

**\*\*Title:** People of the Philippines vs. Nicasio M. Peña, Camacho L. Chiong, and Eugenio L. Famor**\*\***

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

This case originates from the conviction of Nicasio M. Peña, Camacho L. Chiong, and Eugenio L. Famor by the Sandiganbayan in Criminal Case No. SB-06-CRM-0453 for violation of Section 3(e) of Republic Act No. 3019, the Anti-Graft and Corrupt Practices Act. The events leading to this conviction unfolded as follows:

- On July 1, 2001, the Provincial Government of Zamboanga Sibugay began its corporate existence following the enactment of Republic Act No. 8973.
- Subsequently, Eugenio L. Famor, the Vice Governor of Zamboanga Sibugay, appointed Peña as Secretary of the Sangguniang Panlalawigan and, based on Peña's recommendation, appointed Chiong as Board Secretary IV under the Office of the Provincial Board Secretary (OPBS), despite Chiong being a college undergraduate and lacking the necessary qualifications for the position.
- The appointment of Chiong raised questions when his daughter requested his service record and none was found. It was discovered that Chiong's appointment paper was not submitted to the Civil Service Commission (CSC).
- Allegations of irregularities prompted Governor George T. Hofer to direct an investigation, which concluded that Chiong's appointment as Board Secretary IV was spurious and not qualified, and Famor and Peña facilitated Chiong's collection of salaries totaling P161,565.30, representing his earnings, to the detriment of the local government unit.
- Gov. Hofer filed a complaint with the Ombudsman, subsequently leading to the indictment of Famor, Peña, and Chiong for violating Section 3(e) of RA 3019.

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

The Supreme Court deliberated on whether the Sandiganbayan erred in finding the accused-appellants guilty beyond reasonable doubt of violating Section 3(e) of RA 3019, taking into account the presence or absence of conspiracy among the appellants and if their individual actions constituted the crime charged.

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

The Supreme Court granted the appeals, setting aside the convictions of Peña, Chiong, and Famor. It determined that:

1. The evidence did not conclusively prove a conspiracy to confer unwarranted benefits on

Chiong.

2. The acts were administrative mishaps rather than criminal acts done with evident bad faith or manifest partiality.
3. Chiong, acting in his personal capacity, did not give any private party unwarranted benefits under the meaning of Section 3(e) of RA 3019.
4. The appointing and recommending authorities (Famor and Peña) were not shown to have acted with manifest partiality or evident bad faith.
5. Chiong was entitled to compensation for actual services rendered, negating the assertion of undue injury to the government.
6. The procedural mishaps in Chiong's appointment should have been administratively addressed rather than criminally, without sufficient evidence to prove criminal intent or conspiracy.

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

This decision reiterates the principle that criminal liability under Section 3(e) of RA 3019 requires proof beyond reasonable doubt of manifest partiality, evident bad faith, or gross inexcusable negligence, causing undue injury to any party, including the government, or providing unwarranted benefits. It also elaborates on the proper attribution of administrative responsibilities and the distinction between administrative lapses and criminal actions within the realm of public service and employment.

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

- **\*\*Violation of Section 3(e) of RA 3019\*\***: Requires proof of (1) being a public officer, (2) acting in relation to office, committing the offense with (3) evident bad faith or manifest partiality or gross inexcusable negligence, and (4) causing undue injury or giving unwarranted benefits.
- **\*\*Conspiracy\*\***: Requires a decision, by two or more individuals, to commit a felony and participate in its execution. It must be intentional and not due to negligence.
- **\*\*Administrative vs. Criminal Responsibility\*\***: Delineates the importance of distinguishing between administrative lapses which are subject to corrective action, and criminal actions that require intent and result in penal sanctions.
- **\*\*Evident Bad Faith and Manifest Partiality\*\***: Indicates not only poor judgment but also a dishonest purpose, moral deviation, or conscious wrongdoing for some perverse motive or ill will.
- Examination of **\*\*De Facto Officers\*\***: Explores the entitlement to salaries for actual services rendered, even when the appointment does not meet all prescribed qualifications, provided there's no violation of civil service law.

- Highlight on **Issue of Proximate Cause**: Notes that for liability to ensue, the action must be the direct cause of the alleged damage or injury.

**Historical Background:**

This case underscores the complexity of administrative governance within newly established local government units, particularly in ensuring compliance with civil service laws and the interpretation of appointments and qualifications. It demonstrates the judiciary's role in delineating the boundaries between administrative oversight and criminal liability in public service appointments, thereby contributing to the jurisprudence on governance, administrative law, and public accountability in the Philippines.