

**\*\*Title:\*\*** Tabuena vs. Sandiganbayan: Examining Obedience and Good Faith in the Disbursement of Government Funds

**\*\*Facts:\*\*** Luis A. Tabuena and Adolfo M. Peralta were involved in the malversation of P55 Million from the Manila International Airport Authority (MIAA) funds. The case originated when then-President Ferdinand Marcos verbally instructed Tabuena to pay the Philippine National Construction Corporation (PNCC) what MIAA owed, a directive which was later formalized through a memorandum dated January 8, 1986. Tabuena, with the aid of Peralta and another individual, facilitated the withdrawal of the funds on three separate occasions in January 1986, all of which were delivered in cash to Marcos' office through his private secretary. The transactions lacked the usual documentation and did not follow the standard operational procedures for disbursements.

**\*\*Procedural Posture:\*\*** Upon discovery, three criminal cases were filed against Tabuena, Peralta, and another individual for malversation under Article 217 of the Revised Penal Code. The Sandiganbayan convicted Tabuena and Peralta, sentencing them to imprisonment and ordering them to reimburse the malversed amount, among other penalties. Their appeals to the Supreme Court centered on claims of following a lawful order in good faith and alleged procedural and substantial errors by the Sandiganbayan.

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

1. Whether the Sandiganbayan erred in convicting the petitioners for a crime not charged in the amended informations.
2. Whether the petitioners acted in good faith, believing they were complying with a lawful order.

**\*\*Court's Decision:\*\*** The Supreme Court acquitted Tabuena and Peralta, holding that they acted under the belief they were following a lawful order from the President, thereby negating criminal intent. The Court deemed the Sandiganbayan's active participation in the examination of witnesses and the petitioners as prejudicial, thus violating their right to due process.

**\*\*Doctrine:\*\*** The ruling underscored that obeying a superior's order believed to be lawful cannot amount to malversation. It established a precedent that good faith in executing a perceived lawful order negates criminal intent or negligence.

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

- Key elements critical to understanding malversation include the accused's accountability

for public funds, intentional or negligent misappropriation of such funds, and the requisites for a lawful order and good faith compliance.

- Article 217, Revised Penal Code: Malversation is committed by any public officer who, by reason of the duties of his office, is accountable for public funds or property, shall appropriate the same, or shall take or misappropriate or shall consent, through abandonment or negligence, to any other person taking such public funds or property.
- Principle to remember: A superior's lawful order followed in good faith, where the accused believes the order to be lawful and has no ill intent, can be a defense against criminal liability for malversation.

**\*\*Historical Background:\*\*** The case illustrates the complexities and challenges of adhering to lawful orders within the governmental hierarchy during the Marcos regime. It reflects the broader context of how power dynamics and a culture of obedience to the chain of command impacted the conduct of public officials, leading to legal controversies post-regime.