

RODOLFO ALCANTARA, PETITIONER-APPELLANT, VS. THE SANDIGANBAYAN AND THE PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE,

G.R. No. 101919. July 03, 1992

Ponente: PARAS, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-101919/>

PARAS, J.:

This is an appeal by petition for review on certiorari from the Decision of the Sandiganbayan promulgated on August 1, 1991 and its Resolution on the Motion for Reconsideration, promulgated on October 2, 1991, in Criminal Case No. 14885, entitled "People of the Philippines v. Rodolfo Alcantara", for violation of Article 171 of the Revised Penal Code.

The Information upon which the petitioner was tried and convicted by the respondent Sandiganbayan reads:

"That on or about the 1st day of July 1987, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, a public officer, being then a contractual employee of the Quezon City government, taking advantage of his official position and committing the offense in relation to his duties did then and there willfully, unlawfully and feloniously make an untruthful statement in a narration of facts, by then and there declaring in the Personal Data Sheet (Civil Service Form No. 212), a public document where the accused is legally bound to disclose the truth, that he is a Civil Service Eligible (Professional) having taken the examination in December 1978 at the Ramon Magsaysay Elementary School, with a rating of 80.35%, when in truth and in fact, as the said accused well knew, he is not so, the truth being that he is a Career Service (Sub-Professional) eligible having taken the examination in Quezon City on December 7, 1980 with a rating of 70.36%, and by virtue of which misrepresentation, he was appointed Community Relation Officer which requires the qualification of a Career Service (Professional).

"CONTRARY TO LAW."

The prosecution witnesses presented were Orlando Abad and Editha Isles. The former testified that he has worked as Community Relation Assistant in the Office of the Community Relations, Quezon City from 1980. During the change of administration after the EDSA revolution, accused Alcantara with a designation as Management and Information Analyst, took over their office. Accused according to Abad was already a Quezon City Hall employee being then a Technical Assistant of the Mayor (Brigido Simon, Jr.). (Rollo, pp. 27 & 28)

Abad also averred that when he discovered that the accused was applying for the position of Community Relation Officer, he (Abad) went to the Office of the Personnel Officer and found out that the accused was being proposed for appointment to the vacant position, hence, he filed a formal protest with the Civil Service Commission being the next-in-rank employee and with the lateral entry of accused Alcantara, (Ibid., p. 28) a contractual employee, Abad's chance for promotion would be diminished.

The same witness even admitted that he came across the appointment (Exhibit B) of the accused when the same was returned together with accused's personal data sheet (Exhibit A) and the position description form (Exhibit

C). These documents were returned to the City Personnel Department by the Civil Service Commission, requiring the accused, as the proposed appointee, to submit the original of his Civil Service Eligibility (Professional). The City Personnel Department transmitted these documents to their office and he (Abad) got Exhibits A, B and C among the bunch of communications sent back to their office from the CSC. At the time he got them from the table, there was no one at the office, except him and the janitor and he did not notify their Chief about it. (Ibid., p. 29).

Abad further testified that upon knowing about the accused's appointment, he lodged a complaint with the Tanodbayan, after he personally went to the Civil Service Commission and verified the accused's eligibility, successfully obtaining through misrepresentation, a Certification (Exhibit F) from the Civil Service Commission dated January 28, 1988, to the effect that the accused is only a "sub-professional eligible." Abad also admitted that when he went to the Civil Service Commission and asked to accomplish a form, and to accomplish his purpose "x x x he signed the latter's (accused) signature, since he would not be able to secure said certification without being authorized by the accused." (Exhibit E; Rollo, p. 30).

