

Title:

Marianito S. Victoriano vs. People of the Philippines

Facts:

In 1993, Marianito Victoriano and Raymond Ilustre faced charges for violating Section 3(e) of Republic Act (R.A.) No. 3019, based on events from 1991 in Mati, Davao Oriental. They were accused of enabling Ilustre to encash three checks issued by the Department of Public Works and Highways, intended for Esteves Enterprises without the endorsement of its manager, Vicente L. Esteves, Jr., consequently misappropriating the funds. Additional charges of estafa through falsification were also lodged against them. Victoriano pled not guilty.

The prosecution's case hinged on the testimonies of Esteves and a bank cashier, highlighting the procurement of construction materials by Esteves Enterprises for the DPWH, the issuance of checks payable to Esteves Enterprises, and the unauthorized encashment of these checks facilitated by Victoriano for Ilustre. Esteves indicated that the checks were collected and encashed without his approval, while the cashier noted irregularities in the encashment process.

Victoriano, testifying in his defense, acknowledged his role as the Manager of PNB-Mati but rationalized the encashment on the basis of DPWH's assurance of Ilustre's legitimacy. He admitted bypassing standard verification procedures, justifying his discretion due to Ilustre's apparent authorization.

Following trial, the Sandiganbayan acquitted them of estafa through falsification but found them guilty of violating Section 3(e) of R.A. No. 3019. Victoriano's motion for reconsideration was denied, leading to this petition for review.

Issues:

1. Whether Victoriano's right to due process was violated during trial.
2. Whether Victoriano's conviction under Section 3(e) of R.A. No. 3019 was legally justified.

Court's Decision:

The Supreme Court found no merit in Victoriano's appeal. It held that due process was accorded, as evidenced by his opportunity to be heard, his presence during pre-trial, and his counsel's ability (yet failure) to cross-examine witnesses. The claim of "hijacking" by the Sandiganbayan was dismissed as a legitimate judicial exercise. Moreover, an affidavit of desistance presented by Victoriano was deemed insufficient for reconsideration or new trial,

given its inherent unreliability and timing.

The Court affirmed the elements necessary for Section 3(e) of R.A. No. 3019 violations and confirmed their presence in this case: Victoriano's role as a public officer, the performance of acts within his official capacity resulting in undue injury to Esteves and undue benefit to Ilustre, and his gross negligence and evident bad faith. Thus, the conviction and the imposed penalties were upheld.

Doctrine:

This case reinforces the criteria for criminal liability under Section 3(e) of R.A. No. 3019 (the Anti-Graft and Corrupt Practices Act) – demonstrating the need for a public officer to act with manifest partiality, evident bad faith, or gross inexcusable negligence, leading to undue injury or unwarranted benefits.

Class Notes:

- Elements of Violation of Section 3(e) of R.A. No. 3019: Public officer; performing official duties or in relation to public position; causing undue injury or giving unwarranted benefits; and acting with manifest partiality, evident bad faith, or gross negligence.
- Concept of Due Process in Trials: Right to be heard, including the opportunity for pre-trial and cross-examination; waiver of rights through express or implied conduct.
- Role of Affidavits of Desistance: Generally viewed with skepticism and not sufficient to overturn convictions, especially post-trial.
- Application of the Indeterminate Sentence Law: Especially relevant for offenses punished by special laws, like R.A. No. 3019.

Historical Background:

The case against Marianito Victoriano highlights the judicial scrutiny over bank officials' conduct, especially in government banks, within the context of efforts to combat corruption and uphold integrity in public service. Set against the broader backdrop of R.A. No. 3019's enactment to penalize corrupt practices of public officers, this case embodies the legal mechanisms for addressing abuses of office that result in private enrichment and public harm.