



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
QUEZON CITY

-----  
**SEVENTH DIVISION**

*MINUTES of the proceedings held on November 15, 2022.*

*Present:*

**MA. THERESA DOLORES C. GOMEZ-ESTOESTA** ----- Chairperson  
**ZALDY V. TRESPES** ----- Associate Justice  
**GEORGINA D. HIDALGO** ----- Associate Justice

The following resolution was adopted:

**CRIMINAL CASE NOS. SB-16-CRM-0173 TO 0178**

**PEOPLE v. RODOLFO G. VALENCIA, ET AL.**

Before the Court are the following:

1. Prosecution's **"FORMAL OFFER OF DOCUMENTARY EVIDENCE"** dated August 23, 2022 and filed on August 25, 2022;
2. Accused Lacsamana's **"COMMENT/OPPOSITION (RE: FORMAL OFFER OF DOCUMENTARY EVIDENCE)"** dated August 15, 2022 and filed on August 23, 2022;
3. Accused Espiritu, Jover, Cacal, Guañizo, and Medoza's **"COMMENT/OPPOSITION (to the Prosecution's Formal Offer of Documentary Exhibits)"** dated and electronically filed on September 5, 2022;
4. Accused Figura's **"COMMENT/OPPOSITION (RE: FORMAL OFFER OF EVIDENCE)"** dated September 7, 2022 and filed on September 8, 2022;
5. Accused Relampagos, Bare, Nuñez, and Paule's **"JOINT COMMENT ON / OPPOSITION TO PLAINTIFF'S FORMAL OFFER OF DOCUMENTARY EXHIBITS"** dated September 6, 2022;
6. Accused Cunanan's **"COMMENT on and/or OBJECTION to (the Prosecution's Formal Offer of Documentary Evidence)"** dated and electronically filed on September 26, 2022;

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7. Accused Napoles' "COMMENTS/OBJECTIONS (To: Prosecution's Formal Offer of Documentary Evidence)" dated September 30, 2022 and electronically filed on October 2, 2022; and

8. Accused Valencia's "COMMENT/OBJECTIONS (TO THE FORMAL OFFER OF EVIDENCE DATED 23 AUGUST 2022)" dated September 29, 2022, with advance copy received on October 12, 2022.

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**GOMEZ-ESTOESTA, J.:**

Before this Court is the Prosecution's *Formal Offer of Documentary Exhibits*<sup>1</sup> and the *Oppositions* filed by accused Lacsamana;<sup>2</sup> Espiritu, Jover, Cacal, Guañizo and Mendoza;<sup>3</sup> Figura;<sup>4</sup> Relampagos, Bare, Nuñez and Paule;<sup>5</sup> Cunanan;<sup>6</sup> Napoles;<sup>7</sup> and Valencia,<sup>8</sup> respectively.

The evidence offered by the prosecution are clustered into the following:

- A. Exhibits "A"; "A-1" to "A-63" – NBI Complaint dated November 29, 2013 and its annexes;
- B. Exhibits "B", "B-1" to "B-205" – Special Audits Office Report No. 2012-03 and its supporting documents
- C. Exhibits "C" to "C-23" – DBM Documents
- D. Exhibits "D" to "D-26"; "D-27" to "D-31" – Sinumpaang Salaysay and photographs of objects received from the office of accused Valencia
- E. Exhibits "E", "F", and "G" – JLN Cash/Check Daily Disbursement Reports;  
Exhibits "P", "P-1" to "P-77" – EnCase Examination Report
- F. Exhibits "H" to "H-25", "H-26" to "H-531" – Joint Complaint-Affidavit of AMLC-Secretariat and Annexes
- G. Exhibits "I", "I-1" to "I-312" – AMLC Bank Inquiry Report dated October 19, 2016, AMLC Secretariat Documents, Bank Records
- H. Exhibits "J" to "J-9" – Service Record of accused Valencia;
- I. Exhibits "L"; "L-1" to "L-8" – Incorporation Documents of JLN Corporation
- J. Exhibits "M" to "M-4" – SSS Documents
- K. Exhibits "N" to "N-19"; "O" to "O-19" – Health Insurance Documents – JLN Corp.

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<sup>1</sup> Records, Vol. 16, pp. 450 to Vol. 16C.

<sup>2</sup> Records, Vol. 16, pp. 535-544.

<sup>3</sup> Records, Vol. 16, pp. 549-550.

<sup>4</sup> Records, Vol. 16, pp. 552-556.

<sup>5</sup> Records, Vol. 16, pp. 557-570.

<sup>6</sup> Records, Vol. 16, pp. 589-600

<sup>7</sup> Records, Vol. 16, pp. 613-630.

<sup>8</sup> Records, Vol. 17, pp. 43-121.

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All the documents offered were objected to on the grounds of irrelevance and failure to prove the purposes for which they were offered. We resolve first these general objections relating to all the documents.

***(a) General objections on the ground of  
irrelevance / immateriality***

The admission of the following documents has been objected to for being irrelevant / immaterial:

Exhibits	Reason for Irrelevance	Objection made by
All exhibits	None offered	Espiritu, Jover, Cacal, Guañizo, Mendoza
Exhibit "A", <i>et seq.</i>	No link to any of them	Relampagos, Bare, Nufiez, Paule
	Exhibits <i>per se</i> cannot prove the crimes charged or his participation therein	Valencia
"A" to "A-23-1" "A-36" to "A-37" "A-38" to "A-42-C" "A-55" to "A-63"	Irrelevant and/or immaterial as far as accused is concerned	Figura
"A-46" to "A-48"	None offered	
Exhibit "B", <i>et seq.</i>	No link to any of them	Relampagos, Bare, Nufiez, Paule
	Exhibits <i>per se</i> cannot prove the crimes charged or his participation therein	Valencia
"B-79" to "B-110"	Irrelevant and/or immaterial as far as accused is concerned	Figura
Exhibit "C", <i>et seq.</i>	Irrelevant as far as accused is concerned	Napoles
	Exhibits <i>per se</i> cannot prove the crimes charged or his participation therein	Relampagos, Bare, Nufiez, Paule
		Valencia
Exhibit "D", <i>et seq.</i>	No link to them / Irrelevant as far as respective accused are concerned	Relampagos, Bare, Nufiez, Paule
	Exhibits <i>per se</i> cannot prove the crimes charged or his participation therein	Figura
		Napoles
		Valencia
Exhibit "E", <i>et seq.</i>	No link to any of them	Relampagos, Bare, Nufiez, Paule
	Exhibits <i>per se</i> cannot prove the crimes charged or his participation therein	Valencia
Exhibit "F", <i>et seq.</i>	No link to any of them	Relampagos, Bare, Nufiez, Paule
	Exhibits <i>per se</i> cannot prove the crimes charged or his participation therein	Valencia
Exhibit "G", <i>et seq.</i>	No link to any of them	Relampagos, Bare, Nufiez, Paule
	Exhibits <i>per se</i> cannot prove the crimes charged or his participation therein	Valencia
Exhibit "H", <i>et seq.</i>	No link to any of them	Relampagos, Bare, Nufiez, Paule
	Exhibits <i>per se</i> cannot prove the crimes charged or his participation therein	Valencia
Exhibit "I", <i>et seq.</i>	No link to any of them	Relampagos, Bare, Nufiez, Paule
	Exhibits <i>per se</i> cannot prove the crimes charged or his participation therein	Valencia
Exhibit "J", <i>et seq.</i>	No link to any of them Irrelevant as far as respective accused are concerned	Relampagos, Bare, Nufiez, Paule
	None offered	Napoles
		Valencia
Exhibit "L", <i>et seq.</i>	No link to any of them	Relampagos, Bare, Nufiez, Paule
	None offered	Valencia
Exhibit "M", <i>et seq.</i>	No link to any of them	Relampagos, Bare, Nufiez, Paule
	None offered	Valencia
Exhibit "N", <i>et seq.</i>	No link to any of them	Relampagos, Bare, Nufiez, Paule
	None offered	Valencia
Exhibit "O", <i>et seq.</i>	No link to any of them	Relampagos, Bare, Nufiez, Paule

