



REPUBLIC OF THE PHILIPPINES

Sandiganbayan
QUEZON CITY

SEVENTH DIVISION

MINUTES of the proceedings held on February 7, 2024.

Present:

Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA ----- Chairperson
Justice ZALDY V. TRESPESES ----- Member
Justice BAYANI H. JACINTO ----- Member*

The following resolution was adopted:

SB-23-CRM-0044 – People v. Herbert Constantine M. Bautista, et al.

This resolves the following:

1. Prosecution's **"FORMAL OFFER OF EXHIBITS AND COMPLIANCE"** dated January 25, 2024;
2. Accused Aldrin C. Cuña's **"COMMENT AND OPPOSITION TO THE FORMAL OFFER OF EVIDENCE OF THE PROSECUTION"** dated January 30, 2024; and
3. Accused Herbert Constantine M. Bautista's **"COMMENT/OPPOSITION TO THE PROSECUTION'S FORMAL OFFER OF EXHIBITS"** dated January 31, 2024.

GOMEZ-ESTOESTA, J.:

For resolution is the prosecution's *Formal Offer of Exhibits* which prayed for the admission of Exhibits "A" to "J," "V" to "DD," "FF" to "GG," and "II" to "JJ." It is noted that no Exhibits "U," "EE," and "HH" were offered.

Accused Herbert Constantine M. Bautista and Aldrin C. Cuña respectively filed their comments and opposition to the prosecution's formal offer. Notably, however, their objections heavily assail the materiality and probative value, rather than the admissibility, of the exhibits in question. It is evident that at the formal offer stage, the only issue presented is the

* Vice Associate Justice Georgina D. Hidalgo as per Administrative Order No. 021-2024 dated February 6, 2024.

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admissibility of evidence, not its evidentiary weight.¹

Nonetheless, the purpose of the offer and the objection in each exhibit shall be evaluated in the ultimate disposition of the case.

After a careful consideration of the prosecution's exhibits, the court resolves to:

ADMIT Exhibits "A" and series, "B," "C," "D," "D-1," "E" to "E-5," "F," "G," "G-1," "G-2," "G-3," "H," "J," "L" to "L-2," "M," "N" to "N-1," "O," "O-1," "Q," and "R" to "R-1," the parties having admitted the existence, due execution, and authenticity of the same during pre-trial proceedings.² The stipulations and admissions made by the parties consequently obviated the opportunity to present evidence on this matter, as no proof is required for an admission made by a party in the course of the proceedings.³

ADMIT Exhibits "I" to "I-1," "K," "S," "X" and series, "Y" to "Y-1," "FF," "II" to "II-3," and "JJ" to "JJ-1," the parties having stipulated on the same in open court.⁴ The stipulations and admissions made by the parties consequently obviated the opportunity to present evidence on this matter, as no proof is required for an admission made by a party in the course of the proceedings.⁵

ADMIT Exhibits "P" and "DD" and series, being copies of public records on file which were attested to and identified by its custodian, Atty. John Tomas S. Alferos III ("**Atty. Alferos**"), Sanggunian Panglungsod Secretary of Quezon City,⁶ in accordance with Section 8, Rule 130 of the *2019 Revised Rules on Evidence*.⁷ Public documents⁸ may be proved by the

¹ *Vide: Yu v. Court of Appeals*, G.R. No. 154115, November 29, 2005, which cited *Prats & Co. v. Phoenix Insurance Co.*, 52 PHIL 807-818.

² Pre-Trial Order dated September 19, 2023, pp. 12, 14, 15.

³ *CIR v. Petron Corporation*, G.R. No. 185568, March 21, 2012.

⁴ Exhibits "I" and "K" were stipulated on by the parties in open court on September 21, 2023 (Records, Vol. 4, p. 256).

Exhibits "S," "II" to "II-3," "JJ," and "JJ-1" were stipulated on by the parties in open court on January 23, 2024 (Records, Vol. 5, p. 54).

Exhibits "I-1," "X" and series, "Y" and "Y-1," and "FF" were stipulated on by the parties in open court on January 24, 2024 (Records, Vol. 5, pp. 58-D to 58-E).

⁵ *Supra* note 3.

⁶ Judicial Affidavit of Atty. John Tomas S. Alferos III dated 11 August 2023, pp. 3-4.

