



Republic of the Philippines
S a n d i g a n b a y a n
Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on May 4, 2022.

Present:

MA. THERESA DOLORES C. GOMEZ-ESTOESTA - - - - - Chairperson
ZALDY V. TRESPESSES - - - - - Associate Justice
GEORGINA D. HIDALGO - - - - - Associate Justice

The following resolutions were adopted:

Crim. Case Nos. SB-17-CRM-0001 to 0015 – People vs. Ma. Josefina M. Dela Cruz, et al.

This resolves the following:

- (1) Accused Ma. Josefina Dela Cruz's "Manifestation and Motion" dated and electronically filed on April 22, 2022;¹ and
- (2) Prosecution's "Opposition (Re: Manifestation and Motion dated April 22, 2022)" dated and electronically filed on April 23, 2022.²

HIDALGO, J.

In her Manifestation and Motion, accused stated that per suggestion of the Court, to expedite the proceedings, she submitted a proposal for stipulation regarding the photocopies of exhibits she identified during her testimony, previously marked at the pre-trial as Exhibits "10" to "19", the certified true copies of which went missing and could not be presented. However, not all of her proposed exhibits were stipulated on by the prosecution, necessitating the presentation of witnesses to testify on the admissibility and/or source of the said exhibits. On April 19, 2022, she was able to secure certified true copies of her Exhibits "12" to "19" (Independent Auditor's Report from the Commission on Audit) from the Philippine Postal Corporation ("PPC"), but her counsel did not have enough time to prepare the judicial affidavit of the concerned witnesses and/or request for the issuance of subpoena duces tecum

¹ Records, Vol. 10, pp. 294-296

² Records, Vol. 10, pp. 298-301

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and ad testificandum for these witnesses from the PPC to appear and testify in Court. Now, she is asking the Court to give her a chance to present her last witness to identify the source of the photocopied documents consisting of the COA's Independent Audit Report.

The prosecution opposed the accused's Manifestation and Motion, enumerating the several motions for resetting that has been granted in favor of the accused, and pointed out that it has been more than a year since the defense counsel took charge of the accused's cases. Given all this time, the prosecution claimed that the defense could have already found out that Exhibits "12" to "19" were missing and could have already exerted diligent efforts to locate said exhibits or at least secure another certified true copy thereof from the proper custodian. But the defense did not make such effort and despite the chance given to them by the Court to make proposals for stipulations, the defense still failed to attach Exhibits "12" to "19" so that the prosecution could have stipulated on these documents. The prosecution emphasized that the initial presentation of defense evidence was originally set way back in 2021, since then the accused's request for several resettings has been granted by the Court, and yet the defense has only managed to present three witnesses. The prosecution thus prayed for the denial of the accused's Manifestation and Motion.

As admitted by the accused, the certified true copies of her Exhibits "12" to "19" (Independent Auditor's Report from the Commission on Audit), which she secured from the PPC, were already available on April 19, 2022. Knowing that they would need a witness or witnesses to identify these exhibits, for good measure, they should have simultaneously requested for the needed subpoena for these witnesses and prepared their corresponding Judicial Affidavits just in time for the next hearing set last April 27, 2022. However, no effort was made to this end. It bears stressing that the Court's allowance for the accused to submit her proposals for stipulation of her exhibits was precisely to expedite proceedings. At this point, the Court has extended much leniency, allowing several motions for resetting,³ to afford the accused ample time to prepare for her defense, and yet she comes to court unprepared. As such, accused lack of foresight should not be rewarded with another chance to cause further delay in the proceedings.

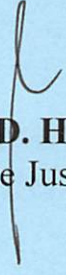
WHEREFORE, premises considered, the accused's Manifestation and Motion dated April 22, 2022 is hereby **DENIED**.

³ See Minute Resolutions dated January 21, 2022 (Records Vol. 9, p. 319); March 5, 2021 (Records, Vol. 9, p. 340); May 17, 2021 (Records, Vol. 9, p. 351); July 12, 2021 (Records, Vol. 10, p. 81); and September 10, 2021 (Records, Vol. 10, pp. 94-95),

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The accused is directed to file her Formal Offer of Evidence within fifteen (15) days from receipt of this Resolution. Similarly, the Prosecution is given the same period of fifteen (15) days from receipt of the accused's Formal Offer of Evidence to file its Comment and/or Opposition to the said Formal Offer of Evidence.

SO ORDERED.

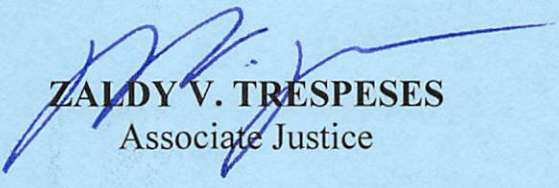


GEORGINA D. HIDALGO
Associate Justice

WE CONCUR:



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



ZALDY V. TRESPESSES
Associate Justice