



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
QUEZON CITY

THIRD DIVISION

**PEOPLE OF THE
PHILIPPINES,**

Plaintiff,

- versus -

**Criminal Case No. SB-22-
CRM-0144**


*For: Violation of Section 3 (e) of
Republic Act No. 3019 (Anti-
Graft and Corrupt Practices
Act), as amended*

Present:

NELA CHARADE G. PUNO,

Accused.

CABOTAJE-TANG, P.J.,
Chairperson,
FERNANDEZ, B.R., J. and
MORENO, R.B., J.
Promulgated:

JANUARY 3, 2024 

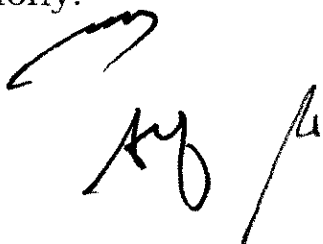
X-----X

RESOLUTION

CABOTAJE-TANG, P.J.

This resolves the *Motion for Partial Remote Videoconferencing Hearing (Re: December 05, 2023 Hearing for the Reception of the Testimony of Dr. Farrah-Arsenia Agustin-Bunch)* dated November 15, 2023, filed by the prosecution.

In the Motion, the prosecution avers that it intends to present Dr. Farrah-Arsenia Agustin-Bunch as its witness on **December 5, 2023**, to testify on the undue injury that she suffered as a result of the precipitate action of the accused Puno. However, due to her present circumstances, the prosecution claims that Dr. Agustin-Bunch would not be able to be physically present in court for the reception of her testimony.



Resolution

Criminal Case No. SB-22-CRM-0144
People vs. Nela Charade G. Puno

-2-

x-----x

The circumstances listed by the prosecution are the same as those averred in its previous *Motion for Partial Remote Videoconferencing Hearing (Re: October 26, 2023 Hearing for the Reception of the Testimony of Dr. Farrah-Arsenia Agustin-Bunch)* dated October 10, 2023, particularly, that the witness is (1) a Filipino citizen currently residing in Sherman, Texas, U.S.A., (2) the primary caretaker of her mother-in-law, who has severe late onset of Alzheimer's Dementia with agitation, and (3) fearful for her life and that of her family as she has received death threats in connection with the case, particularly her act of filing of the complaint which initiated the whole case against accused Puno. In the present Motion, it additionally states that Dr. Agustin-Bunch is a nursing mother to a one-year-old baby and has three (3) other minor children, aged three (3), nine (9), and ten (10).

Thus, the prosecution prays that it be allowed to present Dr. Agustin-Bunch through partial remote hearing via videoconferencing before the Consulate General of the Philippines in Texas, U.S.A. The prosecution also alleges that it has already coordinated with the Consulate General in Houston Texas, and that the same has already indicated its willingness to allow the use of its facilities provided that a court order is issued to the Consulate a week before the scheduled hearing in order for it to finalize the schedule of the videoconference.

In support of its allegations, the prosecution attached to the Motion the following documents:

1. An original ***Affidavit of Citizenship*** dated October 24, 2023, signed by Dr. Agustin-Bunch and subscribed and sworn to before Vice Consul Marco Angelo Felix L. Lopez of the Philippine Consulate General in Houston, Texas, U.S.A., attesting that she is a natural-born Filipino citizen who has been residing in the U.S.A. since September 4, 2018. Despite residing in the U.S.A., she is still a Filipino

The block contains three handwritten signatures in black ink. The top signature is a large, stylized cursive mark. Below it are two smaller, more legible signatures, one on the left and one on the right.

