



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

Seventh Division

MINUTES of the proceedings held on August 18, 2022.

Present:

<i>Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA--</i>	<i>Chairperson</i>
<i>Justice ZALDY V. TRESPESSES -----</i>	<i>Member</i>
<i>Justice GEORGINA D. HIDALGO-----</i>	<i>Member</i>

The following resolution was adopted:

Crim. Case Nos. SB-12-CRM-0127 to 0128 – People of the Philippines vs. Amado A. Inocentes, et al.

This resolves the following:

1. Accused Celestino Cabalitan's "FORMAL OFFER OF EXHIBIT" dated July 28, 2022;¹
2. Prosecution's Email-Comment dated August 1, 2022;²
3. "FORMAL OFFER OF EVIDENCE For: ACCUSED JOSE Q. DE GUZMAN JR." dated July 19, 2022;³ and
4. Prosecution's "COMMENT/OBJECTION (to FORMAL OFFER OF EVIDENCE For: ACCUSED JOSE Q. DE GUZMAN JR.)" dated July 28, 2022.⁴

HIDALGO, J.:

After due consideration of the accused's Formal Offer of Evidence and the prosecution's Comment/Objection, the Court resolves to:

For accused Cabalitan

ADMIT Exhibit "1-Cabalitan" (OSVP-Branches Memorandum Circular No. 22-02), being a common exhibit of the parties, that is, Exhibit "K" of the prosecution previously admitted by the Court in its January 6, 2020 Resolution.⁵ Thus, the prosecution interposed no objection in its

¹ Record, Vol. 9, pp. 210-212.

² Id. at 306.

³ Id. at 213-305.

⁴ Id. at 199-204.

⁵ Record, Vol. 8, pp. 93-96.

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Email-Comment dated August 1, 2022.⁶

For accused De Guzman Jr.

ADMIT Exhibits “1” to “1-B”⁷ and “29” (Marketing Agreement and Appraisal Report by Valencia Appraisal Corporation, respectively), both being original documents submitted to the Court. Exh. “29” was identified in Court, and executed and signed by accused De Guzman Jr. himself in his capacity as President of JQG Homes Development Corporation.

ADMIT Exhibits “22” to “28” (Appraisal Reports). While the Court should not receive in evidence that which is substitutionary in nature, such as photocopies, in the absence of any clear showing that the original has been lost or destroyed or cannot be produced in court,⁸ in the present cases, the Court takes exception because accused De Guzman Jr. testified that the originals of the documents could no longer be located despite diligent efforts and are not in his possession, and it has become apparent that he could not produce them without bad faith on his part. Thus, considering the undisputed fact that he was a developer involved in the GSIS *Bahay Ko* Program and his testimony identifying these documents to be the ones he received when he secured the services of the subject appraisers,⁹ the Court resolves to admit them as part of his testimony; more so, the questions coming from the Court were asked relative to those Appraisal Reports.¹⁰

Notwithstanding the admission of all the above exhibits of the accused, their evidentiary and/or probative value shall be left to the determination and appreciation of this Court in the final disposition of this case.

With the prosecution’s manifestation that it will be presenting rebuttal evidence, the Court then sets the presentation of rebuttal evidence on September 15 and October 6, 2022, both at 8:30 in the morning at the courtroom of the Fourth Division.¹¹

SO ORDERED.

GEORGINA D. HIDALGO
Associate Justice

⁶ Record, Vol. 9, p. 306.

⁷ TSN, July 11, 2022, p. 17.


⁸ Section 5. *When original document is unavailable.* - When the original document has been lost or destroyed, or cannot be produced in court, the offeror, upon proof of its execution or existence and the cause of its unavailability without bad faith on his or her part, may prove its contents by a copy, or by recital of its contents in some authentic document, or by the testimony of witnesses in the order stated.

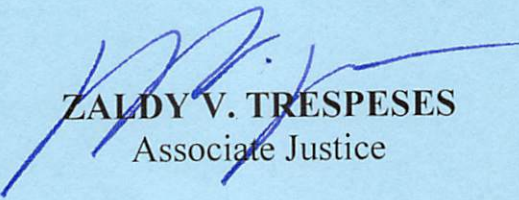
⁹ TSN, July 11, 2022, pp. 14-15.

¹⁰ TSN, July 11, 2022, pp. 70-87.

¹¹ Per the Court’s Order dated July 11, 2022, Record, Vol. 9, pp. 185-186.

WE CONCUR:


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


ZALDY V. TRESPES
Associate Justice

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