



Republic of the Philippines
Sandiganbayan
Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on 2 May 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-17-CRM-1414 & 1415 - People vs. BELINDA A. GONZALES.

This resolves the following:

1. Accused's "FORMAL OFFER OF EVIDENCE" dated 3 April 2018;¹
2. The prosecution's "COMMENT/OBJECTION (on accused's Formal Offer of Evidence)" dated 8 April 2018;² and
3. Accused's "REPLY (on Plaintiff's Comment/Objection dated 11 April 2019)" dated 17 April 2019.³

TRESPESES, J.

For the Court's resolution is accused Belinda A. Gonzales's ("accused") formal offer of evidence, the prosecution's comment thereon and accused's Reply thereto.

We **ADMIT** all of the documentary exhibits offered by accused for the following reasons:

1. **Exhibits "1" to "6" and "8"** – The prosecution claims that these exhibits, being private documents, must be authenticated, pursuant to Section 20 of Rule 132 of the Rules of Court.⁴ The prosecution claims that no witness identified or authenticated them.

¹ Record, pp. 408-431.

² Id. at 432-434.

³ Id. at 435-480.

⁴ **Section 20. Proof of private document.** — Before any private document offered as authentic is received in evidence, its due execution and authenticity must be proved either:

Handwritten initials or signature.

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The records of the case belie the prosecution's claim that they were not identified or authenticated by any person. Accused executed a Judicial Affidavit dated 8 August 2018⁵ where she identified Exhibits "1" to "6,"⁶ Meanwhile, the Transcript of Stenographic Notes ("TSNs") referring to the hearing on this case last 17 October 2018, shows that accused's Judicial Affidavit was admitted by the Court as her direct testimony.⁷

Moreover, we note that the accused was privy to these transactions/documents.

2. **Exhibit "7"** – This is a common exhibit of the parties, being Exhibit "G" for the prosecution.

Exhibit "9" – The prosecution objects to the admission of this document for being unauthenticated.

The records yield that accused likewise identified, marked and authenticated this document in her Judicial Affidavit⁸ and expounded thereon when she further testified before the Court.⁹

As for the prosecution's objection thereto on the ground of lack of probative value, we emphasize that the admission of the exhibits herein is subject to this Court's appreciation of their probative value and the merit of the purposes for which they were offered when the case is finally submitted for decision.

3. **Exhibit "10"** – The prosecution objects to the admission of Exhibit "10" for being hearsay and self-serving, not having been properly authenticated by any witness.

We note that Exhibit "10," refers to a check drawn by accused. Hence, it is not hearsay, considering that accused, who identified and authenticated the same, has personal knowledge of the truth of the facts asserted therein. As with the rest of the exhibits offered, this document was likewise identified, marked and authenticated by accused in her Judicial Affidavit,¹⁰ which the Court has admitted as her direct testimony.

(a) By anyone who saw the document executed or written; or

(b) By evidence of the genuineness of the signature or handwriting of the maker.

Any other private document need only be identified as that which it is claimed to be.

⁵ Record, pp. 337-348.

⁶ Id. at 341.

⁷ TSN, 17 October 2018, p. 9.

⁸ Record, pp. 339-340.

⁹ TSN, 17 October 2018, pp. 7-8, 15-18, 36-37.

¹⁰ Record, p. 341.

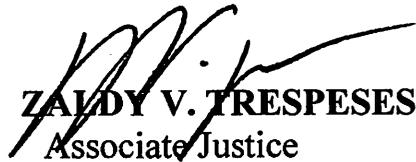
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WHEREFORE, premises considered, the Court hereby resolves to **ADMIT** in evidence **Exhibits "1," "2," "3," "4," "5," "6," "7," "8," "9" and "10."**

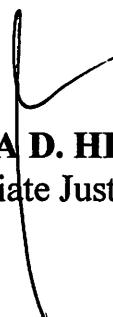
The prosecution has three days from receipt hereof within which to file a manifestation on whether it will still present rebuttal evidence. Thus, pending receipt of the said manifestation, the presentation of the prosecution's rebuttal evidence is tentatively scheduled on **17 June 2019 at 8:30 in the morning.**

SO ORDERED.


ZALDY V. TRESPESES
Associate Justice

WE CONCUR:


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


GEORGINA D. HIDALGO
Associate Justice