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	None offered	Valencia
Exhibit "P", <i>et seq.</i>	No link to any of them	Relampagos, Bare, Nufiez, Paule
	None offered	Valencia

Rule 128 of the Revised Rules on Evidence provides:

*Section 3. Admissibility of evidence.* - Evidence is admissible when it is **relevant to the issue** and not excluded by the Constitution, the law or these Rules.

*Section 4. Relevancy; collateral matters.* - Evidence must have such a relation to the fact in issue as to induce belief in its existence or non-existence. Evidence on collateral matters shall not be allowed, except when it tends in any reasonable degree to establish the probability or improbability of the fact in issue.

Evidence is relevant when it relates directly to a **fact in issue** as to induce belief in its existence or non-existence.<sup>9</sup> The objections of the accused that some documents are irrelevant as far as they are concerned are not contemplated by the rule excluding documents that are **irrelevant to the issue**. Moreover, it is only necessary for a particular document to have a direct relation to the fact in issue; it is not necessary for a particular document to single-handedly establish the commission of the crime alleged, as this is to be determined by the entire evidence for the prosecution.

Thus, the above objections cannot be given credence.

***(b) Objections to the purposes for which the documents have been offered***

The accused have objected to the admission of the following documents on ground that these documents did not prove the purposes for which they were offered. They are:

Exhibits	Accused
All exhibits	Relampagos, Bare, Nufiez, Paule Valencia
Exhibits "B" to "B-78"; "B-204" "C" to "C-23"	Figura
Exhibits "B-10", "B-23", "B-54", "B-55", "B-56", "B-68", "B-204"	Lacsamana
Exhibits "A", "B", "C" and submarkings "D", "D-8", "D-16"	Cunanan
Exhibits "B-2", "B-3", "B-4", "B-19", "B-20", "B-21", "B-22", "B-23", "B-61", "B-62", "B-63", "B-64", "B-65", "B-66", "B-67", "B-68", "B-69", "B-70", "L", <i>et seq.</i> , "M", <i>et seq.</i>	Napoles

<sup>9</sup> *Agustin v. CA*, G.R. NO. 162571, June 15, 2005.

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The function of the formal offer is to enable the trial judge to **know the purpose or purposes** for which the proponent was presenting the evidence. Such formal offer would also enable the opposing parties to examine the evidence and to reasonably object to their **admissibility**.<sup>10</sup>

**Admissibility of evidence should not be confused with its probative value.** Admissibility refers to the question of whether certain pieces of evidence are to be considered **at all**, while probative value refers to the question of whether the **admitted** evidence proves an issue. Thus, a particular evidence may be admissible, but its evidentiary weight depends on judicial evaluation within the guidelines provided by the rules of evidence.<sup>11</sup> 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.<sup>12</sup>

In objecting to the purposes for which the Prosecution offered its evidence, the accused are asserting that these exhibits do not prove what the Prosecution is wanting to prove. This objection does not relate to the admissibility of the exhibits offered, but to their weight or probative value, which is to be considered by the Court only in the final determination of the case. Relevance and competence determine the admissibility of evidence, while weight of evidence presupposes that the evidence is already admitted and pertains to its tendency to convince and persuade.<sup>13</sup> If a document offered for a purpose is admitted, it only means that the document is admissible under the rules; it does not mean that it has proven what it had been offered to prove.

Thus, the above objections likewise cannot be given credence.

This Court shall proceed to rule on the admissibility of the exhibits offered taking into consideration the specific objections to their admission.

**A. EXHIBITS “A”; “A-1” to “A-63” – NBI  
Complaint dated November 29, 2013 and  
its annexes<sup>14</sup>**

*Specific Objections/Admissions*

Exhibits	Ground	Accused
Exhibits “A-1” to “A-63”	Attachments not duly authenticated / Witness has no personal knowledge; hearsay	Cunanan

<sup>10</sup> *Bank of Commerce v. Heirs of Dela Cruz*, G.R. No. 211519, August 14, 2017.

<sup>11</sup> *Disini v. Republic*, G.R. No. 205172, June 15, 2021.

<sup>12</sup> *Dela Llana v. Biong*, G.R. No. 182356, December 04, 2013.

<sup>13</sup> *Martires v. Heirs of Somera*, G.R. No. 210789, December 03, 2018.

<sup>14</sup> Identified by: (i) Rodante C. Berou, NBI Supervising Agent, in his *Judicial Affidavit* dated August 8, 2018, p. 9 (Records, Vol. 10, pp. 368-383); and (ii) Clarita Balbin Tangol, Administrative Officer I, OSP Records Division in her *Judicial Affidavit* dated June 2, 2021, pp. 4-43 (JA Folder Vol. 3, pp. 48-95).

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"A-15"	Not properly authenticated according to the Rules on Electronic Evidence	
"A-1" to "A-51"  "A-2", "A-4", "A-5", "A-6", "A-7", "A-19-b", "A-35", "A-36-b" to "A-36-tt", "A-37", "A-38", "A-39" to "A-39-a", "A-40", "A-41", "A-42", "A-44" to "A-44-j", "A-47", "A-48", "A-49", "A-51", "A-54"  "A-56", "A-57", "A-58", "A-59", "A-60", "A-61", "A-62"	Irrelevant as they involve a case for Serious Illegal Detention  Hearsay – affiant not presented to identify sworn statement; mere certified true copies whose custodian did not testify  Documents were not issued against accused; mere certified true copies whose custodian did not testify; hence, not properly authenticated	Napoles
"A-1" to "A-24" "A-35" to "A-44", "A-46 to "A-51" "A-52" to "A-61"	Documents cannot form part of the testimonies of witnesses who do not have personal knowledge of their contents and due execution	Valencia
"A-25" to "A-34" "A-43" to "A-45-e" "A-49" to "A-50" "A-52" to "A-54"	Admitted	Figura

