



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

MINUTES of the proceedings held on **September 2, 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-17-CRM-2082 **PEOPLE vs. ANNALIZA PROJIMO
GONZALES-KWAN, ET AL.**

This resolves the following:

1. *Motion to Take Judicial Notice*¹ filed by accused Arsenio Valdenor Salamida, Esperanza Gormate Cotin, Ma. Nenita Salamida Ecleo, Felipe Darang Padual, and Danilo Gagarion Colandog on August 3, 2019; and,
2. *Comment/Opposition (re: Arsenio Valdenor Salamida, Esperanza Gormate Cotin, Ma. Nenita Salamida Ecleo, Felipe Darang Padual, and Danilo Gagarion Colandog's Motion to Take Judicial Notice)*² filed by the prosecution on August 16, 2019.

In their *Motion to Take Judicial Notice*, accused ask the Court to take judicial notice of the following:

1. Typhoon *Yolanda* (with international name of *Haiyan*) hit Eastern Samar on November 8, 2013;
2. Typhoon *Yolanda* had a maximum sustained winds of 235 km/h near the center and gusts of up to 275 km/h;
3. Typhoon *Yolanda* made landfall in Guiuan, Eastern Samar at 4:00 a.m. on November 8, 2013, leaving in its wake unprecedented devastation and thousands of people dead and missing;
4. The devastation caused by *Yolanda* included destruction of agricultural crops, houses, properties and structures, including

¹ Records, Vol. 2, p. 503.

² Records, Vol. 3, p. 19.

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that of the Municipal Hall of Guiuan, and, according to the report of the National Disaster Risk Reduction & Management Council (NDRRMC), the total damage amounted to Php90 Billion;

5. That due to the effects of Typhoon *Yolanda*, municipal records and documents were lost, damaged and/or destroyed;
6. That among those records and documents that were lost, damaged and/or destroyed are papers/documents pertinent to the bidding and procurement of the fire truck subject matter of the instant case;

Accused pray that the Court take discretionary judicial notice of the foregoing on the ground that these events and circumstances are of public knowledge and have been subject of news articles.

The prosecution, in their *Comment/Opposition*, oppose and contend that the Court can only take judicial notice of the occurrence of Typhoon Haiyan, known in the Philippines as Typhoon *Yolanda*, on November 8, 2013, but not of the extent of damage nor the destruction of the public records or documents of the Municipality of Guiuan, or the other matters or details contained in the *Motion*.

The Court PARTIALLY GRANTS the *Motion to Take Judicial Notice* filed by accused Arsenio Valdenor Salamida, Esperanza Gormate Cotin, Ma. Nenita Salamida Ecleo, Felipe Darang Padual, and Danilo Gagarión Colandog.

There being no objection on the part of the prosecution, and, in accordance with Sec. 12, Rule 129 of the Revised Rules of Evidence,³ the Court takes judicial notice that Typhoon *Yolanda* made landfall in the Visayas on or about November 8, 2013.

The Court DENIES the *Motion to Take Judicial Notice* as to all other matters and details included thereon.

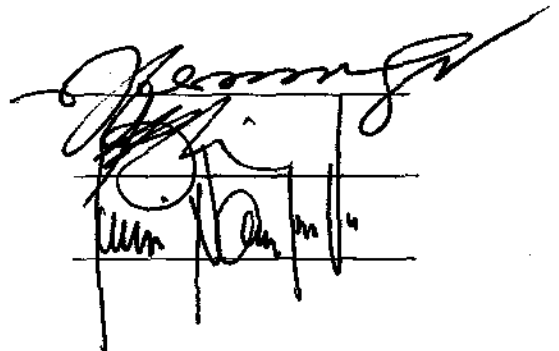
SO ORDERED.

APPROVED:

FERNANDEZ, SJ, J., Chairperson

MIRANDA, J.

VIVERO, J.



³ Section 2. *Judicial notice, when discretionary.* — A court may take judicial notice of matters which are of public knowledge, or are capable to unquestionable demonstration, or ought to be known to judges because of their judicial functions. (1a)