BERNARDO B. RESOSO, PETITIONER, VS. SANDIGANBAYAN, RESPONDENT.

G.R. No. 124140. November 25, 1999

Ponente: GONZAGA-REYES, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-no-124140/

GONZAGA-REYES, J.:

In this petition for certiorari, prohibition and mandamus with preliminary injunction, Bernardo Resoso seeks to set aside respondent's Resolution dated February 2, 1996 denying his Demurrer to Evidence in Civil Cases Nos. 19773-19779 entitled "People vs. Bernardo B. Resoso", and Resolution dated March 12, 1996, denying his Motion for Reconsideration of the earlier Resolution.

Under date of September 29, 1993, seven (7) informations for falsification of public document under Article 171, paragraph 6 of the Revised Penal Code were filed with respondent court against the petitioner, for allegedly making alterations/changes in the quality, quantity and country of origin of the items sought and approved to be imported under certain Veterinary Quarantine Clearances to Import, taking advantage of his public position as Executive Officer, National Meat Inspection Commission (NMIC), which alterations or intercalations in the documents changed their meaning and/or made the documents speak something false, to the damage and prejudice of public interest.

Petitioner entered a plea of not guilty upon arraignment. During the trial, the prosecution presented four (4) witnesses, namely, (1) Rosario Agustin, the Records Officer of the NMIC; (2) Dr. Romeo N. Alcasid, Director, Bureau of Animal Industry, Department of Agriculture; (3) Delia Ang, Public Relations Officer and Clerk, NMIC and (4) Senen C. Bacani, former Secretary, Department of Agriculture. The Special Prosecutor made a written offer of exhibits, which were admitted by the court. With leave of court, petitioner filed a Demurrer to Evidence alleging that by the evidence presented by the prosecution itself the guilt of the accused has not been established beyond reasonable doubt, and he is entitled to an acquittal.

The Demurrer to Evidence was denied in the assailed order of February 2, 1996, as follows:

> "The `DEMURRER TO EVIDENCE' dated November 20, 1995 of the accused is Denied.
>
> At this stage, the issue raised by the accused in his defense, i. e. good faith, is not yet apparent. There is no question of making the documents speak of the truth since this is not a narration of facts where errors are corrected or altered because they are incorrect. Rather the cases herein refer to alterations which authorize acts which were not theretofore authorized, i.e., importation of one quantity of meat instead of another, from countries of origin not originally authorized therein.
>
> Among the other issues in falsification such as those charged herein is the integrity of public documents and the need for purposes of public order not to alter their tenor. In this case the documents appear to have been altered to authorize something distinct from what the person charged therewith had authorized and for which the officer who altered the same does not appear to have been authorized."[1]

Petitioner filed a Motion for Reconsideration submitting that the evidence of the prosecution showed that (1) the

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

alterations or changes in the Veterinary Quarantine Clearances in question were authorized and the good faith of the accused is already clear at this stage of the case in light of the testimony of Adelia P. Ang. Dr. Romeo Alcasid and former Secretary of Agriculture Senen C. Bacani.

Motion for Reconsideration was denied. The respondent court stated in its Resolution of March 5, 1996, as follows:

> "The `MOTION FOR RECONSIDERATION' dated February 12, 1996, of the accused, is Denied.
>
> What are apparent from the testimony of prosecution's evidence on record are that:
>
> - while the changes as to the meat that could be imported were not of concern to then Secretary Senen C. Bacani, Sec. Bacani categorically denied that he authorized the alterations;
>
> - while he stated how the changes could be made, Sec. Bacani was merely establishing a procedure, he was not saying that this had actually happened.
>
> The basis for the Motion for Reconsideration does not exist in the record to justify an acquittal of the accused at this time."[2]

The instant petition raises the following grounds for the issuance of the writs prayed for:

> "Respondent court gravely abused its discretion, amounting to lack of jurisdiction, when it denied petitioner's `DEMURRER to EVIDENCE' on the ground that `good faith, is not yet apparent' and `the officer who altered the same does not appear to have been authorized'.[3]

Petitioner claims that the prosecution evidence clearly shows the good faith of the petitioner, as the alterations/changes in the VOC's in question were duly authorized by then Undersecretary Conrado Gozon, who had direct supervision over the National Meat Inspection Commission (NMIC) at that time, and were made in accordance with the then prevailing practice in the NMIC. The prosecution having failed to establish the guilt of the petitioner beyond reasonable doubt, he is entitled to an acquittal.

Respondent People filed Comment. It disagreed with petitioner's argument that the alterations and changes in the VOC's were authorized and/or cleared through the Office of the Undersecretary of the Department of Agriculture. While respondent agrees that good faith is a valid defense to a charge of falsification of a public or official document, the fact that petitioner admitted that there were alterations/changes made in the VOCs and that he authorized the same (without authority to do so) is a clear indication of bad faith. Good faith must be clearly proven, and it is premature at this stage to conclude that petitioners acted in good faith.