**Ruling:**

Exhibit "A" is **ADMITTED**, having been the subject of stipulation by the parties during pre-trial on its existence, due execution, and authenticity, to wit:<sup>15</sup>

Exhibits	Stipulated per Joint Stipulation of Facts dated June 21, 2018 <sup>16</sup>
"A"	Existence, due execution, and authenticity
"A-1," "A-2," "A-5," "A-18," "A23," "A-23-1," "A-36," "A-36-a," "A-40," and "A-42" to "A-42-c"	Faithful reproduction of the document without admitting authenticity and due execution thereof
"A-36-b" to "A-36-tt"	Except for page 4, faithful reproduction of the document without admitting authenticity and due execution thereof
"A-41"	Faithful reproduction of the document without admitting authenticity and due execution thereof, with correction that name "Jake" has been replaced with "Jeff"
"A-49" to "A-49-aa"	Faithful reproduction, of the document without admitting authenticity and due execution thereof with note that alteration of the word "printouts" is replaced by "listahan," and the answer was also changed

Judicial admissions are legally binding on the party making the admissions.<sup>17</sup> Moreover, it is a self-authenticating public document.<sup>18</sup>

<sup>15</sup> Joint Stipulation of Facts and Issues dated July 12, 2018, *Records*, Vol. 10, pp. 136-229.

<sup>16</sup> *Records*, Vol. 10, pp. 138-198.

<sup>17</sup> *Leynes v. People*, G.R. No. 224804, September 21, 2016.

<sup>18</sup> See *Patula v. People*, G.R. No. 164457, April 11, 2012.

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The attachments listed in and attached to Exhibit "A", *i.e.*, Exhibits "A-1" to "A-63" are **admitted only as part of the NBI Report**. As properly interposed by accused Cunanan, Napoles and Valencia, these attachments were not properly authenticated by witnesses who have personal knowledge of their contents. Neither have they become self-authenticating public documents only because they were gathered by the NBI in the course of its investigation.<sup>19</sup>

The court notes, however, that some of the attachments are in themselves admissible. The following exhibits are thus admitted for the purpose for which they were offered:

**Exhibit "A-55"**, a public document likewise was duly authenticated by witness Berou, notwithstanding that the same is a mere photocopy, there being no objection on this ground;

**Exhibits "A-37", "A-44", "A-52", "A-50", *et seq.* (sans annexes)** – sworn statements duly authenticated by their affiant, Benhur Luy. While these appear to be photocopies, there was no objection anchored on the Original Evidence Rule, thus, said objection is deemed waived;<sup>20</sup>

**Exhibits "A-1", "A-2", and "A-23"**, faithful reproduction of original public documents, as stipulated during pre-trial;<sup>21</sup>

**Exhibit "A-30"** (26 pages), having been attested to be the original SEC document by witness Eunice Dalisay-Salazar.<sup>22</sup>

Jurisprudence has it that evidence not objected to is deemed admitted and may be validly considered by the court in arriving at its judgment. This is true even if by its nature, the evidence is inadmissible and would have surely been rejected if it had been challenged at the proper time.<sup>23</sup>

Accused Napoles likewise objects to the admission of Exhibits "A-1" to "A-51" on the ground of irrelevance, as these pertain to the Serious Illegal Detention case. Considering that the Illegal Detention case is instrumental in the discovery of what is now the subject of these cases, its relevance cannot be shrugged off. As held in *Republic v. Gimenez*.<sup>24</sup>

Although trial courts are enjoined to observe strict enforcement of the rules of evidence, in connection with evidence which may appear to be of doubtful relevancy, incompetency, or admissibility, we have held that:

<sup>19</sup> See *Republic v. Marcos-Manotoc, et al.*, G. R. No. 171701, February 8, 2012.

<sup>20</sup> *Tapayan v. Martinez*, G.R. No. 207786, January 30, 2017.

<sup>21</sup> Joint Stipulation of Facts and Issues dated July 12, 2018, *Records*, Vol. 10, pp. 136-229.

<sup>22</sup> *Judicial Affidavit* dated October 4, 2018, *Records*, Vol. 11, pp. 172-204.

<sup>23</sup> *Vide: Spouses Enriquez v. Isarog Line Transport, Inc.*, G.R. No. 212008, November 16, 2016; *Heirs of Marcelino Doronio v. Heirs of Fortunato Doronio*, G.R. No. 169454, December 27, 2007

<sup>24</sup> G.R. No. 174673, January 11, 2016.

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[I]t is the safest policy to be liberal, not rejecting them on doubtful or technical grounds, but admitting them unless plainly irrelevant, immaterial or incompetent, for the reason that their rejection places them beyond the consideration of the court, if they are thereafter found relevant or competent; on the other hand, their admission, if they turn out later to be irrelevant or incompetent, can easily be remedied by completely discarding them or ignoring them

**B. Exhibits “B”, “B-1” to “B-205” – Special  
Audit Office Report No. 2012-03 and its  
supporting documents<sup>25</sup>**

*Specific Objections:*

Exhibits	Ground	Accused
Exhibits “B” to “B-205”	Attachments not duly authenticated / Witness has no personal knowledge; hearsay	Cunanan
“B-54”, “B-55”, “B-62”, “B-63”	Unreadable	
“B-54”	Accused signed DV in good faith; signing does not allude to any act constituting a crime	Lacsamana
“B-1”, “B-2”, “B-45”, “B-46”, “B-111”	Unsigned by Relampagos	Relampagos
“B-112”	NCA issued after SARO which he signed ministerially	
“B” to “B-205”	Documents were not issued against accused; mere certified true copies whose custodian did not testify	Napoles
“B-1” to “B-7”, “B-9” to “B-13”, “B- 16” to “B-96”, “B-111” to “B-156”, “B-162” to “B-164”, “B-167” to “B- 178”, “B-180” to “B-203”	Documents cannot form part of the testimonies of witnesses who do not have personal knowledge of their contents and due execution	Valencia
“B-14”, “B-15”, “B-47”, “B-97”, “B- 167” to “B-178”	Photocopy – inadmissible under the Original Document Rule	
“B-11”, “B-26” to “B-32”, “B-57”, “B-59”, “B-60”, “B-71” to “B-75”, “B-78”, “B-119”, “B-125”, “B-131”, “B-132”, “B-135” to “B-137”	Signature is forged	

*Ruling:*

Exhibit “B” is **ADMITTED**, having been duly authenticated by one of its authors, Gloria Silverio.<sup>26</sup> Exhibits “B-1” to “B-156”, which, as Silverio testified, are documents culled during investigation, are **admitted only as part of the testimony of Gloria Silverio.**

<sup>25</sup> Identified by: (i) Gloria D. Silverio, former State Auditor V COA and Overall Team Leader of the PDAF audit, in her *Judicial Affidavit* (Records, Vol. 9, pp. 140-264); specifically identified Exhibits “B-1” to “B-44” (pages 16-18); Exhibits “B-45” to “B-110” (pages 5-9); Exhibits “B-111” to “B-156” (pages 23-26); Exhibits “B-157” to “B-203” (pages 32-34); Exhibits “B-204” to “B-204-e” (page 37); and Exhibit “B-205” (page 3); and (ii) Clarita Balbin Tangol, Administrative Officer I, OSP Records Division in her *Judicial Affidavit* dated June 2, 2021 (JA Folder Vol. 3, pp. 48-95), specifically identified Exhibits “B” to “B-205”.

