



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
QUEZON CITY

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**SEVENTH DIVISION**

*MINUTES of the proceedings held on February 22, 2023.*

*Present:*

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

The following resolution was adopted:

**CRIMINAL CASE NOS. SB-17-CRM-2140 TO 2141**

**PEOPLE v. JUNIO NORBERTO RAGRAGIO, ET AL.**

Before the Court are the following:

1. Accused Junio Norberto M. Rragragio's "**FORMAL OFFER OF EVIDENCE (With Motion for Additional Marking of Exhibits)**" dated and filed on January 30, 2023; and
2. Prosecution's "**COMMENT/OPPOSITION (to FORMAL OFFER OF EVIDENCE)**" dated and filed on February 2, 2023.

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**GOMEZ-ESTOESTA, J.:**

This resolves accused Rragragio's *Formal Offer of Evidence*<sup>1</sup> and the Prosecution's *Comment/Opposition* thereto.<sup>2</sup>

As alleged by accused Rragragio, the documents he offered are mostly adopted from the evidence offered by accused Pangandaman, et al. and Calleja, which have already been admitted by this Court. In turn, most of

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<sup>1</sup>Records, Vol. 8, pp. 353-547.

<sup>2</sup>Records, Vol. 8, pp. 579-584.

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these exhibits are themselves adopted from the evidence of the prosecution. These documents are:

<b>RAGRARIO</b>	<b>Pangandaman, et al</b>	<b>Calleja</b>	<b>Prosecution</b>
"3"	"25"		"A"
"11"	"5"		"Y-1"
"12"	"6"		"WW"
"22" and "23"	"26" (also "27")		"F-1"
"28"	"28-A"		"Y-3"
"31"	"19"		"Y"
"35"	"21"		"Z"
"37"	"37"		"F-3"
"38"	"38"		"F"
"39"	"39"		"G"
"40"	"22"		"BB"
"41"	"23"		"AA"
"42"	"40"		"I"
"43"	"41"		"K"
"44"	"42"		"J"
"13"	"7"		
"16"	"10"		
"24"	"27-A"		
"29"	"32"		
"32"	"20"		
"61"		"19"	"R"
"62"		"20"	"JJ"

Consequently, these exhibits for accused Ragrario are ADMITTED.

The court notes that:

- (a) Accused Pangandaman, et al.'s Exhibit "10", which was admitted per *Resolution* dated April 1, 2022,<sup>3</sup> is entitled *Supplemental Bid Bulletin No. 1 dated 08 November 2011*. This was adopted as accused Ragrario's Exhibits "16" and "17". However, accused Ragrario's offered Exhibit "17", *PhilGEPS Publication of Supplemental Bid Bulletin No. 1 dated November 8, 2011*, is neither part of accused Pangandaman, et al.'s Exhibit "10" (which it likewise adopted) nor attached to his Formal Offer of Evidence.

The same is true with accused Ragrario's Exhibit "30". Accused Ragrario adopted accused Pangandaman, et al.'s Exhibit "32", *Supplemental Bid Bulletin No. 1 dated 29 November 2011*, which was admitted per *Resolution* dated April 1, 2022, as his Exhibits "29" and "30". However, the document offered as Exhibit "30" is neither part of accused Pangandaman, et al.'s Exhibit "32" nor attached to his Formal Offer of Evidence.

<sup>3</sup> *Records*, Vol. 7, pp. 47-53.

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Consequently, Exhibits “17” and “30” for accused Rragio are EXCLUDED.

- (b) Accused Rragio adopted accused Pangandaman, et al.’s Exhibits “26” and “27” as his Exhibits “22” and “23”, respectively. The prosecution’s Exhibit “F-1” has been marked as **both** Exhibits “26” and “27” for accused Pangandaman, et al. To obviate multiple markings, the Clerk of Court is directed to mark the prosecution’s Exhibit “F-1” as accused Rragio’s Exhibit “22”; and
- (c) The date of the Contract Agreement marked as accused Pangandaman, et al.’s Exhibit “22” (Prosecution’s Exhibit “BB”) is December 28, 2011. It is not December 29, 2011, as offered in Exhibit “40” by accused Rragio.

