



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 -

**RAUL D. PETRASANTA,**  
**ET AL.,**

**Accused.**

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

*Promulgated:*

*September 13, 2022*

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## RESOLUTION

**FERNANDEZ, SJ, J.**

This resolves the *Manifestation With Motion (Re: Resolution Dated August 12, 2022)*<sup>1</sup> filed by accused Raul D. Petrasanta, Allan A. Parreño and Sol Z. Bargan (accused Petrasanta, et al.), wherein they pray that an Order be issued directing the Records Section, Firearms Licensing Division, Firearms and Explosives Office of the Philippine National Police (PNP) to forward the duplicate originals of the Applications for Firearm License<sup>2</sup> to the Court to be transmitted to the National Bureau of Investigation (NBI), together with the sample specimen signatures of accused Petrasanta and Parreño.

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

<sup>1</sup> Dated August 31, 2022 and filed by electronic mail on even date

<sup>2</sup> Exhibits L, M, N, P, S, T, U, V, W, Z, BB, CC and GG

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The prosecution does not interpose any objection to accused Petrasanta, et al.'s Motion, considering that the matter pertains to the presentation of their evidence.<sup>3</sup>

In his *Comment (to Accused Petrasanta, Parreño and Bargan's Manifestation and Motion dated 31 August 2022)*,<sup>4</sup> accused Gil C. Meneses avers that the documentary exhibits requested to be subjected to forensic examination are incompetent, immaterial and irrelevant insofar as he is concerned, and that the process of forensic examination will unduly delay the proceedings in these cases.

THE COURT'S RULING

Under Sec. 10, Rule 116 of the Rules of Court, the Court may order the prosecution to produce and permit the inspection and copying or photographing of material evidence in the possession or under the control of the prosecution, police, or other law investigating agencies. The provision reads:

**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.

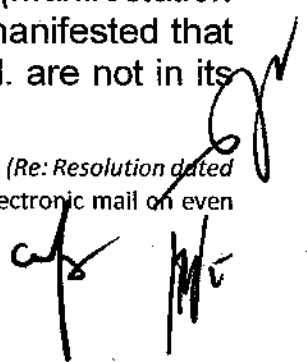
(underscoring supplied)

In its previous *Comment/Opposition [To Accused Petrasanta, Parreño, and Bargan's Urgent Motion to Set for Hearing (Manifestation and Motion) dated 03 August 2022]*,<sup>5</sup> the prosecution manifested that the documents referred to by accused Petrasanta, et al. are not in its

<sup>3</sup> *Comment [To Accused Petrasanta, Parreño, and Bargan's Manifestation with Motion (Re: Resolution dated August 12, 2022) dated August 31, 2022]* dated September 7, 2022, and filed by electronic mail on even date

<sup>4</sup> Dated September 12, 2022 and filed by electronic mail on even date

<sup>5</sup> Dated August 8, 2022 and filed by electronic mail on even date



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possession or control, but are in the custody of the Records Section, Firearms Licensing Division, Firearms and Explosives Office of the PNP.

The Court reiterates its ruling in the Resolution dated August 12, 2022. For convenience, the pertinent portion thereof is hereunder quoted:

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:

x x x

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

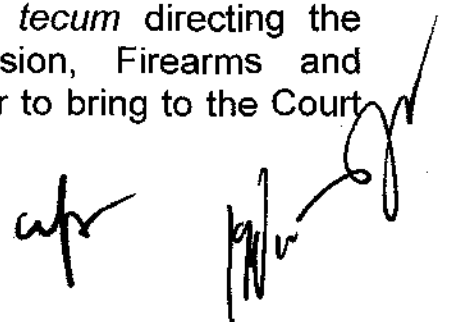
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At any rate, there is nothing that prevents accused Petrasanta, et al. from coordinating with the NBI and the concerned government agency which has custody of the originals of the subject documents. Likewise, there is nothing that prevents them from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

As this Court held in the said Resolution, accused Petrasanta, et al. may, even without an order from this Court, coordinate, either by themselves or through the concerned officer from the NBI, with the concerned government agency which has custody of the documents sought to be examined.

In the interest of substantial justice and to avert further delay, this Court will consider accused Petrasanta, et al.'s instant *Manifestation With Motion* as a request for the issuance of subpoena *duces tecum* to allow accused Petrasanta, et al. and their counsel to peruse, inspect, copy or take photographs of the said documents.

**WHEREFORE**, accused Petrasanta, Parreño and Bargan's *Motion With Manifestation* is hereby **PARTIALLY GRANTED**. They are **DIRECTED** to coordinate with the Division Clerk of Court for the issuance of the necessary subpoena *duces tecum* directing the Records Section, Firearms Licensing Division, Firearms and Explosives Office of the PNP to produce and/or to bring to the Court



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the documents requested for the perusal of accused Petrasanta, et al., their counsel or representative.

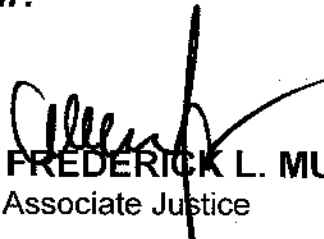
Furthermore, pursuant to Sec. 10, Rule 116 of the Rules of Court, the PNP is DIRECTED, upon proper coordination by accused Petrasanta, et al., their counsel or representative, to allow the said accused, their counsel or representative, to peruse, examine, inspect, copy and/or take photographs of the documents in the custody of the concerned office of the PNP, and/or to bring the said documents to the Court for the perusal of the said accused, their counsel or representative.

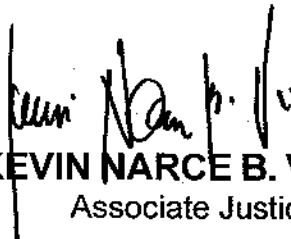
Furnish the PNP with a copy of this Resolution.

SO ORDERED.

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

**We Concur:**

  
**MICHAEL FREDERICK L. MUSNGI**  
Associate Justice

  
**KEVIN NARCE B. VIVERO**  
Associate Justice