



Republic of the Philippines  
**Sandiganbayan**  
 Quezon City

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**FIFTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
**Plaintiff,**

**Crim. Case No. 23721**  
**For: Violation of Sec. 3(e)**  
**of R.A. No. 3019, as amended**

**- versus -**

**ALFREDO MACAPUGAY, et al.,**  
**Accused.**

**Present:**  
**Lagos, L, Chairperson,**  
**Mendoza - Arcega and**  
**Corpus - Mañalac, II.**

**Promulgated:**  
August 10, 2018 *jal*

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**RESOLUTION**

***CORPUS - MAÑALAC, J.:***

Before the Court are the following incidents, *viz:*

1. The prosecution's Request for Issuance of Subpoena to the City Engineer's Office of Quezon City or his representative, to appear in Court and bring the following documents: a) Annual Building Inspection Notice dated September 18, 1995; b) Notice of Payment dated September 25, 1995; and c) Letter dated March 29, 1995 from Renato Diaz to Mayor Ishmael Mathay;
2. Accused Renato Diaz's Motion to Permanently Dismiss this case as regards himself.

Antecedently, upon reinstatement<sup>1</sup> of this case to the active docket of this Court as regards accused Renato Diaz, a subpoena<sup>2</sup> was issued to the prosecution's intended witness, Mr. Godofredo Angara, Jr., for him to appear and bring to Court on July 31, 2018 the following documents:

1. Annual Building Inspection Notice dated September 18, 1995 (pre-marked as Exhibit "3" for Angara, Jr.);

<sup>1</sup> Resolution promulgated on July 2, 2018

<sup>2</sup> Records, Volume 18, p. 200

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2. Notice of Payment dated September 25, 1995 (pre-marked as Exhibit "4" for Angara, Jr.); and
3. Letter dated March 29, 1995 from Renato Diaz to Mayor Ishmael Mathay (pre-marked as Exhibit "5" for Angara, Jr.).

However, during the hearing on said date, it appeared that the prosecution's intended witness, Angara, Jr., is already deceased.<sup>3</sup> Consequent thereto, the prosecution asked for one more setting to look for the exhibits pre-marked for Angara, Jr. (*then accused whose case was dismissed*) and requested for another subpoena to be sent to the City Engineer's Office of Quezon City or his duly authorized representative, to appear and bring to Court the specified pre-marked exhibits.

Accused Diaz opposed the move alleging that the supposed witness, Angara, Jr., is not among those prosecution witnesses mentioned in the Pre-Trial Order, and that the case against him should rather be permanently dismissed in view of his demise.

This was countered by the prosecution alleging that the issue was already raised and ruled upon in the Resolution dated July 2, 2018. Should it not be permitted to introduce in evidence the documents specified in the request for issuance of subpoena, the prosecution would just stick to the then stipulation between the prosecution and accused Angara, Jr., with respect to the participation of accused Diaz as contained in the Pre-Trial Order dated February 2, 1999.

### THE COURT'S RULING

On the prosecution's request for issuance of subpoena to the City Engineer of Quezon City or his duly authorized representative for the production of the specified documents, the Court is inclined to grant.

This Court has allowed in its Resolution dated July 2, 2018 the presentation of witness Angara, Jr. whose demise should not be taken advantage of by accused Diaz. The prosecution should not be deprived of the opportunity to present the documents subject of the subpoena to Angara, Jr., considering that these documents nonetheless have been pre-marked during the Pre-Trial Conference as Exhibits "3", "4" and "5" for Angara, Jr.<sup>4</sup> This is squarely in accord with A.M. No. 03-1-09-SC, Part I-B (2), providing that:

No evidence shall be allowed to be presented and offered during the trial in support of a party's evidence in chief other than those that had earlier been identified and pre-marked during the pre-trial, except if allowed by the court for good cause shown.<sup>5</sup>

Jurisprudentially, the admission of additional evidence is addressed to the sound discretion of the trial court. Indeed, in the furtherance of justice, the court may grant the parties the opportunity to adduce additional evidence bearing upon the

<sup>3</sup> Sheriff's Return dated July 11, 2018, Records, Vol. 19 p. 203

<sup>4</sup> Pre-Trial Order dated February 2, 1999, Records, Vol. 4, p. 381

<sup>5</sup> Part I, B (2), A.M. No. 03-1-09-SC

main issue in question.<sup>6</sup> The remedy of reopening a case for presenting further proofs was meant to prevent a miscarriage of justice.<sup>7</sup> In the case of LCK Industries, Inc. vs. Planters Development Bank, 538 SCRA 638, it was held:

Court litigations are primarily for search of truth, and a liberal interpretation of the rules by which both parties are given the fullest opportunity to adduce proofs is the best way to ferret such truth- the dispensation of justice and vindication of legitimate grievances should not be barred by technicalities.

Thus, the issuance of subpoena to the City Engineer's Office of Quezon City being requested by the prosecution at this phase of the proceeding is viewed to be reasonable. Corollary thereto, accused Diaz's motion to have the case against him permanently dismissed, at this stage, has no sound procedural basis.

WHEREFORE, the prosecution's Request for Issuance of Subpoena is hereby GRANTED.

As prayed for, let subpoena be issued to the City Engineer's Office of Quezon City, or his authorized representative, to appear before this Court on the hearing set and to bring with him the following documents:

1. Annual Building Inspection Notice dated September 18, 1995;
2. Notice of Payment dated September 25, 1995; and
3. Letter dated March 29, 1995 from Renato Diaz to Mayor Ishmael Mathay.

SO ORDERED.

  
**MARYANN E. CORPUS – MAÑALAC**  
 Associate Justice

WE CONCUR:

  
**RAFAEL R. LAGOS**  
*Chairperson*  
*Associate Justice*

  
**MARIA THERESA V. MENDOZA ARCEGA**  
*Associate Justice*

<sup>6</sup> Valencia vs. Sandiganbayan, G.R. No. 165996, October 17, 2005, 473 SCRA 279, 290

<sup>7</sup> Cabarles vs. Maceda, G.R. No. 161330, February 20, 2007, 516 SCRA 303, 315