



Republic of the Philippines

Sandiganbayan

Quezon City

SEVENTH DIVISION

MINUTES of the proceedings held on 13 February 2023.

Present:

Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA----- Chairperson
Justice ZALDY V. TRESPESES----- Member
Justice GEORGINA D. HIDALGO----- Member

The following resolution was adopted:

Crim. Case No. SB-09-CRM- 0040 to 0042, 0045-0046, 0048-0050, 0054-0055, 0058-0061, 0068-0069 - People vs. ANTONIO P. BELICENA, ET AL.

This resolves the following:

- 1) "FORMAL OFFER OF EVIDENCE (For Accused Dacasin, Camara and Carmona)" dated January 30, 2023;¹
 - 2) Prosecution's "COMMENT/OBJECTIONS TO THE FORMAL OFFER OF EVIDENCE" dated February 6, 2023.²
-

TRESPESES, J.

This resolves the Formal Offer of Documentary Evidence filed by accused Sonia Dacasin, Carmencita Camara and Sonia Carmona, and the prosecution's Comment/Objections to the Formal Offer of Evidence.

After due consideration of the above incident, the court resolves to:

For Accused Dacasin:

ADMIT Exh. 1 (Fact-Finding Report dated 5 September 2001), although it appears to be a mere photocopy, as the due execution and authenticity was stipulated by the prosecution during the pre-trial per Order dated 13 December 2018³ and the objection raised by the prosecution pertains only to the purpose for which the document was offered. It is to be noted that courts are not precluded to accept in evidence a mere photocopy

¹ Record, Vol. 12, pp. 121-273 & 275.

² Id. at 285-291 & 292-298.

³ Record, Vol. 7, pp. 182-257.

Minute Resolution

People v. Antonio P. Belicenc, et al.

SB-09-CRM-0040, 0041, 0042, 0045, 0046, 0048, 0049,
0050, 0054, 0055, 0058, 0059, 0060, 0061, 0068 & 0069

Page 2 of 5

X-----X

of a document when no objection was raised when it was formally offered.⁴

ADMIT Exh. 6 (Order dated 31 January 2020 of the Seventh Division of Sandiganbayan), **Exh. 7** (Resolution dated 20 April 2015 of the First Division of Sandiganbayan), **Exhs. 8 and 9** (Resolutions both dated 5 March 2019 of the Fourth Division of Sandiganbayan), as they are all certified true copies. The comment/objection raised by the prosecution does not pertain to their admissibility but rather on their probative value.

ADMIT Exh. 10 (Signature of accused in the Company ID), **Exhs. 12, 13 and 14** (Signature of accused in the 1993,⁵ 1998⁶ and 1992⁷ Certificates of Income Tax Withheld on Compensation, respectively), as they are all originals and **Exh. 11** (Signature of accused in her UMID Card), even if it appears to be mere photocopy, there being no objection by the prosecution on such ground. The exhibits were identified by accused Dacasin as the IDs and certificates she signed.

However, **Exh. 5** (SSS Employment History), which appears to be a computer print-out, is **denied admission** as it was not authenticated in the manner provided under Section 2, Rule 5 of the Rules on Electronic Evidence⁸ and, thus cannot be admitted.

For accused Camara:

Exh. 2 (Deed of Assignment of accused Felix Chingkoe), **Exh. 2-a** (signature of accused Camara), **Exh. 2-b** (signature of Felix Chingkoe)⁹ is a photocopy of unnotarized deed of assignment. The purported original copy was shown to the court, as well as to Prosecutor Joshua Tan, and it was identified by accused Camara as the document she originally signed.¹⁰

⁴ *Spouses De Leon v. Heirs of Lesaca-Cuenco*, G.R. No. 219179 (Notice), 11 November 2020.

⁵ Inadvertently described as 1992

⁶ Inadvertently described as 1993

⁷ Inadvertently described as 1998

⁸ **Section 2. Manner of authentication.** – Before any private electronic document offered as authentic is received in evidence, its authenticity must be proved by any of the following means:

(a) by evidence that it had been digitally signed by the person purported to have signed the same;

(b) by evidence that other appropriate security procedures or devices as may be authorized by the Supreme Court or by law for authentication of electronic documents were applied to the document; or

(c) by other evidence showing its integrity and reliability to the satisfaction of the judge.

⁹ The copy submitted to the court was the document marked in 2013.

¹⁰ TSN, 19 October 2022, pp. 24.

1 1 2

Minute Resolution

People v. Antonio P. Belicena, et al.

SB-09-CRM-0040, 0041, 0042, 0045, 0046, 0048, 0049,
0050, 0054, 0055, 0058, 0059, 0060, 0061, 0068 & 0069

Page 3 of 5

X-----X

However, Prosecutor Tan refused to stipulate on the exhibit as it does not appear to be an original although the signatures are original.¹¹ Since the deed was not notarized, it is a mere private document which must be authenticated by a witness by testifying that the document presented as evidence is genuine and has been duly executed or that the document is neither spurious nor counterfeit nor executed by mistake or under duress.¹²

In here, accused identified said deed as the same document she and Felix Chingcoe signed together.¹³ Thus, the court resolves to **ADMIT** the deed of assignment, over the objection of the prosecution that it was not properly authenticated and for the purposes for which they were offered which pertain to its probative value to be determined by this court in the ultimate disposition of the cases.

