

COMPARATIVE TABLE OF PROSECUTION AND DEFENSE ARGUMENTS (PEOPLE v. ESTRADA)

I. PARAGRAPH "a" Amended Info: ALLEGED JUETENG PAY-OFFS

PROSECUTION	DEFENSE
<p>A) AS TO JOSEPH ESTRADA IT HAS BEEN INCONTROVERTIBLY ESTABLISHED THAT THE HUNDREDS OF MILLIONS OF PESOS OF <i>JUETENG</i> PROTECTION MONEY THAT HAD BEEN COLLECTED AND ACCUMULATED AS BRIBES WERE COLLECTED AND ACCUMULATED ON ACCOUNT OF, AND FOR, ACCUSED JOSEPH ESTRADA.</p> <p>1) ACCUSED JOSEPH ESTRADA ACCESSED AND EXERCISED OWNERSHIP, CONTROL AND DISPOSITION OVER THE SAID COLLECTED AND ACCUMULATED <i>JUETENG</i> PROTECTION MONEY. (p.118)</p> <p>2) THE VOLUMINOUS DOCUMENTS AND EVIDENCE PRESENTED BY THE PROSECUTION ESTABLISHED WITH ABSOLUTE CERTAINTY THAT SAID <i>JUETENG</i> PROTECTION MONEY COLLECTED AND ACCUMULATED AS BRIBES WERE GIVEN TO, AND/OR ENDED UP WITH, ACCUSED JOSEPH ESTRADA OR HIS DUMMIES/NOMINEES WHO ARE PERSONS CLOSELY CONNECTED WITH HIM. (p.161)</p> <p>a) Luis Singson testified that:</p> <ul style="list-style-type: none"> ▪ he went to Estrada's house in Polk St. and met Estrada, Charlie Ang and Bong Pineda there. ▪ he and Ang were asked by Estrada to deliver <i>jueteng</i> money to him ▪ he and Ang started collecting <i>jueteng</i> money in August 98 ▪ he started delivering <i>jueteng</i> money in September 98 ▪ he delivered <i>jueteng</i> money to 	<p>A) The prosecution failed to show beyond reasonable doubt that the accused Estrada committed the act of "amassing, accumulating and acquiring" wealth, particularly, the act described in paragraphs "a" of the "Amended Information" (<i>Jueteng</i> Bribery) (p.78)</p> <p>1) Principal witness Singson had strong motive to get back at Pres. Estrada (p.114)</p> <p>a) Singson himself testified that:</p> <ul style="list-style-type: none"> ▪ he asked Ang to reserve the franchise or license of Bingo 2-balls in Ilocos Sur ▪ Ang instead gave the Bingo-2 franchise to Singson's political rivals <p>b) Luis Asistio testified that:</p> <ul style="list-style-type: none"> ▪ Singson told him about the former's disappointment after the Bingo-2 ball was given to his political rivals <p>c) Alfredo Lim testified that:</p> <ul style="list-style-type: none"> ▪ when he and Asistio talked to Singson about the attempt on the latter's life, Singson said that he is mad at Ang because the latter gave the Bingo-2 ball franchise to his opponents <p>d) Estrada testified that:</p> <ul style="list-style-type: none"> ▪ Singson was against the legalization of <i>jueteng</i> <p>2) Testimony of Singson comes from a polluted source, as Singson himself has</p>

Estrada every 15 days

- he was the lone collector starting November 98 due to a disagreement between Estrada and Ang
- he listed all the collections and expenses in a ledger
- he personally delivered a total of P200M to Estrada
- Yolanda Ricaforte is Estrada's auditor for the *jueteng* money
- Ricaforte prepared the ledger from August 1999 to August 2000
- he transferred the remaining balance of the *jueteng* money to Estrada's auditor, Yolanda Ricaforte, in August 1999
- *jueteng* collections from August 1999 until August 2000 were deposited to Estrada's bank accounts, which were in Ricaforte's name
- there was an attempt on his life to prevent him from making an expose. Two mobile patrols attempted to ambush him in San Marcelino St., Manila
- he was instructed by Estrada to give P200M to Atty. Edward Serapio.

b) Emma Lim testified that:

