



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

Third Division

PEOPLE OF THE Criminal Case Nos.
PHILIPPINES, **SB-17-CRM-1017 to**
Plaintiff, **1018**
For: *Violation of Section*
3(e) of R.A. No. 3019


-versus- **SB-17-CRM-1020 to**
1021
For: *Malversation through*
Falsification

NUR P. MISUARI, et al.,
Accused.

Present:

Cabotaje-Tang, A.M., P.J.,
Chairperson
Fernandez, B.R., J. and
Moreno, R.B., J.

PROMULGATED:

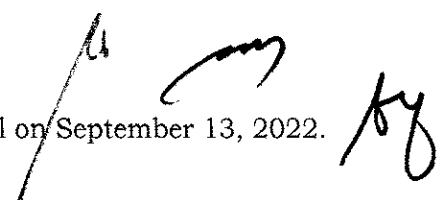
October 12, 2022 

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RESOLUTION

Moreno, J.:

For resolution is the *Motion to Restore Original Markings of Exhibits from Provisional Markings to Permanent Markings*¹ dated September 12, 2022 filed by accused Pangalian M. Maniri, through counsel. The prosecution filed its *Opposition* dated September 23, 2022.

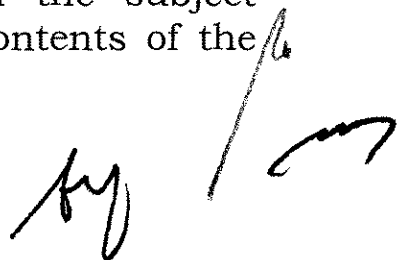
¹ Filed through electronic mail on September 13, 2022. 

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In his motion, accused Maniri avers that among the documentary exhibits he identified in his Judicial Affidavit are two (2) separate Memoranda of the Office of the ARMM Regional Governor, namely, Memorandum dated July 23, 2001, designating Aladin D. Usi as Acting Chief Accountant of the Department of Education, Culture and Sports-ARMM (DECS-ARMM), signed by Regional Governor Nur Misuari, and Memorandum dated November 27, 2001, retaining the same designation, signed by Alvarez Isnaji, Al Hajj, Acting Regional Director, marked as *Exhibit "1-Maniri"* and *Exhibit "2-Maniri"*, respectively, during the preliminary conference. Both memoranda have, in effect, placed Maniri on floating status. It turned out that the copies of the Office of the Ombudsman (OMB) of the memoranda attached to the counter-affidavit of accused Maniri were photocopies instead of the original copies as he accounted in his Judicial Affidavit with respect to the custody thereover. Hence, the Honorable Court, upon motion of the prosecution, granted the markings of the exhibits as provisional.

It is the submission of accused Maniri that both documents are public records which are certified xerox (photocopies) copies from the original as stamped on their face by Dureza Ann Narreto, Records Officer II of the DECS-ARMM. Moreover, accused Usi admitted during his testimony that he was designated as Acting Chief Accountant of the DepEd-ARMM by virtue of these memoranda, thereby placing Maniri on floating status. In view thereof, accused Maniri requests that the provisional markings of the aforesaid documents be made permanent.

In its *Opposition*, the prosecution contends that the provisional marking of *Exhibit "1-Maniri"* and *Exhibit "2-Maniri"* should be maintained. It argues that accused Maniri testified in his Judicial Affidavit that the original copies of the subject documents were attached to his counter-affidavit filed before the OMB. This prompted the prosecution to examine the documents officially filed with their office. Apparently, the documents attached to his counter-affidavit on file with the Office of the Special Prosecutor were mere photocopies. The prosecution presented to the Honorable Court and to the accused the said photocopies during the hearing held on August 10, 2022, hence, the provisional marking of the subject documents. The prosecution argues that the contents of the

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documents are the subject of inquiry in these cases thus, their presentation must comply with the “original document rule”.

The prosecution further submits that the accused failed to comply with Sections 3(d) and 8 of Rule 130 of A.M. No. 19-08-15-SC on the presentation of a public document as evidence. The certified copies of the documents were not presented by the accused when he testified. Instead, the accused presented mere photocopies of the certified xerox copy of the subject documents and did not even present as witness the official custodian thereof, who would testify on the circumstances surrounding their issuance. Thus, the accused failed to establish the source of the documents he presented and to demonstrate the basis of his possession thereof, which he should have done so considering that he was neither the author nor the recipient of the documents.

After due consideration, the Court resolves to **deny** the *Motion* filed by accused Maniri.

It would appear that Exhibits “1-Maniri” and “2-Maniri” are public records, having been issued by the Regional Governor of the ARMM and Acting Regional Governor, respectively, in the course of the performance of their duties² and thus, could be considered as self-authenticating public documents.³ Accused Maniri, however, presented mere photocopies of the certified xerox copy of the said exhibits. Counsel for accused Maniri even admitted that the original copies thereof are in the custody of the DepEd-ARMM and the ones attached to the counter-affidavit submitted before the OMB, as well as in accused’s Judicial Affidavit, are mere photocopies.⁴

² **Section 19. Classes of documents.** - For the purpose of their presentation in evidence, documents are either public or private.

Public documents are:

- (a) The written official acts, or records of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country;
x x x (*Rule 132, 2019 Revised Rules on Evidence*)

³ **Section 23. Public documents as evidence.** - Documents consisting of entries in public records made in the performance of a duty by a public officer are prima facie evidence of the facts therein stated. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter. (*Rule 132, 2019 Revised Rules on Evidence*)

⁴ TSN dated August 10, 2022, pp. 20-21.

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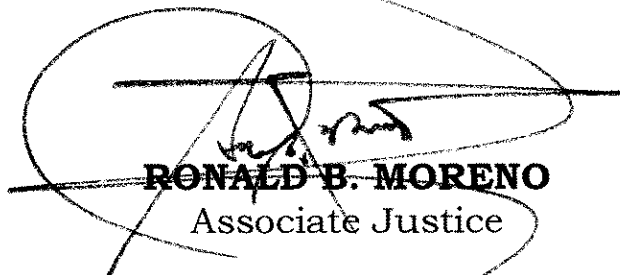
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Considering the admission of the accused that the exhibits presented are mere photocopies, the Court rules that the provisional markings thereon shall be maintained.

WHEREFORE, in light of all the foregoing, the Court **DENIES** the *Motion to Restore Original Markings of Exhibits from Provisional Markings to Permanent Markings* filed by accused Maniri for lack of merit.

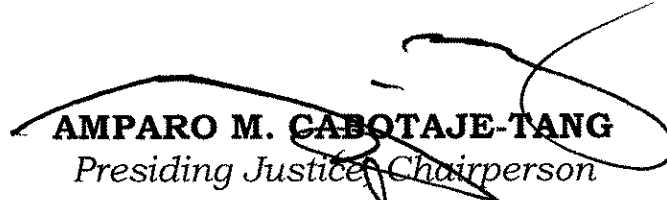
SO ORDERED.

Quezon City, Metro Manila.




RONALD B. MORENO
Associate Justice

WE CONCUR:



AMPARO M. CABOTAJE-TANG
Presiding Justice Chairperson



BERNELITO R. FERNANDEZ
Associate Justice