



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

Seventh Division

MINUTES of the proceedings held on July 1, 2022.

Present:

Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA -- Chairperson
Justice ZALDY V. TRESPESES ----- Member
Justice GEORGINA D. HIDALGO----- Member

The following resolution was adopted:

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

This resolves the following:

1. Accused Maria Josefina Dela Cruz's (Dela Cruz) **"COMPLIANCE ON SUBMISSIONS OF HARD COPY OF ACCUSED'S FORMAL OFFER OF EVIDENCE/EXHIBITS WITH MANIFESTATION"**¹ dated June 17, 2022 and received by the Court via email on June 20, 2022;
2. Accused Dela Cruz's **"FORMAL OFFER OF EVIDENCE/EXHIBITS"**² dated June 13, 2022 and received by the Court via email on June 20, 2022; and
3. Prosecution's **"COMMENT/OPPOSITION TO THE ACCUSED'S OFFER OF DOCUMENTARY EVIDENCE/EXHIBITS"**³ dated February 10, 2022.

¹ Records, Vol. 10, pp. 356-357

² Records, Vol. 10, pp. 358-366

³ Records, Vol. 11, pp. 78-107

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HIDALGO, J.:

After due consideration of accused Dela Cruz’s **“Formal Offer of Evidence/Exhibits”** and the Prosecution’s **“Comment/Opposition to the Accused’s Offer of Documentary Evidence/Exhibits,”** the Court resolves to **ADMIT:**

EXHIBITS	DESCRIPTION
“1”	Postal Bank Check No. 0000038706 dated May 30, 2014 in the amount of Php35,178.45 pay to the order of Jose Santos V. Pamatong.
“1-A”	Dorsal Portion of Exhibit “1”
“1-B”	Check Disbursement Voucher dated May 27, 2014

These are faithful reproductions of the original check per stipulation of the parties in the Pre-Trial Order dated May 28, 2018⁴, and the certified photocopy of the Check Disbursement Voucher. The certified photocopy of the check disbursement voucher is deemed admitted since no objection was raised by the prosecution on the fact that the certification thereof was based on a mere photocopy.⁵

EXHIBITS	DESCRIPTION
“2”	June 29, 2011 Appointment Letter of accused Dela Cruz as Postmaster General.

The Appointment Letter of accused Dela Cruz is admitted notwithstanding the fact that it is a certified photocopy,⁶ considering that it is a public document issued by the Office of the President. Significantly, jurisprudence dictates that public documents are self-authenticating and require no further authentication in order to be presented in court as evidence.⁷

EXHIBITS	DESCRIPTION
“3”	September 7, 2010 Open Letter to Philippine Postal Corporation (PPC) Employees of Hector R. Villanueva, Postmaster General and CEO before the appointment of accused Dela Cruz.
“4”	September 28, 2011 Letter of accused Dela Cruz to PPC Employees informing them that the PCC’s total operating losses would not be less than Php340 Million for 2011.

These are certified true copies of the original documents per stipulation of the parties.⁸

⁴ Records, Vol. 4, p. 208 (See Pre-Trial Order dated May 28, 2018)

⁵ In the case of Interpacific Transit, Inc., vs. Rufo Aviles and Josephine Aviles (G. R. No. 86062, June 6, 1990), the Supreme Court stated that “the rule is that evidence not objected to is deemed admitted and may be considered by the court in arriving at its judgment. 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.”

⁶ Records, Vol. 10, pp. 284-290 (See Minute Resolution dated April 21, 2022)

⁷ Anna Lerima Patula vs. People of the Philippines (G. R. No. 164457, April 11, 2012)

⁸ Records, Vol. 10, p. 286 (See Minute Resolution dated April 21, 2022)

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EXHIBITS	DESCRIPTION
"5"	PPC's Statement of Comprehensive Income for the year ended December 31, 2010 (with comparative figures for the year ended December 31, 2009)

Although Exhibit "5" is a certified photocopy from the PPC's record, such document was extracted from the Independent Audit Report issued by the Commission on Audit, reporting on the Financial Statement of the PPC for the year 2010.⁹ The original copy of the said Independent Audit Report was also submitted as Exhibit "14" for the defense, and upon comparison it can be confirmed that Exhibit "5" is a faithful reproduction of the original document.

EXHIBITS	DESCRIPTION
"6"	PPC's Historical Result of Operations for CY 1993 to 2014.
"7"	November 8, 2011 Department of Budget and Management (DBM) Letter to accused Dela Cruz extending the National Government Financial Assistance to PPC in the amount of Php644 Million.

These documents are deemed admitted notwithstanding that these are certified photocopies because the prosecution made no objection on the fact that the certification thereof was based on a mere photocopy.¹⁰ Moreover, the parties have already stipulated that these documents were secured by the accused from the records of the PPC.¹¹

EXHIBITS	DESCRIPTION
"8"	2012 Memorandum of Agreement (MOA) between the Government Service Insurance System (GSIS) and PPC for the Pagadian account for the settlement of the unremitted GSIS Compulsory Premium and Contributions and for booking them as payables to GSIS.
"9"	2013 MOA between GSIS and PPC for the Zamboanga Del Norte account for the settlement of the unremitted GSIS Compulsory Premium and Contributions and for booking them as payables to GSIS.
"10"	2013 MOA between GSIS and PPC for the Zamboanga City account for the settlement of the unremitted GSIS Compulsory Premium and Contributions and for booking them as payables to GSIS.

For the purpose of dispensing with the testimony of the intended custodian of these documents, the parties have agreed to stipulate that these documents were secured by the accused from the records of the PPC.

