FERNANDO S. DIZON, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. NO. 144026. June 15, 2006

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before Us is a Petition for Review on Certiorari under Rule 45 of the Rules of Civil Procedure assailing the Decision[1] of the Court of Appeals which affirmed the Decision[2] of the Regional Trial Court (RTC) of Pasay City, Branch 109, finding petitioner Fernando S. Dizon guilty beyond reasonable doubt of the crime of Falsification of Private Document as defined and penalized under Art. 172, par. 2, in relation to Art. 171, pars. 2 and 4 thereof of the Revised Penal Code.

Petitioner was charged with falsification of a private document under the following information:

> That on or about and sometime in the month of July, 1986, in Pasay City, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, Fernando S. Dizon, did then and there willfully, unlawfully, and feloniously commit falsification of a private document, to wit: Said accused, with intent to damage Titan Construction Corporation, did then and there willfully, unlawfully and feloniously prepare a document, to wit: a certification dated July 10, 1986, by stating and making it appear in said document that the First United Construction Corporation has undertaken building construction, sewage, water, and other civil works, for the following projects of Titan Construction Corporation:
>
> Title
> Cost
>
> 1. Calapan Super Area Shop
> P 8,900,000.00
>
> 2. Masbate Super Area Shop
> 9,800,000.00
>
> 3. Catarman Super Area Shop
> 12,000,000.00
>
> and that the same was executed and signed by the President of Titan Construction Corporation, when in truth and in fact, as said accused well knew that said certification was not issued nor authorized to be issued by Titan Construction Corporation and that it is false because First United Construction Corporation never had any participation of the projects listed therein which were undertaken by Titan Construction Corporation and that the signature appearing in said certification as being that of Titan Construction Corporation's President is false and a forgery since it was not signed by its President, to the damage and prejudice of Titan Construction Corporation.[3]

Under arraignment on 17 May 1991, accused petitioner pleaded not guilty to the offense charged.

This criminal case against petitioner originated from a civil action[4] for prohibition, damages with petition for the issuance of temporary restraining order/preliminary injunction filed by Titan Construction Corporation and Fernando M. Sopot on 25 January 1991 against the members of the Pre-Post Qualification Bids and Awards Committee (PBAC) and the Public Estates Authority (PEA). In said civil case, plaintiffs maintained that the members of the PBAC and the PEA erroneously awarded to First United Construction Corporation, in a bidding held on 30 October 1990, the contract for the construction of the Bahay Pangarap Project of the PEA.

A witness for the prosecution, Atty. Jaime Linsangan, counsel for Titan Construction Corporation, presented certain documents submitted by First United Construction Corporation during the bidding conducted on the Bahay Pangarap Project. Among those presented as evidence in court was the alleged "Certification" dated 10 July 1986 issued by Titan Construction Corporation which reads as follows:

> July 10, 1986
>
> C E R T I F I C A T I O N
>
> This is to certify that FIRST UNITED CONSTRUCTION CORPORATION has undertaken building const'n, sewerage, water, and other civil works for the following on-going projects of Titan Construction Corporation
>
> Title
>
> Cost
>
> 1. Calapan Super Area
> P 8,900,000.00
>
> 2. Masbate Super Area
> 9,800,000.00
>
> 3. Catarman Super Area 12,000,000.00
>
> Titan Construction Corporation
>
> by: (Sgd.)
> President[5]

According to Atty. Linsangan, he had presented a copy of said certification to the officers of Titan Construction Corporation, and upon verification learned that the projects mentioned in said certification were never undertaken by First United Construction Corporation. He was likewise informed by the same officers that the signature on the said certification was not the signature of the former President of Titan Construction Corporation, Vicente Liwag.

Another witness, Jose Caneo, testified that he is the Vice President for Special Projects of Titan Construction Corporation since 1981 and that petitioner and his father, Felipe Dizon, were his former co-employees and had worked with them. He alleged that petitioner, as the possessor of the questioned certification, which petitioner himself submitted to the PEA in support of their bid, must be presumed to be the author and/or perpetrator of the falsification, and that he presumes it must be the petitioner who delivered the certification to the PEA as the certification was among the records of the First United Construction Corporation where the petitioner was one of its officers. He further claimed that he has no personal knowledge as to who affixed the forged signature on the document.

