

101 Phil. 159

[G. R. No. L-9460. April 28, 1957]

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT, VS. SANTIAGO UY, DEFENDANT AND APPELLEE.

D E C I S I O N

BENGZON, J.:

This is an appeal from the order of the Manila court of first instance dismissing the information filed against Santiago Uy on the ground that the facts alleged therein did not constitute the crime of falsification of an official document with which he was charged. The pertinent allegations were as follows:

“That on or about the 14th day of January, 1954, in the City of Manila, Philippines, the said accused, being a field agent of the National Bureau of Investigation of the Department of Justice, duly appointed, qualified and acting as such and hence a public officer, did then and there wilfully, unlawfully and feloniously falsify or caused to be falsified and commit acts of falsification in the Personnel Information Sheet of the said office which is a public and official document, in the following manner, to wit: the said accused, well knowing that having been born of Chinese parents, he is a Chinese citizen and an unqualified person to hold a public office of confidential and delicate nature, in the Philippine Government, *but having somehow obtained employment as field agent of the National Bureau of Investigation but desiring to continue in such employment*, filled up or caused to be filled up the blanks in the said Personnel Information Sheet of said office stating therein that he was a naturalized Filipino citizen, a first grade civil service eligible, and attended the first year law course of the Far Eastern University in 1942 when in truth and in fact as said accused fully knew those statements were false and untrue and made solely to convince the authorities of the said office that he was fit and qualified to continue in such

employment, thus making untruthful statements in the narration of facts, and once the said Personnel Information Sheet was falsified in the manner above set forth, the said accused, in pursuance of his, desire to mislead the authorities so that he may be retained as field agent in the said office, executed an affidavit on the last page of said Personnel Information Sheet * * *.' (Italics ours.)

Two main reasons were cited by the Judge in his order of dismissal: (a) the position of an N.B.I. agent (National Bureau of Investigation) was confidential in nature, not requiring citizenship nor civil service qualifications, therefore the untruthful statements did not violate the integrity of the document; and (b) defendant made the statement as to Filipino citizenship in good faith, because he honestly believed he was such, inasmuch as he was born in 1918 at which time the principle of *jus soli* prevailed.

For the purposes of this decision we have to assume that the following allegations of fact or partly of fact in the information are true, or could be proven by the prosecution at the trial:

1. The document was an official document;
2. The accused had no civil service eligibility, but stated therein that he was a first-grade eligible;
3. He never attended the first-year-law course but he stated therein he had attended that course in the Far Eastern University;
4. He wrote therein he was a naturalized citizen, although he was not;
5. He made the statements solely to convince the authorities that "he was fit and qualified to continue in the employment" and to mislead the authorities into retaining him as field agent.

In view of the allegations in No. 5 which must be admitted in a motion to quash, we find it was error to hold the falsities were immaterial or did not violate the integrity of the document. Precisely because the position was confidential in nature, the authorities had a leeway in the matter of appointing or retaining field agents of the N.B.I. (National Bureau of Investigation); therefore the facts falsely stated by him could very properly be considered by the authorities, and if the allegations of the information must be believed, they were really and actually considered. In the circumstances the courts could not declare such facts to be prima facie immaterial. Indeed, as the Civil Service itself admits the appointing officer's right to demand civil service requirements and/or citizenship for confidential positions, the prosecution might prove in support of its allegation as to defendant's purposes that in the National Bureau of Investigation there is the practice (or a regulation)

making civil service eligibility or

Anyway, defense contends, as the accused was already a field agent of the N.B.I, he could not be discharged whatever his qualifications might be, for the reason that section 3 of Republic Act No. 157 provided “that the present personnel of the Division of Investigation shall be transferred to, and form the nucleus of the new Bureau (N.B.I.).” Supposing the accused was a part of the “present personnel”² referred to in the said section 3, the provision however must be read in the light of its first part which says “the composition and size of the personnel of the Bureau of Investigation shall be determined by the Director of the Bureau of Investigation” which means that although this defendant had been transferred to the Bureau he was not thereby assured permanent retention as “field agent” without regard to the other plans of the Director of the N.B.I. The Director could, under section 3 make the accused a mere desk man, or office assistant, not necessarily a “field agent”. And herein lies the materiality of the information sheet with its contents. The prosecution alleges this defendant made the false statement *for the purpose of inducing* his retention as field agent; and such purpose is not precluded by a mere inference from section 3 of Republic Act 157 drawn by defendant—inference which is inconclusive. It should be underlined in this connection that as the law expressly gives preference to law graduates (section 4) it is not illogical to believe that law students may likewise enjoy preference; hence defendant’s false statement about having attended first-year law, far from being entirely innocent, materially affected the document.

The court of first instance held the sheet to be a public document. The defendant however maintains it is not.

He has a right to support the appealed order of dismissal with reasons different from those of the court a quo; he is not bound by them. However, it can not be seriously contended that a document required by a Bureau to be filled by its officers for purposes of its record and information is not an official document.

The provision allegedly violated by defendant is Article 171 of the Revised Penal Code which partly reads as follows:

“Art. 171. *Falsification by public officer, employee, or notary or ecclesiastic minister.*—The penalty of prision mayor and a fine not to exceed 5,000 pesos shall be imposed upon any public officer, employee, or notary who, taking¹ advantage of his official position, shall falsify a document by committing’ any of

the following acts:

4. Making untruthful statements in a narration of facts; * * *

That the defendant took advantage of his position may be gathered from the fact that he himself filled the information sheet which obviously was to be submitted by each and every officer or employee of the N.B.L

Last contention of the defendant is the court's lack of jurisdiction. It is based on his opinion that the crime was a mere falsification of a certificate of merit under Article 174 of the Revised Penal Code. This contention must be overruled, because as above stated the violation is prosecuted under Article 171.

In view of the foregoing, the appealed order is revoked and the case is hereby remanded to the lower court for further proceedings. So ordered.

Padilla, Montemayo, Reyes, A., Bautista Angfilo, Labrador, Conception, Reyes, J. B. L., Endencia, and Felix, JJ., concur.

¹ His alleged good faith is a matter of defense: it was not admitted by the prosecution. Furthermore it is noteworthy that he said he was a naturalized citizen.

² This is a matter for proof.
