



REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
Quezon City  
**THIRD DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
*Plaintiff,*

Criminal Case Nos.  
**SB-15-CRM-0037-0042**  
*For: Violation of Section 3(e)  
of R.A. No. 3019*

- versus -

**SB-15-CRM-0043-0048**  
*For: Malversation*

**SB-15-CRM-0049-0053**  
*For: Direct Bribery*

**SAMUEL M. DANGWA, ET AL.,**  
*Accused.*

Present:  
**Cabotaje-Tang, A.M., P.J.,**  
*Chairperson*  
**Fernandez, B.R., J.** and  
**Moreno, R.B., J.**

Promulgated:  
September 9, 2022 *JL*

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## RESOLUTION

**Moreno, J.:**

For resolution are the following:

- a.) *Manifestation and Motion* dated July 9, 2022 filed by accused Janet Lim Napoles;
- b.) *Motion with Leave of Court to Admit Comment* and the *Comment (Re: Manifestation and Motion of Accused*

<sup>1</sup> Records, Vol. XXIX, pp. 16-23.

<sup>2</sup> *Id* at pp. 135-140.

*Janet Lim Napoles*<sup>3</sup>, both dated July 26, 2022, filed by the prosecution.

In her *Manifestation and Motion*, accused Napoles prays that the following stipulations entered into between the prosecution and her counsel, Atty. Rony A. Garay, be respectively reflected in the Orders dated June 23, 30 and July 7, 2022:

**I. Stipulations re: alleged incoming funds of NGOs CARED, SDPFFI, and POPDFI or accused Napoles (For June 23, 2022 hearing)**

A. First proposal for stipulation of Atty. Garay which was stipulated to by the prosecution:

If witness Luy is asked whether or not the details of the checks (like the name of the bank, drawer, payee, date, and amount) are entered or reflected in any of his DDRs for the years 2007, 2008, 2009, 2010, the answer of witness Luy will be: NO they are not entered or reflected in any of the DDRs for the years 2007, 2008, 2009, and 2010.

B. Second proposal for stipulation of Atty. Garay which was stipulated to by the prosecution:

b.1. If asked whether or not witness Luy personally deposited the check/s involved in these cases for NGOs CARED, SDPFFI, and POPDFI in their respective bank accounts, his answer would be: The trusted employee deposited the check/s but he cannot remember who.

b.2. If asked further if he has the deposit slip or a photocopy thereof or even a screenshot or picture thereof stored in his cellular phone, external hard drive, stored in his cellular phone, computer, or any device for that matter, witness Luy's answer would be: NO or NONE.

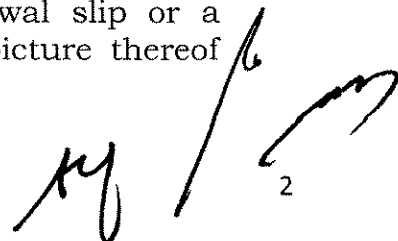
C. Third proposal for stipulation of Atty. Garay which was stipulated to by the prosecution:

c.1. If asked whether or not witness Luy personally withdrew the amount of the check/s involved in these cases for NGOs CARED, SDPFFI, and POPDFI from their respective bank accounts, his answer would be: The trusted employee withdrew the amount but he cannot remember who.

c.2. If asked further if he has the withdrawal slip or a photocopy thereof or even a screenshot or picture thereof

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<sup>3</sup> *Id* at pp. 141-161.



stored in his cellular phone, external hard drive, stored in his cellular phone, computer, or any device for that matter, witness Luy's answer would be: NO or NONE.

D. Fourth proposal for stipulation of Atty. Garay which was stipulated to by the prosecution:

d.1. If asked whether or not witness Luy personally delivered the cash withdrawn from the respective bank accounts of the NGOs CARED, SDPFFI, and POPDFI for the amounts stated in the checks involved in these cases, his answer would be: The trusted employee delivered the cash to accused Napoles but he cannot remember who.

