

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. HON. FROILAN BAYONA, JUDGE, COURT OF FIRST INSTANCE OF MANILA, BRANCH I, ALEJANDRO SALAZAR, ANDRES SUÑGA, BONIFACIO GABRIEL, ET AL., R...

G.R. No. L-14426. May 20, 1960

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/249bff28c0a1/>

LABRADOR, J.:

On November 28, 1956, Special Prosecutor Baldomero M. Villamor presented an information in the Court of First Instance of Manila in Criminal Case No. 38164, containing the following allegations:

"That in and during the period from June 16, 1949 to April 28, 1956, and for sometime prior and subsequent thereto, in the City of Manila, and within the jurisdiction of this Honorable Court, the above-named accused * * * and others whose identities and whereabouts are still unknown, who consented, allowed and/or permitted the aforesaid acts of falsification, to wit: On Back Pay Form No. 1 and the Processing Questionnaire, the accused stated under oath, among other things, that on December 1 to 8, 1941, they were connected with or employed in the Labor and Farmer Battalions, CEA, in such capacity or position and with such rate of compensation, more particularly described hereunder: * * * on the supporting affidavits attached to Back Pay Form No. 1 and the plantillas required by prescribed regulations, accused Alejandro Salazar, Ruperto Cristobal, Aurelio Intertas, Artemio C. Nabor, Jesus Niñonuevo, Emiliano Lazaro, Marcelo Garcia and Igmedio Salazar alias Igmedio Mabanta, attested to the employment of the accused enumerated in TABLE I in the Labor and Farmer Battalions, CEA, from December 1, 1941 to January 3, 1942, more particularly described hereunder: * * * when in truth and in fact, as said accused well knew, the accused enumerated in table I were never in anyway connected with or employed in the Farmer and Labor Battalions, CEA, of the Department of Labor, in their above-stated capacity or position, and therefore were not entitled to any back pay, thereby making false statements in a narration of facts; that after the said acts of falsification had been committed as" above-described, the said accused Alejandro Salazar, did, then and there, willfully, unlawfully and feloniously planned and induced the said accused Bonifacio Gabriel, Florentino M. Villaflor, Andres Suñga, Emiliano Lazaro, Igmedio Salazar alias Igmedio Mabanta, Pretestato Navarra, and others previously accused with pending cases before the Court of First Instance of Manila, as enumerated in TABLE I with intent to defraud, to willfully, unlawfully and feloniously present and file, as in fact they did present and file, the said documents with the Treasurer of the Philippines, in accordance with the prescribed rules and regulations, thereby succeeding in securing Acknowledgments of Back Pay in their favor and receiving partial redemptions, in conspiracy and confederation with accused * * * to the damage and prejudice of the Republic of the Philippines, in the total amount of thirty-three thousand THREE HUNDRED SEVENTY-SEVEN PESOS and EIGHT CENTAVOS (P33,377.08) Philippine Currency."

After the filing of the information, the prosecution filed a motions with the court, asking that Andronico Duque, Andres Sunga and Florentino Villaflor be discharged from the information to be utilized as state witnesses in accordance with Section 9, Rule 115 of the Rules of Court. I It is alleged in the motion that there is absolute necessity for the testimonies of the said accused whose discharge is requested; that there is no other direct

evidence available for the prosecution of the complex offense committed, except the testimonies of the said accused; that the testimonies of said defendants can be substantially corroborated on its material points; that the defendants do not appear to be the most guilty; that the accused have not at any time been convicted of any offense involving moral turpitude.

Accused Aurelio Intertas, through counsel, Atty. Vicente Francisco, immediately filed an opposition to the above motion. In the memorandum filed by him, it is argued that the motion shows that persons sought to be discharged have convicted themselves of the offense charged, as well as of perjury, and that there is no need for their testimonies as the same are worthless and because direct evidence is available. It is further argued that the accused sought to be discharged are major figures in the case. The prosecutor answered this opposition, stating that the backpay claimants were induced to participate in the commission of the offense by the alleged mastermind, Alejandro Salazar, in conspiracy with other principal figures including accused Aurelio Intertas; hence the three accused sought to be discharged are not the most guilty. He also stated that the alleged presence of direct evidence is incorrect, as the prosecution would not seek to discharge the three accused if it were in possession of said evidence, and it did not specify the corroborative evidence for it is a matter of evidence which is not to be alleged in the information. Furthermore, he claims that in accordance with the case of *U. S. vs. Abanzado*, 37 Phil., 664, a trial judge must necessarily rely upon the information furnished by the prosecuting officer in coming to the conclusion that the testimonies of the accused sought to be discharged are necessary. After a rejoinder to the reply of the special prosecutor was filed, the trial court entered the following order:

"As may be gleaned from the arguments of the parties and especially by the citation of documentary evidence made by the accused Intertas, it is crystal clear that the said accused Andronico Duque, Andres Suñga and Florentino Villaflor were claimants for the collection of their backpay. They had made sworn applications to that effect. They answered under oath the processing questionnaires required for the approval of claims and made affidavits and sworn statements regarding the same. As a consequence of the said applications, questionnaires and sworn statements the said accused were able to have their applications approved and to collect backpay which according to them they were entitled. Later on they made sworn statements stating that what they have stated in their applications, questionnaires and affidavits were not true.

"In view of these circumstances, said accused Andronico Duque, Andres Suñga and Florentino Villaflor are guilty of falsification of public documents and the said documents are direct evidence against them for the crime that they have committed. * * *."

In consequence, the court denied the motion. Against the denial the prosecution has come to us after a denial of its motion for reconsideration, alleging that the ruling of the trial judge denying the motion is not justified.

It will be noted that the law, Rule 115, Section 9, does not disqualify an accused sought to be discharged as witness for the State merely on the ground that he has committed a falsification himself, or that he had actually committed the crime charged. The rules says that it is necessary that "the said defendant does not appear to be the most guilty," from which the conclusion follows that the guilt of an accused of the crime charged is no reason why he may not be excluded as witness for the State. As a matter of fact, the candid admission of an accused, of his participation in a crime, is a guaranty that if he will testify in court he will testify truthfully; so that even if an accused actually participated in the offense charged in the information, he may still be made a witness. Individuals who are candid enough to admit their guilt are expected to testify truthfully and it is from that circumstance that all the facts involved shall be expected to be truthfully disclosed by him.

The reasoning used by the trial court in its order would render impossible the prosecution of persons guilty of the offense charged, especially when aside from those who are charged of the crime, none can be secured to testify against the most guilty, as in the case at bar. Such a reasoning would render the above Rule 115, Section 9,

impossible of compliance, because the accused who are charged as guilty may not be excluded for the purpose of testifying for the State and against their co-accused. The ground underlying the rule is not, to let a crime that has been committed go unpunished; so an accused who is not the most guilty is allowed to testify against the most guilty, in order to achieve the greater purpose of securing the conviction of the more or most guilty and the greatest number among the accused permitted to be convicted for the offense they have committed.

Wherefore, we declare that the order appealed from constitutes an abuse of discretion of the judge below, and said order is hereby set aside. Let the proceedings below continue in accordance with this ruling. Without costs. So ordered.

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Barrera, and Gutierrez David, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.