



REPUBLIC OF THE PHILIPPINES

Sandiganbayan
QUEZON CITY

SEVENTH DIVISION

MINUTES of the proceedings held on April 20, 2022.

Present:

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

Justice ZALDY V. TRESPESSES -----Member

Justice GEORGINA D. HIDALGO -----Member

The following resolution was adopted:

SB-14-CRM-0438 to 0441 – People v. Laurencia S. Edma, et al.

This resolves the following:

1. Accused Laurencia S. Edma, Felipa A. Catanus, Carlito S. Matias, and Bernardita G. Basay's **"DEFENSE FORMAL OFFER OF DOCUMENTARY EXHIBITS"** dated March 30, 2022; and
2. Prosecution's **"COMMENT ON ACCUSED EDMA ET AL.'S FORMAL OFFER OF DOCUMENTARY EVIDENCE"** received through electronic mail on April 9, 2022.

GOMEZ-ESTOESTA, J.:

In their *Defense Formal Offer of Documentary Exhibits*, accused Laurencia S. Edma, Felipa A. Catanus, Carlito S. Matias, and Bernardita G. Basay ("**the accused**") moved for the admission of Exhibits **"12-A," "12-C"** to **"12-C-1," "16" to "16-D," "18," "29" to "29-ZZ," "30,"** and **"37" to "40."**

In its *Comment*, the Prosecution narrowed its objection on the exhibits which were not common with the Prosecution; i.e, Exhibits **"12-A," "16,"** and **"29" to "29-ZZ,"** by objecting on the purposes of the offer for being irrelevant and immaterial. Exhibit **"12-A"** may be an Indorsement signed by Director Alfredo S. Reyes but the Prosecution claims that such signature only proved the action taken by his office and did not automatically confer regularity in its preparation as this was controverted by the testimony of the

19

prosecution witnesses. Exhibit “16” may have shown that Auditor Sarah Jane B. Napisa was a member of the audit team but this did not prove that she participated in the preparation of the draft special audit report because she had testified that her supervisor had *forced* her to sign said draft. Finally, Exhibits “29” to “29-ZZ” may have requested for the inspection and evaluation of the condition of the subject two heavy equipment, but the crux of the controversy pointed to the *irregularity in the procurement* thereof.

Presently, the only issue for resolution of the formal offer is the *admissibility* of evidence.¹ The *probative value* of such documentary exhibits, which can be referenced to the purposes to which they were offered, can only be considered in the ultimate disposition of the cases.

After evaluating the offer of documentary exhibits, the Court resolves to:

ADMIT Exhibits “12-A,” “16” to “16-D,” and “29” to “29-ZZ,” there being no objection raised as to their *admissibility*. Evidence not objected to is deemed admitted and may be validly considered by the court in arriving at its judgment.² This is true even if by its nature, the evidence is inadmissible and would have surely been rejected if it had been challenged at the proper time.³

ADMIT Exhibits “12-C” to “12-C-1,” “18,” “30,” “37,” “38,” “39,” and “40” being common with the Prosecution’s Exhibits “A-212,” “A-211,” “A-397,” “A-383” to “A-384,” “A-385” to “A-391,” “A-392,” and “A-382” respectively, which were already admitted per the Court’s *Resolution*⁴ dated May 17, 2019.

Furthermore, this Court **NOTES** that Exhibits “1” to “12” were **NOT OFFERED**.⁵ Section 34, Rule 132 of the *Revised Rules on Evidence* mandates that the court shall consider no evidence which has not been formally offered.

The purpose of the offer and the objection in each Exhibit shall be evaluated in the ultimate disposition of the cases.

Let the tentative presentation of rebuttal evidence continue, as scheduled, on **May 26, 2022 at 8:30 in the morning** through videoconferencing using the Philippine Judiciary 365 platform, having already considered that counsel for the accused come all the way from Cagayan de Oro City.

¹ *Republic v. Sandiganbayan*, G.R. No. 188881, April 21, 2014.

² *Vide: Heirs of Mariano v. City of Naga*, G.R. No. 197743, March 12, 2018. *See also Spouses Enriquez v. Isarog Line Transport, Inc.*, G.R. No. 212008, November 16, 2016; *Heirs of Marcelino Doronio v. Heirs of Fortunato Doronio*, G.R. No. 169454, December 27, 2007.


³ *Ibid.*

⁴ Records, Vol. 7, pp. 95-99.

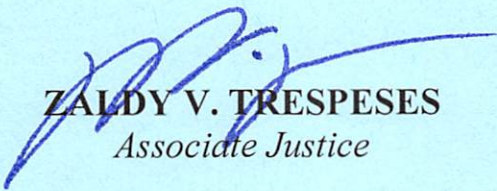
⁵ *Defense Formal Offer of Documentary Exhibits* dated March 30, 2022 of the accused, p. 1.

121

SO ORDERED.


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

WE CONCUR:


ZALDY V. TRESPESSES
Associate Justice


GEORGINA D. HIDALGO
Associate Justice