

SALUD P. BERADIO, PETITIONER, VS. THE COURT OF APPEALS AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.*G.R. Nos. L-49483-86. March 30, 1981*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f6a49d5dacac/>**DE CASTRO, J.:[*]**

By petition for review on certiorari, Salud P. Beradio, an election registrar of the COMELEC in Rosales, Pangasinan, who was convicted on four (4) counts of the crime of falsification of public or official documents of the seven (7) separate informations filed against her for making false entries in her daily time records, elevates to this Court, the decision[1] of the Court of Appeals in CA-G.R. No. 20319 to 20322 promulgated on September 18, 1978, affirming in toto the judgment of conviction rendered on July 30, 1976 by the Circuit Criminal Court, Third Judicial District, Dagupan City. The dispositive portion of the decision of the lower court reads as follows:

"FOR THE FOREGOING DISCUSSION, and with the prosecution not having established by proof beyond reasonable doubt the guilt of the herein accused and for insufficiency of evidence or the lack of it, the Court hereby finds, as it so holds, accused Salud P. Beradio NOT GUILTY of the charges in Criminal Cases Nos. CCC-0258, CCC-0259, and CCC-0263; consequently, she is hereby acquitted therefrom with costs de oficio; and decreeing the bail bonds posted for her provisional release in these cases cancelled and discharged.

"On the other hand, however, the Court so finds and holds accused Salud P. Beradio GUILTY beyond reasonable doubt of the crime of falsification of public or official document as charged in Criminal Case No. CCC-0260 as to entry on July 13, 1973 only, and Criminal Case No. CCC-0261; Criminal Case No. 0262 as to entry on May 28, 1973 only, Criminal Case No. CCC-0264, defined and penalized under Article 171, paragraph 4, of the Revised Penal Code, and absent any aggravating or mitigating circumstance and applying the Indeterminate Sentence Act, hereby accordingly sentences said Salud P. Beradio to serve an indeterminate prison term in the following manner, to wit:

"a) In Criminal Case No. CCC-0260—a prison term of from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prison correctional, as minimum, to EIGHT (8) YEARS and ONE (1) DAY of prison mayor, as maximum, with the accessories of the law, to pay a fine of TWO THOUSAND PESOS (P2.000) but without subsidiary imprisonment in case of insolvency, and to pay the cost;

"b) In Criminal Case No. CCC-0261—a prison term of from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prison correctional, as minimum, to EIGHT (8) YEARS of prison mayor, as maximum, with the accessories of the law, to pay a fine of TWO THOUSAND PESOS (P2.000) without subsidiary imprisonment in case of insolvency, and to pay the cost;

"c) In Criminal Case No. CCC-0262—a prison term of from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prison correctional, as minimum, to EIGHT (8) YEARS and ONE (1) DAY of prison mayor, as maximum, with the accessories of the law, to pay a fine of TWO THOUSAND PESOS (P2.000) without subsidiary imprisonment in case of insolvency, and to pay the cost; and

"d) In Criminal Case No. CCC-0264—a prison term of from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prison correctional, as minimum, to EIGHT (8) YEARS and ONE (1) DAY of prison mayor, as

maximum, with the accessories of the law, to pay a fine of TWO THOUSAND PESOS (P2,000) without subsidiary imprisonment in case of insolvency, and to pay the cost.

"The penalties herein imposed shall be served successively with the maximum duration of the sentences not to exceed threefold the length of time corresponding to one penalty imposed upon her in accordance with Article 70 of the Revised Penal Code.

"As to charges of falsification on July 12, 1973 in Criminal Case No. CCC-0260, and on May 30, 1973, the Court finds no sufficient evidence to hold the accused liable. Consequently, the accused is hereby absolved therefrom."

The facts pertinent to the specified dates of falsification as found by the Court of Appeals are as follows:

"...On the following particular dates, as reflected in her daily time avoids (Exhs. "D" to "H"), BERADIO reported her attendance in office and actual hours of work performed as:

On:

"1) March 15, 1973 —

7:35 a.m.

12:00 n.;

1:00 p.m.

to

5:00 p.m.

"2) March 23, 1973 —

7:30 a.m.

12:00 n.;

1:00 p.m.

to

5:00 p.m.

"3) May 28, 1973 —

7:45 a.m.

12:00 n.,

1:00 p.m.

to

5:00 p.m.

"4) June 6, 1973 —

7:30 a.m.

