



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

Fifth Division

PEOPLE OF THE PHILIPPINES, SB-15-CRM-0009 to 0015
Plaintiff,

– versus –

For: Violations of Sec. 3(e) of
Rep. Act No. 3019

EDGAR DE LEON VALDEZ, ET
AL.

Accused.

Present:

LAGOS, J., Chairperson,
CRUZ*, and
PAHIMNA**, JJ.

Promulgated:

July 07, 2017 *led*

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RESOLUTION

LAGOS, J.:

This resolves accused Dennis L. Cunanan's *Motion (To Allow Scanning of Prosecution Exhibits)*.¹ The prosecution filed its *Comment*² thereto.

The accused-movant seeks to scan the prosecution's intended documentary exhibits, which are listed in the pre-trial order. He claims that the photocopying of all these documents would be very costly, amounting to about P50,000.00.³

*Designated as Special Member, per Administrative Order No. 025-2017 dated 1 February 2017.

**Designated as Special Member, per Administrative Order No. 226-2017 dated 15 June 2017.

¹ Dated 15 May 2017.

² Dated 15 June 2017.

³ The accused-movant says that the Office of the Ombudsman is charging photocopying at P5.00 per page. And he estimates that it will cost him P50,000.00 to photocopy the documents for these cases.

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He says that he does not need the hardcopy of these documents and that scanned copies will suffice. He will provide the necessary equipment, and he is willing to abide by any condition, arrangement, or measure that may be imposed.

The prosecution opposes the motion. It revealed that the accused-movant had previously requested the scanning of documents. But this request was not accommodated by the Office of the Special Prosecutor (OSP)-Records Division because of the voluminous records and allowing access may compromise their internal filing and recording system.

The OSP's internal policy, which is guided by the Office of the Ombudsman, allows reproduction only through photocopying. All documentary exhibits and relevant documents in their possession shall be furnished to the defense counsels only upon formal request and subject to payment of fees. Thus, the scanning of the documents will violate the prosecution's internal office procedure.

It also points out that copies of these documents were already furnished to the accused during the preliminary investigation and he will be given copies again when these documents are formally offered as evidence.