⁷ The cited provision reads:

SECTION 8. Evidence Admissible When Original Document is a Public Record. — When the original of a document is in the custody of a public officer or is recorded in a public office, its contents may be proved by a certified copy issued by the public officer in custody thereof. (7)

⁸ Section 19 (a), Rule 132 of the 2019 Revised Rules on Evidence provides:

SECTION 19. Classes of Documents. — For the purpose of their presentation in evidence, documents are either public or private.

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original copy, an official publication thereof, or a certified true copy thereof.⁹

ADMIT Exhibit “T,” being an original or duplicate original of a public document, having been identified by prosecution witness Ramon Jesus K. Africa, who issued the Certification himself as Head of the Administrative Division, Business Permits and Licensing Department of Quezon City.¹⁰

ADMIT Exhibits “V” to “V-3,” “CC” to “CC-8,” and “GG,” which were attested to and identified by the custodian, being prosecution witness Tchelle Veronica A. Legaspi, Administrative Assistant III, Audit Group M of Quezon City. Said witness affirmed that the exhibits consist of certified copies of public records on file,¹¹ in accordance with Section 8, Rule 130 of the *2019 Revised Rules on Evidence*.¹² Public documents¹³ may be proved by the original copy, an official publication thereof, or a certified true copy thereof.¹⁴

ADMIT Exhibit “W,” which was identified by prosecution witness Atty. Alferos who was the signatory on the document.¹⁵

ADMIT Exhibits “Z” to “Z-12” and “AA” to “AA-6,” which were identified by prosecution witness Atty. Noel Emmanuel C. Gascon who was the signatory on the documents.¹⁶

ADMIT Exhibits “BB” to “BB-5,” which were attested to by the records custodian,¹⁷ being prosecution witness Tchelle Veronica A. Legaspi, Administrative Assistant III, Audit Group M of Quezon City. Said exhibits were also identified by the following prosecution witnesses:¹⁸ (1) John Karl B. Rambuyon; (2) John Aaron M. Balingit; (3) Oliver V. Casiñas; (4) Gary C. Lopeña; (5) John Martin E. De La Vega; (6) Ritchie V. Jimenez; (7) Rachel C. Escolano; (8) Jennylyn L. Dela Rosa; and (9) John Elfrimen T. Landong.

ADMIT Exhibits “II-4” to “II-5,” which were identified by prosecution witness Paul Rene S. Padilla who was the signatory on the documents.¹⁹

ADMIT Exhibits “II-6,” “II-7,” and “II-8,” which were attested to and

Public documents are:

(a) The written official acts, or records of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country;

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⁹ *Vide: Delfin v. Billones*, G.R. No. 146550, March 17, 2006.

¹⁰ Judicial Affidavit of Ramon Jesus K. Africa dated August 11, 2023, p. 9.

¹¹ Judicial Affidavit of Tchelle Veronica A. Legaspi dated January 17, 2024, pp. 3-5.

¹² *Supra* note 7.

¹³ *Supra* note 8.

¹⁴ *Supra* note 9.

¹⁵ Judicial Affidavit of Atty. John Tomas S. Alferos III dated 11 August 2023, p. 4.

¹⁶ Judicial Affidavit of Atty. Noel Emmanuel C. Gascon dated September 8, 2023, p. 8.

¹⁷ Judicial Affidavit of Tchelle Veronica A. Legaspi dated January 17, 2024, pp. 3-5.

¹⁸ The court’s Order dated Sept. 21, 2023, pp. 1-3 (Records, Vol. 4, pp. 254-257).

¹⁹ Judicial Affidavit of Paul Rene S. Padilla dated October 16, 2023, pp. 6-7.

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identified by the custodian,²⁰ being prosecution witness Joon Crsna M. Mejia, Executive Assistant III, Business Permits and Licensing Department, Quezon City, in accordance with Section 8, Rule 130 of the 2019 *Revised Rules on Evidence*.²¹ Public documents²² may be proved by the original copy, an official publication thereof, or a certified true copy thereof.²³ These exhibits were also subject of stipulation per *Order* dated January 23, 2024.

The parties are reminded of the tentative setting for the presentation of defense evidence on **March 20, 2024 at 8:30 in the morning** at the Fourth/Seventh Division Courtroom.

SO ORDERED.


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

WE CONCUR:


ZALDY V. TRESPESES
Associate Justice


BAYANI H. JACINTO
Associate Justice

²⁰ Judicial Affidavit of Joon Crsna M. Mejia dated November 17, 2023, pp. 4-6.

²¹ *Supra* note 7.

²² *Supra* note 8.

²³ *Supra* note 9.