- she was instructed by Singson to collect money from Bong Pineda and Jinggoy Estrada

c) Carmencita Itchon testified that:

- she received 12 collections from the messengers of Singson and Anton Prieto

d) Federico Artates (a security escort of Singson) testified that:

- he collected P5M from Bong Pineda
- the P5M was delivered to the

confessed to covering up his crimes (p.119)

3) Ledgers relied on by Singson are hearsay

4) No evidence was presented that accused protected or tolerated *Jueteng* (p.126)

a) Estrada testified that:

- he never met Singson, Pineda and Ang in Polk St.
- he never received P5M or P10M from Singson every 15 days
- he never knew about the ledgers of Singson
- he never received money from Carmencita Itchon and Emma Lim
- Yolanda Ricaforte was not his *jueteng* auditor
- he never ordered Singson to give P5M to Laarni Enriquez and P65M to William Gatchalian

5) Foundation was a legitimate educational foundation aimed to assist Muslim youth (p.128)

a) Danilo Reyes (a trustee of the EMYF) testified that:

- Dr. De Guzman organized the EMYF
- he was told by Dr. De Guzman that the foundation is part of Estrada's vision to help develop young Muslim leaders and that it will be among the beneficiaries of the ERAP Golf Cup
- the foundation's funding came from the P100,000 contributions of the incorporators and the P10M received from the ERAP Golf Cup in the summer of 2000
- the foundation received a P200M donation
- he was told by Atty. Serapio that the donor wanted to remain anonymous

presidential residence by Emma Lim

- e) Jamis Singson (a personal aide of Singson) testified that:
- he accompanied Artates when the latter collected money from Bong Pineda
 - he accompanied Lim when she delivered the money to Malacaang
- f) Vicente Amistad (a security escort of Singson) testified that:
- he collected money from Bong Pineda in 1999 and 2000
 - he collected money from a security escort of then Mayor Jinggoy
 - he delivered the money to Singson
- g) Edelquin Nantes, Rosario Bautista, Shakira Yu, Vergel Pabillon, Edgardo Lim Alcaraz and Emma Aguila Gonzales (Equitable-PCI Bank branch managers) testified that:
- Yolanda Ricaforte opened, maintained and later closed saving accounts in the bank
 - Ricaforte applied for manager's and cashier's checks
- h) Antonio Martin Fortuno (Equitable-PCI Bank Pacific Star branch manager) testified that:
- on April 25, 2000 checks were deposited into a "bearer" account at his branch
 - the checks were withdrawn from April 27, 2000 up to May 11, 2000
 - the withdrawn amounts were deposited into the Erap Muslim Youth Foundation maintained at Equitable-PCI Bank in Strata

- b) Salvador Domona, Sohayle Hadji Marangit, Janice Halim Negrosa, Roque Morales testified that:
- they were scholars of the EMYF

- c) Estrada testified that:
- his Erap Muslim Youth Foundation is not a bogus foundation intended to launder *jueteng* protection money
 - he was not a signatory to any of the foundation's bank accounts

6) Singson's testimony replete with inconsistencies and lies (p.130)

- a) Noel Vallo (police chief inspector) testified that:
- a vehicle beat the red light
 - they pursued the vehicle and stopped it
 - they discovered that Gov. Singson was inside the vehicle
 - he called Police Supt. Rodolfo Azurin because Singson complained that they are being harassed

- b) Rodolfo Azurin (police superintendent) testified that:
- he immediately convinced Singson to come with them to the Western Police District headquarters in Manila
 - when they reached the WPD headquarters, they issued a traffic violation ticket to Singson's driver and confiscated the sirens and blinkers attached to the vehicle
 - Singson complained to the media present that they were being harassed because he was not in favor of the PAGCOR Bingo 2-ball

- c) Arturo Paglinawan (police superintendent) testified that:
- the blotter showed no recorded

- i) Aida Basila (Equitable-PCI Bank branch manager) testified that:
- there were 28 inter-branch deposits from their branch amounting to P200M made into the Erap Muslim Youth Foundation's savings account from April 21 to May 11, 2000

B) AS TO JINGGOY ESTRADA

ACCUSED JINGGOY ESTRADA'S COMPLICITY BY DIRECT PARTICIPATION AND/OR INDISPENSABLE COOPERATION IN THE SERIES OF TWICE-A-MONTH COLLECTION AND RECEIPT OF *JUETENG* PROTECTION MONEY AS BRIBE, OWING TO ACCUSED JOSEPH ESTRADA HAVING TAKEN UNDUE ADVANTAGE OF HIS POSITION AND AUTHORITY, HAD BEEN INCONTROVERTIBLY ESTABLISHED. (p.176)

- 1) THE FOREGOING COMPLICITY BY DIRECT AND/OR INDISPENSABLE PARTICIPATION OF ACCUSED JINGGOY ESTRADA IN THE SERIES OF TWICE-A-MONTH COLLECTION AND RECEIPT OF *JUETENG* PROTECTION MONEY AS BRIBES BETRAYS A PATTERN OF BEHAVIOR AND/OR PARTICIPATION IN, AND BENEFIT FROM, ACCUSED JOSEPH ESTRADA'S OTHER ILLEGAL ACTIVITIES, INCLUDING THE DIVERSION OF PUBLIC FUNDS CONSTITUTING THE SHARE OF ILOCOS SUR IN TOBACCO EXCISE TAXES UNDER REPUBLIC ACT NO. 7171. (p.223)

- a) Luis Singson testified that:
- Jinggoy Estrada also received *jueteng* money and even collected from Bulacan
- b) Emma Lim testified that:
- she was instructed by Singson to collect money from Bong Pineda and Jinggoy Estrada

complaint by Singson against the police who were in Marcelino St.

- 7) No independent corroborating evidence to Singson's testimony (p.142)

B) Assuming the act was committed, the particular act described in paragraph "a" (on *jueteng* bribery) was committed by Governor Chavit Singson, not by accused Estrada.

- a) Jinggoy testified that:
- he was never a *jueteng* collector for Bulacan
 - he never kept P1M from his monthly collections
 - he did not know Jamis Singson, Emma Lim and Vicente Amistad
 - he never asked Singson to exclude him from the expose

- she was given a United Overseas Bank personalized check by Jinggoy in March 2000
- she deposited in Singson s account the check given by Jinggoy

II. PARAGRAPH “b” Amended Info: MISAPPROPRIATION OF R.A.7171 FUNDS

PROSECUTION	DEFENSE
<p>THE PLAN TO DIVERT, CONVERT AND MISAPPROPRIATE PUBLIC FUNDS AMOUNTING TO ONE HUNDRED THIRTY MILLION PESOS (P130,000,000.00) DERIVED FROM THE SHARE OF ILOCOS SUR IN THE TOBACCO EXCISE TAXES COLLECTED UNDER REPUBLIC ACT NO. 7171 ORIGINATED FROM ACCUSED JOSEPH ESTRADA. (p.310)</p> <p>A) THE EVIDENCE ON RECORD SHOWS THAT PUBLIC FUNDS AMOUNTING TO ONE HUNDRED THIRTY MILLION PESOS (P130,000,000.00) WAS DIVERTED, CONVERTED AND/OR MISAPPROPRIATED FOR PRIVATE USE AT THE INSTANCE OF ACCUSED JOSEPH ESTRADA. (p.314)</p> <p>1) Luis Singson testified that:</p> <ul style="list-style-type: none"> ▪ he agreed to give Estrada 10% of the releases from the Tobacco Excise Tax ▪ Ang told him that the President needed P130M out of the released P200M ▪ he agreed to Estrada s request because he was afraid that the latter might stop the release of other funds in the future ▪ Ang gave him the names of Alma Alfaro, Eleuterio Tan and Delia Rajas so that the P130M will be coursed through their bank accounts 	<p>A) The prosecution failed to show beyond reasonable doubt that the accused Estrada committed the act of “amassing, accumulating and acquiring” wealth, particularly, the act described in paragraphs “b” of the “Amended Information” (Misappropriation of R.A.7171 Funds) (p.145)</p> <p>1) Testimony of Gov. Singson on withdrawal and delivery of money patently incredible (p.157)</p> <p>a) Estrada testified that:</p> <ul style="list-style-type: none"> ▪ he did not ask for 10% of the Tobacco Excise Tax ▪ he knew Atong Ang but Ang never delivered P130M to his house ▪ his wife and son Jinggoy were never given a portion of the P130M ▪ during the alleged time of delivery, he was already staying at Malacaang ▪ Singson s charge is politically motivated ▪ Singson was blaming him for the misappropriation of the funds ▪ the money could not fit four boxes as stated by the prosecution witnesses ▪ Ang could not carry the money because its weight is equivalent to the weight of 2 %sacks of rice