Petitioner filed Reply to Comment, controverting the assertion that he acted in bad faith. He claims that he should be spared the ordeal and expense of going through the presentation of evidence on his part in the face of the prosecution's failure to establish the guilt of the accused beyond reasonable doubt.

Petitioner's urgent motion reiterating his prayer for the issuance of a temporary restraining order was denied by this Court in the Resolution of June 17, 1998. Motion for reconsideration of said denial was likewise denied for lack of merit.

We find no merit in the instant petition.

Petitioner is charged with falsification of Veterinary Quarantine Clearances by allegedly making alterations/changes in the quality, quantity, and country of origin of the items sought and approved to be imported, taking advantage of his public position as Executive Officer, National Meat Inspection Commission (NMIC) which alterations or intercalations in the documents changed their meaning and/or made the documents speak

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

something false, to the damage and prejudice of public interest.

The petitioner's defense is good faith, i.e. that the alterations were made in good faith as they were duly authorized by the then Undersecretary of Agriculture who had direct supervision over the NMIC at that time. Moreover, no injury/prejudice was caused to the public.

It is petitioner's thesis that in view of (1) the testimony of former Secretary of Agriculture Senen Bacani, who concurrently acted as Chairman of the National Meat inspection Commission, that the alterations made in the VOCs regarding importation of sheep casings, beef briskets, etc. would not be a cause for concern on the part of the government and would have probably been authorized anyway if originally incorporated in the VOCs, (2) the testimony of Director Romeo Alcasid, Bureau of Animal Industry, that the Executive Director was allowed to make alterations in the VOCs on condition that a monthly summary report is made on the said alterations; (3) the testimony of Delia Ang that the alterations were made after clearing the matter with the Office of the Undersecretary Gozon who was then the department undersecretary supervising the NMIC, the good faith of the accused was clearly established and that it was therefore an error for the respondent to conclude that the allegation of good faith has no factual basis.[4]

For his part, respondent argues that it is premature at this time to conclude that petitioner acted in good faith in making the alterations considering the testimony of Secretary Bacani that he did not authorize the alterations, and the testimony of Delia Ang that the alleged authority given by Undersecretary Gozon was unwritten, and was not contained in any office Memorandum, and that the go-signal to make the changes came from the secretary of Undersecretary Gozon. Moreover, the alleged prevailing practice in the NMIC regarding the introduction of alterations in the VOCs was not proven.[5] It is argued that good faith must be clearly proven considering that the prosecution witnesses testified that the alterations or changes in the VOCs were not authorized by either Secretary Bacani or Undersecretary Gozon.[6]

Petitioner would have this Court review the assessment made by the respondent Sandiganbayan on the sufficiency of the evidence against him at this time of the trial. Such a review cannot be secured in a petition for certiorari, prohibition, and mandamus which is not available to correct mistakes in the judge's findings and conclusions or to cure erroneous conclusions of law and fact. Although there may be an error of judgment in denying the demurrer to evidence, this cannot be considered as grave abuse of discretion correctible by certiorari,[7] as certiorari does not include the correction of evaluation of evidence.[8] When such an adverse interlocutory order is rendered, the remedy is not to resort to certiorari or prohibition but to continue with the case in due course and when an unfavorable verdict is handed down, to take an appeal in the manner authorized by law.[9] Factual findings of the Sandiganbayan are conclusive upon the Supreme Court except where: (1) the conclusion is a finding grounded entirely on speculation, surmise and conjectures; (2) the inference made is manifestly mistaken; (3) there is grave abuse of discretion; (4) the judgment is based on misapprehension of facts and the findings of fact of the Sandiganbayan are premised on the absence of evidence and are contradicted by evidence on record.[10]

From an examination of the pleadings and the annexes, we are not convinced that any of the above exceptions are in point. There is no showing that the conclusions made by the respondent on the sufficiency of the evidence of the prosecution at the time the prosecution rested its case, is manifestly mistaken. Assuming that there is an error of judgment on the factual issue whether the petitioner had acted in good faith in altering the VOCs in question, considering the testimonial evidence adduced by the prosecution, there is to our mind, no capricious exercise of judgment that would warrant the issuance of the extraordinary writs of certiorari and prohibition. It is clear that the denial of the demurrer was made by respondent in the due exercise of its jurisdiction.

WHEREFORE, the instant petition is dismissed for lack of merit.

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

SO ORDERED.

Melo (Chairman), Vitug, Panganiban, and Purisima, JJ., concur.

---

[1] Rollo, p. 1.

[2] Rollo, p. 106.

[3] Rollo, p. 116.

[4] Demurrer to Evidence; Reply to Comment.

[5] Rejoinder to petitioner's Reply to Comment.

[6] Comment of respondent People of the Philippines.

[7]Santiago Land Dev. Co. vs. CA 258 SCRA 535.

[8] Interorient Maritime Enterprises, Inc. vs. NLRC 261 SCRA 757.

[9] Quiñon vs. Sandiganbayan, 271 SCRA 575.

[10] Pareño vs. Sandiganbayan, 256 SCRA 242.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

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.