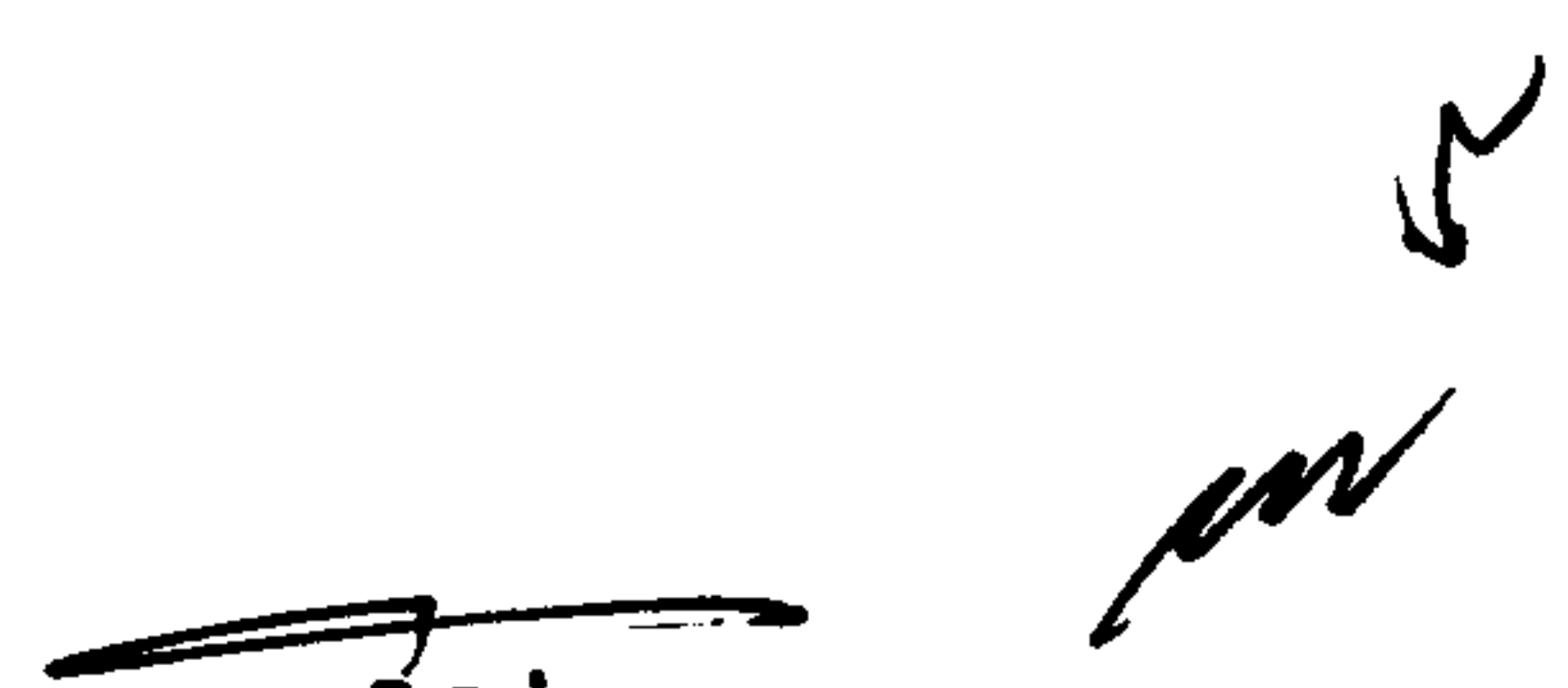
DISCUSSION and RULING

The motion is not meritorious.

Essentially, the accused-movant is asking the Court to order the prosecution to allow him access to and then scan the relevant documents.

The prosecution's objection, based on the possibility of compromising their internal filing and recording system and their internal policies, is well-taken. As the documents are in their possession, the accused-movant must follow the reasonable conditions for access to and reproduction of these documents.

The Court also takes note of the prosecution's claim that the accused has been furnished with these documents. Most of these documents formed part of the complaint against the accused-movant during the preliminary investigation in the Office of the Ombudsman. Rule 112, section 3 provides that the supporting documents should be attached to the complaint.



The accused-movant's constitutional right to have compulsory process to produce evidence in his behalf is not being denied.⁴ The provisions of the rules allowing an accused or a party access to documents, which are in the possession of the opposing party or of third persons, allow such access at the expense of the requesting party. For instance, in the preliminary investigation, if the complaint's supporting documents were not furnished to the respondent, he may copy the same at his expense.⁵ In the issuance of a *subpoena duces tecum*, the reasonable cost of producing the books, documents or things must be tendered.⁶ For the production or inspection of documents as a discovery measure, the party in possession of the documents may only be ordered to permit the copying but not to shoulder the cost.⁷

Evidently, his request for scanning of the documents is for convenience. He even admits that he does not actually need hardcopies of the documents. The rules do not specifically accommodate access to physical documents for the purpose of scanning or making digital copies; the rules only address the situation of physical copying of the documents. Thus, this Court cannot compel the prosecution to allow access to the documents for the purpose of scanning the same.

Moreover, the accused-movant also had the chance to see and examine the documents during the preliminary conferences. His counsel should have taken relevant notes during such conferences. In the trial of these cases, the accused-movant will also have the chance to examine again the documents that may be identified by the witnesses and offered by the prosecution. He cannot therefore claim that he is being denied his right to access and for production of the documents.

In fine, the prosecution is not denying access to the documents, but it is pointing out that there are conditions to such access. The accused-movant is basically asking for the relaxation of these conditions. Clearly, his recourse is not through this Court. He must address his concerns to the proper authorities within the OSP or the Office of the Ombudsman.