- he and Ang delivered the money to Estrada s house in Polk St.
- Estrada received P70M

2) Ma. Elizabeth Balagot and Caridad Rodenas (Land Bank branch managers) testified that:

- P130M was transferred from LBP Vigan to LBP Shaw.
- Alma Alfaro encashed P40M, while three manager s check, totaling P90 M, was issued for Eleuterio Tan

3) Prosecution: the three manager s checks (totaling P90 M) were deposited on 31 August 1998 to Eleuterio Tan s Westmont Bank account and were withdrawn in varying amounts on the same day.

4) Federico Artates and Jamis Singson testified that:

- they saw the four boxes of money withdrawn by Tan taken out of Westmont Bank
- the money was transported to the house of Ang s mother before it was delivered, on the same day, to Estrada s house in Polk St.

B) THE EVIDENCE ON RECORD SHOWS THAT SEVENTY MILLION PESOS (P70,000,000.00) OF SUCH PUBLIC FUNDS DIVERTED, CONVERTED AND/OR MISAPPROPRIATED FOR PRIVATE USE WAS GIVEN TO ACCUSED JOSEPH ESTRADA, WHILE THE REMAINING AMOUNTS OF TWENTY MILLION PESOS (P20,000,000.00) WENT TO HIS WIFE (LOI EJERCITO), FIFTEEN MILLION PESOS (P15,000,000.00) WENT TO HIS SON (ACCUSED JINGGOY ESTRADA), AND TWENTY-FIVE MILLION PESOS (P25,000,000.00) WENT TO HIS FRIEND (ACCUSED ATONG ANG). (p.325)

b) Jinggoy Estrada testified that:

- he never received a portion of the P130M Tobacco Excise Tax

2) The prosecution s remaining evidence reveal Chavit Singson s complicity in the withdrawal of the tobacco excise tax funds, nothing more (p.163)

3) The minor prosecution witnesses do not prove the guilt of Pres. Estrada beyond reasonable doubt (p.179)

B) Assuming the act was committed, the particular act described in paragraph "b" (on the Misappropriation of R.A.7171 Funds) was committed by Governor Chavit Singson, not by accused Estrada.

C) THE BARE DENIALS OF ACCUSED JOSEPH ESTRADA CANNOT OUTWEIGH THE CHAIN OF DOCUMENTARY EVIDENCE WHICH PROVES THAT HE BEGAN THE SERIES OF EVENTS WHICH LED TO HIS MISAPPROPRIATION OF PUBLIC FUNDS AMOUNTING ONE HUNDRED THIRTY MILLION PESOS (P130,000,000.00). (p.327)

