



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

Third Division

PEOPLE OF THE PHILIPPINES,

OF THE

Plaintiff,

Crim Case No.

SB-14-CRM-0238

For: Plunder

-versus-

JUAN PONCE ENRILE, ET AL.


Accused.

Present:

Cabotaje-Tang, A.M., PJ,
Chairperson

Fernandez, B.R., J. and
Moreno, R.B., J.

PROMULGATED:

OCTOBER 29, 2021 

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RESOLUTION

Moreno, J.:

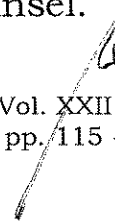
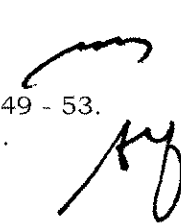
For our consideration are the following:

- (1) *Manifestation with Proposal for Stipulation*,¹ filed by the People of the Philippines, through counsel;
- (2) *Counter-manifestation with Proposal for Stipulation in regard the Prosecution's Witness Atty. Medrano, Fact-Finding Investigator*² filed by counsel for accused Juan Ponce Enrile (accused Enrile); and
- (3) *Manifestation*³ filed by accused Jessica Lucila G. Reyes (accused Reyes), through counsel.

¹ Filed through e-mail on July 2, 2021. *Records*, Vol. XXII, pp. 49 - 53.

² Received through e-mail on July 27, 2021. *Id.*, pp. 115 - 121.

³ Filed on July 27, 2021. *Id.*, pp. 122-123.

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The prosecution's presentation of its witness, Atty. Ryan P. Medrano (Medrano), Director IV of the Field Investigation Office (FIO) of the Office of the Ombudsman, was scheduled to testify on July 6, 2021 using a Judicial Affidavit he executed in lieu of his direct testimony. Atty. Medrano identified copies of documents previously marked as Exhibits "HH" to "HH-171" in his Judicial Affidavit. The prosecution requested for stipulation from the defense that the documents identified by Atty. Medrano in his Judicial Affidavit are machine copies of the marked Exhibits he identified during the bail hearings, which were already submitted and formally offered to this Court.

Accused Enrile asserts that the proposal of the prosecution is counterproductive as it will only delay the proceedings due to the comparison of voluminous documents. He also objected to the testimony of Atty. Medrano for being irrelevant and inadmissible and that it allegedly has no probative value insofar as proving the elements of plunder or any allegation in the Information. Accused Enrile presented his counter stipulations as follows, that: (1) Atty. Medrano conducted a fact-finding investigation as part of his duties and responsibilities in the Office of the Ombudsman; (2) In the course of the investigation, documents were submitted and received by him, which culminated in the filing of the complaint; and (3) He can identify the documents submitted and attached to the complaint.

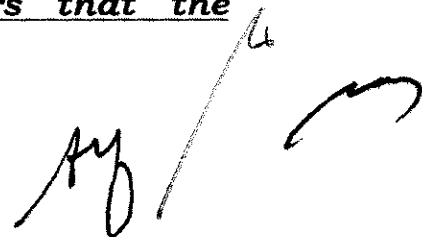
In the *Manifestation* filed by accused Reyes, she stated that she will not stipulate on anything contained in the Prosecution's *Manifestation*.

Stipulations of Fact in Criminal Cases

Under Section 1, Rule 118 of the Rules of Criminal Procedure states that pre-trial is mandatory in criminal cases and that during the pre-trial conference, a stipulation of facts be considered. In the case of *People v. Hernandez*,⁴ the Supreme Court held:

x x x a stipulation of facts in criminal cases is now expressly sanctioned by law. **In further pursuit of the objective of expediting trial by dispensing with the presentation of evidence on matters that the**

⁴ G.R. No. 108028, July 30, 1996.

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accused is willing to admit, a stipulation of fact should be allowed not only during pre-trial but also and with more reason, during trial proper itself.

Parenthetically, although not expressly sanctioned under the old rules of court, a stipulation of facts by the parties in criminal cases has long been allowed and recognized as declarations constituting judicial admissions, hence, binding upon the parties. [Underscoring supplied.]

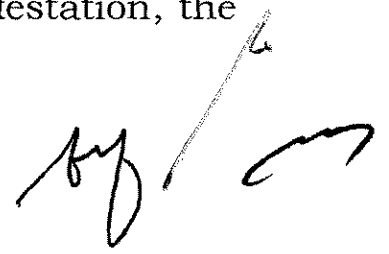
Entering into a stipulation of facts in open court is tantamount to a judicial admission. The gravity of agreeing to any stipulation is elucidated in *Bayas and Matuday v. The Sandiganbayan (First Division), the People of the Philippines, and the Office of the Special Prosecutor*. It reads:

Once the stipulations are reduced into writing and signed by the parties and their counsels, they become binding on the parties who made them. They become judicial admissions of the fact or facts stipulated. Even if placed at a disadvantageous position, a party may not be allowed to rescind them unilaterally; it must assume the consequences of the disadvantage. If the accused are allowed to plead guilty under appropriate circumstances, by parity of reasoning, they should likewise be allowed to enter into a fair and true pretrial agreement under appropriate circumstances.