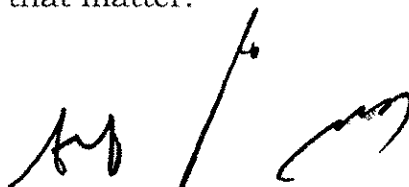
d.2. If asked further if he has documentary proof signed by accused Napoles or any text message or e-mail from 2004 to 2012 coming from accused Napoles that will slightly indicate that she received any cash or any portion of the checks involved in these cases for the NGOs CARED, SDPFFI, and POPDFI, witness Luy's answer would be: NONE.

**II. Stipulations re: alleged disbursements of the alleged incoming funds as represented by the checks for NGOs CARED, SDPFFI, and POPDFI or accused Napoles (For June 30, 2022 hearing)**

Proposal for stipulation of Atty. Garay which was stipulated to by the prosecution:

If the same questions are asked of witness Luy, his answers will be the same that:

- a. The JLN VOUCHERS are his proof of the disbursements of the funds as appearing in the DDRs for 2007, 2008, 2009, and 2010;
- b. The JLN VOUCHERS are his proof that accused Cong. Dangwa by himself or thru his representatives, received the amounts indicated in the pertinent DDRs for 2007, 2008, 2009, and 2010;
- c. He does not have a copy of the particular JLN VOUCHER involved in these cases because the vouchers were left at JLN Corp. office, but he gave a pink copy of the voucher to Lozada;
- d. He does not have a photocopy of the JLN VOUCHER and he does not have a screenshot or picture thereof stored in his cellular phone, external hard drive, USB, computer or any device for that matter.



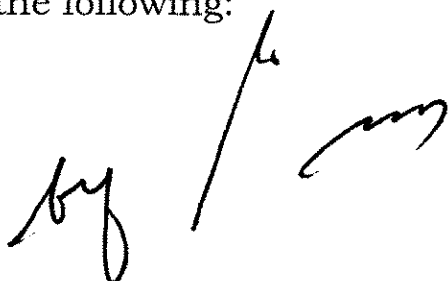
**III. Stipulations re: alleged disbursements of funds purportedly consisting of cash coming from Vault I of JLN Corp. allegedly assigned to witness Luy as well as funds from the bank account of the NGO GAMF (For July 7, 2022 hearing)**

Proposal for stipulation of Atty. Garay which was stipulated to by the prosecution:

If witness Luy will be asked of the same questions regarding the entries of amounts allegedly disbursed and recorded in the DDRs for 2007, 2008, 2009, and 2010, his answer will be the same.

In its *Motion*, the prosecution moves for the admission of its *Comment* on the *Manifestation and Motion* of accused Napoles. In its *Comment*, the prosecution does not interpose any objection to the prayer of accused Napoles. It, however, submits that: (a) as to the first proposal for stipulation of Atty. Garay, the true stipulations between the prosecution and Atty. Garay for accused Napoles are those reflected on pages 88 to 90 of the transcript of stenographic notes (TSN) taken on June 23, 2022; (b) the true stipulations between the prosecution and Atty. Garay for accused Napoles on the second, third and fourth proposals for stipulations are those reflected on pages 103 to 110, in relation to pages 113 to 114 of the TSN taken on June 23, 2022; (c) as to the stipulations on the alleged disbursements of the alleged incoming funds as represented by the checks for NGOs CARED, SDPFFI and POPDI or accused Napoles, the true stipulations between the prosecution and Atty. Garay for accused Napoles are those reflected on pages 18 to 21 of the TSN taken on June 30, 2022; (d) as to the stipulations on the alleged disbursements of funds purportedly consisting of cash coming from Vault I of JLN Corp., allegedly assigned to witness Luy as well as the funds from the bank account of the NGO GAMF, the true stipulations between the prosecution and Atty. Garay for accused Napoles are those reflected on pages 18 to 21 of the TSN taken on June 30, 2022.