III. PARAGRAPH "c" Amended Info: *COMMISSION FROM SALE OF BELLE SHARES*

PROSECUTION	DEFENSE
<p>AS CLEARLY BORNE BY THE EVIDENCE, ACCUSED ESTRADA TOOK UNDUE ADVANTAGE OF HIS OFFICIAL POSITION, AUTHORITY, RELATIONSHIP, AND INFLUENCE BY DIRECTING, ORDERING AND COMPELLING THE PRESIDENT AND CHAIRMAN OF THE SOCIAL SECURITY SYSTEM (SSS), TO PURCHASE THREE HUNDRED TWENTY-NINE MILLION EIGHT HUNDRED FIFTY-FIVE THOUSAND (329,855,000) SHARES OF STOCK OF BELLE CORPORATION IN THE AMOUNT OF SEVEN HUNDRED FORTY-FOUR MILLION SIX HUNDRED TWELVE THOUSAND AND FOUR HUNDRED FIFTY PESOS (P744,612,450.00). (p.360)</p> <p>1) Carlos Arellano (former SSS President) testified that:</p> <ul style="list-style-type: none"> ▪ he and Ding Pascual, were instructed by Estrada to look at the Belle shares ▪ he, in turn, instructed the SSS investment committee to review the Belle shares ▪ he met Estrada a week after in Malacaang Palace, where he also saw Jaime Dichaves ▪ the SSS investment committee concluded that the Belle shares is a good investment ▪ SSS bought 249 million Belle shares valued at P783M or an average price of P3.14 per 	<p>A) The prosecution failed to show beyond reasonable doubt that the accused Estrada committed the act of "amassing, accumulating and acquiring" wealth, particularly, the act described in paragraphs "c" of the "Amended Information" (receiving commission from the sale of Belle shares) (p.182)</p> <p>1) Transaction was perfectly valid and legal, and no commission was given to Accused (p.194)</p> <p>2) SSS purchase of Belle shares valid and regular (p.196)</p> <p>a) Rizaldy Capulong testified that:</p> <ul style="list-style-type: none"> ▪ the purchase of Belle shares was for portfolio trading only. ▪ SSS had been buying and selling shares even before October 21, 1999 <p>3) Likewise, GSIS purchase was made in accordance with investment policy and rules (p.203)</p> <p>a) Justice Hermogenes Concepcion (GSIS chair from July 1998 to June 2004) testified that:</p> <ul style="list-style-type: none"> ▪ the purchase of Belle shares

share

2) Federico Pascual (former GSIS President) testified that:

- he was asked by Estrada during a meeting at Malacañang if GSIS could buy Belle shares
- while he was in London, he was again asked by Estrada, through the telephone, if GSIS could buy Belle shares
- he called the GSIS Manila office and instructed Reynaldo Palmiery to study the possible purchase of Belle shares
- when he returned to the Philippines, GSIS already purchased a total of 351 million Belle shares valued at P1.1B, equivalent to one board seat in the corporation

3) Rizaldy Capulong (Assistant Vice President for the SSS Securities Trading and Management Department) testified that:

- the purchase of the Belle shares on October 21, 1999 was perfectly valid transaction and in order

4) Willie Ng Ocier (then Vice-Chair of Belle Corp.) testified that:

- he talked with Jaime Dichavez in 1999
- he was assured by Dichavez that GSIS and SSS will purchase the shares of Belle Corp.
- he was told by Dichavez that Estrada was asking for a P200M profit commission
- he did not ask Estrada to confirm what Dichavez told him

satisfies the basic requirements of investment of GSIS funds

- the purchase of Belle shares did not exceed the limits laid down by GSIS internal guidelines
- he was not informed by Pascual about the latter's conversation with Estrada concerning the Belle shares
- no one from the board of trustees told him that Estrada pressured them to buy Belle shares

b) Reynaldo Palmiery (then chair of the GSIS investment committee) testified that:

- the purchase of Belle shares was made only after the review and evaluation of the investment committee
- GSIS had been trading in Belle shares since 1993

4) No evidence that accused ever received any percentage or commission from sale of Belle shares (p.218)

a) Estrada testified that:

- he did not pressure Arellano and Pascual concerning the Belle shares
- he only asked Arellano if it would be beneficial to the government to buy the Belle shares
- he was told by Pascual that the corporate finance department will study it
- he called Pascual but their conversation was regarding the delayed GSIS benefits
- he might have called Arellano and told him to also study the purchase of Belle shares
- he saw Ocier in Tagaytay Highlands but they never talked about commissions

A) AS CLEARLY BORNE BY THE EVIDENCE, ACCUSED ESTRADA TOOK UNDUE ADVANTAGE OF HIS OFFICIAL POSITION, AUTHORITY, RELATIONSHIP, AND INFLUENCE BY DIRECTING, ORDERING AND COMPELLING THE PRESIDENT AND GENERAL MANAGER OF THE GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS) TO PURCHASE THREE HUNDRED FIFTY ONE MILLION EIGHT HUNDRED SEVENTY-EIGHT THOUSAND (351,878,000) SHARES OF STOCKS OF BELLE CORPORATION IN THE AMOUNT OF ONE BILLION ONE HUNDRED TWO MILLION NINE HUNDRED SIXTY-FIVE THOUSAND SIX HUNDRED SEVEN AND 50/100 PESOS (P1,102,965,607.50). (p.376)

