



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
QUEZON CITY

SEVENTH DIVISION

MINUTES of the proceedings held on December 7, 2023.

Present:

MA. THERESA DOLORES C. GOMEZ-ESTOESTA ----- Chairperson
ZALDY V. TRESPESES ----- 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. Accused Rodolfo Garong Valencia's "**MOTION FOR THE PRODUCTION AND FORENSIC EXAMINATION OF DOCUMENTS**" dated September 25, 2023;
2. Accused Valencia's "**COMPLIANCE**" dated October 10, 2023;
3. Accused Valencia's "**SUPPLEMENTAL COMPLIANCE (With Prayer)**" dated October 17, 2023;
4. Accused Valencia's "**COMPLIANCE** (Re: Order dated 19 October 2023)" dated November 16, 2023;
5. Prosecution's "**COMPLIANCE**" dated December 4, 2023; and
6. Accused Valencia's "**MANIFESTATION** (Re: Resolution dated November 28, 2023)" dated December 6, 2023.

GOMEZ-ESTOESTA, J.:

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In his *Motion for the Production and Forensic Examination of Documents*, accused Valencia initially sought the forensic examination of thirteen (13) documents containing his purported signatures. In view of the prosecution’s admissions on eight (8) of the 13 documents, only five (5) documents remain to be questioned, thus:

	Questioned Document	Remarks
1	“B-13”	Excluded from the request in view of the disclosure by prosecution witness/es that the signature has been forged. (Order dated November 21, 2023, <i>Records</i> , Vol. 19, pp. 471-473)
2	“B-26”	Excluded from the request in view of the disclosure by prosecution witness/es that the signature has been forged. (Order dated November 21, 2023, <i>Records</i> , Vol. 19, pp. 471-473)
3	“B-29”	Excluded from the request in view of the disclosure by prosecution witness/es that the signature has been forged. (Order dated November 21, 2023, <i>Records</i> , Vol. 19, pp. 471-473)
4	“B-57”	Excluded from the request in view of the prosecution’s admission that this is Nico Valencia’s signature. (Order dated October 3, 2023, <i>Records</i> , Vol. 19, pp. 253-254)
5	“B-59”	UNDATED LIST OF PROJECT ACTIVITIES OF RODOLFO G. VALENCIA UNDER SARO NO. ROCS-08-00576 DATED JANUARY 10, 2008 Original presented. (Order dated November 21, 2023, <i>Records</i> , Vol. 19, pp. 471-473)
6	“B-60”	Excluded from the request in view of the prosecution’s admission that this is Nico Valencia’s signature. (Order dated October 3, 2023, <i>Records</i> , Vol. 19, pp. 253-254)
7	“B-71”	Excluded from the request in view of the disclosure by prosecution witness/es that the signature has been forged.

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		(Order dated November 21, 2023, <i>Records</i> , Vol. 19, pp. 471-473)	
8	"B-119"	Excluded from the request in view of the prosecution's admission that this is Nico Valencia's signature. (Order dated October 3, 2023, <i>Records</i> , Vol. 19, pp. 253-254)	
9	"B-125"	Excluded from the request in view of the prosecution's admission that this is Nico Valencia's signature. (Order dated October 3, 2023, <i>Records</i> , Vol. 19, pp. 253-254)	
10	"B-9"	LETTER DATED OCTOBER 15, 2007 OF RODOLFO G. VALENCIA ADDRESSED TO ANTONIO Y. ORTIZ	Original presented. (Order dated November 21, 2023, <i>Records</i> , Vol. 19, pp. 471-473)
11	"B-11"	MEMORANDUM OF AGREEMENT AMONG TRC, RODOLFO VALENCIA AND MAMFI DATED APRIL 23, 2008	Original presented. (Order dated November 21, 2023, <i>Records</i> , Vol. 19, pp. 471-473)
12	"C-11"	LETTER DATED NOVEMBER 13, 2007 OF RODOLFO G. VALENCIA ADDRESSED TO JOSE DE VENECIA, JR.	Original presented. (Order dated November 21, 2023, <i>Records</i> , Vol. 19, pp. 471-473)
13	"C-17"	LETTER OF RODOLFO G. VALENCIA DATED MARCH 25, 2008 ADDRESSED TO PROSPERO C. NOGRALES, THROUGH EDCCEL C. LAGMAN	Original presented. (Order dated November 21, 2023, <i>Records</i> , Vol. 19, pp. 471-473)

In sum, only the following remain to be the **questioned documents** subject of accused Valencia's *Motion*: Exhibits "B-59", "B-9", "B-11", "C-11", and "C-17".

In his *Compliance* dated October 10, 2023,¹ accused Valencia furnished this court a copy of the letter dated October 9, 2023 of the NBI, which lists the following requirements for the conduct of a handwriting examination by the Questioned Documents Division:

If a case involving the aforementioned questioned documents is already pending before the Seventh Division of the Sandiganbayan, as indicated in your letter, it is necessary that a **Court Order** be secured directing the NBI to conduct the handwriting examination and submitted to the Questioned Documents Division of the NBI. Likewise it is respectfully

¹ *Records*, Vol. 19, pp. 272-276.

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recommended that the **original copies of the questioned documents and at least seven standard/specimen signatures of RODOLFO GARONG VALENCIA appearing on original documents** (public, private, official) dated before, during and after the dates/years on which the questioned documents were executed, be procured and submitted to this Office to facilitate the desired forensic document examination. (emphasis supplied)

This court, for its part, initially set the following protocol:

- 1. That the specimen signatures from public, private, or official documents should at least be **seven documents**; and
- 2. That the time frame should be fixed at **eight months before the date of execution of the questioned documents and eight months after.**²

During the conference with the Division Clerk of Court on November 21, 2023, stipulations were made on the **standard documents** presented by accused Valencia. Aside from Annexes “A” and “H”, the prosecution stipulated that the standard documents were original with wet-ink signatures. The table below demonstrates the **standard documents** to be used for comparison with the **questioned documents**:

Standard Documents		Questioned Documents				
		“B-9” (COA)	“C-11” (DBM)	“B-59” (COA)	“C-17” (DBM)	“B-11” (COA)
1	Annex “A”: BIR Form No. 2316 for 2006 (Stipulation: Document is original, but the signatures do not appear to be wet-ink signatures)					
2	Annexes “B” and “B-1”: Annual Income Tax Return for 2006 and DBP Payment Deposit Slip					
3	Annexes “C” and “C-1”: Report of Independent Public Accountant dated April 12, 2007 with attached Balance Sheets					
4	Annex “C-2”: Income Statements for the years ended December 31, 2005 and 2006					
5	Annex “D”: Metrobank Check No. 0892224463 dated August 8, 2007					
6	Exhibit “C-5”: Letter of Rodolfo Valencia dated September 10, 2007 (DBM)					
7	Annex “E”: Metrobank Check No. 0892224576 dated October 15, 2007					
8	Annex “F”: Metrobank Check No. 0892224637 dated November 14, 2007					

² Order dated October 19, 2023, *Records*, Vol. 19, pp. 324-326.

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9	Annex "G": Metrobank Check No. 0892224666 dated December 12, 2007					
10	Annex "H": BIR Form No. 2316 for 2007 (Stipulation: Does not appear to be an original copy)					
11	Annexes "I" and "I-1": Independent Auditor's Report dated April 14, 2008 with Audited Balance Sheet as of December 31, 2007					
12	Annex "I-2": Income Statements for 2006 and 2007					
13	Annexes "J" and "J-1": BIR Form No. 1701 for 2007 and LBP Deposit Slip dated April 15, 2008					

Thus, aside from Annexes "A" and "H", the original **standard documents** presented by accused Valencia may be submitted to the NBI for comparison with the **questioned documents**.