ADMIT Exh. 3 (Order dated 31 January 2020 of the Seventh Division of Sandiganbayan), **Exh. 4** (Resolution dated 20 April 2015 of the First Division of Sandiganbayan), **Exh. 5** (Resolution dated 8 August 2015 of First Division of Sandiganbayan), **Exhs. 6 and 7** (Resolutions both dated 5 March 2019 of the Fourth Division of Sandiganbayan), as they are all certified true copies. The comment/objection raised by the prosecution does not pertain to their admissibility but rather on their probative value.

The court notes that Exh. 1 (Fact-Finding Report dated 5 September 2001) for accused Camara was not offered in evidence.

For accused Carmona:

ADMIT Exh. 1 (Fact-Finding Report dated 5 September 2001), as the due execution and authenticity was stipulated by the prosecution during pre-trial per Order dated 13 December 2018.¹⁴ The objection raised by the prosecution pertains only to the purpose for which the document was offered.

ADMIT Exh. 3 (Chattel Mortgage Loan dated 20 January 2000), **Exh. 3-a** (Promissory note dated 3 July 1997), **Exh. 3-c** (PRC ID of accused Carmona), **Exh. 3-d** (Company ID of accused issued by DKC Industrial Corp.), as they are all originals, and **Exh. 3-b** (Community Tax Certificate dated 25 March 1997), even if it is a photocopy, as they were identified by accused Carmona as the IDs and documents accused signed.

¹¹ TSN, 19 October 2022, p. 25.

¹² *Disini v. Republic*, G.R. No. 205172, 15 June 2021.

¹³ TSN, 19 October 2022, p. 24.

¹⁴ Record, Vol. 2, pp. 392-403.

1 1 2

Minute Resolution

People v. Antonio P. Belicena, et al.

SB-09-CRM-0040, 0041, 0042, 0045, 0046, 0048, 0049,
0050, 0054, 0055, 0058, 0059, 0060, 0061, 0068 & 0069

Page 4 of 5

X-----X

ADMIT Exh. 4 (Order dated 31 January 2020 of the Seventh Division of Sandiganbayan), **Exh. 5** (Resolution dated 20 April 2015 of the First Division of Sandiganbayan), **Exh. 6** (Resolution dated 5 August 2015 of First Division of Sandiganbayan), **Exh. 7** (Resolution dated 20 August 2018 of Fourth Division of Sandiganbayan), as they are all certified copies and the comment/objection raised by the prosecution does not pertain to their admissibility but rather on their probative value. Also, the prosecution stipulated as to their due execution and authenticity during the hearing held on 26 January 2023.¹⁵

However, **Exh. 2** (Certification dated 7 January 1998 issued by Alexander Soriano, Division Manager of Express Colour Industries, Inc.) is **denied admission** even if it is an original copy, as it was not properly authenticated in accordance with Sec. 20 Rule 132 of the Rules of Court¹⁶ because Soriano was not called to the witness stand to identify the certification he issued. It is settled that before any private document offered as authentic is received in evidence, its due execution and authenticity must be proved by anyone who saw the document executed or written, or by evidence of the genuineness of the signature or handwriting of the maker.¹⁷ In here, accused merely alleged that she found the certification while looking through her old employment files.¹⁸

It has consistently been held that admissibility of evidence should not be equated with weight of evidence.¹⁹ The Supreme Court ruled in *Tabuada v. Tabuada*²⁰ that admissibility of evidence 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. Therefore, the admission of documentary evidence is still subject to the court's appreciation upon resolution of the case. The mere admission of evidence does not necessarily mean that it will be given any probative weight when it is evaluated at the appropriate time.

In view of the admission of the documentary exhibits, accused Dacasin, Camara and Carmona are deemed to have rested their case.

¹⁵ Record, Vol. 12, pp. 115-117, TSN, 26 January 2023, p. 16.

¹⁶ **Sec. 20. Proof of private document.** — Before any private document offered as authentic is received in evidence, its due execution and authenticity must be proved either:

(a) By anyone who saw the document executed or written; or

(b) By evidence of the genuineness of the signature or handwriting of the maker.

Any other private document need only be identified as that which it is claimed to be.

¹⁷ *Disini v. Republic*, G.R. No. 205172, 15 June 2021.

¹⁸ JA Vol. 2, Judicial Affidavit of Sonia Carmona, p. 128

¹⁹ *Republic v. Galeno*, G.R. No. 215009, 23 January 2017.

²⁰ G.R. No. 196510, 12 September 2018.

1

Minute Resolution

People v. Antonio P. Belicena, et al.

SB-09-CRM-0040, 0041, 0042, 0045, 0046, 0048, 0049,
0050, 0054, 0055, 0058, 0059, 0060, 0061, 0068 & 0069

Page 5 of 5

X-----X

The parties are reminded of the setting for the presentation of accused Asuncion Magdaet's evidence on **February 23, March 23 and April 20, 2023, all at 8:30 in the morning** at the Seventh/Fourth Division courtroom.


SO ORDERED.

Quezon City, Philippines.



ZALDY V. TRESPESES
Associate Justice

WE CONCUR:



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



GEORGINA D. HIDALGO
Associate Justice