



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

QUEZON CITY

THIRD DIVISION

**PEOPLE
PHILIPPINES**

OF

THE

Plaintiff,

**Criminal Case No. SB-18-
CRM-0245**

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


- versus -

Present:

ROGER C. CHIO, et al.,
Accused.

CABOTAJE-TANG, P.J.,
Chairperson,
FERNANDEZ, B., J. and
MORENO, J.

Promulgated:

JANUARY 4, 2023 

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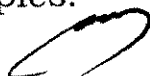


RESOLUTION

CABOTAJE-TANG, PJ:

For resolution is accused Mariflor Garcia and Gilda Cordero-Panal's "*Motion for Reconsideration*" filed through electronic mail on November 16, 2022.

Therein, accused-movants Garcia and Panal pray that the Court reconsider its *Resolution* promulgated on October 26, 2022, wherein the Court denied the admission of Exhibits 79, 80, and 81 for being mere photocopies.¹

¹ p. 1, Motion for Reconsideration

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In support of their *motion*, the accused-movants aver that [1] their counsel found that the main copy of their *Formal Offer of Exhibits* (FOE), which contained Exhibits 80 and 81 that were marked during the preliminary conference, was not mailed to the Court; [2] the said “*main copy FOE*” shows that Exhibits 80 and 81 are certified true copies; and [3] Exhibit 79, which was marked as a “*photocopy*,” is admissible in view of Section 4 (c) of the amendments to the Revised Rules on Evidence which states that “*a duplicate is admissible to the same extent as an original, unless [1] a genuine question is raised as to the authenticity of the original, or [2] in the circumstances, it is unjust or inequitable to admit the duplicate in lieu of the original.*”²

Moreover, they submit that should Exhibit 79 be declared inadmissible, the said exhibit be replaced with a certified true copy bearing the same marking.³

Lastly, the accused-movants extend their apologies to the Court for their mistake and oversight in the service of their FOE. According to them, their counsel was not able to directly supervise the mailing and service of their FOE.⁴

In its “*Opposition to the Motion for Reconsideration of accused Mariflor Garcia and Gilda Cordero-Panal*,” filed through electronic mail on November 29, 2022, the prosecution contends that [1] under Section 4 of the Revised Rules on Evidence, identification of a photocopy may be done by either by the person who executed or issued the original document or the person who mechanically reproduced the original document using a photocopying machine, and [2] on the documents which bear the stamp “*certified true photocopy*,” the official custodian of the original document or the individual whose signature appears in the said stamp may serve as the testimonial sponsor.⁵

² *Id*

³ *Id*

⁴ *Id.*, at. pp. 2-3

⁵ p. 3, Opposition

Handwritten signature and initials in black ink, located in the bottom right corner of the page. The signature appears to be 'Ky' with a flourish above it, and there is a diagonal line below it.

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According to the prosecution, the records of these cases show that no witnesses were presented to properly identify Exhibits 79, 80 and 81 as accurate reproductions of the originals. Thus, these proposed exhibits are all inadmissible in evidence for lack of an appropriate testimonial sponsor.⁶

THE RULING OF THE COURT

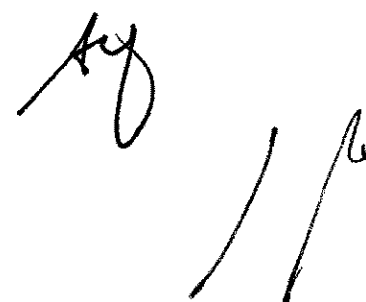
To begin with, it is jurisprudentially settled that evidence, to be admissible, must comply with two (2) qualifications, namely: [1] relevance, and [2] competence. Evidence is relevant if it has a relation to the fact in issue as to induce a belief in its existence or non-existence. On the other hand, evidence is competent if it is not excluded by the law or by the Rules of Court.⁷

In their present *motion*, the accused-movants pray that the Court admit following documents in evidence, to wit:

