



Republic of the Philippines

**Sandiganbayan**

Quezon City

\*\*\*

**SEVENTH DIVISION**

*MINUTES of the proceedings held on 25 July 2023.*

*Present:*

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

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

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

***Crim. Case No. SB-16-CRM-0249 to 0250 - People vs. ROZZANO RUFINO B. BLAZON, et al.,***

This resolves the following:

1. Accused Zenaida Cruz-Ducut's "COMPLIANCE" dated 3 July 2023 with attached NCMH endorsement to the Sandiganbayan Third Division dated 22 February 2023;<sup>1</sup> and
2. Prosecution's "COMMENT/OPPOSITION (TO THE COMPLIANCE DATED JULY 3, 2023 FILED BY ACCUSED ZENAIDA GARCIA CRUZ-DUCUT)" dated 13 July 2023.<sup>2</sup>

---

**TRESPESES, J.**

For the court's consideration is accused Zenaida Cruz-Ducut's "Compliance" dated 03 July 2023 with attached Annex "A," as well as the prosecution's comment/opposition thereon.

**ACCUSED DUCUT'S COMPLIANCE**

In response to the court's Order dated 27 June 2023,<sup>3</sup> accused Ducut filed her "Compliance," with three (3) photocopied pages attached and marked as Annex "A."

The first page of Annex "A" is a photocopy of an Endorsement dated 22 February 2023 by Dr. Edison Galindez of the National Center for Mental Health (NCMH) addressed to the Sandiganbayan Third Division in

---

<sup>1</sup> Record, Vol. 18, pp. 524-529.

<sup>2</sup> Id. at 545-548.

<sup>3</sup> Id. at 515-516.

/ ;

**Minute Resolution**

*People vs. Rozzano Rufino Biazon, et al.*

SB-16-CRM-0249 to 0250

Page 2 of 7

X-----X

compliance with the order of the said court specifically in "Criminal Case Nos. SB-16-CRM-0183 to 0184 and SB-16-CRM-0185 to 0186."

The second and third pages of Annex "A" contain the photocopied medical report dated 22 February 2023 which was once again explicitly addressed to the Third Division of the Sandiganbayan and specifically pertained to "Update report on patient ZENAIDA DUCUT Y Cruz aka ZENAIDA G. CRUZ-DUCUT, accused in Criminal Case Nos. SB-16-CRM-0183 to 184 for "Violation of Section 3(e), R.A. No. 3019", and SB-16-CRM-185 to 186 for "Malversation of Public Funds."<sup>4</sup>

The two-page report states that the latest mental status examination was conducted by NCMH on 08 February 2023. The full text of the "Latest Mental Status Examination" portion of the report reads:

The patient was seen and examined an elderly female, of medium built, with mole on the right cheek, with short hair dyed brown color, well-groomed and kempt, clad in blazer and black pants, and French tip nail polish. She was cooperative and conversant with good eye contact. She had euthymic mood with congruent affect. Her speech was spontaneous, normoproductive, and audible with relevant responses. She stated her cases as, "*Di ko maalala yung exact pero ahente daw ni Janet Napoles.*" She was unable to narrate the circumstances leading to her incarceration. She was aware of the possible consequences of her cases. She was able to appraise court proceedings, identify the different courtroom personnel, and state their respective functions. She was oriented to place and person. She had poor immediate and recent memory. She had fair fund of knowledge. She had fair impulse control. She had fair insight into her mental illness.

The medical report contained the assessment and remark that accused Ducut "remained INCOMPETENT to stand the rigors of court trial."

It also makes the following recommendations:

We recommend for the patient's periodic out-patient evaluation at our Center.

We will submit our follow-up report if and when the patient becomes competent to stand trial.

We recommend that the patient continue her follow-up with her private physician Neurologist/Dementia Specialist).

---

<sup>4</sup> The medical report was signed by the following doctors: Jake Lester P. Villanueva, M.D., MPM (Medical Officer III), Noelle D.J. De Leon, M.D. (Medical Officer IV), Leizl O. Lee, M.D., FPPA, MMHoA (Medical Specialist III), Neil Michael Apollo S. Santos, M.D., FPPA, MMHoA (Medical Specialist III), Wesley Peter A. Quimbo, M.D., FPPA, MMHoA (Medical Specialist III) and Edison C. Galindez, M.D., FPPA, (Life) (Medical Specialist IV).

Handwritten marks at the bottom of the page, including a vertical line and a dot.

Accused Ducut then prays that her compliance be noted and that it be deemed as sufficient compliance to the court's orders.