B) ACCUSED JOSEPH ESTRADA TOOK UNDUE ADVANTAGE OF HIS OFFICIAL POSITION, AUTHORITY, RELATIONSHIP, AND INFLUENCE AND DIRECTED, ORDERED AND COMPELLED THE GSIS AND THE SSS TO PURCHASE THE SAID SHARES OF STOCK IN BELLE CORPORATION FOR HIS PERSONAL GAIN AND BENEFIT AND TO AMASS, ACCUMULATE AND ACQUIRE BY AND FOR HIMSELF, ILL-GOTTEN WEALTH, THEREBY UNJUSTLY ENRICHING HIMSELF AT THE EXPENSE AND TO THE DAMAGE OF GSIS, SSS, THEIR MEMBERS, THE FILIPINO PEOPLE AND THE REPUBLIC OF THE PHILIPPINES. (p.382)

C) ACCUSED JOSEPH ESTRADA COLLECTED AND RECEIVED COMMISSIONS OR PERCENTAGES BY REASON OF SAID PURCHASES OF SHARES OF STOCK OF BELLE CORPORATION IN THE AMOUNT OF ONE HUNDRED EIGHTY-NINE MILLION SEVEN HUNDRED THOUSAND PESOS (P189,700,000.00) WHICH BECAME PART OF THE DEPOSITS TO THE "JOSE VELARDE" ACCOUNT IN EQUITABLE-PCIBANK. (p.392)

D) THE PURCHASE OF THE BELLE SHARES WAS BLATANTLY IMPROVIDENT, MANIFESTLY DISADVANTAGEOUS AND WAS EXECUTED DUE ONLY TO THE UNDUE PRESSURE EXERTED BY ACCUSED JOSEPH ESTRADA ON THE TOP

B) Assuming the act was committed, the particular act described in paragraph "c" (receiving commission from the sale of Belle shares) was committed by Carlos Arellano and Federico Pascual

OFFICIALS OF GSIS AND SSS; HOWEVER, EVEN ASSUMING THE SALE ITSELF TO BE REGULAR, ACCUSED JOSEPH ESTRADA IS STILL GUILTY OF PLUNDER FOR THE SERIES OF UNDUE PRESSURE AND INFLUENCE AND AUTHORITY EXERTED OVER MESSRS. PASCUAL AND ARELLANO, FOR THE SOLE PURPOSE OF RECEIVING P189,700,000.00 IN COMMISSIONS, WHICH AMOUNT ACCUSED JOSEPH ESTRADA ACTUALLY RECEIVED.
(p.403)

IV. PARAGRAPH "d" Amended Info: *THE JOSE VELARDE ACCOUNT*

PROSECUTION	DEFENSE
<p>A) ACCUSED JOSEPH ESTRADA, WITH ABSOLUTE CERTAINTY, IS "JOSE VELARDE":</p> <ol style="list-style-type: none"> 1) ACCUSED JOSEPH ESTRADA, DURING HIS TESTIMONY, ADMITTED HAVING SIGNED AS "JOSE VELARDE" THE EQUITABLE-PCIBANK TRUST DOCUMENTS IN THE PRESENCE OF MS. CLARISSA OCAMPO AND ATTY. MANUEL CURATO. (p.424) 2) DOCUMENTS AND WITNESSES ATTEST TO THE FACT THAT NUMEROUS TRANSACTIONS IN THE VELARDE ACCOUNT INVOLVING DEPOSITS ALMOST ONE BILLION PESOS (P1,000,000,000.00) WERE MADE THROUGH LUCENA "BABY" ORTALIZA, ACCUSED JOSEPH ESTRADA'S TRUSTED PERSONAL SECRETARY AND DESIGNATED HANDLER OF THE ESTRADAS BANK ACCOUNTS. (p.463) <ol style="list-style-type: none"> a) Teresa Barcelona (Equitable-PCI Bank Greenhills-Ortigas Branch Manager) testified that: 	<p>A) The prosecution failed to show beyond reasonable doubt that the accused Estrada committed the act of "amassing, accumulating and acquiring" wealth, particularly, the act described in paragraphs "d" of the "Amended Information" (the Jose Velarde account) (p.231)</p> <ol style="list-style-type: none"> 1) There are missing elements in the Prosecution evidence which cannot be supplied by unreasonable inferences (p.244) 2) Accused Joseph Estrada cannot be linked to Jose Velarde account (p.249) <ol style="list-style-type: none"> a) Estrada testified that: <ul style="list-style-type: none"> ▪ he signed documents before Ocampo but the signing was a request of his friend, Jaime Dichaves ▪ he was assured by Dichaves that it was just an arrangement with the bank ensuring that Dichavez would pay the loan on time 3) True owner of Velarde account positively identified as Dichaves (p.256)