A joint stipulation of facts originates from the parties, when freely made, these are to be respected as their true will and intention with regard to the facts and evidence of the case, especially if not stricken down by the Court for being violative of the law. With no agreement between the Prosecution and both of the accused, the Court is in no position to coerce any of the parties to accept or reject each other's proposals.

Nature of a Manifestation

Important to note that what are sought to be considered are the *Manifestation* (filed by the People of the Philippines), *Counter-manifestation with Proposal for Stipulation* by accused Enrile, and the *Manifestation* of accused Reyes. "A Manifestation is usually made merely for the information of the court, unless otherwise indicated. In a manifestation, the



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manifesting party makes a statement to inform the court, rather than to contest or argue.”⁵

From the submissions by the parties, it is apparent that the requested stipulation of fact by the Prosecution—that the documents attached to Atty. Medrano’s Judicial Affidavit are machine copies of said documents earlier submitted and formally offered in court during the bail hearing—was not accepted by accused Enrile and accused Reyes. Accused Enrile, provided for counter-proposals while accused Reyes categorically expressed that she is not stipulating on any matter contained in the Prosecution’s *Manifestation*. As such, the fact sought to be stipulated upon by the Prosecution is still deemed at issue.

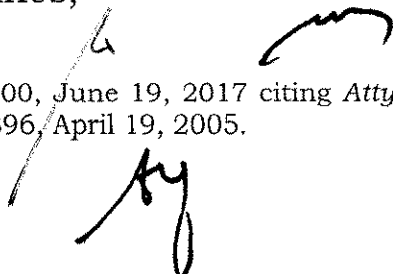
The Court also takes this opportunity to remind accused Enrile that there is a proper time and appropriate motion to object to the testimony of Atty. Medrano on the basis of its purported irrelevancy and inadmissibility, and it is not a mere *Counter-manifestation*. Under S.C. A.M. No. 12-8-8-SC or the *Judicial Affidavit Rule*, disqualification of a witness or to strike out the affidavit or the answers therein is done at the start of the presentation of the witness. It states:

Sec. 6. *Offer of and objections to testimony in judicial affidavit.* – The party presenting the judicial affidavit of his witness in place of direct testimony shall state the purpose of such testimony at the start of the presentation of the witness. The adverse party **may move to disqualify the witness or to strike out his affidavit or any of the answers found in it on ground of inadmissibility.** The court shall promptly rule on the motion and, if granted, shall cause the marking of any excluded answer by placing it in brackets under the initials of an authorized court personnel, without prejudice to a tender of excluded evidence under Section 40 of Rule 132 of the Rules of Court. [*Underscoring supplied.*]

WHEREFORE, the Court **notes** the submission of the following:

- (1) *Manifestation with Proposal for Stipulation*, filed by the People of the Philippines;

⁵ *Festin v. Atty. Zubiri*, A.C. No. 11600, June 19, 2017 citing *Atty. Julius Neri v. Judge Jesus S. De la Peña*, A.M. RTJ-05-1896, April 19, 2005.

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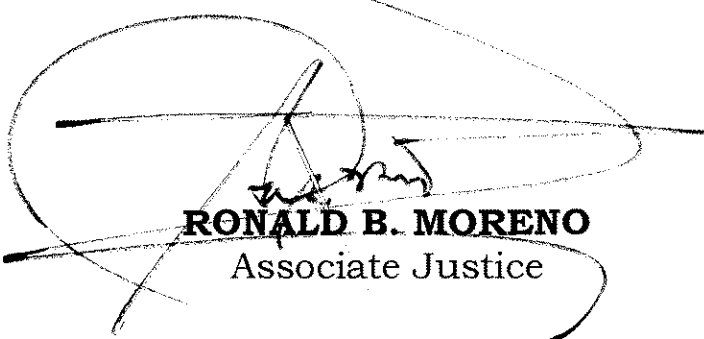
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- (2) *Counter-manifestation with Proposal for Stipulation in regard the Prosecution's Witness Atty. Medrano, Fact-Finding Investigator* filed by accused Juan Ponce Enrile; and
- (3) *Manifestation* filed by accused Jessica Lucila G. Reyes.

Further, that the presentation of the Prosecution's first witness shall proceed in the next scheduled hearing.


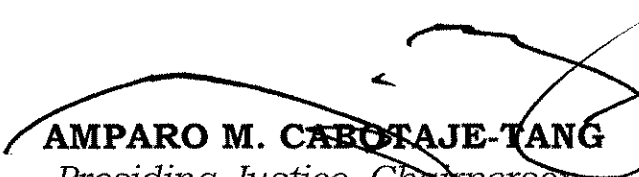
SO ORDERED.

Quezon City, Metro Manila.



RONALD B. MORENO
Associate Justice

WE CONCUR:



AMPARO M. CABOTAJE-TANG **BERNELITO R. FERNANDEZ**
Presiding Justice, Chairperson *Associate Justice*