



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, **SB-15-CRM-0252 to 0265**
Plaintiff, For: Violation of Section 3(e)
of Republic Act No. 3019

SB-15-CRM-0266 to 0279
For: Violation of Section 3(j)
of R.A. 3019 as amended

Present

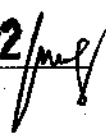
- versus -

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

RAUL D. PETRASANTA,
ET AL.,

Accused.

Promulgated:

AUG 12 2022 

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves the following:

1. *Urgent Motion to Set for Hearing (Manifestation With Motion)*¹ filed by accused Raul D. Petrasanta, Allan A. Parreño and Sol Z. Bargan (accused Petrasanta, et al.);
2. *Comment*² filed by accused Ricky C. Sumalde, Nora B. Pirote, Randy M. De Sesto and Eric D. Tan (accused Sumalde, et al.); and,

* In view of the inhibition of J. Miranda (Per A.O. No. 179-2016 dated June 7, 2016)

¹ Dated August 3, 2022 and filed by electronic mail on even date

² Dated August 9, 2022 and filed by electronic mail on even date



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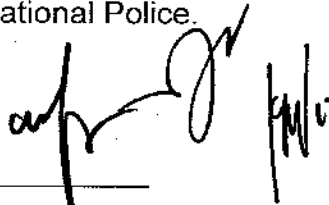
3. The prosecution's *Comment/Opposition [To Accused Petrasanta, Parreño, and Bargan's Urgent Motion to Set for Hearing (Manifestation with Motion) dated 03 August 2022]*.³

In their *Urgent Motion*, accused Petrasanta, et al. pray that the Court order the prosecution to submit the originals of the application for firearms license enumerated in the said *Urgent Motion* for transmittal to the Questioned Documents Division (QDD) of the National Bureau of Investigation (NBI), together with the sample specimen signatures of accused Petrasanta and Parreño, for examination, analysis and comparison of signatures. According to accused Petrasanta, et al., they objected to the prosecution's formal offer of the said documents because their signatures are simulated. The originals of the said documents are in the prosecution's possession because they are the basis of the Informations filed against them.

In their *Comment*, accused Sumalde, et al. oppose accused Petrasanta, et al.'s *Urgent Motion* on the ground that the subject documents are incompetent, immaterial, and irrelevant, and that accused Petrasanta, et al.'s *Urgent Motion* is a mere dilatory tactic.

On the other hand, in its *Comment/Opposition*, the prosecution counters:

1. Accused Petrasanta, et al.'s lead counsel of record, Atty. Maria Nympha Mandagan, knew that the originals of the subject documents are not in the prosecution's possession.
 - a. The prosecution presented and offered certified true copies of the duplicate originals of the subject documents.
 - b. On September 19 and 26, 2019, the parties compared the said certified true copies with the duplicate originals brought by prosecution witness P/Cpt. R-Jay R. Ubias, Chief of the Records Section, Firearms Licensing Division, Firearms and Explosives Office, Philippine National Police.



³ Dated August 8, 2022 and filed by electronic mail on even date

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- c. Atty. Mandagan was able to peruse the said duplicate originals, and she stipulated that the certified true copies are faithful reproductions of the duplicate originals.
2. The Court denied accused Petrasanta, et al.'s motion for reconsideration of the resolution denying their motion for leave to file demurrer to evidence in December 2021. They had more than enough time to have the originals of the subject documents examined by the QDD of the NBI, but they moved for the production of the originals of the said documents only after eight (8) months, when it is already their turn to present evidence. Their Motion is merely dilatory in nature.
3. The opinion of a handwriting expert does not bind the Court. Courts must still exercise independent judgment on the issue of the authenticity of the signatures under scrutiny.

The Court did not receive the comment/opposition of the other accused, and thus, they are deemed to have waived their right to file the same.

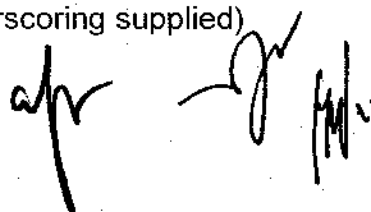
THE COURT'S RULING

The Court resolves to deny accused Petrasanta, et al.'s *Urgent Motion*.

Without doubt, the Court may order the prosecution to produce documents which constitute evidence material to these cases. Sec. 10, Rule 116 of the Rules of Court provides:

Sec. 10. Production or inspection of material evidence in possession of prosecution. – Upon motion of the accused showing good cause and with notice to the parties, the court, in order to prevent surprise, suppression, or alteration, may order the prosecution to produce and permit the inspection and copying or photographing of any written statement given by the complainant and other witnesses in any investigation of the offense conducted by the prosecution or other investigating officers, as well as any designated documents, papers, books, accounts, letters, photographs, objects, or tangible things not otherwise privileged, which constitute or contain evidence material to any matter involved in the case and which are in the possession or under the control of the prosecution, police, or other law investigating agencies.

(underscoring supplied)



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Accused Petrasanta, et al., however, failed to show that the originals of the subject documents⁴ are in the prosecution's possession or control.

This Court notes that on September 19 and 26, 2019,⁵ P/Cpt. R-Jay R. Ubias, the custodian of the subject documents, brought the same, except for Exhibit Z,⁶ so the parties could compare them with the prosecution's exhibits, which are certified true copies. Accused Petrasanta and Parreño were represented by Atty. Mandagan, who was present during the comparison of documents on September 26, 2019. The Court cannot order the prosecution to produce documents that are not in its possession or under its control.

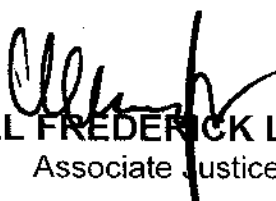
At any rate, there is nothing that prevents accused Petrasanta, et al. from coordinating with the NBI and the concerned government agency which has custody of the originals of the subject documents. Likewise, there is nothing that prevents them from presenting a witness from the NBI to testify on the examination of the said documents.

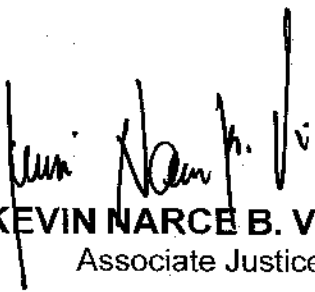
WHEREFORE, the *Urgent Motion* of accused Petrasanta, Parreño and Bargan is hereby DENIED for lack of merit.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


MICHAEL FREDERICK L. MUSNGI
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice

⁴ Exhibits L, M, N, P, S, T, U, V, W, Z, BB, CC and GG

⁵ TSNs, September 19, 2019 and September 26, 2019

⁶ TSN, September 19, 2019, p. 38