WHEREFORE, the motion is hereby DENIED.

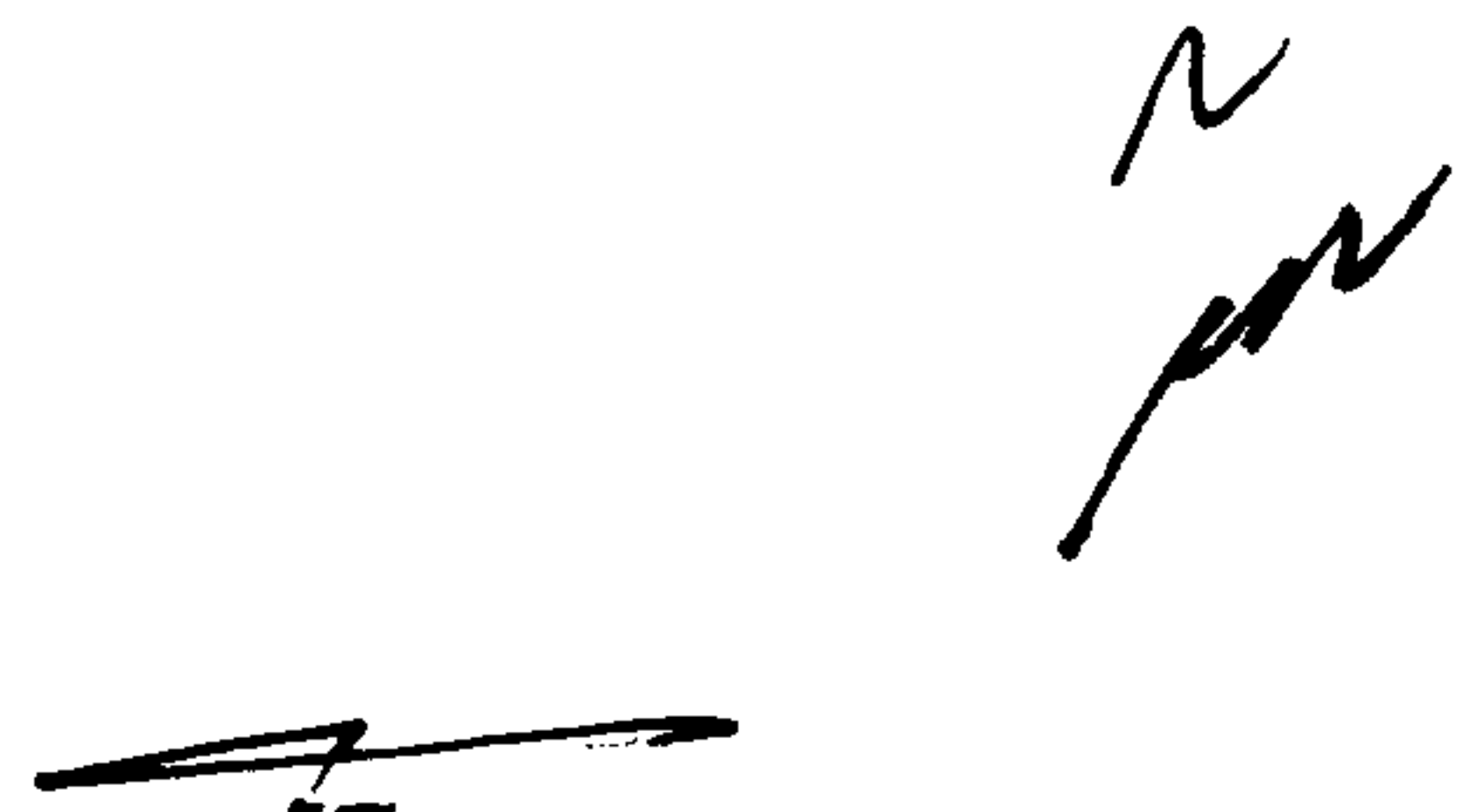
SO ORDERED.


