



Republic of the Philippines  
**Sandiganbayan**  
Quezon City  
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**SEVENTH DIVISION**

*MINUTES of the proceedings held on July 5, 2021.*

*Present:*

**JUSTICE MA. THERESA DOLORES C. GOMEZ-ESTOESTA** ----- Chairperson  
**JUSTICE ZALDY V. TRESPES** ----- Member  
**JUSTICE GINA D. HIDALGO** ----- Member

*The following resolution was adopted:*

**CRIMINAL CASE NO. SB-17-CRM-1671 –**

**PEOPLE v. PETER PAUL JED COSMIANO FALCON  
ROBERTO MALIJAO LUNA, JR.  
JETHRO PABALATE LINDO  
EBRENCIO FIJO INDOYON, JR.  
TEOFILO CATIG MAYMAY  
ALUDIA BONIAO DE CASTRO  
CARMELO LUNGAY REBOSURA  
MA. LUZVIMINDA A. LOPEZ**

This resolves the following:

1. Accused Teofilo C. Maymay, Aludia B. De Castro, and Carmelo L. Rebosura's "**FORMAL OFFER OF EXHIBITS with Manifestation and Motion to Transfer Markings**" dated June 10, 2021;<sup>1</sup>
2. Accused Teofilo C. Maymay, Aludia B. De Castro, and Carmelo L. Rebosura's "**MANIFESTATION**" dated June 14, 2021;<sup>2</sup>
3. Accused Falcon's "**COMMENT/COMPLIANCE**" dated June 15, 2021;<sup>3</sup> and
4. Prosecution's "**COMMENT**" (Re: Accused Maymay, De Castro and Rebosura's Formal Offer of Exhibits with Manifestation and Motion) dated June 21, 2021.<sup>4</sup>

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<sup>1</sup> Records, Vol. 6, pp. 278-332.

<sup>2</sup> Records, Vol. 6, pp. 334-336.

<sup>3</sup> Records, Vol. 6, pp. 348-350.

<sup>4</sup> Records, Vol. 6, pp. 352-356.

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**GOMEZ-ESTOESTA, J.:**

This resolves Accused Maymay, De Castro, and Rebosura's *Formal Offer of Exhibits*<sup>5</sup> as well as the Prosecution's respective comments / objections thereto.

In his *Comment/Compliance*, Accused Falcon posed no objection on the offered exhibits. Meanwhile, Accused Indoyon, Lindo and Luna, and Lopez did not submit their comments despite receipt of the *Minute Resolution* dated June 14, 2021.<sup>6</sup>

In a *Manifestation* dated June 14, 2021, Accused Maymay, De Castro, and Rebosura clarified that the Position Paper dated April 19, 2016 (Exhibit "7-De Castro"/ "8-Rebosura") was being offered only as a provisionally marked exhibit, similar to the Employee Leave Card of Accused Rebosura (Exhibit "6-Rebosura").

The offer of documentary exhibits, and the objections thereto, are delineated, as follows:

**A. Teofilo C. Maymay**

**Exhibits offered and Objections:**

<b>Exhibits</b>	<b>Description</b>	<b>Prosecution's Objections/Comments</b>
"1-Maymay"  Same as Exhibits "1-De Castro" and "1-Rebosura"	Joint Counter-Affidavit dated March 07, 2016	Objected to for being self-serving.
"2-Maymay"  Common with Prosecution's Exhibit "X"  Same as Exhibits "2-De Castro" and "2-Rebosura"	Resolution dated May 21, 2007 of the Bids and Awards Committee of the Local Government of Lingig, Surigao del Sur	Admitted, the same being a common exhibit. However, the purposes are objected to for being self-serving and mere conclusions of law.
"3-Maymay"	Application for Leave of Teofilo C. Maymay	The purposes are objected to for being self-serving and mere conclusions of law.
"4-Maymay"	Employee Leave Card of Teofilo C. Maymay	
"5-Maymay"	Letter of Adelina C.	Admitted, the same being a

<sup>5</sup> Records, Vol. 6, pp. 278-332.

