



Republic of the Philippines

Sandiganbayan

Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on 28 July 2022.

Present:

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

Justice ZALDY V. TRESPESES ----- Member

Justice ARTHUR MALABAGUIO----- Member*

The following resolution was adopted:

***Crim. Case No. SB-18-CRM-0297, 0308, 0311-0313, 0316-0317, 0320-0321 and 0324 -
People vs. RODERICK MEDENILLA PAULATE, ET AL.***

This resolves the following:

- 1) Accused Paulate and Bajamunde's "FORMAL OFFER OF EVIDENCE" dated July 18, 2022 and filed on July 20, 2022;¹ and
- 2) Prosecution's "COMMENT/OPPOSITION ON ACCUSED'S FORMAL OFFER OF EVIDENCE DATED 18 JULY 2022" dated and electronically filed on July 21, 2022.²

TRESPESES, J.

Acting on the Formal Offer of Evidence filed by accused Roderick Mendenilla Paulate and Vicente Esquilon Bajamunde, and the prosecution's Comment/Opposition thereto, the Court resolves as follows:

ADMIT Exh. 1-F (Counter Affidavit dated 12 July 2012 executed by Roderick Mendenilla Pulate consisting of 26 pages including the Investigation Report dated 12 December 2012 on pages 30 to 31) **pages 1 to 26 and pages 30 to 31**, as they were stipulated by the prosecution during the hearing held on 13 July 2022.³ Further, the objection raised by the prosecution refers more to the probative value rather than the admissibility of the documents. They

*Sitting as Special Member per Administrative Order No. 0165-2022 dated 26 July 2022 in lieu of Justice Georgina D. Hidalgo, who is on leave.

¹ Record, Vol. 7, pp. 156-183.

² Record, Vol. 7, pp. 185-191.

³ During the After Hearing Comparison of defense documentary exhibits between the prosecution and the defense as reflected in the Minutes of the Session held on 13 July 2022.

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were identified by accused Paulate⁴ and Fernandez as the Counter-Affidavit and the Investigation Report they executed,⁵ respectively.

ADMIT Exh. 1-F pages 27 to 29 (Affidavit of Jimmy Lee Davis), over the objection of the prosecution that the affiant was not presented to identify his affidavit. The same is admitted only as part of the testimony of accused Paulate but not necessarily as to the truth of the matters stated therein.

ADMIT Exh. 1-F-1 (paragraph 15 of the Counter-Affidavit of accused Roderick M. Paulate appearing on pages 6 to 7), as the objection interposed by the prosecution refers only to the purpose for which it was offered.

ADMIT Exh. 5 (certified copy of the Decision of the Court of Appeals dated 11 November 2016 consisting of 17 pages), as part of the testimony of accused Paulate who identified the said exhibit. The prosecution's objection pertains only to the purpose for which it was offered and not as to its admissibility.

ADMIT Exh. 22 (Computerized Personal Data Sheet of Vicente E. Bajamunde consisting of four pages), **Exh. 22-A to C** (Signatures of accused Bajamunde in his computerized personal data sheet), **Exh. 23** (Prescriptions issued by Alonzo Tuazon, M.D.), there being no objection interposed by the prosecution. They were stipulated on by the prosecution as to their existence, due execution and authenticity.⁶

This Court stresses that the admission of exhibits is subject to the Court's appreciation of their probative value as to the purposes for which they were offered during the final disposition of the case. In view of the admission of the documentary exhibits, accused are deemed to have rested their case.




Accordingly, the defense having rested its case, and the prosecution manifested that it will no longer present rebuttal evidence,⁷ the parties are given 30 days from receipt of this resolution within which to submit their respective Memoranda, after which, this case shall be deemed submitted for decision. The said Memoranda of the parties must conform with the rules

⁴ Order dated 13 July 2022.

⁵ JA Vol. 2, p. 456 (Judicial Affidavit of Mr. Hubert Juan Fernandez)

⁶ During the After Hearing Comparison of defense documentary exhibits between the prosecution and the defense as reflected in the Minutes of the Session held on 13 July 2022.

⁷ Order dated 13 July 2022.



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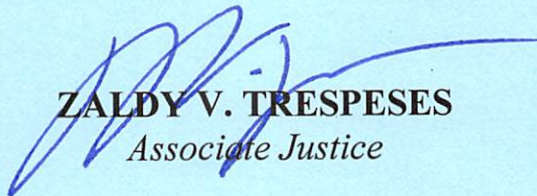
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provided by the Revised Guidelines on the Continuous Trial of Criminal Cases.⁸


Accused are reminded of the promulgation of judgment which was previously set on **November 25, 2022 at 8:30 in the morning at the Fourth Division Courtroom.**

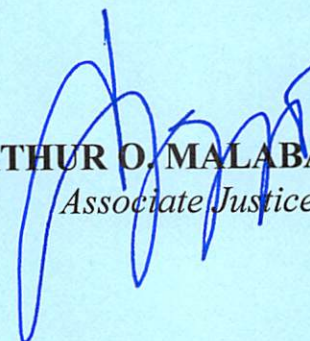
SO ORDERED.

Quezon City, Philippines.


ZALDY V. TRESPESES
Associate Justice

WE CONCUR:


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


ARTHUR O. MALABAGUIO
Associate Justice

⁸ The submission of the memoranda is discretionary on the part of the court, which in no case shall exceed twenty-five (25) pages in length, single-spaced, on legal size paper, using size 14 font. The period to submit memoranda shall be non-extensible and shall not suspend the running of the period of promulgation of the decision; thus, with or without memoranda, the promulgation shall push through as scheduled.