In summary, the prosecution avers that the stipulations on the testimonies of witness Luy that the prosecution admitted with respect to the proposals of accused Napoles, through her counsel, are the following:

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**TSN dated June 23, 2022:**

1. The details of the checks referred to in Question and Answer 148 of the Judicial Affidavit of Benhur Luy, when compared with the DDRs, are not reflected in the latter;
2. The check/s involved in these cases for NGOs CARED, SDPFFI, and POPDFI were deposited in their respective bank accounts. Witness Luy does not have any deposit slips since these are kept in the JLN Corporation. It was not their practice to scan or photocopy deposit slips;
3. The amounts of the check/s involved in these cases for NGOs CARED, SDPFFI, and POPDFI that were deposited in their respective bank accounts were subsequently withdrawn. Witness Luy does not have any withdrawal slips since these are kept in the JLN Corporation. It was not their practice to scan or photocopy withdrawal slips;
4. The cash withdrawn from the respective bank accounts of the NGOs CARED, SDPFFI and POPDFI for the amounts of the checks involved in these cases were delivered to Janet Lim Napoles by the trusted employee/s. Witness Luy does not have any documentary proof that would show that Janet Lim Napoles received the cash withdrawn from the checks involved in these cases for the NGOs CARED, SDPFFI, and POPDFI, except those stated in the DDRs.

**TSN dated June 30, 2022:**

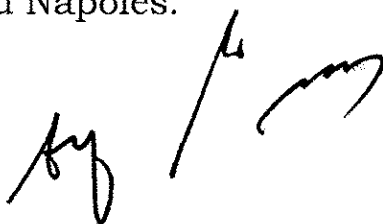
5. The vouchers referred to in the DDRs pertaining to Congressman Dangwa are proof that these amounts were disbursed and received by Congressman Dangwa. Witness Luy does not have photocopy of the vouchers since these are kept in the JLN Corporation. It was not their practice to take pictures or photocopy the vouchers. But the pink copies of the vouchers were given to Lozada.

**TSN dated June 30, 2022:**

6. The DDRs and the pink copies of the vouchers given to Lozada are the documentary proof of witness Luy that the amounts disbursed to Congressman Samuel Dangwa came from Vault I assigned to him.

**THE COURT'S RULING**

Preliminarily, in the interest of justice, the Court resolves to admit the prosecution's *Comment* to the *Manifestation and Motion* of accused Napoles.



After due consideration, the Court does not find it necessary to reflect in the Orders dated June 23, 30, and July 7, 2022 the stipulations entered into by the parties since the respective transcript of stenographic notes already contain such stipulations. Nonetheless, the Court notes the stipulations made by the parties during the presentation of prosecution witness Luy as appearing in the TSNs. At any rate, the said stipulations shall be subject to the Court's appreciation in the ultimate disposition of the instant cases.

**WHEREFORE**, the Court -

- a.) GRANTS the prosecution's *Motion with Leave of Court to Admit Comment* dated July 26, 2022, and accordingly, ADMITS the said *Comment*; and
- b.) DENIES the *Manifestation and Motion* of accused Napoles for lack of merit. The Court nevertheless NOTES the stipulations entered into by the parties during the hearings held on June 23, 30 and July 7, 2022.

**SO ORDERED.**

Quezon City, Metro Manila, Philippines.

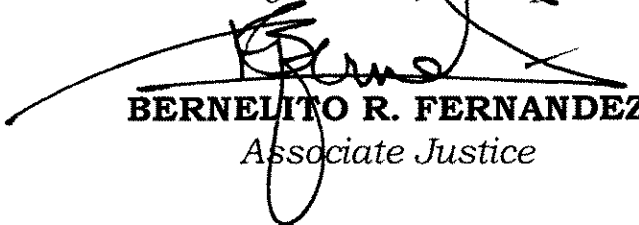


**RONALD B. MORENO**  
Associate Justice

WE CONCUR:



**AMPARO M. CABSTAJE-TANG**  
*Presiding Justice, Chairperson*



**BERNELITO R. FERNANDEZ**  
*Associate Justice*