<sup>6</sup> Atty Real and Atty Doronila acknowledged receipt of notice on June 14, 2021 (Records. Vol. 6, pp. 342 & 346). Meanwhile, there was none received from Atty. Alegro nor Atty. Tuazon. Notices were sent to parties through electronic mail on June 14, 2021.

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Common with Prosecution's Exhibit "BB"  Same as Exhibits "5-De Castro" and "3-Rebosura"	Carcido to Roberto M. Luna, Jr. dated May 24, 2007	common exhibit. However, the purposes are objected to for being misleading. The letter of Ms. Carcido does not negate accused Maymay's participation in the procurement or his signature in the BAC Resolution.
"6-Maymay"  Same exhibit as Exhibits "6-De Castro" and "4-Rebosura"	Letter-reply of Roberto M. Luna, Jr. dated May 24, 2007	The purposes are objected to for being misleading. The Letter-Reply does not negate accused Maymay's participation in the procurement or his signature in the BAC Resolution.
"7-Maymay"	Daily Time Record of Teofilo C. Maymay	Objected to for being mere photocopies.
"8-Maymay"	Certificate of Clearance dated April 30, 2012	
"9-Maymay"	Verified Omnibus Motion dated September 28, 2016	Admitted as stipulated in the JSF. However, the purposes are objected to for being self-serving.

**Ruling:**

The Court **RESOLVES** to:

**ADMIT** Exhibits "1-Maymay" and "9-Maymay" being the subject of stipulation as to their existence, due execution, and authenticity per *Pre-Trial Order* dated September 14, 2018.<sup>7</sup> The joint stipulation made by the parties consequently obviated the opportunity to present evidence on this matter, as no proof is required for an admission made by a party in the course of the proceedings.<sup>8</sup>

**ADMIT** Exhibits "2-Maymay" and "5-Maymay", the same being common with Prosecution's Exhibits "X" and "BB", which have already been admitted per Resolution dated January 9, 2019.<sup>9</sup>

**ADMIT** Exhibits "3-Maymay", "4-Maymay", and "6-Maymay", which although lacking the proper attestation of the officer having the legal custody of the record pursuant to Sections 24 and 25 of Rule 132<sup>10</sup> of the

<sup>7</sup> Records, Volume 3, pp. 331-339; also in *Joint Stipulation of Facts and Issues* dated September 10, 2018.

<sup>8</sup> *CIR v. Petron Corporation*, G.R. No. 185568, March 21, 2012.

<sup>9</sup> Records, Volume 4, pp. 243-248.

<sup>10</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

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Revised Rules on Evidence, have been stipulated as to their existence per *Pre-Trial Order* dated September 14, 2018.<sup>11</sup>

**EXCLUDE** Exhibits "7-Maymay" and "8-Maymay", being mere photocopies, as pointed out by the Prosecution; hence inadmissible under the Original Documents Rule.<sup>12</sup>

**B. Aludia B. De Castro**

**Exhibits offered and Objections:**

Exhibits	Description	Prosecution's Objection/Comments
"1-De Castro"  Same as Exhibits "1-Maymay" and "1-Rebosura"	Joint Counter-Affidavit dated March 07, 2016	Objected to for being self-serving.
"2-De Castro"  Common with Prosecution's Exhibit "X"  Same as Exhibits "2-Maymay" and "2-Rebosura"	Resolution dated May 21, 2007 of the Bids and Awards Committee of the Local Government of Lingig, Surigao del Sur	Admitted, the same being a common exhibit. However, the purposes are objected to for being self-serving and mere conclusions of law.
"3-De Castro"	Travel Order of Aludia B. De Castro	The purposes are being objected to for being mere conclusions of law.
"4-De Castro"	Certificate of Participation of Aludia B. De Castro	
"5-De Castro"  Common with Prosecution's Exhibit "BB"	Letter of Adelina C. Carcido To Roberto M. Luna, Jr. dated May 24, 2007	Admitted, the same being a common exhibit. However, the purposes are objected to for being misleading. The Letter of Ms. Carcido does not negate

copy attested by the officer having the legal custody of the record, or by his or her deputy, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody.  
x x x.