<sup>26</sup> *Judicial Affidavit* dated April 27, 2018, Records, Vol. 9, pp. 140-264.

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As properly raised by accused Cunanan, witness Silverio's personal knowledge does not extend to the documents she gathered in the course of investigation. To be admissible, these documents have to be authenticated. That they were gathered by the COA in the course of investigation does not make them self-authenticating public documents.<sup>27</sup>

Nonetheless, the following documents are in themselves admissible, and are thus admitted for the purposes for which they were offered:

**Exhibits "B-19", "B-20", "B-43" and "B-44",** having been stipulated on during pre-trial; viz:<sup>28</sup>

**Exhibits "B-3" to "B-13", "B-16" to "B-18", "B-21 to "B-42", "B-44", "B-48" to "B-110", "B-119", "B-120" to "B-156",** having been duly identified by witnesses Marina Sula<sup>29</sup> and Benhur Luy,<sup>30</sup> notwithstanding that some of these exhibits are mere photocopies / unattested certified copies, there being no objection on these grounds.

**Exhibits "B-116", "B-117", and "B-125",** being faithful reproductions of original public documents,<sup>31</sup> thus, self-authenticating;

**Exhibits "B-157" to "B-166" and "B-179" to "B-203** are **ADMITTED**, having been duly identified by witness Silverio as correspondences made between COA and legislators, NGOs, suppliers and the COMELEC to validate the authenticity of the documents gathered during investigation.

**Exhibits "B-204" to "B-204-e" are ADMITTED,** being public documents which were likewise duly authenticated by Gloria Silverio, who is among the persons who issued such Notices of Disallowance. With their admission, let the physical marking of Exhibit "B-204-c" (Notice of Disallowance–SAO ND No. NAB-2014-069-PDAF (07-09) be made on the reserved exhibit.<sup>32</sup>

**Exhibit "B-205" is ADMITTED,** being a public document duly authenticated by Gloria Silverio.

Accused Valencia's allegation of forgery of his signature, even if true, does not affect the admissibility of the documents objected to, as in fact, such documents must be subjected to the court's scrutiny to so determine. Forgery

<sup>27</sup> See *Republic v. Marcos-Manotoc, et al.*, G. R. No. 171701, February 8, 2012.

<sup>28</sup> Joint Stipulation of Facts and Issues dated July 12, 2018, *Records*, Vol. 10, pp. 136-229.

<sup>29</sup> *Judicial Affidavit* dated September 2, 2019, *JA Folder* Vol. 1, pp. 276-483.

<sup>30</sup> *Judicial Affidavit* dated March 2, 2020, *JA Folder* Vol. 3, pp. 8-46.

<sup>31</sup> Joint Stipulation of Facts and Issues dated July 12, 2018, *Records*, Vol. 10, pp. 136-229.

<sup>32</sup> See manifestation made in p. 27 of the Prosecution's Formal Offer of Evidence.

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cannot be presumed and must be proved by clear, positive and convincing evidence, the burden of proof lies on the party alleging forgery.<sup>33</sup>

The objections of accused Lacsamana and Relampagos are matters of defense, not admissibility, while accused Cunanan's objection that some documents are illegible will be addressed when the contents of such documents are considered in the final resolution of the cases.

Most of the documents marked and offered have been stipulated on as faithful reproductions of originals, contrary to accused Cunanan's and Napoles's objection that Exhibits "B" to "B-205" are mere photocopies or certified copies whose custodians did not testify.<sup>34</sup> Objections should be specific and it is not for this court to pick out which particular exhibits are actually inadmissible on such grounds, taking its cue from accused Napoles's **blanket** objection to the entire Exhibit "B".

The court notes that Exhibits "B-1", "B-45", and "B-111" are the same as Exhibits "C", "C-6", and "C-12", respectively; and Exhibits "B-2",

<sup>33</sup> *Gatan, et al. v. Vinarao, et al.*, G.R. No. 205912, October 18, 2017

<sup>34</sup> Stipulations made by the parties are, thus:

Exhibits	Stipulated per JSFI dated June 21, 2018
"B-5" to "B-8," "B-11," "B-13," "B-16," "B-17," "B-22," "B-23," "B-27" to "B-42," "B-48," "B-49," "B-51," "B-53," "B-54," "B-55," "B-56," "B-57," "B-59" to "B-62," "B-64," "B-65," "B-67," "B-70" to "B-85," "B-87" to "B-95," "B-98" to "B-100," "B-102" to "B-104," "B-106" to "B-108," "B-110," "B-113" to "B-114," "B-117," "B-121" to "B-124," "B-125" to "B-133," "B-135" to "B-140," "B-143" to "B-146," "B-157" to "B-163," "B-165" to "B-166," "B-179" to "B-183," and "B-185" to "B-203"	Faithful reproduction of the document without admitting authenticity and due execution thereof
"B-19," "B-20," "B-43," and "B-44"	Stipulated
"B-68"	Faithful reproduction of the document without admitting authenticity and due execution thereof, except on the date there is an alteration
"B-86"	Same; except there is an alteration on the ROCS-No. 08-00576 on the figure zero
"B-96"	Same; except there is an alteration on the ROCS Number
"B-116"	Same; except there is an alteration in the name of Atty. Arthur C. Yap, Secretary
"B-141"	Same; except there is an alteration on date by replacing figure "199" and replacing it with "2008"
"B-142"	Same; except there is an alteration on date by replacing figure "19" and replacing it with "2008"

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“B-46” and “B-112” are the same as Exhibits “C-2”, “C-8”, and “C-14”, respectively.

The admissibility of Exhibit “C”, *et seq.* is resolved below.

C. Exhibit “C” to “C-23” – DBM Documents<sup>35</sup>

*Specific Objections/ Admissions:*

Exhibits	Ground	Accused
Exhibits “C” to “C-23”	Documents cannot form part of the testimonies of witnesses who do not have personal knowledge of their contents and due execution	Valencia
“C-5” and “C-5-A”, “C-11” and “C-11-A”, “C-17”	Valencia’s signature was forged	
“C” to “C-23”	Mere certified true copies whose custodian did not testify	Napoles
“C”, “C-1”, “C-2”, “C-6”, “C-7”, “C-8”, “C-12” “C-13”, “C-14” “C-18”, “C-19”, “C-20”	Unsigned by Relampagos  NCA issued after SARO which he signed ministerially  Irrelevant – SAROs issued in 2007, much later than these issuances by the DBM.	Relampagos
“C” to “C-23”	Admitted as to existence	Figura

Exhibit “C” to “C-17” are public documents, having been issued by the DBM / bearing the letterhead of the House of Representatives. Prosecution witness Marissa Santos certified that the following were (a) certified copies of the original copies on file: Exhibits “C-5”, “C-11”, and “C-17”; (b) certified true copies of duplicate originals: Exhibits “C”, “C-6”, and “C-12”; (c) certified true copies: Exhibits “C-1”, “C-2”, “C-7”, “C-8”, “C-13” and “C-14”; and (d) certified copies of the machine copies on file: Exhibits “C-3”, “C-4”, “C-9”, “C-10”, “C-15” and “C-16”.