EXHIBITS	DESCRIPTION
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⁹ See page 5 of Exhibit "14"

¹⁰ Interpacific Transit, Inc., vs. Rufo Aviles and Josephine Aviles (G. R. No. 86062, June 6, 1990)

¹¹ Records, Vol. 10, p. 285 (See Minute Resolution dated April 21, 2022)

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<p>“12”, “13”, “14”, “15”, “16”, “17”, “18”, “19”</p>	<p>Commission on Audit (COA) Annual Audit Reports on PPC respectively dated December 31, 2008, 2010, 2011, 2012, 2013, 2014 and 2015; COA Independent Auditor’s Report on PPC as of the year ended December 31, 2009.</p>
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These are original documents.¹²

EXHIBITS	DESCRIPTION
“21”	Exhibit “UU” for the Prosecution – Approved Utilization dated January 05, 2012 by the Postmaster General as prepared by subordinates.
“22”	Exhibit “VV” for the Prosecution – List of Unremitted Trust Liabilities as of January 6, 2012.
“23”	Exhibit “WW” for the Prosecution - Memorandum dated January 16, 2012 List of Pending Commercial Claims.
“24”	Exhibit “XX” for the Prosecution – Letter dated February 15, 2011 on Pending Requirements.
“25”	Exhibit “YY” for the Prosecution – Letter dated March 2, 2012 on Pending Requirements.
“26”	Exhibit “ZZ” for the Prosecution – Memorandum dated March 19, 2012 Sources/Uses and Cash Requirement as of March 19, 2012.
“27”	Exhibit “AAA” for the Prosecution – Memorandum dated March 6, 2012 Sources/Uses and Cash Requirement as of March 6, 2012.
“28”	Exhibit “BBB” for the Prosecution – Letter dated March 28, 2012 on Pending Requirements.
“29”	Exhibit “CCC” for the Prosecution – Approved Utilization dated April 2, 2012 by the Postmaster General.
“30”	Exhibit “DDD” for the Prosecution – Memorandum dated June 6, 2012 Sources/Uses and Cash Requirement as of June 6, 2012.
“31”	Exhibit “EEE” for the Prosecution – Letter dated June 2, 2012 on Pending Requirements.
“32”	Exhibit “FFF” for the Prosecution – Letter dated June 25, 2012 on Pending Requirements.
“33”	Exhibit “GGG” for the Prosecution – Pending Requirements as of July 17, 2012.
“34”	Exhibit “HHH” for the Prosecution – Letter dated April 3, 2012 on Pending Requirements.
“35”	Exhibit “III” for the Prosecution – Letter dated August 28, 2012 on Pending Requirements.
“36”	Exhibit “JJJ” for the Prosecution – Letter dated September 21, 2012 on Pending Requirements.
“37”	Exhibit “KKK” for the Prosecution – Letter dated November 6, 2012 Sources/Uses and Cash Requirement as of November 6, 2012.
“38”	Exhibit “LLL” for the Prosecution – Memorandum dated December 7, 2012 Sources/Uses and Cash Requirement as of December 7, 2012.
“39”	Exhibit “MMM” for the Prosecution – Memorandum dated January 2, 2013 Sources/Uses and Cash Requirement as of January 2, 2013.
“41”	Exhibit “OOO” for the Prosecution – Letter dated January 16, 2013 on Pending Requirements.
“42”	Exhibit “PPP” for the Prosecution – Letter dated February 12, 2013 on Pending Requirements.

¹² Section 4, Rule 130 of the Revised Rules on Evidence.

	Pending Requirements.
"43"	Exhibit "QQQ" for the Prosecution – Letter dated February 28, 2013 on Pending Requirements.
"44"	Exhibit "RRR" for the Prosecution – Memorandum dated April 10, 2013 Sources/Uses and Cash Requirement as of April 10, 2013.

These are common exhibits of the parties which are certified true copies of the original or duplicate copies thereof.¹³


On the other hand, Exhibit "20" of the defense which is also Exhibit "SS" of the prosecution is **EXCLUDED** as such document is a mere photocopy.¹⁴

The Court also notes that Exhibit "11" was not offered. And, Exhibit "40" though mentioned in the Formal Offer of the accused has no corresponding document adduced in evidence.

Finally, it must be stressed that the appreciation of the evidentiary and/or probative value of all documentary exhibits is still left to the determination of the Court in the final disposition of the case.

IN VIEW THEREOF, the Court reiterates its directive in its June 8, 2022 Order¹⁵, giving the parties 30 days within which to submit their respective memoranda upon receipt of the herein resolution. And, considering the manifestation that no rebuttal evidence will be presented, with or without memoranda, this case will be submitted for Decision.

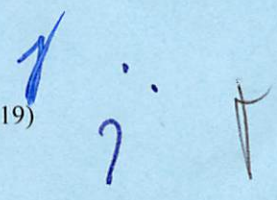
SO ORDERED.


GEORGINA D. HIDALGO
Associate Justice


¹³ Records, Vol. 8, pp. 144-145 (See Minute Resolution dated October 7, 2019)

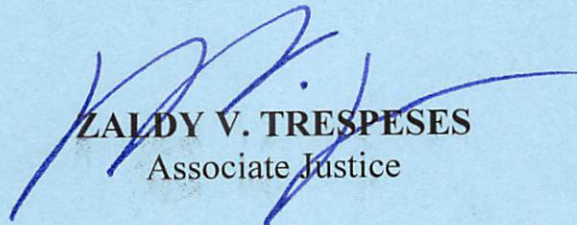
¹⁴ Records, Vol. 8, p. 145 (See Minute Resolution dated October 7, 2019)

¹⁵ Records, Vol. 10, pp. 322-323



WE CONCUR:


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


ZALDY V. TRESPESES
Associate Justice

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