**Section 25. What attestation of copy must state.** — Whenever a copy of a document or record is attested for the purpose of evidence, the attestation must state, in substance, that the copy is a correct copy of the original, or a specific part thereof, as the case may be. The attestation must be under the official seal of the attesting officer, if there be any, or if he or she be the clerk of a court having a seal, under the seal of such court. (26a)

<sup>11</sup> Records, Volume 3, pp. 331-339.

<sup>12</sup> Section 3, Rule 130, Revised Rules on Evidence which provides:

**Section 3. Original document must be produced; exceptions.** — When the subject of inquiry is the contents of a document, writing, recording, photograph or other record, no evidence is admissible other than the original document itself x x x.

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Same as Exhibits "5-Maymay" and "3-Rebosura"		accused De Castro's participation in the procurement or her signature in the BAC Resolution.
"6-De Castro" Same as Exhibits "6-Maymay" and "4-Rebosura"	Letter-reply of Roberto M. Luna, Jr. dated May 24, 2007	The purposes are objected to for being misleading. The Letter-Reply does not negate accused De Castro's participation in the procurement or her signature in the BAC Resolution.
"7-De Castro" (provisionally- marked) Same as Exhibit "8-Rebosura"	Position Paper dated April 19, 2016 of Aludia B. De Castro and Carmelo L. Rebosura	Objected to for being a mere photocopy which is inadmissible under the best evidence rule.

**Ruling:**

The Court **RESOLVES** to:

**ADMIT** Exhibit "1-De Castro" being a subject of stipulation as to its existence, due execution, and authenticity per *Pre-Trial Order* dated September 14, 2018.<sup>13</sup>

**ADMIT** Exhibits "2-De Castro" and "5-De Castro", the same being common with Prosecution's Exhibits "X" and "BB", which have already been admitted per Resolution dated January 9, 2019.<sup>14</sup>

**ADMIT** Exhibits "3-De Castro", "4-De Castro", and "6-De Castro", which although lacking the proper attestation of the officer having the legal custody of the record pursuant to Sections 24 and 25, Rule 132 of the same Rules, have been stipulated as to their existence per *Pre-Trial Order* dated September 14, 2018.<sup>15</sup>

**EXCLUDE** Exhibit "7-De Castro", being a mere photocopy, as pointed out by the Prosecution; hence inadmissible under the Original Documents Rule.<sup>16</sup>

**C. Carmelo L. Rebosura**

**Exhibits offered and Objections:**

<sup>13</sup> Records, Volume 3, pp. 331-339.

<sup>14</sup> Records, Volume 4, pp. 243-248.

<sup>15</sup> Records, Volume 3, pp. 331-339.

<sup>16</sup> Section 3, Rule 130, Revised Rules on Evidence; see footnote #12.