The prosecution’s objections to the admissibility of Exhibits “16”, “17”, “29”, “30”, and “32” have already been passed upon in the resolution of accused Pangandaman, et al.’s Formal Offer of Evidence admitting the same exhibits, as detailed above.

Likewise, the prosecution objects to the marking and adoption of Exhibits “61” and “62” on the ground that they were not listed in the Pre-Trial Order and Joint Stipulation of Facts and Issues. These exhibits were admitted in evidence for the prosecution and later adopted by accused Calleja. The purpose of pre-trial is to obviate the element of surprise,<sup>4</sup> and there is no surprise in the adoption of an evidence that was presented by the prosecution itself.

Further, this court resolves to:

ADMIT Exhibit “55-Rragio”, in view of the prosecution’s admission of its existence, due execution and authenticity;

ADMIT Exhibit “48-Rragio” over the prosecution’s objection that it is a certified copy not attested by the person who certified it. Witness Ramil Mangubos, who has custody of DENR official records, including Exhibit “48-Rragio”, attested to such copy,<sup>5</sup> in compliance with Rule 132, Section 24 of the Rules on Evidence which states:

*Section 24. Proof of official record.* — The record of public documents referred to in paragraph (a) of Section 19, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by

<sup>4</sup> *Pacaña-Contreras v. Rovila Water Supply, Inc., et al.*, G.R. No. 168979, December 2, 2013.

<sup>5</sup> Judicial Affidavit dated January 27, 2022, Q&A Nos. 7-10.

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his deputy, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody. x x x

ADMIT Exhibits “58-Rraggio” and “60-Rraggio” over the prosecution’s objection that they were not properly authenticated as electronic documents following the doctrine in *RCBC Bankard v. Oracion*.<sup>6</sup> Exhibits “58-Rraggio” and “60-Rraggio” are print-outs of online copies of the AREMA Manual, and are thus regarded as originals.<sup>7</sup> Witness Engr. Edwin Balong-Angey sufficiently authenticated the portions of the two editions of the AREMA Manual, testifying that it is a reference used by the PNR as an authoritative source in railway operations.<sup>8</sup> *RCBC Bankard v. Oracion*, on the other hand, concerns bank documents, which were not properly authenticated, whether as paper-based, or electronic documents.

Meanwhile, accused Rraggio’s *Motion for Additional Marking of Exhibits* is GRANTED. The Clerk of Court is directed to effect the following markings for accused Rraggio on the following exhibits either for the Prosecution or for Pangandaman, et al.:

Rraggio	Prosecution
“3”	“A”
“11”	“Y-1”
“12”	“WW”
“22”	“F-1”
“28”	“Y-3”
“31”	“Y”
“35”	“Z”
“37”	“F-3”
“38”	“F”
“39”	“G”
“40”	“BB”
“41”	“AA”
“42”	“T”
“43”	“K”
“44”	“J”
“61”	“R”
“62”	“JJ”
	<b>Pangandaman, et al.</b>
“13”	“7”
“16”	“10”
“24”	“27-A”
“29”	“32”
“32”	“20”

<sup>6</sup> G.R. No. 223274, June 19, 2019.

<sup>7</sup> Rule 3, Section 2, Rules on Electronic Evidence.

<sup>8</sup> Judicial Affidavit of Engr. Edwin Q. Balong-Angey dated January 15, 2021, Q&A No. 31.

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Pursuant to this court's *Resolution* dated February 13, 2023,<sup>9</sup> the parties are DIRECTED to file their respective memoranda within 30 days from receipt of this Resolution. Promulgation is set on June 9, 2023 at 8:30 in the morning at the Seventh/Fourth Division Courtroom.

**SO ORDERED.**

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

WE CONCUR:

  
**ZALDY V. TRESPES**  
*Associate Justice*

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

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<sup>9</sup> *Records*, Vol. 9, p. 53.