

MELANIA T. ARRIETA PETITIONER, VS. CRESENCIO ARRIETA RESPONDENT.

Ponente: BORJA, J.

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BORJA, J.:

On 23 October 2013, the Court issued an Order,[1] to wit:

xxx The parties agreed that there are no further questions of fact pending before this Court. Therefore, the respondent is given ten (10) days from today within which to formally offer his evidence and the same period is given to comment on or object to said formal offer of exhibits.

Petitioner pleaded for time to offer additional exhibits. Considering that the additional exhibits are mere photocopies, the respective counsels agreed to meet on their own time to determine if the photocopies are faithful reproductions of the original exhibits. If they should stipulate that the photocopies are faithful reproductions of the original exhibits, then they will jointly manifest accordingly. Otherwise, they will separately manifest their position on this matter. The counsels are given five (5) days from today to do this. Five (5) days thereafter, petitioner will formally offer her additional exhibits. Respondent has ten (10) days thereafter to comment on or object to the offer. After which, the offer is submitted for resolution.

Within thirty (30) days from notice of this Court's Resolution of the offer of exhibits, the parties will simultaneously submit their respective memoranda on the legal issues of the case.[2]

We NOTE the Compliance filed by respondent through counsel on 21 November 2013, acknowledging receipt of the above-cited Order on 18 November 2013.[3]

On 7 November 2013 respondent filed his Formal Offer of Exhibits.[4]

The Court admits respondent's Exhibits "1," "2," "2-a," "3," "3-a," "4," "4-a," "5" to "5-H," "6," and "6-A-2" as part of his documentary evidence.[5]

All the foregoing exhibits are competent and relevant to resolve the issues at hand.

We also NOTE the Joint Manifestation filed by the parties through their respective counsels dated 29 October 2013,[6] stating that the following are additional exhibits for the petitioner and faithful reproductions of the original:

Exhibits "L-L-1" which refers to photographs;

Exhibit "M-M-1" which refers to a letter dated 30 May 1994;

Exhibit "N-N-2" which refers to a letter dated 8 April 1995;

Exhibit "O" which refers to a letter dated 28 February 1996;

Exhibit "P" which refers to a letter dated 3 April 1996.[7]

Subsequently, petitioner filed her Formal Offer of Additional Exhibits, submitting the above-mentioned exhibits

as part of her documentary evidence.[8]

Respondent then filed his Comment on the Formal Offer of Additional Exhibits, wherein an objection was raised as to the admissibility of Exhibit “P,” on the ground that the signature of respondent is not authentic.

Given that both parties had jointly manifested that the exhibits are faithful reproductions of the original, We admit petitioner’s Exhibits “L-L- 1,” “M-M-1,” “N-N-2,” “O,” and “P,” as these newly admitted exhibits are similarly competent and relevant to the issues of the case.

Respondent’s objection is a question of probative value, which should not be confused with admissibility of evidence. Admissibility 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. Thus, a particular item of evidence may be admissible, but its evidentiary weight depends on judicial evaluation within the guidelines provided by the rules of evidence.[9]

With the ADMISSION OF petitioner’s and respondent’s respective evidence, the Court DIRECTS the parties to file simultaneously their respective memoranda within thirty (30) days from notice of this Resolution.

SO ORDERED.

Badelles and Contreras,[*] JJ., concur.

[1][*] vice J. Maria Filomena D. Singh who is on leave, per raffle dated 1 April 2014.

Rollo pp. 528-529.

[2] Id.

[3] Id. at 591.

[4] Dated 18 October 2013. Id. at 530-533.

[5] Id. at 535-568.

[6] Id. at 569.

[7] Id.

[8] Dated 20 November 2013. Id. at 579-582.

[9] *Sabanpan v. Comorposa*, G.R. No. 152807, 12 August 2003, citing *PNOC Shipping Transport Corporation v. Court of Appeals*, 358 Phil. 38, 8 October 1998.

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