



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, **SB-16-CRM-0271**
Plaintiff, For: Violation of Sec. 3(e)
of R.A. No. 3019

Present

- versus -

ALAN L. PURISIMA, ET AL.,
Accused.

FERNANDEZ, SJ, J.,
Chairperson,
VIVERO, J. and
MUSNGI,* J.

Promulgated:

OCT 20 2021 

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves the following:

1. *Manifestation and Motion (for Raul D. Petrasanta and Allan A. Parreno);*¹
2. The prosecution's *Opposition (Re: Manifestation and Motion of accused Raul D. Petrasanta and Allan A. Parreno dated July 3, 2021);*² and,
3. *Manifestation and Opposition*³ filed by accused Alan L. Purisima.

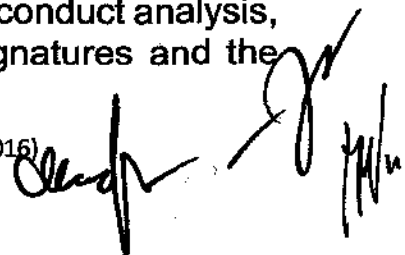
In their *Manifestation and Motion*, accused Petrasanta and Parreño pray that the Court (1) direct the National Bureau of Investigation (NBI) Questioned Document Division (QDD) and/or the Philippine National Police (PNP) Crime Laboratory to conduct analysis, evaluation and comparative examination of their signatures and the

* In view of the inhibition of J. Miranda (Per A.O. No. 136-2016 dated May 16, 2016)

¹ Dated July 3, 2021 and filed by electronic mail on even date

² Dated October 12, 2021 and filed by electronic mail on even date

³ Dated October 12, 2021 and filed by electronic mail on even date



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signatures in Annex 14⁴ of witness Honey Leth P. Tabio's Judicial Affidavit, and (2) to direct the examiner to prepare a report and to testify on his or her findings.

According to accused Petrasanta and Parreño, witness Tabio testified that their signatures in the said document are simulated. Thus, there is a need to conduct a comparative examination of the signatures to enable the Court to determine or better appreciate whether the said document may be admitted into evidence.

In the Resolution dated July 5, 2021, the Court directed the prosecution and the other accused to file their respective comment/opposition to accused Petrasanta and Parreño's *Manifestation and Motion*.

In its *Opposition*, the prosecution counters:

1. The Pre-Trial Order dated October 4, 2017 states that "[n]o evidence shall be allowed to be presented or offered during the trial in support of a party's evidence in chief other than those that had been identified below and/or pre-marked during the pre-trial. Any other evidence not indicated or listed below shall be considered waived by the parties."
2. A representative from the QDD-NBI and/or PNP Crime Laboratory is not listed as one of accused Petrasanta and Parreño's witnesses. The Court already allowed accused Petrasanta and Parreño to present two (2) witnesses who were not listed in the Pre-Trial Order. Allowing the presentation of another witness not listed in the Pre-Trial Order is a complete disregard of the Court's directives therein.
3. The accused must show that their evidence is admissible as evidence. The Revised Rules of Court does not require a document to be first examined by a handwriting expert before the same can be admitted as evidence.
4. The Court is not bound by the opinion of handwriting experts.

In his *Manifestation and Opposition*, accused Purisima manifests that he did not receive a copy of accused Petrasanta and Parreño's *Manifestation and Motion*. However, he received a copy of, and agrees

⁴ Unnumbered Resolution entitled "IN THE MATTER OF DETERMINING THE MERIT OF THE REQUEST FOR ACCREDITATION OF THE WER FAST DOCUMENTATION AGENCY (WERFASTDA) FOR THE CONSIDERATION OF THE FEO ACCREDITATION BOARD THAT WILL ACCOMMODATE THE COURIER SERVICE PROVIDER FOR MESSENGERIAL SERVICE OF THE PNP IN THE LICENSING OF FIREARMS."

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with, the prosecution's *Opposition*. He further avers that accused Petrasanta and Parreño's Motion should be denied on the following grounds:

1. Annex 14 is a mere photocopy, and could not be the basis of a handwriting examination. Accused Petrasanta and Parreño should present the original of the said document before the handwriting examination could be conducted.
2. The subject document was available during the pre-trial stage, and hence, they should have raised the authenticity of their signatures therein as one of the issues during the pre-trial, and not for the first time in their instant Motion.
3. The submission of the said document for examination will merely delay the proceedings.

The Court has not received the respective comment/opposition of the other accused.

THE COURT'S RULING

The Court resolves to deny accused Petrasanta and Parreño's Motion.

First, the matter of whether accused Petrasanta and Parreño may present additional evidence. The *Pre-Trial Order* dated October 4, 2017⁵ states:

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 been identified below and/or pre-marked during the pre-trial. Any other evidence not indicated or listed below shall be considered waived by the parties. However, the Court, in its discretion, may allow the introduction of additional evidence in the following cases: a) those to be used on cross examination or re-cross examination for impeachment purposes; b) those presented on re-direct examination to explain or supplement the answers of a witness during the cross-examination; c) those to be utilized for rebuttal or sur-rebuttal purposes; and d) those not available during the pre-trial proceedings despite due diligence on the part of the party offering the same.⁶

(underscoring supplied)

⁵ Record, Vol. 7, pp. 251-309

⁶ *Pre-Trial Order* dated October 4, 2017, p. 6; Record, Vol. 7, p. 256

Handwritten signatures and initials at the bottom right of the page. There are three distinct signatures: one large, stylized signature on the left, a smaller signature in the middle, and a signature on the right that appears to be 'arp'.

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Indeed, as pointed out by the prosecution, the *Pre-Trial Order* states that evidence not indicated or listed therein shall not be allowed to be presented and offered. However, it is also clear that the Court, in its discretion, may allow the introduction of additional evidence in certain cases. Thus, contrary to the prosecution's assertion, the Court may allow accused Petrasanta and Parreño to present, as additional evidence, a witness not listed in the *Pre-Trial Order*, provided that they can show that the said evidence falls within any of the cases enumerated in the *Pre-Trial Order*.

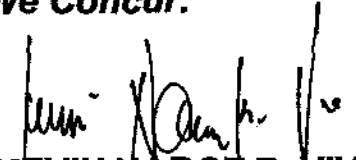
Next, there is no need for this Court to direct the NBI QDD and/or the PNP Crime Laboratory to conduct analysis, evaluation and comparative examination of the questioned signatures in Annex 14 of witness Tabio's Judicial Affidavit. Accused Petrasanta and Parreño have not shown that the original of the said document is in the control of the prosecution or of the Court. There is nothing that prevents them from coordinating with the NBI and/or the PNP Crime Laboratory for the conduct of the said examination. Thereafter, they may be allowed to present as additional evidence, a witness therefrom to testify on the examination of the said document, provided that accused Petrasanta and Parreño can show that such additional evidence falls within the cases enumerated in the *Pre-Trial Order*, as previously discussed.

WHEREFORE, accused Petrasanta and Parreño's Motion is hereby DENIED for lack of merit.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KEVIN NARCE B. VIVERO
Associate Justice


MICHAEL FREDERICK L. MUSNGI
Associate Justice