- Baby Ortaliza made inter-branch deposits to the Jose Velarde account
- b) Melissa Pascual (former Equitable-PCI Bank Viramall Branch bank teller) testified that:
- she processed the checks deposited by Ortaliza to the Jose Velarde account
- c) Glyzelyn Bejec testified that:
- several checks were deposited in the Jose Velarde account
- 3) EVIDENCE FOUND DURING THE HONORABLE COURT'S OCULAR INSPECTION OF THE "BORACAY MANSION" POINTED TO ACCUSED JOSEPH ESTRADA AS THE BENEFICIAL AND ACTUAL OWNER OF THE "BORACAY MANSION"; FURTHER, THE BANK DOCUMENTS SHOW WITHOUT DOUBT THAT THE "BORACAY MANSION" WAS PURCHASED BY MONEY WITHDRAWN FROM "JOSE VELARDE'S" CURRENT ACCOUNT NO. 0110-25495-4 IN EQUITABLE-PCIBANK IN THE AMOUNT OF ONE HUNDRED FORTY-TWO MILLION PESOS (PHP142,000,000.00). (p.507)
- 4) SPECIAL TRUST ACCOUNT NO. 858 AT THE URBAN BANK ADMITTEDLY IN THE NAME ACCUSED JOSEPH ESTRADA'S SON, JOSE VICTOR EJERCITO, FUNDED THE "JOSE VELARDE" ACCOUNT IN THE AMOUNT OF AT LEAST ONE HUNDRED EIGHTY-TWO MILLION PESOS (PHP182,000,000.00). (p.537)
- 5) THE FACT IS, IT IS CUSTOMARY FOR ACCUSED JOSEPH ESTRADA TO SIGN AS "JOSE." (p.553)
- a) Clarissa Ocampo (Equitable-PCI Bank official) testified that:

- a) Romuald Dy Tang (former treasurer and executive vice president of Equitable-PCI Bank) testified that:
- it was Jaime Dichaves who opened the Jose Velarde account
 - he and Betty Bagsit handled the Velarde account for Dichaves
 - he advised Dichaves to prepare a letter for the records when Dichaves told him that he wanted to open an account under the name of Jose Velarde
 - he sometimes saw Dichaves in the bank when the latter made withdrawals from the Velarde account
- b) Betty Bagsit testified that:
- Dy Tang was the account officer of Jaime Dichaves
 - she sometimes handled the account of Dichaves
 - there is no Jose Velarde, it was Dichaves himself
 - all transactions in the Velarde account were coursed to Dichaves
- 4) Inference that Ortaliza deposited for accused Estrada is based on conjecture (p.258)
- 5) Court cannot assume that the J. V. Ejercito account belongs to accused Joseph Estrada (p.260)

- she brought to Malacaang on February 4, 2000 an Investment Management Agreement
- she saw Estrada sign the Investment Management Agreement using the name "Jose Velarde" to extend a loan to Wellex, Inc.

B) ACCUSED JOSEPH ESTRADA OPENED, MAINTAINED AND OWNED SAVINGS ACCOUNT NO. 0160-62501-5 IN THE NAME OF "JOSE VELARDE" AND CAUSED THE DEPOSIT OF ILL-GOTTEN WEALTH AMOUNTING TO THREE BILLION THREE HUNDRED EIGHTY-NINE MILLION SEVEN HUNDRED NINETY-ONE THOUSAND SIX HUNDRED FIFTY-NINE AND 09/100 PESOS (PHP3,389,791,659.09). (p.556)