12:00 n.,

1:00 p.m.

to

5:00 p.m.

"5) June 22, 1973 —

7:35 a.m..

12:00 n.,

1:00 p.m.

to

5:00 p.m.

"6) July 13, 1973 —

8:00 a.m.

12:00 n.,

1:00 p.m.

to

5:00 p.m.

"The veracity of the foregoing reports were negated by the following:

"1) On March 15, 1973, BERA.DIO appeared as counsel for the applicants at the initial hearing and reception of evidence in Land Registration Case No. 19-R before the Court of First Instance of Pangasinan, Branch XIV, Rosales, in both morning and afternoon sessions (Exhs. "K", "K-1" and "K-2").

"2) In the morning of March 23, 1973, BERADIO appeared as counsel for the petitioner in the hearing of Special Proceedings No. 24-R (summary settlement of the estate of Vicente Oria, Court of First Instance of Pangasinan, Branch XIV, at Rosales, which was called first in open court and later, in chambers (Exhs. "M"

and "M-l).

"3) On May 28, 1973, in the same case, Sp. Proc. No. 24-R, BERADIO again appeared as counsel for the petitioner in the same court which held sessions from 8:45 to 11:45 (Exh. "M").

"4) In the morning of June 6, 1973, BERADIO appeared as counsel for the defendant in CAR Case No. 1982-TP' 73, entitled "Pepito Felipe vs. Ismael Pomes and Camilo Tamce," before CAR Branch II in Tayug, Pangasinan (Exh. ".I"), Minutes of the pre-trial conference which the appellant attended are manifest in the pre-trial order that was dictated in open court (Exh. "J-l").

"5) In the morning of June 22, 1973, Beradio appeared in Sp. Proc. No. 24-R before the Court of First Instance of Pangasinan, Branch XIV at Rosales (Exh'. "M").

"(6) In the morning of July 13, 1973, Beradio appeared as counsel for plaintiff at the pre-trial conference of Civil Case No. 137-R, "Venancia Diaz vs. Armando Ordonio" before Branch XIV of the Court of First Instance of Pangasinan (Exhs. "L" to "1-3).

"It is thus clear that while in the six abovementioned dates, BERADIO made it appear in her daily time records that she was in her office and performed her work on the dates and hours she specified, the facts were that she was elsewhere attending court sessions."[2]

From the said decision of the Court of Appeals and the denial of her motion for reconsideration on November 28, 1978, Salud Beradio filed the instant petition for review on certiorari to this Court. We asked the Solicitor General to comment on the petition and thereafter, We resolved to give due course to said petition it appearing that the issues raised are, in the main question of law rendered novel by the peculiar circumstances of the case. Thus, she raised the following legal issues:

I

"WHETHER THE CONVICTION OF THE PETITIONER TAKEN IN THE LIGHT OF THE PROVISION OF ARTICLE 171, PARAGRAPH 4, OF THE REVISED PENAL CODE IS LEGAL AND PROPER.

II

"WHETHER THE PETITIONER COULD STILL BE LEGALLY AND PROPERLY PROSECUTED FOR AN OFFENSE WHERE SHE WAS NO LONGER A PUBLIC OFFICIAL.

III

"WHETHER PETITIONER IS UNDER LEGAL OBLIGATION TO FILL UP AND SUBMIT TIME RECORD.

IV

"ASSUMING THAT SHE IS, DO THE STATEMENTS THEREIN REFLECTED IN HER TIME RECORD BEAR ANY 'COLOR OF TRUTH'.

V

"WHETHER DAMAGE TO THE GOVERNMENT IN FALSIFICATION OF PUBLIC OR OFFICIAL DOCUMENT IS TOTALLY OF NO MOMENT.

VI

"IT FAILED TO HOLD THAT, UNDER THE ESTABLISHED FACTS, THE CONSTITUTION, THE LAW AND WELL-SETTLED JURISPRUDENCE, PETITIONER IS ENTITLED TO ACQUITTAL ON THE GROUND OF REASONABLE DOUBT."

