



REPUBLIC OF THE PHILIPPINES

**Sandiganbayan**  
QUEZON CITY

**Sixth Division**

PEOPLE OF THE PHILIPPINES,  
*Plaintiff,*

SB-18-CRM-0498

For: Violation of **Section 3(e)**  
of **Republic Act No. 3019**

- versus -

**PRESENT:**

PROCESO J. ALACALA,  
LAUREANO ARNULFO F.  
MAÑALAC, and  
BAUTISTA H. ELLA,

FERNANDEZ, J., *Chairperson*  
MIRANDA, J. and  
VIVERO, J.

*Accused.*

*Promulgated:*

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**AUG 08 2022**

**RESOLUTION**

**VIVERO, J.:**

The following matters are submitted for resolution:

- (a) ***Motion to Expunge Judicial Affidavit of Christine D. Baldelomar dated 18 May 2022*** filed by accused Laureano Mañalac on 05 July 2022 *via* electronic mail;
- (b) ***Comment/Opposition (Re: Motion to Expunge Judicial Affidavit)*** filed by the prosecution on 22 July 2022 *via* electronic mail; and,
- (c) ***Comment with Manifestation*** filed by accused Proceso Alcala on 22 July 2022 *via* personal filing.

In his *Motion to Expunge Judicial Affidavit*, accused Mañalac argues that the presentation of prosecution witness Ms. Christine D. Baldelomar as well as the admission of **Exhibit "NN"** (Usufruct with Construction Agreement) cannot be allowed

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as it is improper for rebuttal. At best, to do so would require the prosecution to submit appropriate pleading for the disposition of the Court prior to the introduction of such evidence, which the prosecution failed to do.

Accused Alcalá, in his *Comment with Manifestation*, joined the legal arguments put forward by accused Mañalac. Accused Alcalá further supported his contention by stating that the testimony of prosecution witness Baldelomar and the introduction of *Exhibit "NN"* are not in the nature of rebuttal evidence but are actually additional evidence barred by the rules at this stage of the trial.

In a long line of cases, the Supreme Court has time and again ruled that:

Rebuttal evidence is that which is given to explain, repel, counteract or disprove facts given in evidence by the adverse party. It is also defined as evidence in denial of some affirmative fact which the adverse party has attempted to prove.<sup>1</sup> Its office is "to meet the new facts put in by the opponent in his case in reply" and is "necessary only because, on a plea in denial, new subordinate evidential facts have been offered, or because, on an affirmative plea, its substantive facts have been put forward, or because, on any issue whatever, facts discrediting the proponent's witnesses have been offered."<sup>2</sup> The Supreme Court declared that the presentation of rebuttal evidence is discretionary with the prosecution in a criminal action.<sup>3</sup>

The foregoing teachings of the Supreme Court duly considered, the Court **DENIES** accused Mañalac's *Motion to Expunge Judicial Affidavit* and resolves **NOT TO GIVE DUE COURSE** to accused Alcalá's *Comment with Manifestation*.

The foregoing definition, nature, and purpose of presenting rebuttal evidence is, to the mind of the Court, broad enough to allow the reception of the judicial affidavit of witness Baldelomar and of *Exhibit "NN"*. The said pieces of evidence are intended to refute the defense of the accused and to prove that 15 million Pesos were released to *Isa Akong Magsasaka Foundation, Inc. (IAMFI)*, which therefore shows that the same was utilized for a private purpose. The same will also prove that IAMFI was not qualified to receive the same.

Further, in allowing the prosecution to present rebuttal evidence, the case of *Republic v. Sandiganbayan*<sup>4</sup> is enlightening. Said the High Court:

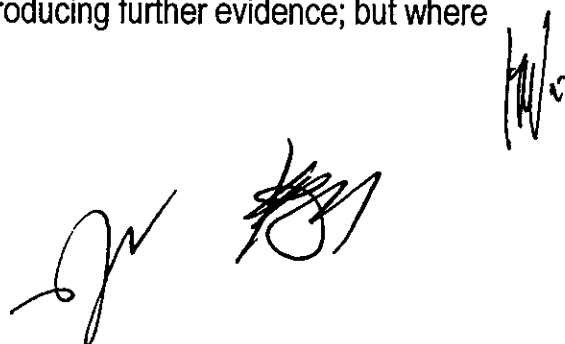
A party's declaration of the completion of the presentation of his evidence prevents him from introducing further evidence; but where

<sup>1</sup> *People v. Santos*, G.R. No. 18 October 2000.

<sup>2</sup> *People v. Padero*, G.R. No. 28 September 1993.

<sup>3</sup> *Ibid.*

<sup>4</sup> G.R. No. 152375, 16 December 2011.

The bottom of the page features several handwritten signatures and initials. On the left, there is a signature that appears to be 'JW'. In the center, there is a signature that looks like 'AS'. On the right, there are initials that look like 'H/c'. These markings are likely the signatures of the court members or the clerk.

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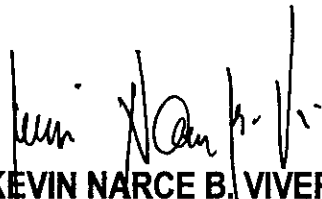
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the evidence is rebuttal in character, whose necessity, for instance, arose from the shifting of the burden of evidence from one party to the other, or where the evidence sought to be presented is in the nature of newly discovered evidence, the party's right to introduce further evidence must be recognized.

In light of these circumstances, the Court, having found good reason on the part of the prosecution in presenting witness Baldelomar and offering *Exhibit "NN"*, resolves to deny the *motion and comment* filed by accused.

**WHEREFORE**, the *Motion to Expunge Judicial Affidavit of Christine D. Baldelomar and Comment with Manifestation*, respectively filed by accused Laureano Mañalac and Proceso Alcala, are hereby **DENIED** for lack of merit.

**SO ORDERED.**

  
**KEVIN NARCE B. VIVERO**  
*Associate Justice*

**WE CONCUR:**

  
**SARAH JANE T. FERNANDEZ**  
*Associate Justice*  
*Chairperson*

  
**KARL B. MIRANDA**  
*Associate Justice*