For the defense, petitioner and his father testified. From their testimonies, it was discerned that petitioner is a civil engineer by profession and had worked with the National Housing Authority from 1978 to 1981. He was likewise an employee of Titan Construction Corporation as office engineer before he accepted overseas employment in

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Saudi Arabia. Upon his return in 1985, he worked with some friends and organized their own construction company now known as First United Construction Corporation. Petitioner had discussed with his father his plans to participate in government projects and thus, requested the latter to secure a certification from the Titan Construction Corporation attesting that they had done some construction works for said company. Thereafter, his father gave him the certification he requested.

The petitioner claimed that he had no part in the preparation of said document, and neither does he have knowledge as to who signed said certification, as his father only informed him that the certification came from Jose Caneo. He also disclosed that he does not know Mr. Vicente Liwag. Petitioner also admitted that the First United Construction Corporation had no part in the completion of the three projects referred to in the certification, but nonetheless allowed his engineers, specifically, Myleen Hizon, to include said certificate in the documents submitted for their pre-qualification bid thinking that the signature appearing therein was genuine. According to petitioner, he only used the questioned certification due to the belief that the Titan Construction Corporation had authorized its use, and only came to know of the alleged forgery of the signature appearing in said document when the criminal case was filed against him. Furthermore, petitioner maintained that the reason the criminal case was filed against him was due to his refusal to pay the ten million pesos (P10,000,000.00) demanded of him by Jose Caneo and Benito Yao, said amount representing the expected profit from the Bahay Pangarap Project.

Felipe Dizon, father of the petitioner, on his part, testified that he was employed by Titan Construction Corporation from 1981 until 1991, and was both vice president and project manager of said corporation in 1986. He stated that his son requested him to secure a certification to the effect that he had done some construction work in order to help him take part in public biddings, and explained that he found nothing wrong with this request as this was an ordinary practice of construction companies, the same having been done by Titan Construction Corporation when it was starting. In order to secure said certification, he approached Jose Caneo and conveyed his son's request. Jose Caneo then told him to prepare the certification and he will have the same signed by Vicente Liwag. Thereafter, he asked one of the employees of Titan Construction Corporation to type said certification, choosing the projects to be mentioned therein as said projects were known to him as vice president and project manager. He asserted that when Jose Caneo gave him the certification two weeks later, he was of the belief that the signature appearing thereon was genuine; otherwise, he would not have given the same to his son. Also, Felipe Dizon claimed that the case was filed as a result of the disqualification of Titan Construction Corporation from the public bidding for the Bahay Pangarap Project, and that he was informed by Benito Yao that the case will be withdrawn if his son paid ten million pesos representing the expected profit from said project.

On rebuttal, Jose Caneo countered that he was never approached by Felipe Dizon to have any certification signed by Vicente Liwag and likewise denied demanding any amount from the petitioner for the withdrawal of the case.

After trial and a perusal of the evidence presented, the trial court concluded that petitioner, then the Executive Vice President of First United Construction Corporation, in his desire to join public biddings, requested his father to secure a certification that would show that he had participated in some of the projects of Titan Construction Corporation, knowing fully well that he in fact had not participated in any of Titan Construction Corporation's projects. His father, in turn gave the petitioner a certification allegedly from Titan Construction Corporation declaring that First United Construction Corporation had participated in the construction of the three projects mentioned therein. The said certification was material to enable First United Construction Corporation to qualify for the pre-qualification bid for the Bahay Pangarap Project of the PEA. As a result of the submission of said certification, First United Construction Corporation pre-qualified and was thereafter awarded the project, causing the other bidders, including Titan Construction Corporation, to lose and thus, sustain loss.

Consequently, the trial court rendered a judgment of conviction on 22 April 1993. According to the court a quo:

> From the foregoing evidences (sic) it would appear that the accused Fernando Dizon caused it to appear in the certification that the President of Titan Construction Corporation, Mr. Vicente Liwag participated in the act of issuing the said document. His admission to the effect that he caused the securing of the certification for the purpose of submitting the same to the Public Estates Authority (PEA) as part of the pre-qualification requirements in the bidding. In the case of People vs. Domingo, 49 Phil 28; People vs. Manansala, 105 Phil 1253, the possessor of the falsified document is presumed to be the author thereof, and the one who stands to benefit therefrom is presumed to be the author thereof. He admitted requesting his father to secure the said certification. He likewise admitted that he has no participation in anyone of the projects mentioned therein. That despite such knowledge of falsity of the contents of the document he accepted and allowed the same to be used for the pre-qualification bidding before the PEA.
>
> His admission to the effect that said certification was necessary to pre-qualify his company to participate in the bidding for government projects knowing fully well its falsity shows his intent to misrepresent facts and/or pervert the truth in the narration of fact contained in the certification with a wrongful intent to injure and/or damage third person.
>
> The Court hardly believe[s] the defense of the accused that one Benito Yao was extorting money from him in the amount of P10,000,000.00 on the promise that the case would be withdrawn. The records of the Titan Construction Corporation duly registered with the Securities and Exchange Commission does not show on record that Benito Yao is a stockholder, director, or officer of the said company.
>
> In view of all the foregoing, the Court finds the accused FERNANDO S. DIZON guilty beyond reasonable doubt of the crime of Falsification of Private Document as defined and penalized under Art. 172, par. 2 in relation to Art. 171, par. 2 and 4 thereof and hereby sentences him to imprisonment of Two (2) YEARS, Four (4) Months and One (1) Day to Six (6) Years and a fine of P5,000.00.[6]

Aggrieved, petitioner appealed the conviction before the Court of Appeals. On 29 November 1999, the appellate court rendered the assailed Decision affirming the judgment of the trial court with modification of the penalty, the dispositive part of which states:

> WHEREFORE, the appealed decision is AFFIRMED with the MODIFICATION that, absent any aggravating nor mitigating circumstance, appellant FERNANDO S. DIZON is sentenced to an indeterminate penalty of FOUR (4) MONTHS and ONE (1) DAY of arresto mayor, minimum term, to FOUR (4) YEARS, NINE (9) MONTHS and TEN (10) DAYS of prision correccional, as maximum term. All other aspects of the appealed decision stay.[7]

Petitioner's Motion for Reconsideration was subsequently denied; hence, the instant petition.

Petitioner asserts that the Court of Appeals erred in affirming the judgment of conviction because the prosecution failed to adduce any proof to substantiate the allegation that petitioner was involved in the preparation of the falsified certification, and that the sole basis of the conviction was the legal presumption that the possessor of the falsified document is presumed to be the author thereof. Petitioner argues that for said presumption to take hold, it must first be shown that the questioned document is a forgery or was indeed falsified. According to petitioner, the foregoing is not true in the instant case because the State failed to introduce satisfactory evidence of the forgery or falsification of the certification, as well as to establish that the said certification was unauthorized. Petitioner rationalizes that while it is true that, other than the signature of the president of Titan Construction Corporation, the representations made in the certification are false, it does not necessarily follow that its execution was unauthorized by Titan Construction Corporation. He further justifies that there is evidence in record that attests to a furtive practice in the construction industry where certifications, of the kind involved in this case, are issued by established construction corporations to assist new construction firms to pre-qualify in public biddings.

Petitioner also stresses that, based on his testimony and that of his father, it has been satisfactorily shown that he

had no participation in the drafting and issuance of the certification. Petitioner explains that the certification was prepared by his father, Felipe Dizon, who was then still an officer of Titan Construction Corporation, and that through an intermediary, Felipe Dizon arranged to have the certification signed by the president of Titan Construction Corporation, Vicente Liwag. Thereafter, Felipe Dizon delivered the signed certification to his son. Petitioner maintains that with his father's admission of complicity, it was tenuous for both the trial court and the appellate court to hold that petitioner is the forger of the certification.

In order to properly address the issues presented by petitioner, it is necessary that we discuss the elements of the crime of Falsification of Private Document under the Revised Penal Code which the petitioner has been accused of perpetrating. The elements of Falsification under Paragraph 2 of Article 172 are as follows:

- That the offender committed any of the acts of falsification, except those in par. 7, enumerated in Art. 171;

- That the falsification was committed in any private document;

- That the falsification caused damage to a third party or at least the falsification was committed with intent to cause such damage.

Under Article 171, par. 2, a person may commit falsification of a private document by causing it to appear in a document that a person or persons participated in an act or proceeding, when such person or persons did not in fact so participate in the act or proceeding. On the other hand, falsification under par. 4 of Article 171 is perpetrated by a person who, having a legal obligation to disclose the truth, makes in a document statements in a narration of facts which are absolutely false with the wrongful intent of injuring a third person.