Salud P. Beradio, petitioner, is a lady-lawyer appointed as an election registrar of the Commission on Elections

(COMELEC) on February 1, 1964 (Exhibits A and A-l). In 1972 and 1973, she was stationed in Rosales, Pangasinan, as Chief of Office, Office of the Election Registrar, COMELEC, holding office beside the municipal building from 8:00 a.m. to 12:00 noon and from 1:00 o'clock to 5:00 o'clock in the afternoon. As the nature of her job was field work, she was required to fill up and submit to the COMELEC's main office in Manila her daily time records after having been counter-signed by her provincial supervisor.[3]

On March 29, 1973, the COMELEC by resolution (Exhibits 1 and 1-A, CCC-0261) granted her request for permission to appear as counsel for her cousins and cousins-in-law in the case before the Court of Agrarian Relations in Rosales, Pangasinan.[4]

During her assignment as Election Registrar of Rosales, Pangasinan, one Raymundo Valdez filed with the COMELEC, sometime in September, 1973, an administrative complaint charging her of unauthorized practice of law. On the other hand, Salud Beradio tendered her resignation as Election Registrar of Rosales, Pangasinan, which, by COMELEC resolution (Exhibit B) of October 25, 1973, was accepted and made to retroact on the close of office hours on September 30, 1973. She was duly granted clearance by all the offices of the COMELEC, and she received her retirement benefits under the law.

Raymundo Valdez made an inquiry with the COMELEC on the status of his administrative case against Salud P. Beradio, and upon being informed of her separation from the service, he initiated the filing of criminal charges against Salud Beradio on grounds of falsification of daily time records defined and penalized under Article 171, paragraph 4 of the Revised Penal Code as falsification of public documents. In the Office of the Provincial Fiscal of Pangasinan where he lodged the criminal charges, Jose Peralta, and his wife Paz de Guzman-Peralta, trial attorney of Agrarian Legal Assistance (DAR) submitted affidavits in support of the charges against Salud P. Beradio.

On August 4, 1975, the Provincial Fiscal of Pangasinan filed seven (7) separate informations all dated July 7, 1975 with the Circuit Criminal Court, Third Judicial District, Dagupan City, charging Salud P. Beradio with falsification of public or official documents for making false entries in her daily time records on: 1) October 12, 1972 in Criminal Case CCC-0258; 2) September 4, 1973 in Criminal Case CCC-0259; 3) July 12 and 13, 1973 in Criminal Case CCC-0260; 4) June 6 and 22, 1973 in Criminal Case CCC-0261; 5) May 28 and 30, 1973 in Criminal Case CCC-0262; 6) April 3, 1973 in Criminal Case CCC-0263; and 7) March 15 and 23, 1973 in Criminal Case CCC-0264 that she submitted to the Commission on Elections in Manila.[5] The separate informations allege that petitioner was absent the whole day on the days mentioned therein but to the "damage and prejudice of the National Government," she made it appear in her time records that she was not so absent from the office, when in fact she well knew that on such date or time she was in the Court of First Instance of Pangasinan, Branch XIV, Rosales, Pangasinan, appearing in her cases.

While petitioner raised the above-quoted legal issues which, to Us, point to the more basic issues inherent in acts mala in se as contradistinguished from mala prohibita, We narrowed down these issues, for proper disposition of the instant case, into whether or not the alleged acts of falsification of public documents imputed against the petitioner were tainted with criminal intent (dolo), and whether or not the act of alleged false narration of facts in the daily time record bears, under the law, some semblance of colorable truth. This We did in full consideration of the peculiar circumstances which render the instant case novel in some respects, worthy of pronouncements from this Court.

At the outset, it must be emphasized that for a conviction of the offense of falsification of public or official documents, defined and penalized under Article 171, paragraph 4 of the Revised Penal Code, the requisite elements thereof must be clearly established, namely: 1) the offender makes in a document false statements in a

narration of facts; 2) he has a legal obligation to disclose the truth of the facts narrated by him; 3) the facts narrated by him are absolutely false, and 4) the perversion of truth in the narration of facts was made with the wrongful intent of injuring a third person.[6]

Of great weight in Our criminal justice system is the principle that the essence of an offense is the wrongful intent (*dolo*), without which it cannot exist.[7] *Actus non facit reum, nisi metis set rea*, the act itself does not make a man guilty unless his intentions were so. Article 3 of the Revised Penal Code clearly indicates that malice or criminal intent (*dolo*) in some form is an essential requisite of all crimes and offenses defined in the Code, except in those cases where the element required is negligence (*culpa*).

On one point, however, the claim of the petitioner that she is not under strict obligation to keep and submit a time record is not at all empty with justification. While it is true, as held by the respondent court,[8] that the obligation to disclose the literal truth in filling up the daily time record is required of all officers and employees in the civil service of the government in accordance with Civil Service Rule XV, Executive Order No. 5, Series of 1909, this vague provision, however, is rendered clear by Section 4, Rule XV of the Civil Service Rule, dated December 3, 1962, later by Memorandum Circular No. II, Series of 1965 which exempt from requirements of keeping and submitting the daily time records three categories of public officers, namely: 1) Presidential appointees; 2) chiefs and assistant chiefs of agencies; and 3) officers who rank higher than these chiefs and assistant chiefs in the three branches of the government. Clearly thus, petitioner as Chief of Office, Office of Election Registrar, COMELEC in the municipality of Rosales, Pangasinan, exercising supervision over four (4) subordinate employees, would fall under the third category aforementioned. An Election Registrar of a municipality performing the powers, duties, and responsibilities of the COMELEC, a constitutional body, in the conduct of national or local elections, referenda, and plebiscites, in a particular voting district may be regarded as an officer who rank higher than such chiefs or assistant chiefs of agencies although he may not be a presidential appointee. Notwithstanding such an exemption, if the Election Registrars of the various municipalities all throughout the country, who occasionally work more than the ordinary eight-working hour on the last day of registration or on election day, are keeping and submitting the daily time records to the main office in Manila, it may be only for the sake of administrative procedural convenience or as a matter of practice, but not by reason of strict legal obligation.

On the main point, assuming, however, that petitioner is under strict legal obligation to keep and submit the daily time records, We are definitely inclined to the view that the alleged false entries made in the time records on the specified dates contained in the information do not constitute falsification for having been made with no malice or deliberate intent. Noteworthy is the fact that petitioner consistently did not dispute, but admitted in all candor her appearances in six (6) different ways, on March 15, March 23, May 28, June 6, June 22, July 13, all in 1973 before the Court of First Instance, Branch XIV, Rosales, Pangasinan, in the aforementioned cases, claiming that she did not reflect these absences in her daily time records because they were for few minute-duration, the longest was on March 15, 1973 being for forty-five (45) minutes; that they could be absorbed within the allowed coffee breaks of 30 minutes in the morning and in the afternoon; that as Chief of Office, and all Election Registrars of the COMELEC for that matter, she is allowed to have one (1) day leave during week days provided she worked on a Saturday; and that her brief absences did not in any way interfere with or interrupt her official duties as an Election Registrar. Above all, petitioner categorically emphasized that her appearances in court were duly authorized by the COMELEC, which in certain instances were as counsel *de officio*, and no remuneration whatsoever from her clients was received by her.

Finding that the justifications claimed by Beradio as unavailing, the Court of Appeals ruled that her various appearances in court were not on official business, and the permission granted her by the COMELEC was to appear in behalf of her relatives, and she was still obligated to reflect in her daily time records only the hours

when she was actually in the office.[9]

We are not convinced. The Court of First Instance, Branch XIV, in Rosales, Pangasinan, is only two (2) meters from her own office as Election Registrar in the said municipality. She had standing authority to act as de officio counsel given by the COMELEC evidently in furtherance of the free legal aid service program of the Integrated Bar, and an identical policy of the Government itself,[10] especially as COMELEC lawyers, before any election had been held during the regime of martial law, did not have much office work to keep them busy. This state of virtual absence of electoral activities is what prompted COMELEC to authorize its lawyers to take active part in the free legal aid program above adverted to, if to do so would not unduly interfere with their work. In recognition of the long-standing policy of the COMELEC in response to the legal aid program of the Government[11] and the "free access to the courts" provision of the 1973 Constitution,[12] the COMELEC, by Resolution No. 1401,[13] formally created the Legal Assistance Office thereby constituting all COMELEC lawyers with rank of division chief and below as COMELEC Legal Assistance Officers. Even prior to the formal creation of the Legal Assistance Office, the liberal policy of the COMELEC in allowing its Election Registrars to act as counsel in areas where there are no lawyers available is, indeed, laudable.

Under the attendant facts and circumstances in the instant case, no criminal intent to commit the crime with which she is charged can be imputed against the petitioner. In the information, it was alleged that the petitioner was not in her office for the full office hours from 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m. on the specified dates therein as she was then busy attending her cases in court. On the contrary, the evidence of the prosecution belies its allegation of the whole-day absence in office as Election Registrar. Records reveal that petitioner had stayed in court for only 5, 30, 40 or 45 minutes a day for her appearances therein, at no instance exceeding one (1) hour.

If petitioner filled up her daily time record for the six days in question making it appear that she attended her office from 8:00 a.m. to 12:00 noon and from 1:00 p.m. to 5:00 p.m., there is more than color of truth in the entry made. It is not shown that she did not report first to her office as Election Registrar of Rosales, Pangasinan, before going to the courtroom just two (2) meters away. Petitioner thus likened her appearance to going out for the usual coffee breaks. The comparison is not even apt, for during the while she appeared in court, she was rendering service more, if not wholly, for the public good, than just for her own well-being as when she goes out for snack during the coffee-break period. The court being only two (2) meters away from her office, she did not even have to go so far as when one goes out for snack. What is more, everytime she appeared in court, she surely must have made this fact officially of record in the court proceedings, something which is not done with leaving the office room for coffee breaks. In fine, the entries in petitioner's daily time records were not absolutely false. The alleged false entry may be said to have a color of truth, not a downright and willful falsehood which alone would constitute falsification as a crime.[14] As Cucllo Calon stated: "La mera inexactud no es bastantepara integrar este delito (Cuello Calon, Derecho Penal 6th Ed. Vol. II, p. 216, cited in People vs. Villena, et al., 51 O.G. 5691; People vs. La Corte, CA-G.R. No. 05818-CR; U.S. vs. Bayot, 10 Phil. 518)."

In thus preparing her daily time record the way she did, it was evidently in her belief that she was just making of record the fact that, as was her honest opinion, she was entitled to receive her full pay even for those days she appeared in court, rendering what she felt was no less a public service, being in furtherance of a public policy on free legal assistance. As a lawyer, and as an officer of the court, she, for one, aids in the administration of justice, oathbound servant of society whose duty is not solely for the benefit of her clients but for the public, particularly in the administration of justice. The court a quo itself recognized that the COMELEC registrars, at that time, are directed to appear as counsel de officio when there are no lawyers to represent the parties in litigation.[15] If petitioner is not at all appointed as counsel de officio strictly in accordance with the Revised Rules of Court, Rule

138, it is an undisputed fact, as reflected in court records, that petitioner, true to her oath, acted as counsel in certain cases. On this point, if one fills up his daily time record in the belief that, on the basis of the time so indicated therein, she is merely making an honest claim for the pay corresponding to the time so indicated, no intent to commit the crime of falsification of public document can be ascribed to her. In the case of the herein petitioner, she was only submitting a time record she knew would be the basis for computing the pay she "honestly felt she deserved for the period indicated. Indeed, the time record is required primarily, if not solely, for the purpose of serving as basis for the determination of the amount of pay an employee is entitled to receive for a given period.

Further, on the issue of *malus animus*, or criminal intent, it was ruled by the court *a quo*, confirmed by the respondent Court Of Appeals, that in falsification of public document, in contradistinction to private document, the idea of gain or the intent to injure a third person is unnecessary, for, what is penalized is the undermining or infringement of the public faith and the violation of the truth as therein solemnly proclaimed, invoking the case of *People vs. Po Giok Te*, 96 Phil. 918. Arguing against this ruling, petitioner cited the case of *People vs. Pacana*, 47 Phil. 48, which the ponente in the instant case upheld in the case of *People vs. Motus*, CA-G.R. No. 18267-CR when he was in the Court of Appeals, that although the idea of gain or the intent to injure a third person is unnecessary, this Court emphasized that "it must, nevertheless, be borne in mind that the change in the public document must be such as to affect the integrity of the same or change the effects which it would otherwise produce; for, unless that happens, there could not exist the essential element of the intention to commit the crime which is required by Article 1 (now Article 3) of the Penal Code."

We find the petitioner's stand tenable. The evident purpose of requiring government employees to keep a time record is to show their attendance in office to work and to be paid accordingly. Closely adhering to the policy of no work-no pay, a daily time record is primarily, if not solely, intended to prevent damage or loss to the government as would result in instances where it pays an employee for no work done. The integrity of the daily time record as an official document, however, remains untarnished if the damage sought to be prevented has not been produced. As this ponente observed in the case of *People vs. Motus*, *supra*, while it is true that a time record is an official document, it is not criminally falsified if it does not pervert its avowed purpose as when it does not cause damage to the government. It may be different in the case of a public document with continuing interest affecting the public welfare which is naturally damaged if that document is falsified where the truth is necessary for the safeguard and protection of that general interest. In the instant case, the time records have already served their purpose. They have not caused any damage to the government or third person because under the facts duly proven, petitioner may be said to have rendered service in the interest of the public, with proper permission from her superiors. They may now even be condemned as having no more use to require their continued safe-keeping. Public interest has not been harmed by their contents, and continuing faith in their verity is not affected.