Exhibits “C-5”, “C-11”, and “C-17”, which are certified copies of the original copies on file, and Exhibits “C”, “C-6”, and “C-12”, which are certified true copies of duplicate originals are **ADMITTED**, having been duly certified and attested by witness Marissa Santos, the custodian of the originals and duplicate originals.<sup>36</sup>

<sup>35</sup> Identified by: (i) Gloria D. Silverio in her *Judicial Affidavit* dated April 27, 2018 (Records, Vol. 9, pp. 140-264) where she identified Exhibits “C-6” to “C-8” (pages 5-9); (ii) Marissa Amar Santos, Chief Administrative Officer, Central Records Division, DBM, in her *Judicial Affidavit* dated September 6, 2018, (Records, Vol. 11, pp. 55-65); She submitted certified copies of Exhibits “C” to “C-17” (pages 3-5) and averred that she is the custodian of all DBM issuances, referring to Exhibits “C-18” to “C-23”; and (iii) Clarita Balbin Tangol, Administrative Officer I, OSP Records Division, in her *Judicial Affidavit* dated June 2, 2021 (Records, Vol. pp. where she identified Exhibits “C” to “C-17”.

<sup>36</sup> *Judicial Affidavit* dated September 16, 2018, Records, Vol. 11, pp. 55-161.

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While Santos testified that she did not have custody of Exhibits “C-1”, “C-2”, “C-7”, “C-8”, “C-13” and “C-14”; and Exhibits “C-3”, “C-4”, “C-9”, “C-10”, “C-15” and “C-16”, the same are likewise **ADMITTED**, there being no objection on the ground that Santos, who certified these documents as true copies and true copies of the machine copies on file, respectively, did not have custody of the originals. This is not the same as accused Napoles’ **blanket** objection that “the one who testified in court did not appear to be the custodian of the records of the originating government agencies”, as Santos, who certified the documents, testified that she was indeed the legal custodian of all official DBM records.<sup>37</sup>

During the hearing on September 25, 2018, the prosecution moved for the marking of Exhibits “C-18” to “C-23”, which was granted. However, a perusal of these exhibits shows that they have not yet been officially marked.

Exhibits “C-18” to “C-22”, inclusive, are **ADMITTED**, being certified copies of DBM issuances, hence, public documents, duly certified and attested by their legal custodian, Marissa Santos. The court notes that there are two documents marked as Exhibit “C-22”, *i.e.*, National Budget Circular No. 515 (Guidelines on the Release of Funds for FY 2008), and National Budget Circular 519 (Guidelines on the Release of Funds for FY 2009). The document marked as Exhibit “C-21” is National Budget Circular No. 508 (Guidelines on the Release of Funds for FY 2007). The document offered as Exhibit “C-21” and series is “National Budget Circular, Guidelines for the release of funds for 2007, 2008 and 2009.” This court notes the obvious oversight, and **ADMITS** documents marked as Exhibit “C-21”, and both documents **marked** as Exhibit “C-22”. With their admission, let the official markings of Exhibits “C-18” to “C-22” (both documents **marked** as Exhibit “C-22”) be made on these documents.

The document **offered** as Exhibit “C-22” is DBM Office Order No. 2000-112, which is not the same as the marked Exhibit “C-22”. The **offered** Exhibit “C-22” was **not filed** and is thus **EXCLUDED**. The same is true with the offered Exhibit “C-23”, there being no document marked as Exhibit “23” submitted to the court. Accordingly, Exhibit “C-23” is likewise **EXCLUDED**. As reiterated in *Rodriguez v. YOHDC*<sup>38</sup>

Our rule on evidence provides the procedure on how to present documentary evidence before the court, as follows: firstly, the document should be authenticated and proved in the manner provided in the rules of court; secondly, **the document should be identified and marked for identification**; and thirdly, it should be formally offered in evidence to the court and shown to the opposing party so that the latter may have an opportunity to object thereon. (Emphasis supplied)

<sup>37</sup> *Judicial Affidavit* of Marissa Santos, Q&A No. 4.

<sup>38</sup> G.R. No. 199451, August 15, 2018.

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Accused Valencia’s objections deserve scant consideration. Being public documents, these documents do not need to be authenticated, and personal knowledge of their contents and due execution need not be established.<sup>39</sup> Also, as discussed above, forgery, even if true, is not a ground for objection to the admissibility of documents.

Accused Relampagos’s objections, on the other hand, are matters of defense properly ventilated during trial and do not relate to the admissibility of these documents.

**D. Exhibits “D” to “D-26”; “D-27” to “D-31” –  
Sinumpaang Salaysay and photographs of  
objects received from the office of accused  
Valencia<sup>40</sup>**

*Specific Objections:*

Exhibits	Ground	Accused
“D”, “D-8”, “D-16”	Discrepancies in addresses	Cunanan
“D-27” to “D-31”	Lack of proper authentication under the Rules on Electronic Evidence	

*Ruling:*

Exhibit “D”, *Sinumpaang Salaysay* of Gregorio C. Matira, Jr., is **ADMITTED**, having been duly authenticated by the affiant. Exhibits “D-1”

<sup>39</sup> *Heirs of Ochoa v. G&S Transport Corp.*, G.R. Nos. 170071 & 170125, July 16, 2012.

<sup>40</sup> The identification of these exhibits are, as follows:

Exhibit “D” and series		
Exhibits	Person Who Testified	Citation
“D”	Greogorio C. Matira, Jr.	TSN, November 13, 2018, p. 13
“D-2”	Efren P. Magsisi	Stipulated; TSN, November 13, 2018, p. 27
“D-3”	Jaime A. Ulip	Stipulated; TSN, November 13, 2018, p. 36
“D-8”	Roberto S. Maganda	Stipulated; TSN, November 13, 2018, p. 53
“D-9”	Zosimo C. Abordo	Stipulated <i>Vide:</i> the court’s Order dated November 13, 2018 in conjunction with TSN November 13, 2018 pp. 19-30, accused Valencia’s Proposed Counter Stipulations of Fact dated December 6, 2018 (pp. 474-478) which were admitted by the Prosecution (TSN, January 15, 2019, p. 28)
“D-10”	Maximo de Alba	Stipulated; TSN, November 13, 2018, pp. 56-57
“D-11”	Armando M. Espiritu	Stipulated; TSN, November 13, 2018, pp. 40-41.
“D-16”	Melchor C. Dilay	Stipulated; TSN, November 13, 2018, pp. 45-47
“D-17”	Larry G. Villarin	Stipulated; TSN, November 13, 2018, pp. 40-41
“D-18”	Lito M. Palomera	Stipulated; TSN, November 13, 2018, pp. 56-57
“D-19”	Virgilia Y. Obispo	Stipulated; TSN, November 13, 2018, pp. 56-57
“D-1,” “D-4,” “D-5” to “D-7,” “D-12” to “D-15,” “D-20” to “D-26”		Stipulated; <i>Vide:</i> the court’s Order dated November 27, 2018 (Records, Vol. 11, p. 446-447)
(Photos) “D-27” to “D-31”		Stipulated; TSN, June 25, 2019, pp. 18-20