Likewise, Abad testified that the accused was a contractual employee under a separate payroll, but when he was proposed for the position of Community Relation Officer, there was already a common payroll of Quezon City for the month of October 16 to 30, 1987, wherein they were all paid as CRO officers. (Rollo, p. 30)

Editha Isles, the second prosecution witness, has been a Record Officer 3, Chief of Division, Examination Records Service Division, since February 16, 1988. She declared that upon verification from the Master List for 1979 with respect to the Career Civil Service Examination given in December, the name of Alcantara did not appear therein, hence, the accused is not eligible as a career service professional, but the CSC records show that the accused took an examination on December 7, 1980, passing it with a rating of 70.36% as career service sub-professional. Further, she stated that the one qualified to inform the trial court as to the proper qualifications for appointment as Community Relation Officer is the Qualification Standard Division.

Thus, Felicidad Tesoro, Chief Personnel Specialist of the Civil Service Commission was called to testify. She declared that she became the Personnel Specialist whose duties are to evaluate job description and qualification standards and conduct training in the local government units. As regards the qualification standard for the position of Community Relations Officer of the Office of the City Mayor, Quezon City, she declared that "they do not have the approved qualification standard for Quezon City. However, they have that for the National Power Corporation which was approved on August 1, 1989 x x x." Although they have not conducted an audit with respect to the job description of Community Relations Officer in Quezon City, it is believed that the qualification standards adopted by NPC should also be adopted for the Community Relation Officer in Quezon City. In the absence of any qualification standard, they just adopt those that are comparable to the same position. The Commission compares other positions which have similar job description, such as in the local government wherein they have a Community Development Officer. She also declared that a "Technical Assistant to the Mayor is quite different from a Community Relation Officer. The latter is a technical position in the sense that it deals with the community. As of the present, based on the qualification index, she has not found any Community Relations Officer in the government." (Ibid., p. 32)

Accused Rodolfo Alcantara testified that on December 12, 1986, he entered into a Contract of Services between himself and the Quezon City government through the Office of the Mayor, represented by the Hon. Brigido R. Simon, Jr., some pertinent provisions of which follow:

"That the City and the Second Party in consideration of mutual covenants made therein, enter into this contract of services whereby the CITY GOVERNMENT commissions the services of the SECOND PARTY as Management and Information System Officer under the Community Relations Office, OCM under the

following terms and conditions:

'1. That the CITY GOVERNMENT shall commission the services of the SECOND PARTY on a full time basis for a period of 01 January 1987 to December 31, 1987; (Exhibit 2-A)

'2. That the SECOND PARTY shall well and faithfully serve the CITY GOVERNMENT and shall perform all such services connected therewith as directed by the Executive Assistant;

'3. That for services to be rendered by the SECOND PARTY, the CITY GOVERNMENT shall grant an allowance to the SECOND PARTY in the amount of TWO THOUSAND EIGHT HUNDRED EIGHT & 30/100 (P2,808.30); payable 15th and 30th of every month; and

'4. That this Contract shall be renewable upon agreement of both parties and may be terminated sooner upon prior advice of either party.' "

The above contractual relation was renewable every three (3) months as testified to by the accused. He also testified that he first saw the Personal Data Sheet (Exhibit A), when he learned that Abad filed a case against him. However, accused questioned the entries on Item No. 18, saying that he was not the one who filled up the questioned entries therein.

With respect to his alleged appointment as Community Relations Officer (Exhibit B), accused averred that he had not come across the said document; insisted, that he was never appointed as such and although he had knowledge that he was being recommended to the said position, his immediate supervisor, Mr. Tamayo did not inform him that he (accused) was being considered for the position in question; and he claimed that he was not interested because the salary to the position was lower by P1,000.00 plus a month, besides, even if there was security of tenure to the proposed appointment, he was not attracted to it because it was a demotion.

