

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, ET AL.,
Accused.

Promulgated:

July 27, 2023

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RESOLUTION

HERRERA, JR., J.:

For resolution of the Court is on ***Omnibus Motion to a.) Amend The Pre-Trial Order and b.) Issue Subpoena Duces Tecum and Ad Testificandum***¹ dated June 26, 2023 filed by accused Angel P. Palmiery, through counsel Atty. Fritzelynn Q. Palmiery. In said ***Omnibus Motion, etc.***, Palmiery prays that the ***Pre-Trial Order***² dated April 11, 2022 be amended to include the names of five (5) additional witnesses he will present and for the Court to later issue subpoenas to said witnesses.

The plaintiff, through the Office of the Special Prosecutor, Office of the Ombudsman, filed a ***Comment and Opposition Re: Omnibus Motion To a.) Amend the Pre-Trial Order and b.) To Issue Subpoena Duces Tecum and Ad Testificandum filed by Accused Angel P. Palmiery dated June 26, 2023***³ dated July 5, 2023.

¹ Record, Vol. 6, pp. 34-37

² Record, Vol. 2, pp. 351-363

³ Record, Vol. 6, pp. 59-64

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The **Pre-Trial Order** in this case was issued on April 11, 2022. Accused Palmiery named two (2) witnesses – himself and one Kharen P. Grimaldo. The prosecution completed its presentation of evidence on November 4, 2022⁴. The other accused, Aldrin L. San Pedro, completed his presentation of evidence on June 29, 2023⁵. The Court thus set the presentation of evidence of accused Palmiery on July 17 and 31, 2023. When the case was called on July 17, Atty. Fritzielyn Palmiery said that the two (2) witnesses named in the **Pre-Trial Order** are not available – accused Palmiery is purportedly attending a business meeting while Kharen Grimaldo is out of the country. She invited the attention of the Court to the **Omnibus Motion, etc.** filed by accused Palmiery. Atty. Palmiery asked for the cancellation of the scheduled hearing, although no motion for postponement was earlier filed. The prosecution objected to the cancellation of the hearing. Hence, the Court ruled that the presentation of Kharen Grimaldo, one of the two (2) witnesses named in the **Pre-Trial Order**, is considered waived.

In the **Omnibus Motion, etc.**, accused Palmiery states that:

“2. However, considering the change in the representation of the accused’s counsel who entered her appearance only after the **Pre-Trial Order** had been issued, the accused is therefore constrained to request for the amendment of the Pre-Trial Order to protect his rights and to prevent manifest injustice.”

Change of counsel is not a valid reason for the amendment of the **Pre-Trial Order** long after the prosecution rested its case and when one of the two (2) accused has completed the presentation of sentence. On the other hand, records show that Atty. Fritzielyn Palmiery entered her appearance in this case in September 2022⁶, or ten (10) months ago.

Two (2) of the proposed additional witnesses, one Jerome Buenconsejo and another one Christopher Unira, will supposedly be presented only to

⁴ Record, Vol. 4, p. 243

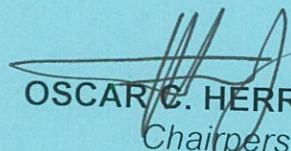
⁵ Record, Vol. 6, p. 48

⁶ Record, Vol. 4, p. 193

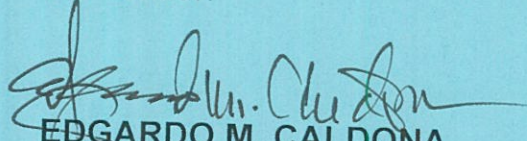
identify a letter dated March 21, 2009 marked as Exhibit "15" of accused Palmieri. However, accused Palmieri did not attach a copy of this document to the ***Omnibus Motion***, and could not even produce the same during the hearing on June 17 when requested to do so for possible stipulation with the prosecution. The purpose for presenting the third additional witness Norma Vale was not stated in the ***Omnibus Motion***, while the purposes of the testimonies of the fourth and fifth – one Mary Ann Ravanera and one Christian Rodriguez – appear to be irrelevant.

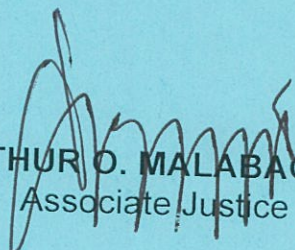
WHEREFORE, premises considered, the ***Omnibus Motion to a.) Amend The Pre-Trial Order, b.) Issue Subpoena Duces Tecum and Ad Testificandum*** dated June 26, 2023 filed by accused Angel P. Palmieri, through counsel, is hereby denied.

SO ORDERED.


OSCAR C. HERRERA, JR.
Chairperson
Associate Justice

We concur:


EDGARDO M. CALDONA
Associate Justice


ARTHUR O. MALABAGUIO
Associate Justice