1) PART OF SUCH ILL-GOTTEN WEALTH WAS DERIVED FROM ACCUSED JOSEPH ESTRADA S UNLAWFUL COMMISSION FROM THE SEPARATE PURCHASES BY THE SOCIAL SECURITY SYSTEM (SSS) AND THE GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS) OF BELLE CORPORATION SHARES, WHICH COMMISSION AMOUNTED TO ONE HUNDRED EIGHTY-NINE MILLION SEVEN HUNDRED THOUSAND PESOS (PHP189,700,000.00) OBTAINED BY A SERIES OF UNDUE PRESSURE, INFLUENCE AND AUTHORITY EXERTED UPON THE TOP OFFICIALS OF SOCIAL SECURITY SYSTEM (SSS) AND THE GOVERNMENT SERVICE INSURANCE SYSTEM (GSIS). (p.571)

C) ACCUSED JOSEPH ESTRADA S BARE DENIALS AND SELF-SERVING HEARSAY ALLEGATIONS CANNOT OVERTURN THE OVERWHELMING WEIGHT OF EVIDENCE PRESENTED BY THE PROSECUTION THAT HE IS "JOSE VELARDE." (p.580)

B) Assuming the act was committed, the particular act described in paragraph "d" (the Jose Velarde account) was committed by nameless and unidentified individuals.

OTHER DISCUSSIONS

PROSECUTION	DEFENSE
<p>V. ON ALLEGED CONSTITUTIONAL DEFENSES: PREMATURE LOSS OF ALLEGED IMMUNITY AND ALLEGED SELECTIVE PROSECUTION. (p.597)</p> <p>A) A CLAIM OF PREMATURE LOSS OF IMMUNITY IS UNAVAILING AND HAD LONG BEEN DISCREDITED BY THE SUPREME COURT. (p.597)</p> <p>B) A CLAIM OF PREJUDICIAL PUBLICITY IS LIKEWISE UNAVAILING AND HAD ALSO BEEN DISCREDITED BY THE SUPREME COURT. (p.600)</p> <p>C) A CLAIM OF SELECTIVE PROSECUTION IS ALSO IRRELEVANT AND IMMATERIAL CONSIDERING THAT IT IS NOT AN ACCEPTABLE DEFENSE IN CRIMINAL PROSECUTIONS UNDER PHILIPPINE JURISDICTION. (p.603)</p> <p>D) A CLAIM OF SELECTIVE, INVIDIOUS AND HASTY PROSECUTION IS ALSO NOW IRRELEVANT AND IMMATERIAL CONSIDERING THAT THE SAME GOES INTO THE SUFFICIENCY OF THE PRELIMINARY INVESTIGATION, THE FINDING OF PROBABLE CAUSE AND THE VALIDITY OF THE INFORMATION -- MATTERS THAT HAVE LONG BEEN SETTLED NOT ONLY BY THE HONORABLE COURT, BUT ALSO BY THE SUPREME COURT. (p.606)</p> <p>E) ASSUMING FOR THE SAKE OF ARGUMENT THAT A CLAIM FOR SELECTIVE PROSECUTION IS AN AVAILABLE DEFENSE IN CRIMINAL PROSECUTIONS UNDER PHILIPPINE JURISDICTION, THE SAME IS STILL IRRELEVANT AND IMMATERIAL. (p.611)</p> <p>1) THE PROSECUTION HAS NEVER ENGAGED IN SELECTIVE PROSECUTION. (p.613)</p>	<p>The "Amended Information" does not sufficiently charge accused Estrada of plunder under Republic Act No. 7080.</p> <p>A) The information does not allege that the alleged act of "amassing, accumulating and acquiring" of wealth was by means which constitute "a combination or a series of overt or criminal acts or similar schemes";</p> <p>B) The specific acts alleged to have been used as the means of "amassing, accumulating and acquiring" wealth (paragraphs a, b, c and d of the "Amended Information") on their face do not appear to constitute a combination or a series of criminal or overt acts or similar schemes."</p>

2) SELECTIVE PROSECUTION, EVEN IF TRUE AND AVAILING, GOES MERELY INTO THE MATTER OF REGULARITY IN THE PERFORMANCE OF OFFICIAL FUNCTIONS, BUT DOES NOT ALLOW AN ACCUSED, OTHERWISE GUILTY BASED ON THE EVIDENCE, TO ESCAPE CRIMINAL LIABILITY. (p.617)