1. A photocopy of Department of Agriculture, Regional Field Unit IX, Special Order No. 70 series of 2003 marked as "*Exhibit 79 – Panal & Garcia*" on June 11, 2019;
2. Certified true photocopy of Department of Budget and Management Advice of NCA Issued (Fund 101) marked as "*Exhibit 80 – Panal & Garcia*" on May 4, 2019; and,
3. Certified true photocopy of Department of Agriculture NTA No. 04-03-211 dated April 1, 2004,

⁶ *Id.*, at p. 4

⁷ **Gumabon v. Philippine National Bank**, 798 SCRA 103 (2016); See also Sections 3 and 4, Rule 128 of the 2019 Amendments to the 1989 Revised Rules on Evidence.



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marked as “*Exhibit 81 – Panal & Garcia*” on June 4, 2019.

However, the prosecution aptly pointed out that the records show that the accused-movants did not present any witness to properly identify and/or authenticate the said exhibits.

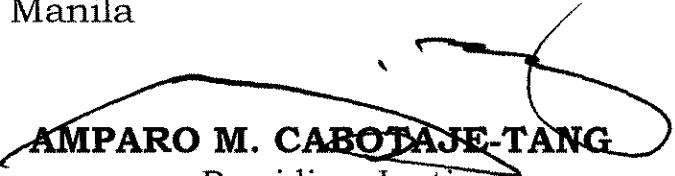
It is settled that for object and documentary evidence to be not excluded by the Rules, the same must pass the test of *authentication*. To authenticate the object, there must be someone who should identify the object to be the actual thing involved in the litigation because object evidence, being inanimate, cannot speak for itself and it cannot present itself to the court as an exhibit.⁸

Thus, considering that the said exhibits lack proper authentication, the Court maintains the denial of admission of the documents marked as “*Exhibit 79 – Panal & Garcia*,” “*Exhibit 80 – Panal & Garcia*,” and “*Exhibit 81 – Panal & Garcia*.”

WHEREFORE, the “*Motion for Reconsideration*” filed by accused Garcia and Panal, through electronic mail on November 16, 2022, is **DENIED** for lack of merit and/or for being *pro-forma*.

SO ORDERED.

Quezon City, Metro Manila


AMPARO M. CABOTAJE-TANG
Presiding Justice
Chairperson

⁸ Concurring opinion of Associate Justice Alfredo Benjamin S. Caguioa in *People v. Tamil Selvi Veloo*, G.R. No. 252154, March 4, 2021; See also Riano, W., *Evidence* (2013), p. 186



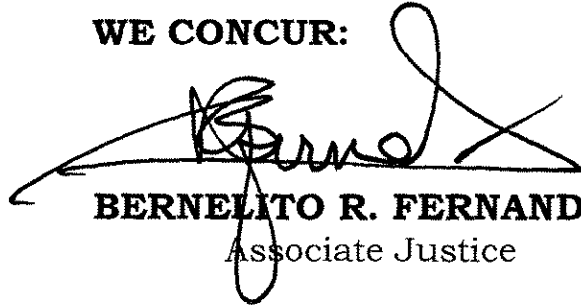
Resolution

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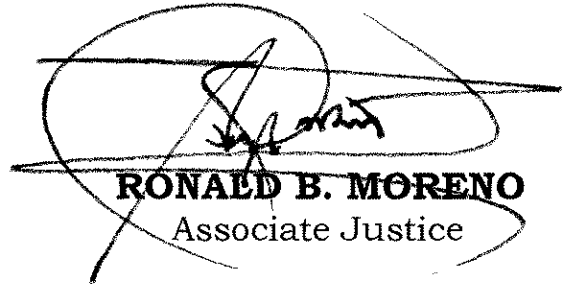
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WE CONCUR:



BERNELITO R. FERNANDEZ
Associate Justice



RONALD B. MORENO
Associate Justice