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to “D-26” are likewise **ADMITTED**, having been the stipulated on by the accused.<sup>41</sup>

Exhibits “D-27” to “D-31”, photographs of object evidence identified by witness Zosimo C. Abordo, are likewise **ADMITTED** over accused Cunanan’s objection on the ground of lack of proper authentication under the Rules on Electronic Evidence, the accused having stipulated that “the photographs taken were an actual depiction of the objects presented.”<sup>42</sup> The purported discrepancies in addresses do not affect the admissibility of the documents and will be considered in the final resolution of the cases.

**E. Exhibits “E”, “F”, and “G” – JLN Cash/Check Daily Disbursement Reports<sup>43</sup>**  
**Exhibits “P”, “P-1” to “P-77” – EnCase Examination Report<sup>44</sup>**

*Specific Objections:*

Exhibits	Ground	Accused
Exhibits “E”, “F”, and “G”	Mere summaries of transactions; hence, hearsay  Inadmissible secondary evidence, as primary evidence not accounted for  Not properly authenticated under the Rules on Electronic Evidence	Cunanan
“E”, “F”, and “G” “P”, “P-1” to “P-77”  “P”, “P-1” to “P-77”	Violation of the Original Document Rule – original signed DDRs not presented; mere photocopies of the print-outs made during the NBI investigation or the trial in People v. Estrada (5 <sup>th</sup> Division)  Dario Sabilano presented as ordinary, not expert, witness, and merely identified the EnCase Report, without testifying on it.	Napoles
“E-154”, “E-163” “F-12”, “F-29”, “F-39”, “F-64”, “F-72”, “F-110”	Prosecution failed to present originals; these were mere print-outs	Valencia

Exhibits “E”, “F”, and “G” are print-outs from Benhur Luy’s hard drive, which was subjected to forensic examination by Dario Sabilano, who rendered the Encase Forensic Report on said hard drive marked as Exhibits “P-1” to “P-77”.

Exhibits “E”, “F”, and “G” are **ADMITTED**, having been duly authenticated by witness Benhur Luy.<sup>45</sup> These documents were offered “to prove that the illegal transactions of accused Napoles through various NGOs were recorded and documented by her finance officer Luy”; they were not

<sup>41</sup> Order dated November 13, 2018, *Records*, Vol. 11, pp. 328-331; Order dated November 27, 2018, *Records*, Vol. 11, pp. 446-447.  
<sup>42</sup> Order dated June 25, 2019. *Records*, Vol. 12, p. 398.  
<sup>43</sup> Identified by Benhur K. Luy in his *Judicial Affidavit* dated March 2, 2020 (JA Folder Vol. 3, pp. 8-46).  
<sup>44</sup> As stipulated per Orders dated April 26, 2022, May 24, 2022, and June 14, 2022, and July 26, 2022.  
<sup>45</sup> *Judicial Affidavit* dated March 2, 2020, JA Folder, Vol. 3, pp. 8-46.

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offered in lieu of the signed DDRs and are thus not secondary evidence thereof. These documents are original copies under the Rules on Electronic Evidence:

Rule 4, Section 1. *Original of an electronic document.* – An electronic document shall be regarded as the equivalent of an original document under the Best Evidence Rule if it is a printout or output readable by sight or other means, shown to reflect the data accurately.

Luy testified that he printed from his hard drive only twice: during the NBI investigation and before the Clerk of Court of the 5<sup>th</sup> Division, and that Exhibits “E”, “F”, and “G” are copies of the ones he printed during the NBI investigation. Accused Napoles objects to the admission of these documents under the Original Document Rule.

The Rules on Electronic Evidence regards such duplicates of the original print-outs as admissible. Under Rule 4, Section 2 thereof:

Section 2. *Copies as equivalent of the originals.* – When a document is in two or more copies executed at or about the same time with identical contents, or is a counterpart produced by the same impression as the original, or from the same matrix, or by mechanical or electronic re-recording, or by chemical reproduction, or by other equivalent techniques which accurately reproduces the original, such copies or duplicates shall be regarded as the equivalent of the original.

Notwithstanding the foregoing, copies or duplicates shall not be admissible to the same extent as the original if:

- (a) a genuine question is raised as to the authenticity of the original; or
- (b) in the circumstances it would be unjust or inequitable to admit the copy in lieu of the original.

Neither are these documents hearsay for being mere summaries, as interposed by accused Cunanan. Rule 8 of the Rules on Electronic Evidence provides:

Section 1. *Inapplicability of the hearsay rule.* – A memorandum, report, record or data compilation of acts, events, conditions, opinions, or diagnoses, made by electronic, optical or other similar means at or near the time of or from transmission or supply of information by a person with knowledge thereof, and kept in the regular course or conduct of a business activity, and such was the regular practice to make the memorandum, report, record, or data compilation by electronic, optical or similar means, all of which are shown by the testimony of the custodian or other qualified witnesses, is excepted from the rule on hearsay evidence.

Exhibit “P” is **ADMITTED**, having been the subject of stipulation.<sup>46</sup>

<sup>46</sup> Order dated April 26, 2022, *Records*, Vol. 16, pp. 339-341.

Exhibit “P-1” to “P-77” (EnCase Investigation Report) is **ADMITTED**. The parties stipulated that Dario Sabilano can identify the EnCase Investigation Report, which he also submitted to the 5<sup>th</sup> Division for *People v. Estrada* (SB-14-CRM-0239).<sup>47</sup> The copy of said report was certified by 5<sup>th</sup> Division Executive Clerk of Court, Atty. Liezel De Leon, who had custody of the original/official copies of the exhibits offered in *People v. Estrada*.<sup>48</sup>

**F. Exhibits “H”<sup>49</sup> to “H-25”, “H-26” to “H-531”  
– Joint Complaint-Affidavit of AMLC-Secretariat and Annexes<sup>50</sup>**

*Specific Objections:*

Exhibits	Ground	Accused
Attachments of Exhibit “H”	Attachments not duly authenticated / Witness has no personal knowledge; hearsay	Cunanan
Exhibit “H” <i>et seq.</i>	Double hearsay evidence. AMLC only examined documents submitted to them by Benhur Luy, who is the only person they interviewed.  Bank documents are not originals; some are merely certified copies whose custodian did not testify  Attachments are private documents that were not properly authenticated	Napoles
Exhibit “H”, <i>et seq.</i>	Documents cannot form part of the testimony of Cesar Cruz, who does not have personal knowledge of their contents and due execution	Valencia
Exhibit “H”, <i>et seq.</i>	Self-serving; no basis as AMLA only used the Ombudsman Resolution in filing its complaint-affidavit. AMLA did not conduct its own investigation.	Figura

*Ruling:*

The AMLC Joint Complaint-Affidavit marked as Exhibits “H” to “H-25” is **ADMITTED**, being a certified copy of a public document duly attested by its legal custodian, Cesar Cruz.<sup>51</sup> Personal knowledge of the document is relevant in the authentication of documents, which is not necessary for public documents.