As pointed out, the obligation to make entries in the daily time records of officers and employees in the Government service is a matter of administrative procedural convenience in the computation of salary for a given period, characteristically, not an outright and strict measure of professional discipline, efficiency, dedication, honesty and competence.

Under the proven and admitted facts, petitioner-appellant surely is entitled to receive the pay as if she had stayed in her office the whole period covered by the official hours prescribed. She had perhaps made herself even more useful in the general benefit of the public than if she had remained practically idle in her office as Election Registrar with perhaps no work at all to attend to, as is generally the case long before elections take place, specially during the martial law regime. The COMELEC must have been fully cognizant of the legal implications of the peculiar facts and circumstances that obtained in this case, when it gave petitioner full clearance after she

presented her resignation when an administrative charge was filed against her by the same complainant as in the criminal charge. The courts, in the present criminal prosecution, should do no less. It would be too harsh and cruel for the courts to punish petitioner not only with imprisonment but with general disqualification and possible disbarment, for an act or omission which she performed or failed to perform without any criminal intent. Such an insignificant transgression, if ever it is one, would not beam the scales of justice against the petitioner, for courts must always be, as they are, the repositories of fairness and justice. It is inconceivable that a person who, without any attempt to conceal her appearances in court for this is a matter always made officially of record in the court proceedings, emphatically, not for his own private gain, but animated by the zeal of service not wanting in public benefit, and as an officer of the court, could have acted with a deliberate criminal intent. Moreover, what she stated in her daily time record, as earlier observed, had more than a mere color of truth to exclude such act from the pale of the criminal offense of falsification of public document with which she is charged.

WHEREFORE, finding the guilt of petitioner not to have been established beyond reasonable doubt, the judgment of conviction rendered by respondent court in affirming that of the trial court is hereby reversed, and petitioner, acquitted of the crime charged, with costs de oficio.

SO ORDERED.

Teehankee (Chairman), Makasiar, Fernandez and Guerrero, JJ., concur.
Melencio-Herrera, J., concurs in the result.

[*] Mr. Justice de Castro was designated to sit with [he First Division under Special Order No. 225.

[1] Decision was penned by Justice Corazon Julian o~Agrava and concurred in by Justice Crisolito Pascual and Justice Edgardo Paras, p. 45, Rollo.

[2] p. 45, Rollo.

[3] Decision, Court of Appeals, p. 47, Rollo.

[4] Circuit Criminal Court, Third Judicial District, Appellant's Brief, p.

[5] Decision of the Circuit Criminal Court, Third Judicial District, Dagupan City, Appellant's Brief, p. 58, Rollo.

[6] U.S. vs. R 56 O.G. 2971.

[7] Article 3, Revised Penal Code.

[8] Decision, Court of Appeals, p. 50, Rollo.

[9] p. 51, Rollo.

[10] Republic Act No. 6028 (August 4, 1969), otherwise known as the Citizen's Counselor Act of 1969; L.O.I. No. 4 (October 23, 1972), creating the Citizens Legal Assistance Office (CLAO); Presidential Decree No. 543 (August 31, 1974), authorizing the designation of municipal judges and lawyers in any branch of the government service to act as counsel de oficio for the accused who are indigent in places where there are no available practising attorneys.

[11] Ibid

[12] Sections 1 and 25, Article IV, Bill of Rights, 1973 Constitution.

[13] COMELEC Resolution No. 1401, promulgated on September 10, 1979, creating the COMELEC Legal

Assistance Office.

[14] U.S. vs. Bayot, 10 Pfcfl.511; U.S. w, Saa Jon, 7 Phil. 604; People w. Vfflena, ct al., 51 O.G. 5691; People w. Macarafe, 6ft O.G. No. 26 p. 5159 (1971).

[15] Decision of the Circuit Criminal Court, Third Judicial District, Dagupan City, Appellant's Brief, p. 56, Rollo.

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