⁴ See CONST., art. III, sec. 14.

⁵ See Rule 112, section 3 (b).

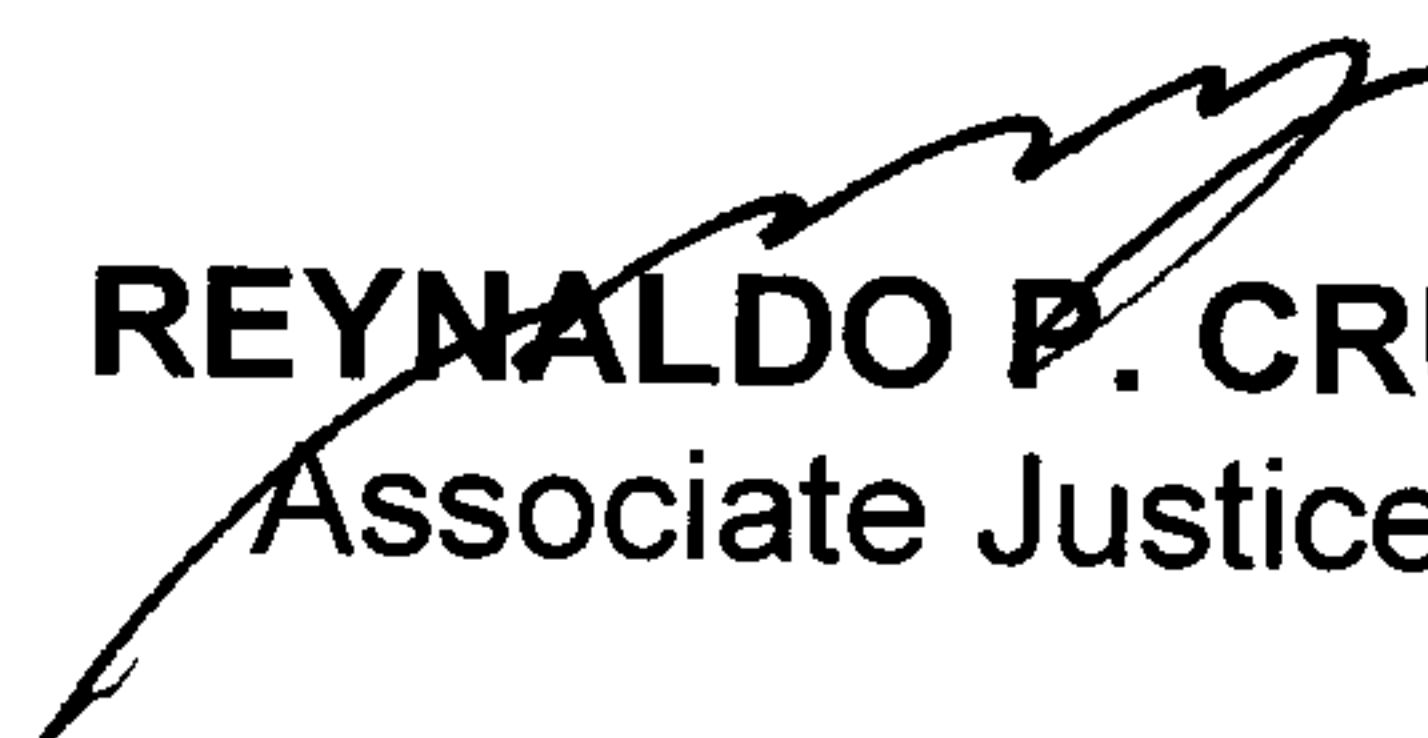
⁶ See Rule 21, section 6.