On the propriety of allowing the examination by the NBI of an alleged forgery, *Marquez v. Sandiganbayan*³ is instructive:

In this case, the defense interposed by the accused Marquez was that his signatures in the disbursement vouchers, purchase requests and authorizations were forged. It is hornbook rule that as a rule, forgery cannot be presumed and must be proved by clear, positive and convincing evidence and the burden of proof lies on the party alleging forgery.

Thus, Marquez bears the burden of submitting evidence to prove the fact that his signatures were indeed forged. **In order to be able to discharge his burden, he must be afforded reasonable opportunity to present evidence to support his allegation. This opportunity is the actual examination of the signatures he is questioning by no less than the country's premier investigative force the NBI.** If he is denied such opportunity, his only evidence on this matter is negative testimonial evidence which is generally considered as weak. And, he cannot submit any other examination result because the signatures are on the original documents which are in the control of either the prosecution or the graft court.

At any rate, any finding of the NBI will not be binding on the graft court. It will still be subject to its scrutiny and evaluation in line with Section 22 of Rule 132. **Nevertheless, Marquez should not be deprived of his right to present his own defense.** How the prosecution, or even the court, perceives his defense to be is irrelevant. To them, his defense may seem feeble and his strategy frivolous, but he should be allowed to adduce evidence of his own choice. The court should not control how he will defend

³ G.R. Nos. 187912-14, January 31, 2011.

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himself as long as the steps to be taken will not be in violation of the rules.
(emphases supplied)

The submission of the **questioned documents** and **standard documents** to the NBI for questioned document examination is subject to the following protocol:

a. That the specimen signatures from public, private, or official documents should at least be seven (7) documents, which are already provided by the **standard documents** listed above;⁴ and

b. That the time frame should be fixed at eight (8) months before the date of execution of the **questioned documents** and eight months thereafter.⁵

c. Considering that all of the **questioned documents**, as well as the **standard document** marked as Exhibit "C-5", are public documents in the custody of the COA and DBM, hence, irremovable therefrom under Rule 132, Section 26 of the Rules on Evidence,⁶ and as far as the protocol observed by the NBI's Questioned Documents Division would permit:

- i. Exhibits "B-9", B-59" and "B-11" are to remain in the custody of COA, and Exhibits "C-11", "C-17" and "C-5" in the custody of the DBM, subject to inspection, examination and/or copying by the NBI for purposes of examining the signatures therein;
- ii. For purposes of inspection, examination and/or copying, the representative of the NBI's Questioned Documents Division is directed to proceed to:

COA, through Ms. Lolita M. Soriano, Supervising Administrative Officer of the COA Special Audit Office, or Mr. Niño Ian V. Perez or Atty. Arnel Calimag; and

DBM, through Director Marissa Santos, Chief Administrative Officer of the DBM Central Records Division,

at a specific time and date where parties are notified thereof, to give them an opportunity to witness and be present during the inspection, examination and/or copying of the **questioned public documents**;

d. Meanwhile, the original **standard documents** in the custody of accused Valencia must be submitted to the NBI. Prior thereto, photocopies thereof must be compared with the originals and stipulated on by the parties as faithful reproductions.

⁴ See *Report on the Inspection and Comparison of Documents* submitted by Division Clerk of Court Isobel MPT. Solis; Records, Volume 19, pp. 493-a to 493-o.

⁵ Order dated October 19, 2023, *Records*, Vol. 19, pp. 324-326.

⁶ *SECTION 26. Irremovability of Public Record.* — Any public record, an official copy of which is admissible in evidence, must not be removed from the office in which it is kept, except upon order of a court where the inspection of the record is essential to the just determination of a pending case.

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e. From receipt of the formal request to conduct a questioned document examination on the **questioned documents**, the NBI Questioned Documents Division is directed to finalize and submit its Report to this court within a period of ninety (90) days therefrom.

WHEREFORE, accused Rodolfo G. Valencia's *Motion for the Production and Forensic Examination of Documents* is **GRANTED**, subject to the above conditions.

SO ORDERED.


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

WE CONCUR:


ZALDY V. TRESPESES
Associate Justice


GEORGINA D. HIDALGO
Associate Justice