He also denied having received the salary as Community Relations Officer, contrary to the assertion of the complainant Abad that he received his salary as CRO for the period of October 15 to 30, 1987, as evidenced by Exhibits D and D-1. Accused also denied having filled up the entries after his signature on Exhibit C, which is the job description of the position as Community Relation Officer and when asked whether or not he signed the said document on July 15, 1987, he declared that the date is a later addition. (Rollo, p. 35)

As regards Exhibit E, which is request for certification of rating before the Civil Service Commission, accused denied that he had affixed the signature appearing therein as well as the other entries on the same form, nor did he ever authorize Abad to do so, including the preparation of Exhibit G, the request submitted by Abad to the Civil Service Commission signing the name of the accused in order to secure the certification of rating, Exhibit E above. (Ibid., p. 36)

Accused further testified that due to the falsification and misrepresentation of the complainant-witness in procuring his civil service rating, he lodged a complaint for forgery against Orlando Abad before the Regional Trial Court, evidenced by a subpoena which he marked as Exhibit 6 for the defense. (Ibid., p. 36) Abad, according to the accused is his subordinate and that he belonged to the Anti-Administration Association of Government Organizations. (Ibid., p. 37)

A rebuttal witness, Felimon de la Rosa, Personnel Officer III of the Personnel Office, Quezon City Mayor's Office, testified that he has been the personnel officer in said office since April 1981. He declared that the words "Professional" and "July 1, 1987" in line No. 18 in Exhibits A and A-1 had both been typed in the original. (Ibid., p. 38)

From the antecedent facts culled from the questioned decision of the Sandiganbayan, penned by Second Division Chairman, Justice Romeo M. Escareal, and concurred in by Associate Justices Jose S. Balajadia and Nathanael M.

Grospe, it is obvious that the instant case arose due to jealousy and intrigue, resulting in vengeance by means of misrepresentation, falsification of signatures and documents and entries thereon. It is not understandable how the respondent court fell prey to a vindictive Orlando Abad, using precious time and resources of the judicial system of the land.

That the case is doubtlessly the product of a sick mind is buttressed by the following testimonies and documentary evidence which the court a quo did not bother to evaluate before arriving at the conviction, based mainly on speculation, assumptions and baseless conclusions.

Anent the testimony of Abad, the private complainant being the most aggrieved party for having been by-passed by the Quezon City government in the promotion to Community Relation Officer, he declared that:

"Subsequently, he came across the appointment (Exhibit B) of the accused when the same was returned together with the accused's personal data sheet (Exhibit A) and the position description form (Exhibit C). These documents were returned by the Civil Service Commission (CSC) to the City Personnel Department, requiring the accused, as the proposed appointee, to submit the original of the Civil Service Eligibility (Professional). The City Personnel Department transmitted these documents to their office and he got Exhibits A, B and C among the bunch of communications sent back to their office from the CSC. At the time he got them from the table, there was no one at the office, except him and the janitor and did not notify their Chief about it." (Decision, p. 6, Rollo, p. 23)

Thus, being in possession of the documents by stealing them from the Office where Alcantara and Abad are both assigned, the latter being motivated by hatred and envy for accused for the proposed appointment as Community Relation Officer, Abad was struck with the idea sabotaging the appointment of Alcantara, his boss, and mortal enemy for the coveted position, went to the extent of getting hold of the true data regarding the civil service eligibility of the accused from the Civil Service Commission, and finding the opportunity to supply some words to the Personal Data Sheet of the accused, Abad filled up the blank with the wrong words or information, making it appear that the accused was the one who supplied said words such as "Professional" in Exhibit A and the date "July 1, 1987" on page 2 of the same document, and possibly even the Position Description listing the duties of the position of Community Relations Officer, Exhibit C. The above scenario is clearly illustrated by the following admission of the disgruntled complainant, Orlando Abad, as detailed in the questioned decision:

"When he (Abad) first came across the document marked as Exhibit A, the word 'professional' in Item No. 18 was already there. The eligibility shown there was Civil Service Examination (Professional), taken in 1979 at the Ramon Magsaysay Elementary School with a rating of 80.70% plus. Said document bears the signature of the accused with which he is familiar, being office-mates. Upon knowing about the accused's appointment, he lodged a complaint with the Tanodbayan. Furthermore, he went to the Civil Service Commission to verify the accused's eligibility. The Civil Service Commission issued a Certification, dated January 28, 1988, to the effect that the accused is only a 'sub-professional eligible'. In asking for the civil service eligibility of the accused, he (Abad) was made to accomplish a form. (Exhibit E), wherein he signed the latter's (Alcantara) signature, since he (Abad) would not be able to secure said certification without being authorized by the accused.

