

Republic of the Philippines
SANDIGANBAYAN
Quezon City

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,


CRIM CASE No.
SB-21-CRM-0104

versus

Present:
Herrera, Jr., J. *Chairperson*
Caldona, J.
Malabaguio, J.

ALDRIN L. SAN PEDRO and
ANGEL P. PALMIERY,
Accused.

Promulgated:

June 9, 2023 

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RESOLUTION

HERRERA, JR., J.:

This resolves the ***Manifestation and Motion for Additional Witness*** ¹ dated May 23, 2023 filed by accused Aldrin L. San Pedro, through counsel. In connection thereto, the following were also filed:

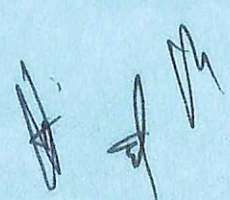
- a) ***Comment/Opposition [Re: Manifestation with Motion for Additional Witness dated 23 May 2023]*** ² dated May 23, 2023 filed by the plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman;
- b) ***Supplemental to the Manifestation and Motion for Additional Witness*** ³ dated May 24, 2023 filed by accused San Pedro, through counsel; and
- c) ***Manifestation in lieu of Comment (Re: Supplemental to the Manifestation and Motion for Additional Witness of Accused Aldrin L. San Pedro dated 24 May 2023)*** ⁴ dated May 31, 2023 filed by the plaintiff, also through the Office of the Special Prosecutor, Office of the Ombudsman.

¹ Record, Vol.5, pp. 451-453

² Id, pp. 458-461

³ Id, pp.467-469

⁴ Id, pp. 471-473



In his instant **Manifestation and Motion, etc.**, accused San Pedro prays the Court to allow him to present as additional and last witness Judge Byron San Pedro, Presiding Judge of the Regional Trial Court, Branch 15 of Taguig City, and to issue the corresponding subpoena to Judge San Pedro.

During the pre-trial, Judge San Pedro was never mentioned by accused San Pedro as among the witnesses he will present and was therefore not named in the **Pre-Trial Order** dated April 11, 2022. On March 21, 2023, accused San Pedro filed an **Omnibus Motion**⁵ praying that he be allowed to present as witness for his defense one Gen. Roderick P. Agulto, Sr., in lieu of four (4) witnesses he previously named which are indicated in the **Pre-Trial Order** of April 11, 2022. Over the objection of the prosecution, the Court, in the interest of justice, granted the motion and allowed accused San Pedro to present as his witness Gen. Agulto, Sr. on May 3, 2023.⁶

In his **Manifest and Motion, etc.**, accused San Pedro did not state the reason for seeking permission to present Judge San Pedro as an additional witness. In his **Supplemental to the Manifestation and Motion for Additional Witness** which he later on filed, accused San Pedro states, inter alia, that:

"1. x x x. He is necessary to be called on the stand, so, that he will confirm or corroborate the statement made by the accused in his judicial affidavit ;

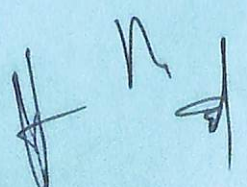
2. Furthermore, the Honorable Judge was the former City Administrator of accused, during his second term, he has personal knowledge on the facts pertaining to the character of the accused x x x."⁷

Accused San Pedro testified orally and not by way of judicial affidavit. On the other hand, he is charged jointly with accused Angel P. Palmiery for allegedly having conspired with one another in the commission of **Violation of Section 3(e) of R.A. No. 3019**. The moral character of accused San Pedro does not appear to be an issue in the case where the question to be resolved is whether or not the two (2) accused are liable for allegedly having conspired in the commission of the offense charged.

⁵ Id, pp. 337-340

⁶ Id, pp. 426

⁷ Id, p. 467



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At any rate, in the interest of substantial justice and due process, the Court resolves to allow accused San Pedro to present Judge San Pedro as additional witness to testify on the alleged moral character of accused San Pedro.

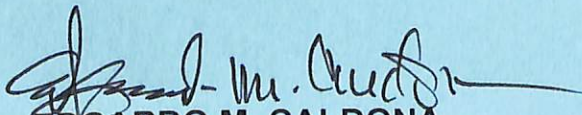
WHEREFORE, premises considered, the ***Manifestation and Motion for Additional Witness*** dated May 23, 2023 filed by accused Aldrin San Pedro, through counsel, is hereby granted.

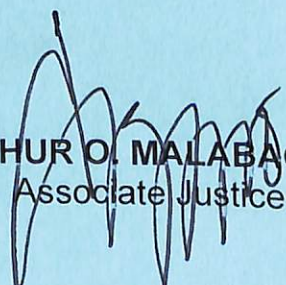
Let subpoena be issued to Judge Byron San Pedro, Presiding Justice of the Regional Trial Court Branch 15, Taguig City, to testify in this case on the moral character of accused Aldrin San Pedro on June 19, 2023, at 8:30 in the morning.

SO ORDERED.


OSCAR O. HERRERA, JR.
Chairperson
Associate Justice

We concur:


EDGARDO M. CALDONA
Associate Justice


ARTHUR O. MALABAGUIO
Associate Justice