Resolution

Criminal Case No. SB-22-CRM-0144
People vs. Nela Charade G. Puno

-3-

x-----x

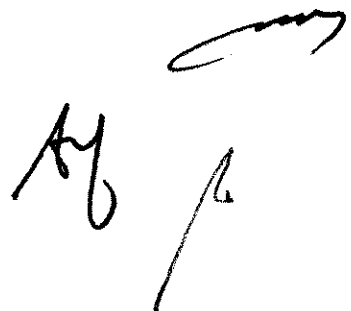
citizen as she neither acquired a foreign citizenship nor renounced her Philippine citizenship.¹

2. A certified true copy of the first page of **her Philippine Passport** indicating her personal details, particularly her Filipino nationality, as well as the validity of her passport until April 22, 2028.²
3. An original **Affidavit of Undertaking** dated October 24, 2023, similarly signed by Dr. Agustin-Bunch and subscribed and sworn to before Vice Consul Marco Angelo Felix L. Lopez of the Philippine Consulate General in Houston, Texas, U.S.A., attesting that she **is presently residing in Sherman Texas**. To this affidavit, Dr. Agustin-Bunch appended the following annexes to prove her residency in Texas:³
 - a. A copy of her Permanent Resident ID issued by the United States of America, which is valid until July 17, 2033;
 - b. A copy of her Employment Authorization ID issued by the United States of America, which is valid until March 24, 2024;
 - c. A copy of her Driver's License issued by the State of Texas, which is valid until March 24, 2024; and
 - d. The witness' appointment as Primary Family Caregiver of Patricia Ann Bunch by the US Department of Veterans' Affairs, which includes the diagnosis on Patricia Ann Bunch regarding her Severe Alzheimer's Dementia with Agitation, a certificate of completion issued to the witness for the completion of the National Veteran Caregiver Training Program, and a Durable Power of Attorney

¹ Annex "A"

² Annex "B"

³ Annex "C" series

Handwritten signatures and initials in black ink. At the top right, there is a signature that appears to be 'Agustin-Bunch'. Below it, there are two sets of initials: 'AG' and 'P'.

x-----x

for Health Care and Living Will.

- 4. Copies of the **Reports of Birth** for the children of Dr. Agustin-Bunch born in 2022 and 2020,⁴ and original copies of the **Birth Certificates** of her children born in 2014 and 2013.⁵
- 5. An **Affidavit of Receipt of Death Threats** dated October 31, 2023, signed by Dr. Agustin-Bunch apostilled by June Kizer, a Notary Public from the State of Texas.⁶

THE RULING OF THE COURT

The Court finds the subject motion meritorious.

I. Examination of witnesses via videoconferencing is allowed under the new guidelines issued by the Supreme Court.
=====

In its *Resolution* promulgated on October 24, 2023, which resolved the earlier *Motion for Partial Remote Videoconferencing Hearing (Re: October 26, 2023 Hearing for the Reception of the Testimony of Dr. Farrah-Arsenia Agustin-Bunch)* dated October 10, 2023, filed by the prosecution, the Court extensively discussed the rules and jurisprudence regarding the presentation of witnesses in open court. The Court likewise discussed the exemption given by the Supreme Court under **Administrative Matter (A.M.) No. 20-12-01-SC or the Guidelines on the Conduct of Videoconferencing**, allowing

⁴ Annexes "D" and "D-1"

⁵ Annexes "D-2" and "D-3"

⁶ Annex "E"



Resolution

Criminal Case No. SB-22-CRM-0144
People vs. Nela Charade G. Puno

x-----x

certain cases to be heard via videoconferencing. Thus, the Court will no longer belabor the discussion regarding the matter as this had already been previously discussed in the said *Resolution*. Suffice it to say that under the present rules, videoconferencing is now considered as an **alternative mode to in-court proceedings**, and may be resorted to by courts whenever the circumstances listed under the *Guidelines* are present.