Exhibits “H-26” to “H-531”, attachments to the Joint Complaint-Affidavit, are **admitted only as part of the Joint Complaint-Affidavit**. As

<sup>47</sup> Order dated April 26, 2022, *Records*, Vol. 16, pp. 339-341.

<sup>48</sup> As stipulated – Order dated June 14, 2022, *Records*, Vol. 16, pp. 407-409.

<sup>49</sup> Newly-marked. The Exhibit “H” identified by Atty. Leigh Von Santos, and subject of the request to re-mark as Exhibit “I-312” has been so re-marked. The admissibility of the re-marked Exhibit “I-312” is resolved below.

<sup>50</sup> Identified by Mr. Cesar Cruz, AMLC Secretariat who testified on July 23, 2019.

<sup>51</sup> As stipulated – Order dated July 23, 2019, *Records*, Vol. 12, pp. 428-429.

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properly interposed by accused Cunanan, these attachments were not properly authenticated by witnesses who have personal knowledge of their contents. Neither have they become self-authenticating public documents only because they were gathered by the AMLC in the course of investigation.<sup>52</sup>

**G. Exhibits “I”, “I-1” to “I-312” – AMLC Bank Inquiry Report dated October 19, 2016, AMLC Secretariat Documents, Bank Records<sup>53</sup>**

*Specific Objections:*

Exhibits	Ground	Accused
Exhibit “I” <i>et seq.</i>	Double hearsay evidence. AMLC only examined documents submitted to them by Benhur Luy, who is the only person they interviewed.  Bank documents are not originals; some are merely certified copies whose custodian did not testify  Attachments are private documents that were not properly authenticated	Napoles
Exhibits “I-6” to “I-302” “I-312”  Exhibit “I-303”  Exhibits “I-304” to “I-311”  “I-312”	Atty. Santos has no personal knowledge as to these documents.  The witnesses from Metrobank and UCPB have no personal knowledge of the underlying transactions or participation in the preparation of the documents they identified.  Berou, Sula and Sabilano have no personal knowledge as to this document  Prosecution failed to present originals; these were mere print-outs  Atty. Santos not among the signatories; has no personal knowledge. Witnesses from AMLC-Secretariat have no personal knowledge of this document.	Valencia

*Ruling:*

Exhibit “I” is **ADMITTED**, having been duly authenticated by Atty. Leigh Vhon Santos,<sup>54</sup> hence, not hearsay, as interposed by accused Napoles.

Exhibits “I-1”, “I-2”, “I-3”, “I-4”, “I-5”, and “I-312” (Identified as Exhibit “H” before being re-marked) are **ADMITTED**, having been likewise duly authenticated by Atty. Santos. While he did not participate in the preparation of Exhibits “I-1” and “I-312”, these are AMLC documents which

<sup>52</sup> See Republic v. Marcos-Manotoc, et al., G. R. No. 171701, February 8, 2012.

<sup>53</sup> Identified by: (i) Atty. Leigh Vhon G. Santos, Investigator of the AMLC, in his *Judicial Affidavit* dated December 12, 2018 (Records, Vol. 12, pp. 38-48); and (ii) Clarita Balbin Tangol, Administrative Officer I, OSP Records Division, in her *Judicial Affidavit* dated June 2, 2021 (JA Folder Vol. 3, pp. 48-95).

<sup>54</sup> *Judicial Affidavit* dated December 12, 2018, Records, Vol. 12, pp. 38-248.

*[Handwritten signature]*

he is competent to attest as certified copies thereof, being a Bank Officer of the AMLC Secretariat.

Exhibits “I-6” to “I-11”, “I-13” to “I-61”, “I-63” to “I-67”, “I-141” to “I-189”, “I-192” to “I-196”, “I-198” to “I-199”, “I-201” to “I-212”, “I-214” to “I-231”, “I-233” to “I-235”, “I-239” to “I-256”, “I-258”, “I-260” to “I-262”, “I-264” to “I-289”, “I-291” to “I-302”, and “I-310” to “I-311” are **ADMITTED**, being certified copies of LBP from its originals and/or official records duly authenticated by Atty. Santos. This is contrary to accused Valencia’s objection that they are mere photocopies. Exhibits “I-310” and “I-311” were stipulated to be faithful reproductions of the originals during pre-trial.<sup>55</sup>

Exhibits “I-263”, “I-12”, “I-62”, “I-308”, “I-309”, “I-190”, “I-191”, “I-197”, “I-200”, “I-213”, “I-232”, “I-236”, “I-237”, “I-257”, and “I-259 are **ADMITTED** in view of the stipulations made during the hearing on October 8, 2019 that the witnesses for Metrobank, UCPB and PNB were directed to appear during preliminary conference and that the documents brought by the witnesses were sourced from the official documents on file retained at their respective offices, and the existence and authenticity of said documents.<sup>56</sup> There being such stipulation, accused Valencia’s objection that Exhibits “I-308” and “I-309” are mere photocopies is overruled. Exhibit “I-238” is likewise **ADMITTED**, despite not having been subject of the same stipulation, there being no objection to its admissibility.

Exhibits “I-304”, “I-305”, “I-306”, and “I-307”, which are mere photocopies as manifested by accused Valencia, are the same as the admitted Exhibits “F-12”, “F-29”, “F-64”, and “F-72” respectively.

Exhibit “I-303” is **EXCLUDED**, being a Joint Affidavit not duly authenticated by any of its affiants, as properly raised by accused Valencia.

<sup>55</sup> Joint Stipulation of Facts and Issues dated July 12, 2018, *Records*, Vol. 10, pp. 136-229, shown as follows:

Exhibit “I” and series	
Exhibits	Stipulation
“I” to “I-5,” “I-9” to “I-11,” “I-13,” “I-14,” “I-16” to “I-17-b,” “I-38,” “I-141,” “I-147,” “I-149” to “I-151,” “I-159,” “I-167,” “I-175,” “I-195,” “I-199,” “I-211,” “I-212,” “I-217,” “I-218,” “I-221,” “I-222,” “I-225,” “I-228,” “I-230,” “I-233,” “I-235,” “I-239,” “I-241,” “I-242,” “I-244” to “I-246,” “I-248,” “I-252,” “I-258,” “I-260,” “I-262,” “I-264,” “I-266,” “I-268,” “I-272,” “I-274,” “I-275,” “I-281,” “I-285,” “I-292,” “I-293,” “I-294” to “I-302,” “I-308,” “I-310,” and “I-311”	Faithful reproduction without admitting content, authenticity and due execution.

<sup>56</sup> *Records*, Vol. 16, pp. 68-69.

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The court notes that there are no offered or marked Exhibits “I-68” to “I-140” and “I-290”

**H. Exhibits “J” to “J-9” – Service Record of accused Valencia<sup>57</sup>**

*Specific Objections:*

Exhibits	Ground	Accused
Exhibits “J” to “J-9”	Echavez does not have personal knowledge of the contents and due execution of the documents  Participation of accused Valencia not part of the original theory of the prosecution; abrupt change in theory violates his right to be informed of the cases against him.	Valencia

*Ruling:*

Exhibits “J” to “J-9” are **ADMITTED**, being certified copies of public documents duly attested by their legal custodian, Dick Echavez.<sup>58</sup> Personal knowledge of the documents is relevant in the authentication of documents, which is not necessary for public documents. The objection on the change in prosecution theory does not relate to the admissibility of these exhibits.

**I. Exhibits “L” to “L-8” – Incorporation Documents of JLN Corporation<sup>59</sup>**

*Specific Objections:*

Exhibits	Ground	Accused
Exhibits “L” to “L-8”	Cannot form part of the testimonies of Luy, Sula and Salazar, who have no personal knowledge of the contents and due execution of the documents.	Valencia

*Ruling:*

Exhibits “L” to “L-8” are **ADMITTED**, being certified copies of public documents attested by their legal custodian, Atty. Eunice D. Salazar.<sup>60</sup> Personal knowledge of the documents is relevant in the authentication of documents, which is not necessary for public documents.

<sup>57</sup> Identified by Dick N. Echavez, Director II, Civil Service Commission, who testified on July 26, 2022.

<sup>58</sup> As stipulated – Order dated July 26, 2022, *Records*, Vol. 16, pp. 520-522.

<sup>59</sup> Identified by Atty. Eunice Dalisay-Salazar, Chief Counsel – SEC, who testified on February 11, 2020.

<sup>60</sup> As stipulated – Order dated February 11, 2020, *Records*, Vol. 13, pp. 156-158.

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J. Exhibits “M” to “M-4” – SSS Documents<sup>61</sup>

Specific Objections:

Exhibits	Ground	Accused
Exhibits “M” to “M-4”	Cannot form part of the testimonies of Luy and Sula, who have no personal knowledge of the contents and due execution of the documents. Merlina Talay has no personal knowledge of the entries in the documents	Valencia
“M-1”	Referred to Benhur Uy, not Benhur Luy  Merely offered conclusion of facts	Napoles

Ruling:

Exhibits “M” to “M-4” are **ADMITTED**, being certified copies of public records in the custody of Merlina Talay.<sup>62</sup> Under Rule 130, Section 8 of the Revised Rules on Evidence:

Section 8. *Evidence admissible when original document is a public record.* – When the original of a document is in the custody of a public officer or is recorded in a public office, its contents may be proved by a certified copy issued by the public officer in custody thereof.

Personal knowledge of the documents is relevant in the authentication of documents, which is not necessary for public documents.

K. Exhibits “N” and “O” – Health Insurance Documents – JLN Corp.<sup>63</sup>

Specific Objections:

Exhibits	Ground	Accused
Exhibit “N”  Exhibit “O”	Not properly authenticated under Sections 19 and 20, Rule 132.  No witness was presented to testify on the execution or preparation of these documents	Napoles

Ruling:

Exhibit “N” to “N-18” are **ADMITTED**, over accused Napoles’s objection that the documents were not properly authenticated. These documents were duly authenticated by prosecution witness Geronimo

<sup>61</sup> Identified by Merlina Talay, Social Security Officer II, SSS, who testified on February 11, 2020.

<sup>62</sup> As stipulated – Order dated February 11, 2020, Records, Vol. 13, pp. 156-158.

<sup>63</sup> Exhibit “N” and series was identified by Geronimo V. Francisco, Vice President, Insular Health Care, Inc., who testified on July 13, 2021. Exhibit “O” was Identified by Ophelia T. Estupigan, Head of Policy Admin and Head of Billing & Collection, Operations Division, Manulife, who testified on February 22, 2022.

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Francisco,<sup>64</sup> whose office had custody of the originals of these documents. Contrary to accused Napoles's arguments, authentication is not limited to testimony on the execution and preparation of documents. Under Rule 132 of the Revised Rules on Evidence:

Section 20. *Proof of private document[s].* – Before any private document offered as authentic is received in evidence, its due execution and authenticity must be proved by any of the following means:

- (a) By anyone who saw the document executed or written;
- (b) By evidence of the genuineness of the signature or handwriting of the maker; or
- (c) **By other evidence showing its due execution and authenticity.**

Exhibit "N-19" is **ADMITTED**, being an original copy of the Certification issued by Geronimo Francisco, which he identified in his testimony.

Exhibits "O" to "O-9" and "O-10" to "O-19" are **ADMITTED**, having been duly authenticated by prosecution witness Ophelia Estupigan.<sup>65</sup>

The court notes that there is no offered or marked Exhibit "K".

The purpose of the offer and the objection made thereto shall be fully evaluated in the ultimate disposition of the case.

The parties are reminded of the setting on ***January 17, 2023 at 8:30 in the morning*** at the Fourth Division Courtroom, Sandiganbayan Building, for the presentation of evidence for the accused, following the sequential order as stated in the *Information*, pursuant to the Order dated July 26, 2022.<sup>66</sup>

Let the official markings be effected by the Division Clerk of Court on Exhibits "**B-204-c**" and "**C-18**" to "**C-22**" (both documents marked as Exhibit "**C-22**"), as stated above.

**SO ORDERED.**

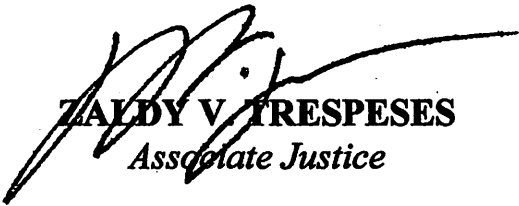
  
**MA. THERESA DOLORES C. GOMEZ-ESTOESTA**  
*Associate Justice, Chairperson*

<sup>64</sup> Judicial Affidavit dated July 9, 2022, JA Folder Vol. 4, pp. 142-171.

<sup>65</sup> Judicial Affidavit dated February 17, 2022, JA Folder Vol. 4, pp. 110-141.

<sup>66</sup> Records, Vol. 16, pp. 520-522.

**WE CONCUR:**



**ZALDY V. TRESPESES**  
*Associate Justice*



**GEORGINA D. HIDALGO**  
*Associate Justice*