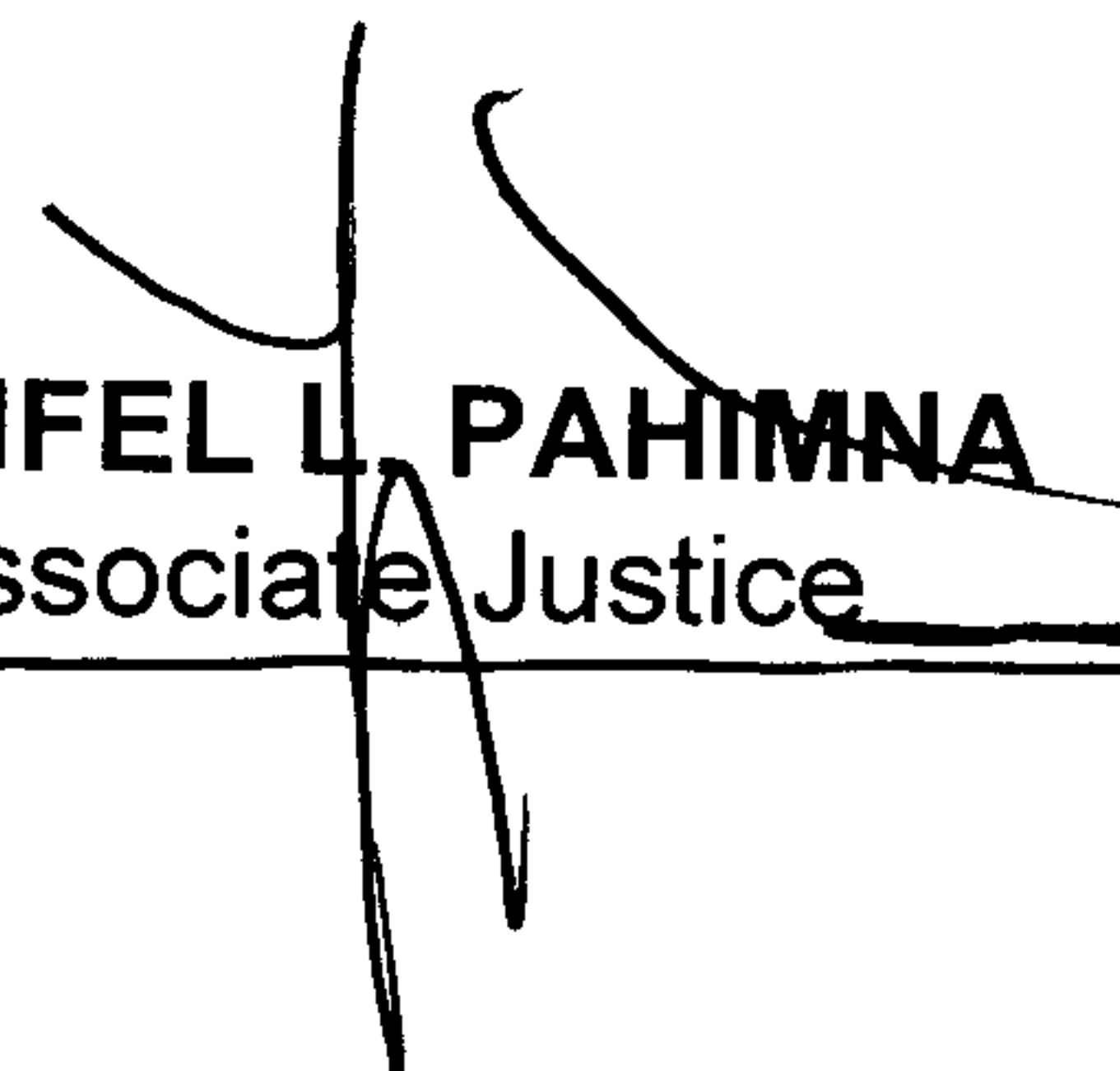
⁷ See Rule 27.

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RAFAEL R. LAGOS
Associate Justice
Chairperson

WE CONCUR:


REYNALDO P. CRUZ
Associate Justice


LORIFEL L. PAHIMNA
Associate Justice