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<b>Exhibits</b>	<b>Description</b>	<b>Prosecution's Objection/Comments</b>
<p><b>"1-Rebosura"</b>  Same as Exhibits "1-Maymay" and "1-De Castro"</p>	<p>Joint Counter-Affidavit dated March 07, 2016</p>	<p>Objected to for being self-serving.</p>
<p><b>"2-Rebosura"</b>  Common with Prosecution's Exhibit "X"  Same as Exhibits "2-Maymay" and "2-Rebosura"</p>	<p>Resolution dated May 21, 2007 of the Bids and Awards Committee of the Local Government of Lingig, Surigao del Sur</p>	<p>Admitted, the same being a common exhibit. However, the purposes are objected to for being self-serving and mere conclusions of law.</p>
<p><b>"3-Rebosura"</b>  Common with Prosecution's Exhibit "BB"  Same as Exhibits "5-Maymay" and "5-De Castro"</p>	<p>Letter of Adelina C. Carcido To Roberto M. Luna, Jr. dated May 24, 2007</p>	<p>Admitted, the same being a common exhibit. However, the purposes are objected to for being misleading. The Letter of Ms. Carcido does not negate accused Rebosura's participation in the procurement or his signature in the BAC Resolution.</p>
<p><b>"4-Rebosura"</b>  Same as Exhibits "6-Maymay" and "6-Rebosura"</p>	<p>Letter-reply of Roberto M. Luna, Jr. dated May 24, 2007</p>	<p>The purposes are objected to for being misleading. The Letter- Reply does not negate accused Rebosura's participation in the procurement or his signature in the BAC Resolution.</p>
<p><b>"5-Rebosura"</b></p>	<p>Application for Leave of Carmelo L. Rebosura</p>	<p>The purposes are objected to for being misleading. The inclusive dates stated in the application of leave are outside the date of the BAC Resolution (May 21, 2007).</p>
<p><b>"6-Rebosura" (provisionally- marked)</b></p>	<p>Employee Leave Card of Carmelo L. Rebosura</p>	<p>Objected to for being a mere photocopy.</p>
<p><b>"7-Rebosura"</b></p>	<p>Sworn Statement dated July 19, 2018 of Carmelo L. Rebosura</p>	<p>Purposes are objected to for being self-serving.</p>
<p><b>"8-Rebosura" (provisionally- marked)</b></p>	<p>Position Paper dated April 19, 2016 of Aludia B. De Castro and Carmelo L. Rebosura</p>	<p>Objected to for being a mere photocopy.</p>

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**Ruling:**

The Court **RESOLVES** to:

**ADMIT** Exhibit “**1-Rebosura**” being a subject of stipulation as to its existence, due execution, and authenticity per *Pre-Trial Order* dated September 14, 2018.<sup>17</sup>

**ADMIT** Exhibits “**2-Rebosura**” and “**3-Rebosura**”, the same being common with Prosecution’s Exhibits “**X**” and “**BB**”, which have already been admitted per Resolution dated January 9, 2019.<sup>18</sup>

**ADMIT** Exhibits “**4-Rebosura**” and “**5-Rebosura**” which although lacking the proper attestation of the officer having the legal custody of the record pursuant to Sections 24 and 25, Rule 132 of the same Rules, have been stipulated as to their existence per *Pre-Trial Order* dated September 14, 2018.<sup>19</sup>

**ADMIT** Exhibit “**7-Rebosura**”, having been identified by Accused Rebosura himself as the same *Sinumpaang Salaysay* he executed.<sup>20</sup>

**EXCLUDE** Exhibits “**6- Rebosura**” and “**8- Rebosura**”, being mere photocopies, as pointed out by the Prosecution; hence inadmissible under the Original Documents Rule.<sup>21</sup>

The objection of the Prosecution as to the relevance and purpose for which the exhibits are offered refer more to the probative value rather than the admissibility of the exhibits. The purpose of the offer and the objection in each of the exhibits shall only be evaluated in the ultimate disposition of the case.

**SO ORDERED.**

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

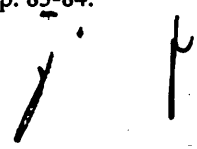
<sup>17</sup> Records, Volume 3, pp. 331-339.

<sup>18</sup> Records, Volume 4, pp. 243-248.

<sup>19</sup> Records, Volume 3, pp. 331-339.

<sup>20</sup> Judicial Affidavit of Carmelo L. Rebosura Q&A 23; Judicial Affidavit Folder, Vol. 1, pp. 83-84.

<sup>21</sup> Section 3, Rule 130, Revised Rules on Evidence



WE CONCUR:



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



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

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