

**\*\*Title\*\*:** Alid and Malabanan v. People of the Philippines

**\*\*Facts\*\*:**

Abusama M. Alid, Assistant Regional Director of the Department of Agriculture (DA) in Cotabato City, obtained a cash advance on July 27, 2004, for travel expenses. His travel was supposed to cover attendance at a DA turnover ceremony and follow-ups for the Ginintuang Masaganang Ani Rice Program funds. However, due to the postponement of the ceremony, his trip was deferred to August. On September 1, 2004, Alid submitted a liquidation for his travel expenses, including an altered airline ticket and a Certificate of Appearance signed by Frisco M. Malabanan, with falsified dates to match the intended July travel. Discrepancies were found during a post-audit, leading to charges of falsification of public documents against Alid and Malabanan.

The legal journey began with their indictment at the Sandiganbayan, where they faced charges under various counts of falsification. Throughout the proceedings, both petitioners sought to challenge the Sandiganbayan's decision at different stages, including filing for the suspension of their arraignment and challenging the court's order of their preventive suspension. Their pleas of "not guilty" did not prevent the eventual conviction of Alid for falsifying the airline ticket, while both were acquitted on other counts.

**\*\*Issues\*\*:**

1. Whether the petitions challenging the order of preventive suspension were moot and academic.
2. Whether the Sandiganbayan erred in convicting Alid for falsification of a private document under Article 172 of the Revised Penal Code.
3. Whether the right of the accused to be informed of the nature and cause of the accusation was violated.

**\*\*Court's Decision\*\*:**

The Supreme Court dismissed the petitions regarding the order of preventive suspension as moot and academic due to supervening events, including Alid's retirement. Regarding the conviction under Article 172, the Court found that the Sandiganbayan committed an error in convicting Alid based on a charge not covered in the indictment. Specifically, the Court ruled that falsification of a private document requires an element of damage or intent to cause damage, which was not alleged in the Information filed against Alid.

The Supreme Court granted Alid's petition, reversed the Sandiganbayan's decision

regarding his conviction for falsification of a private document, and acquitted him on this charge. The Court reasoned that the offense he was convicted of was not included in the offense charged, violating his constitutional right to be informed of the accusation against him.

**\*\*Doctrine\*\*:**

This case reiterates the constitutional right of an accused to be informed of the nature and cause of the accusation against him. It emphasizes that an accused cannot be convicted of an offense unless it is clearly charged in the Information or necessarily included in the offense charged.

**\*\*Class Notes\*\*:**

- An accused must be informed of the specific charge against them, and variance between the charge and conviction requires examination if one offense includes or is included in the other.
- Damage or intent to cause damage is a necessary element for conviction under Article 172, paragraph 2, of the Revised Penal Code when it involves falsification of a private document.
- The principle that an appeal in a criminal case opens the whole matter for review, including those not raised by the parties.

**\*\*Historical Background\*\*:**

The case underscores the critical role of procedural propriety and the constitutional guarantees in criminal prosecutions, especially within the context of public officials' accountability and the meticulous scrutiny required in the factual and legal foundation for criminal charges. It illustrates how the Philippine judicial system addresses and rectifies procedural errors and injustices, particularly in cases involving public trust and integrity.