It is reiterated that while the *Guidelines* were adopted during the COVID-19 pandemic and in light of the travel restrictions then imposed by the government, Item II(3)(c) provides that the *Guidelines* **shall be applicable during the duration of the current pandemic and thereafter, unless revoked or modified by the Supreme Court**. As of writing, the Supreme Court has not revoked the *Guidelines* despite the lifting of the state of public health emergency throughout the Philippines due to COVID-19.⁷

Thus, with the applicability of the *Guidelines* in all proceedings, at any stage, before the Sandiganbayan, among other courts,⁸ the Court may allow the prosecution to examine any of its witness through videoconferencing provided that the case or the presentation of the witness is covered under the *Guidelines*.

II. The prosecution was able to prove that the presentation of the proposed witness, Dr. Agustin-Bunch, is covered by Guidelines.

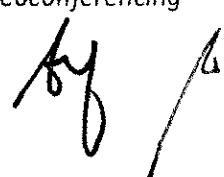
=====

In the Motion, the prosecution cites Item I(3)(b)(vii) as the basis for its prayer, to wit:

_____ 

⁷ Proclamation No. 297 dated July 21, 2023

⁸ Item I(3)(a), *Guidelines on the Conduct of Videoconferencing*



Resolution

Criminal Case No. SB-22-CRM-0144
People vs. Nela Charade G. Puno

-6-

x-----x

- vii. When a litigant or witness is an Overseas Filipino Worker or Filipino residing abroad or temporarily outside the Philippines;

It is noted that the prosecution previously relied on this ground, among others, in praying for the Court to allow it to present the testimony of Dr. Agustin-Bunch via partial videoconferencing in a previous setting. However, the earlier motion was denied by the Court for failure of the prosecution to substantiate its claims regarding the witness.

In the current iteration of its prayer for the presentation of Dr. Agustin-Bunch as a witness via partial videoconferencing, the Court finds that the prosecution was able to **sufficiently show and prove** that the proposed witness Dr. Agustin-Bunch is a **Filipino national living abroad, which are the only requirements needed to be proven for a witness to qualify under Item I(3)(b)(vii) of the Guidelines**. The prosecution was able to prove this when it submitted Annexes "A", "B", and "C"-series, which satisfactorily establish that (1) the witness is indeed a Filipino national, having been issued a Philippine passport by the Department of Foreign Affairs on April 23, 2018, and which is still valid until April 22, 2028;⁹ and that (2) the witness is residing abroad, particularly Sherman, Texas, U.S.A., as proven by the [i] various IDs issued by the US government in relation to her status as a (a) permanent resident, (b) person legally allowed to work, and (c) licensed driver,¹⁰ and [ii] notarized *Affidavit of Citizenship*,¹¹ *Affidavit of Undertaking*,¹² and apostilled *Affidavit of Receipt of Death Threats*,¹³ wherein the affiant-witness attested that she is a resident of Sherman, Texas, U.S.A.

WHEREFORE, with the prosecution having satisfactorily shown that the presentation of the witness is allowed under the

⁹ Annex "B"

¹⁰ See Annex "C" series

¹¹ Annex "A"

¹² Annex "C"

¹³ Annex "E"

Resolution

Criminal Case No. SB-22-CRM-0144
People vs. Nela Charade G. Puno

-7-

x-----x

Guidelines, the Court resolves to **GRANT** the *Motion for Partial Remote Videoconferencing Hearing (Re: December 05, 2023 Hearing for the Reception of the Testimony of Dr. Farrah-Arsenia Agustin-Bunch)* dated November 15, 2023. Accordingly, set the reception of the testimony of Dr. Agustin-Bunch, via videoconferencing, on **January 17, 2024, at 8:30 o'clock in the morning**. The prosecution is **DIRECTED** to coordinate with the Philippine Consulate General in Houston, Texas, U.S.A., to ensure the presence of Dr. Agustin-Bunch on the said date.

SO ORDERED.

Quezon City, Metro Manila


AMPARO M. CABOTAJE-TANG
Presiding Justice
Chairperson

WE CONCUR:


BERNELITO R. FERNANDEZ
Associate Justice


RONALD B. MORENO
Associate Justice