### PROSECUTION'S COMMENT/OPPOSITION

In its Comment/Opposition, the prosecution argues that the submission of accused Zenaida Garcia Cruz-Ducut (Ducut) does not constitute sufficient compliance with the court's Resolutions dated 14 June 2022 and 11 July 2022.

*First*, from the assessment and recommendation of the NCMH report dated 22 February 2023 attached to the Compliance, it may be inferred that Ducut did not submit herself to another Neurocognitive Evaluation.

This two-page NCMH report merely stated that Ducut was "seen and examined" last 8 February 2023. Notably, it was not accompanied by supporting medical documents. It only recommended that Ducut "submit herself for follow-up with her private physician neurologist/dementia specialist."

Meanwhile, the prosecution recalls that in the Neurocognitive Evaluation dated December 2019 submitted by Ducut in her original motion (to suspend proceedings), the doctor recommended that a neurocognitive evaluation should be conducted every year thereafter. This evaluation includes being subjected to various medical examinations, like laboratory/medical/psychological tests, mini mental state examinations, comprehensive geriatric assessment, etc. This will scientifically verify the current status of Ducut's ailment and her fitness to stand trial.

Hence, the subject Compliance should be considered insufficient.

*Second*, the prosecution emphasizes that it was insufficient compliance for Ducut to merely "copy-furnish" this court, as well as the prosecution, with a medical report expressly intended as compliance with the order of another Sandiganbayan Division in another set of cases. The present cases are distinct from those pending in the other Division. Likewise, there are different parties participating in these different sets of cases pending before two separate and independent Sandiganbayan Divisions and prosecuted by distinct prosecution teams.

For these reasons, the prosecution prays that Ducut's Compliance be deemed insufficient. Accordingly, it additionally prays that Ducut be directed to immediately comply with all the directives as stated in the Resolutions of the court dated 14 June 2022 and 11 July 2022. Upon sufficient compliance, the prosecution reserves its right to submit its comment/opposition thereto.

1 | 2

## OUR RULING

We find that, as argued by the prosecution, accused Ducut's Compliance dated 3 July 2023 is **insufficient**.

1. ***The court's two-fold directive in its 14 June 2022 Resolution, as amended by its 11 July 2022 Resolution, must be complied with.***

The dispositive portion of the Court's Resolution dated 14 June 2022<sup>5</sup> granting accused Zenaida Cruz-Ducut's (Ducut) Motion for Suspension of Proceedings,<sup>6</sup> reads as follows:

**WHEREFORE**, in view of the foregoing, the "Motion for Suspension of Proceedings" filed by accused Zenaida Cruz-Ducut is **GRANTED**.

Finding accused Zenaida Cruz-Ducut to be incompetent to stand trial, SB-16-CRM-0249 to 0250 is hereby **ARCHIVED** as to accused **Zenaida Ducut**, to be revived upon showing that accused's mental condition shall have adequately improved for the purpose of proceeding with the trial of the case.

Dr. Neil Michel Apollo Santos, Medical Specialist III or any medical specialist of the National Center for Mental Health, is hereby **DIRECTED** to conduct mental examination of accused Zenaida Ducut within the month of June of every year, and to forthwith submit a copy of the resulting medical report to the Court.

SO ORDERED.

Thereafter, the prosecution filed an "Ex Parte Manifestation/Motion" dated 27 June 2022<sup>7</sup> seeking the modification of the phrasing of the dispositive portion of the above Resolution.

Granting the prosecution's manifestation/motion, the court issued its Resolution dated 11 July 2022,<sup>8</sup> the dispositive portion of which reads:

**WHEREFORE**, in view of the foregoing, the "Motion for Suspension of Proceedings" filed by accused Zenaida Cruz-Ducut is **GRANTED**.

XXX

---

<sup>5</sup> Record, Vol. 15, pp. 466-486.

<sup>6</sup> Record, Vol. 11, pp. 23-40.

<sup>7</sup> Record, Vol. 15, pp. 521-523.

<sup>8</sup> Record, Vol. 16, pp. 36-38.

Minute Resolution

People vs. Rozzano Rufino Biazon, et al.

SB-16-CRM-0249 to 0250

Page 5 of 7

X-----X

**Accused Zenaida Cruz-Ducut is hereby DIRECTED to submit herself to annual medical examination within the month of June every year before the National Center for Mental Health, while her counsel is DIRECTED to forthwith submit a copy of all the resulting medical reports, including all the results of the tests conducted, to the Court, copy furnished the prosecution.**

xxx

SO ORDERED.

Evidently, it is the above directives of this court which accused Ducut was reminded to comply with in its 27 June 2023 Order.<sup>9</sup>

- 2. Accused Ducut's submission of a photocopied medical report, without supporting test results, addressed to another Sandiganbayan Division, is insufficient compliance with this court's directive.***

The 21-page 14 June 2023 Resolution reflects that the archiving of Ducut's case was only granted after her then *current* medical condition was duly established by documentary and testimonial evidence.

As recapped in the said Resolution, accused Ducut's Motion to Suspend Proceedings was eventually granted only after the filing and hearing of various motions and comment/oppositions, the presentation and cross examination of specialists from St. Luke's Medical Center and the NCMH, and the submission of certified true copies of the results of various test conducted on Ducut at the NCMH upon which the medical evaluation was based.

In one instance, accused Ducut submitted a "Supplemental Motion" dated 23 November 2021,<sup>10</sup> attaching thereto a copy of the NCMH medical report on Ducut. However, as the report was addressed to the Justices of the Second (sic) Division of the Sandiganbayan for Criminal Case Nos. SB-17-CRM-0525 to 0531( though certified by the Executive Clerk of Court III of the Third Division as a true copy attached to the files of the cases), Ducut was still required to present the physicians who issued the report before it could be considered by the court.<sup>11</sup>

---

<sup>9</sup> Record, Vol. 18, pp. 534-535.

<sup>10</sup> Record, Vol. 14, pp. 553-566

<sup>11</sup> Record, Vol. 15, p. 38.

**Minute Resolution**

*People vs. Rozzano Rufino Biazon, et al.*

SB-16-CRM-0249 to 0250

Page 6 of 7

X-----X

The rationale is simple. Generally, courts are not authorized to take judicial notice of the contents of the records of other cases even when said cases have been tried or are pending in the same court or before the same judge.<sup>12</sup>

In contrast, as pointed out by the prosecution, the parties in Criminal Case Nos. SB-16-CRM-0183 to 186 (for which the medical report attached to the Compliance was intended) are not identical to those of the present cases. Neither are the prosecuting teams, much less the Justices who hear them.

Thus, we are disinclined to consider as sufficient compliance Ducut's submission of plain photocopies of a medical report apparently addressed to another Sandiganbayan Division for an entirely distinct set of cases involving non-identical parties in comparison to the ones pending before this Division.

To be clear, the court does not intend to go as far as to require the presentation of the NCMH doctors who signed the medical report submitted to the Sandiganbayan Third Division and attached to accused Ducut's Compliance. It merely requires, as per its Resolution, the submission to this court, copy furnished the prosecution, of "*all the resulting medical reports, including all the results of the tests conducted*" on Ducut during her annual medical examination before the NCMH.

In this context, a medical report submitted to this court means one that, on its face, is addressed to it and was issued pursuant to its order in these set of cases.

We are not privy to the order of the Sandiganbayan Third Division in Criminal Case Nos. SB-16-CRM-0183 to 186 or whether it is of the same tenor as this division. We are only concerned with accused Ducut's compliance with our own directives, which evidently requires the submission to it, not only of the annual medical report/evaluation, but also all the results of the tests conducted on accused Ducut for the year, which supports the evaluation.

On the other hand, the two-page NCMH report submitted by accused Ducut merely stated that Ducut was "seen and examined" last 8 February 2023. It was not accompanied by copies of the results of medical tests supporting the report/conclusion.

Moreover, the medical report only stated that this evaluation was "(b)ased on the history, mental status examinations, observations and psychological test." Considering that the evaluation is supposed to be on a yearly basis, it fails to specify what tests were conducted **this year** to support the indicated assessment and remarks.

---

<sup>12</sup> *Degayo v. Magbanua-Dinglasan*, G.R. No. 173148, 6 April 2015.

7 1 ;

**Minute Resolution**

*People vs. Rózzano Rufino Biazon, et al.*

SB-16-CRM-0249 to 0250

Page 7 of 7

X-----X

**WHEREFORE**, in view of the foregoing, accused Zenaida Cruz-Ducut's prayer in her Compliance for the medical report attached therein to be deemed sufficient is **DENIED**.

Considering that this Court's directives dated 27 June 2023 and 14 June 2022 (as amended by its Resolution dated 4 July 2022) were not complied with, accused Ducut and her counsel are directed to explain within 72 hours from notice why failure to comply with the directives of the court should not cause the reinstatement of the criminal cases pending against accused Ducut.

SO ORDERED.

  
**ZALDY V. TRESPESES**  
Associate Justice

WE CONCUR:

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

  
**GEORGINA D. HIDALGO**  
Associate Justice