



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-19-CRM-0173
For: Violation of Section 3(e)
of Republic Act No. 3019

- versus -

BERNIE G. FONDEVILLA,
ET AL.,

Accused.

X-----X

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-19-CRM-0174
For: Violation of Section 3(e)
of Republic Act No. 3019

- versus -

PROCESO J. ALCALA,
ET AL.,

Accused.

Present
FERNANDEZ, SJ, J.,
Chairperson
MIRANDA, J. and
VIVERO, J.

X-----X

Promulgated:

July 18, 2023 *[Signature]*

X-----X

RESOLUTION

FERNANDEZ, SJ, J.

This resolves the *Motion to Quash Subpoena (Duces Tecum/Ad Testificandum)*¹ filed by Rep. Jane Tan Castro, and the *Comment [To the Representative Jane Tan Castro's Motion to Quash (Subpoena issued to 2nd District of Capiz)]*² filed by accused Silvino Q. Tejada,

¹ Dated July 3, 2023 and filed on July 6, 2023

² Dated July 13, 2023 and filed by electronic mail on even date

[Handwritten signatures]

RESOLUTION

People vs. Fondevilla, et al.
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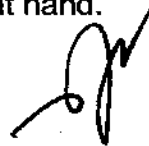
Sonia M. Salguero, Ester S. Santos, Uldarico Andal, Arnulfo B. Gesite, Wilfredo B. Sanidad, Rafael A. Monte, Rodelio B. Carating, Diosdado Manalus, Ernesto Brampio, Cecilia Orlanes & Luz Divina Sison.

In her *Motion to Quash Subpoena*, Rep. Castro prays that the Subpoena Duces Tecum/Ad Testificandum issued on June 19, 2023 be quashed on the following grounds:

1. She is the incumbent representative of the 2nd Congressional District of Capiz. She was elected for her first term of office during the May 9, 2022 elections.
2. She learned that the Court issued a Subpoena Duces Tecum/Ad Testificandum on June 19, 2023, commanding "[t]he Hon. Representative of the 2nd District of Capiz or His [sic] Authorized Representative x x x" to appear before (i) Atty. Randeel Ramos Vega for the preparation of Judicial Affidavit, and (ii) the Sandiganbayan on July 12, 2023 to testify in the present case.
3. The present cases were filed with the Sandiganbayan in 2019, before she assumed office.
4. She does not know accused Bernie Fondevilla and/or the other accused. She does not have personal knowledge of the accused and/or any matter relative to the present cases.
5. Requiring her to appear before Atty. Randeel Ramos Vega for the preparation of her Judicial Affidavit, and before the Court to testify in the present case, will be an exercise in futility and will be a waste of Atty. Vega and the Court's time.

In their *Comment*, accused Tejada, Salguero, Santos, Andal, Gesite, Sanidad, Monte, Carating, Manalus, Brampio, Orlanes and Sison, counter:

1. The subject subpoena seeks the production of a certified true copy of the letter request dated March 9, 2010 (Exhibit 11-W) which originated from the Office of the Representative of the 2nd District of Capiz. The said letter bears the signature of Hon. Fredenil H. Castro, who held the position at the time.
2. Although Rep. Castro was elected for her first term of office only during the May 9, 2022 elections, the Court may consider the continuity of office and the potential availability of records and information that may shed light on the matters at hand.



RESOLUTION

People vs. Fondevilla, et al.
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THE COURT'S RULING

Sec. 4, Rule 21 of the 2019 Amended Rules of Court provides:

Sec. 4. Quashing a subpoena. – The court may quash a subpoena *duces tecum* upon motion promptly made and, in any event, at or before the time specified therein if it is unreasonable and oppressive, or the relevancy of the books, documents or things does not appear, or if the person in whose behalf the subpoena is issued fails to advance the reasonable cost of the production thereof.

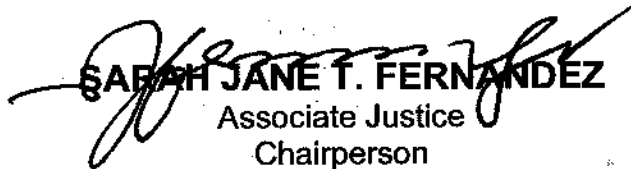
The court may quash a subpoena *ad testificandum* on the ground that the witness is not bound thereby. In either case, the subpoena may be quashed on the ground that the witness fees and kilometrage allowed by these Rules were not tendered when the subpoena was served.

Movant Rep. Castro has not shown that grounds exist for the quashal of the subject subpoena. Thus, her *Motion to Quash Subpoena* must be denied. At any rate, it must be noted that the said subpoena was addressed to “[t]he Hon. Representative of the 2nd District of Capiz or His [sic] Authorized Representative (underscoring supplied).” Rep. Castro may herself appear before Atty. Vega and the Court, or she may authorize a representative to appear on her behalf.

WHEREFORE, Rep. Castro’s *Motion to Quash Subpoena* is hereby DENIED for lack of merit.

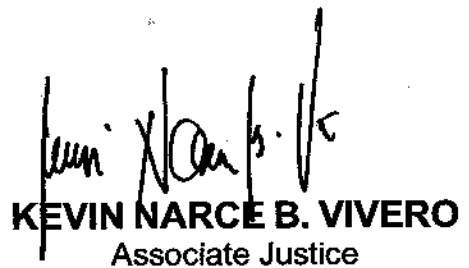
Atty. Randee Ramos Vega is DIRECTED to provide Rep. Castro with a copy of the requested letter dated March 9, 2010 (Exhibit 11-W) subject of the subpoena.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARLE B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice