



Republic of the Philippines
SANDIGANBAYAN
Quezon City

FIFTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

CRIM. CASE No. SB-14-
CRM-0239

For: Plunder (Sec. 2, R.A.
No. 7080, as amended)

-versus-

JOSE "JINGGOY" P. EJERCITO
ESTRADA, ET AL.,
Accused.

CRIM. CASE No. SB-14-
CRM-0256 to 0266

For: Graft [Sec. 3 (e), R.A.
No. 3019]

Present:

Lagos, J., Chairperson,
Mendoza-Arcega, J., and
Corpus-Mañalac, J.

Promulgated:

October 26, 2022
Gerard L. Juan

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RESOLUTION

This resolves the *Motion for Reconsideration*¹ dated September 5, 2022 filed by the prosecution, and the *Comment/Opposition*² [Re: Prosecution's Motion for Reconsideration (Re: Resolution dated August 30, 2022) dated September 5, 2022] dated September 19, 2022 filed by accused Jose "Jinggoy" P. Ejercito Estrada ("Sen. Estrada").

The prosecution averred that:

¹ Record, Volume (Vol.) 45, pp. 45-54.

² *Id.*, pp. 88-107.

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1. Accused Sen. Estrada never claimed that his signatures in the PDAF documents were forged. The transactions in the *Revilla* plunder case are different from the transactions involved in the present cases. Certainly, taking judicial notice of the matters in question serves no purpose, and has no relevance in the resolution of the instant cases;
2. In the *Revilla* case docketed as SB-14-CRM-0240, there were no categorical statements from Marina Sula ("Sula"), Merlina Suñas ("Suñas") and Mary Arlene Baltazar ("Baltazar") that Benhur Luy ("Luy") forged Sen. Revilla's signatures in all the Endorsement Letters in the PDAF projects; consequently, their testimonies were uncertain, doubtful and questionable testimonial evidence. Their testimonies of dubious and unreliable nature are not appropriate matters of discretionary judicial notice;
3. Moreover, the said decision in the *Revilla* case is still pending review by the Supreme Court in connection with the appeal of Janet Lim Napoles ("Napoles"), docketed as G.R. No. 247611, entitled *People of the Philippines v. Ramon "Bong" Revilla, Jr., et al., accused; Janet Lim Napoles, accused-appellant*;
4. Due to the appeal of Napoles, the entire records of the case are thrown open for the Supreme Court's review, including the testimonies of Sula, Suñas and Baltazar. Thus, it is premature for the Court to take judicial notice of their testimonies to the effect that Luy was the person who forged or falsified the signatures of Sen. Revilla in the several Endorsement Letters used in the PDAF projects subject of that case, which ultimately led to the finding that the signatures purportedly of Sen. Revilla on such Endorsement Letters were not his;
5. Besides, unlike the *Revilla* case, there is no witness who testified that accused Sen. Estrada's signatures in the Endorsement Letters were falsified. Sec. Estrada never claimed that his signatures in the PDAF documents were forged; and
6. There is also no basis for the Court to take judicial notice of the direct testimony of prosecution witness COA Asst. Commissioner Susan P. Garcia of Luy's admission of having forged documents used in the PDAF projects under investigation by the COA.

In traverse, Sen. Estrada maintained the following:

A handwritten signature in black ink, appearing to be 'J. Estrada', written in a cursive style.

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1. Judicial notice of matters closely connected with the matters in controversy is warranted as a matter of expediency and convenience;
2. There is notoriety in the related and present cases as these all came from one and the same set of facts;
3. Relitigation of established facts in other related cases warrants judicial notice;
 - a. The pending appeal is solely with respect to accused Janet Lim Napoles and not to the other accused – Senator Revilla was acquitted, and accused Richard Cambe’s conviction was extinguished as a result of his death pending his appeal. It does not appear that the appeal of accused Napoles hinges on the authenticity of Senator Revilla’s signatures in the Endorsement Letters in such case;
 - b. The appeal of the case is of no moment as the Supreme Court is not a trier of facts, and even if it did choose to discuss and rule on factual matters, the fact remains that these testimonies were made during trial, and are rightfully subject to the appreciation of the Honorable Court; and
 - c. Contrary to the prosecution’s claim, there was a finding in the *Valdez* case that Luy forged the documents used in the PDAF projects under investigation by the Commission on Audit.

THE COURT’S RULING

Upon re-examination of the records, the Court discerns no basis for overturning its *Resolution*³ dated August 30, 2022.

The prosecution vigorously contended that the matters sought to be judicially noticed are irrelevant and immaterial, and have no bearing in the instant cases. Besides, the *Decision*⁴ in the *Revilla* case is still under review by the Supreme Court, including the testimonies of Sula, Suñas and Baltazar. Taking judicial notice of their testimonies is therefore premature.

³ *Id.*, pp. 24-32.

⁴ G.R. No. 247611.



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We beg to differ.

At the outset, the Court exercised its discretion in taking judicial notice of the matters in dispute based on Section 2, Rule 129 of the 2019 Revised Rules on Evidence.⁵ This rule clearly states that a court may take judicial notice of matters which are of public knowledge, or are capable of unquestionable demonstration, or ought to be known to judges because of their judicial functions. Hence, there is no need to further elaborate on the points raised by the movant as these are mere repetitions of its earlier arguments in its *Opposition* (To the Motion for Judicial Notice dated June 28, 2022).⁶ The same issues are already addressed exhaustively in the assailed resolution. It would be a useless ritual for the Court to reiterate itself.⁷

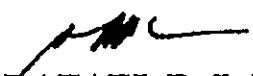
As correctly argued by Sen. Estrada, "the admissibility of evidence depends on its relevance and competence, while the weight of evidence pertains to evidence already admitted and its tendency to convince and persuade. Thus, a particular item of evidence may be admissible, but its evidentiary weight depends on judicial evaluation within the guidelines provided by the Rules of Court."⁸

WHEREFORE, premises considered, the *Motion for Reconsideration* dated September 5, 2022 filed by the prosecution is **DENIED** for utter lack of merit.

Accordingly, the *Resolution* dated August 30, 2022 hereby **STANDS**.

SO ORDERED.


MARIA THERESA V. MENDOZA-ARCEGA
Associate Justice


RAFAEL R. LAGOS
Associate Justice
Chairperson


MARYANN E. CORPUS-MAÑALAC
Associate Justice

⁵ A.M. No. 19-08-15-SC.

⁶ Record, Vol. 44, pp. 624-636.

⁷ *Mendoza-Ong v. Sandiganbayan, et al.*, G.R. Nos. 146368-69, October 18, 2004 citing *Ortigas and Company Limited Partnership v. Velasco*, G.R. Nos. 109645 & 112564, March 4, 1996, 254 SCRA 234, 242.

⁸ Citing *Dela Llana v. Biong, et al.*, G.R. No. 182356, December 4, 2013.