same was not identified by the custodian thereof. Only accused Pimentel identified it when he was placed on the witness stand. Thus, inadmissible as evidence under Rule 132, Section 24 of the Revised Rules on Evidence.⁶

EXCLUDE Exhibit "11" (Certified Machine Copy from the Original of the August 24, 2009 letter of the Civil Service Commission) on the objection of the prosecution that it lacks proper authentication by the person who certified this document.

This documentary exhibit was not identified by the custodian thereof, only accused Pimentel identified it. Thus, inadmissible as

³ Record, Vol. 2, pp. 72 to 73

⁴ Record, Vol.2, p. 51

⁵ *ibid*, Order dated March 7, 2019

⁶ 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.

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evidence under Rule 132, Section 24 of the Revised Rules on Evidence.⁷

EXCLUDE Exhibit "12" (Original Certification issued by the Landbank of the Philippines) although this document was issued by the Landbank Branch Head of Tandag Branch, the person who issued the exhibit was not presented to the witness stand and considering further that no one from the said Landbank Branch was presented to the witness stand to identify and authenticate the same.

The purpose of the offer and the objection made thereto shall only be evaluated in the ultimate disposition of the case.


WHEREFORE and in view of the ruling on the Formal Offer of Documentary Exhibits by the defense, the latter is deemed to have rested its case.

Set the presentation of rebuttal evidence on June 4, 2019 at 8:30 in the morning.

SO ORDERED.


GEORGINA D. HIDALGO
Associate Justice

WE CONCUR:


MA. THERESA DOLORES GOMEZ-ESTOESTA
Associate Justice
Chairperson


ZALBY V. TRESPESSES
Associate Justice

⁷ id