"From the documents given to him by the CSC, he found out that the accused was not included in the list of those with Professional Eligibility. He inspected the document marked as Exhibit A, the personal data sheet and noticed that the word 'professional' in Item No. 18 thereof, was a later addition in said document. Moreover, the rating of civil service eligibility of the accused in said document does not jibe with his sub-professional eligibility which is something like 77% x x x." (Ibid., p. 30)

Undoubtedly, Abad was reeking with hate against Alcantara, so much so that he even presented and identified Exhibit D, alleged common payroll of Quezon City for October 16 to 30, (sic) 1987, which allegedly showed the salaries paid to the CRO officers. (Ibid., p. 30) If as claimed by Abad that accused Alcantara accepted the

position, how come that the latter's salary payroll was not introduced in evidence commencing from the time he assumed the position? Besides, where is the oath of office of the accused when he left his contractual assignment and assumed the permanent appointment?

Besides, Abad admitted that when the documents (Exhibits A, B and C) were returned by the Civil Service Commission to the City Personnel Department of Quezon City, it was for the purpose of "requiring the accused, as the proposed appointee, to submit the original of his Civil Service Eligibility (Professional)." (Ibid., p. 29) Thus, under this situation, the appointment had not yet been approved, because the accused as proposed appointee had still something to comply with as required by the Civil Service Commission and pending this compliance which was aborted since Abad stole the documents, the proposed appointment did not materialize.

Furthermore, why would Abad know what the Civil Service Commission requirement was, if he did not also get hold of the transmittal letter, which he did not introduce in evidence. Given this fact, the Sandiganbayan should have required the complainant-witness to produce the transmittal in order to substantiate his self-serving allegation, instead of ruling that the accused's defense was purely denial of the accusation against him. In this regard, the presumption that the withheld document when presented will be adverse to the case of the complainant, and therefore, both the prosecution and the respondent did not bother to have Abad produce the same.

It is also intriguing how the Sandiganbayan took the testimony of the private complainant hook, line and sinker, when it is tainted from the beginning to end, with scheme and deceit driving Abad to steal the documents which he subsequently used in charging the accused of a crime that never was. Even the rebuttal witness Felimon de la Rosa, Personnel Officer III of the Personnel Office, Quezon City Mayor's Office, admitted that the words "Professional" in line No. 18 in Exhibits A and A-1 have both been typed in the original. (Ibid., p. 38) Not only this, the naked eye could clearly see that the typewriter used in inserting the word "Professional" and the date "July 1, 1987" on page 2 of the Personal Data Sheet, is different from the typewriter used in filling up the other information contained in the same document (Exhibit A), showing that they were insertions made on a different date. (Rollo, p. 55)

Again, the respondent failed to honor the constitutional guarantee securing unto the accused the right to be convicted on the strength of the prosecution's evidence and not the weakness of the evidence of the defense. Sad to note, too, that the respondent court also failed to consider that the prosecution was not able to prove the elements of the charge of Falsification of Public Document as defined and penalized under Article 171 of the Revised Penal Code. In the case of *People v. Guinto*, this Court held, that:

"The principle has been dinned into the ears of the bench and the bar that in this jurisdiction, accusation is not synonymous with guilt. The accused is protected by the constitutional presumption of innocence which the prosecution must overcome with contrary proof beyond reasonable doubt. This Court has repeatedly declared that even if the defense is weak the case against the accused must fail if the prosecution is even weaker, for the conviction of the accused must rest not on the weakness of the defense but on the strength of the prosecution. Indeed, if the prosecution has not sufficiently established the guilt of the accused, he has a right to be acquitted and released even if he presents naught a shred of evidence. x x x The accused-appellants have been condemned x x x based on uncertain evidence clearly insufficient to sustain their conviction. It is their guilt and not their innocence that has been presumed. It is their innocence and not their guilt that should have been pronounced. In these circumstances, only one thing that has to be done if the Constitution is to be observed and justice is to be served." (184 SCRA 287)

In retrospect, respondent court did not also heed the ruling (En Banc) of this Court in *Fajelga v. Hon. Romeo M. Escareal, Hon. Conrado M. Molina and Hon. Ramon V. Jabson*, Second Division, Sandiganbayan, (167 SCRA

350) wherein the essential elements of Falsification of Public Documents defined and penalized under Article 171 of the Revised Penal Code were enumerated and discussed as follows:

Malicious intent or wrongful intent to injure a third person is an essential element for conviction, unless the document falsified is a public document in which case wrongful intent is not essential (*People v. Po Giok To*, 96 Phil. 917). Citing the case of *People v. Quasha*, in the *Fajelga* case above, this Court held:

"Commenting on the above provisions, Justice Albert, in his well-known work on the Revised Penal Code (new edition, pp. 407-408), observes, on the authority of *U.S. v. Reyes*, (1 Phil. 341), that the perversion of truth in the narration of facts must be made with the wrongful intent of injuring a third person; and on the authority of *U.S. v. Lopez* (15 Phil. 515) the same author further maintains that even if such wrongful intent is proven, still the untruthful statement will not constitute the crime of falsification if there is no legal obligation on the part of the narrator to disclose the truth. Wrongful intent to injure a third person and obligation on the part of the narrator to disclose the truth are thus essential to a conviction for the crime of falsification under the above articles (sic) of the Revised Penal Code.' x x x Besides, malicious intent to injure a third person is absent. In fact, neither the government nor any third person incurred any loss by reason of the 'untruthful' narration."

With respect to the second element of "abuse of office", it was further held by this Court in the same case, that "it is not enough that the falsification be committed by a public officer, it is also necessary that it was committed with abuse of his office, that is, in deeds, instruments, indentures, certificates, etc., in the execution of which, he participates by reason of his office." (*Ibid.*, p. 351)

Unfortunately, all the elements pointed out in the above case by this Court, have not been considered by the respondent Court, because Abad was not injured with an aborted appointment of the accused and the accused did not abuse his office, the documents claimed to have been the basis for the alleged crime of Falsification of Public Document, were not prepared for the purpose of securing the proposed appointment as accused was already a contractual worker in the Office of the City Mayor of Quezon City, with a valid contract up to December 31, 1987, which term may have been extended periodically as the parties see fit.

On the other hand, the trumped up charge filed by a jealous co-worker, Orlando Abad, caused considerable damage to the government for wasting the government's time and manpower resources by entertaining farcical indictment as in this case.

Thus, when the respondent Sandiganbayan failed to apply the aforestated doctrines in the instant case, it stands to reason that the accused should be acquitted, however, as regards the issue raised by the accused concerning the lack of jurisdiction of the Sandiganbayan to try the alleged violation of Article 171 of the Revised Penal Code, this position is not tenable.

WHEREFORE, in view of the foregoing, the appealed decision promulgated on August 1, 1991 and the resolution of October 2, 1991, are REVERSED and the accused-appellant, Rodolfo Alcantara, is ACQUITTED.

SO ORDERED.

Cruz, Padilla, Bidin, Griño-Aquino, Medialdea, Regalado, Davide, Jr., Romero, Nocon, and Bellosillo, JJ., concur.

Narvasa, C.J., Gutierrez, Jr., and Feliciano, JJ., in the result.

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.