In order that petitioner may be convicted of falsification under par. 2 of Article 171, it is essential that it be proved beyond reasonable doubt that he had caused it to appear that Mr. Vicente Liwag had authorized the issuance of said certification, when in truth, Mr. Liwag did not partake in said issuance of the certificate. Stated differently, for petitioner to be convicted of falsification under par. 2, the allegation in the Information that he "willfully, unlawfully, and feloniously prepare a document, to wit: a certification dated July 10, 1986, by stating and making it appear in said document x x x that the same was executed and signed by the President of Titan Construction Corporation, when in truth and in fact, as said accused well knew that said certification was not issued nor authorized to be issued by Titan Construction Corporation x x x and that the signature appearing in said certification as being that of Titan Construction Corporation's President, x x x" must be clearly established.

The threshold issue then is whether the signature of Mr. Vicente Liwag was forged. Contrary to the findings of the trial court, as affirmed by the appellate court, this Court deems that the testimonies of the prosecution witnesses, Atty. Jaime Linsangan and Jose Caneo, failed to prove with moral certainty that Mr. Liwag did not authorize the issuance of the certification.

As a general rule, findings of fact by the trial court, as affirmed by the Court of Appeals, are given great respect and even regarded with finality by this Court; however, this rule accepts of certain exceptions, such as 1) when the findings are grounded entirely on speculation, surmises, or conjectures; 2) when the inference made is manifestly mistaken, absurd or impossible; 3) when there is grave abuse of discretion; 4) when the judgment is based on a misapprehension of facts; 5) when the findings of facts are conflicting; 6) when in making its findings, the Court of Appeals went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee; 7) when the findings are contrary to the trial court; 8) when the findings are conclusions without citation of specific evidence on which they are based; 9) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent; 10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; or 11) when the Court of Appeals manifestly overlooked certain relevant facts not disputed by the parties, which, if

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properly considered, would justify a different conclusion.[8] Particularly in criminal cases where the accused stands to lose his liberty upon conviction, the Court must be content that the findings of fact and the conclusions drawn by the lower courts leading to his conviction must satisfy the standard of proof beyond reasonable doubt.

The conviction of petitioner was anchored on the testimonies of Atty. Linsangan that he was informed by the officers of Titan Construction Corporation that the signature appearing on the certification was not the signature of the corporation president Vicente Liwag; and of Jose Caneo that he has no personal knowledge as to who actually affixed the signature on the certification and that he presumes it to be the petitioner. He (Caneo) assumes that it must be petitioner who was in possession of the document as he presumes that it must be petitioner who delivered the certification to the PEA as the certification was among the records submitted by First United Construction Corporation, where the petitioner was one of the officers.

From the foregoing, the Court holds that the prosecution fell short of sufficiently ascertaining that the signature appearing in the certification was, in fact, not that of Mr. Vicente Liwag, much less, that petitioner is the author of the certification. Atty. Linsangan was merely informed that the signature appearing in the certification was not that of Mr. Liwag. On the other hand, Jose Caneo only presumed that petitioner was the possessor of the alleged falsified document as he assumed that it was petitioner who delivered the certification to the PEA. Jose Caneo's presumption was, however, directly demolished by the cross-examination of Atty. Crescini:

> Atty. Crescini: Mr. Caneo, I address your attention to paragraph 8 of your affidavit complaint which reads: "that being in possession of the said certification which he himself submitted to the PEA in support of their bid, the said Fernando S. Dizon is presumed to be the author/perpetrator of the said falsification." You remember this allegation of this affidavit-complaint?
>
> Mr. Caneo: Yes, sir.
>
> Q: I understand and take it therefore that your only conclusion in believing that the certification Annex A of your affidavit complaint was falsified by the accused is because he was allegedly in possession of the same?
>
> A: Yes, sir.
>
> Q: It actually therefore also goes [to say that] you did not actually see him prepare physically the certification Annex A, you did not see it?
>
> A: I did not see.
>
> Q: You have no personal knowledge as to who affix(ed) the signature on Annex A purporting to be the signature of the President. You did not see it also?
>
> A: Yes, sir.
>
> Q: You have no personal knowledge of who affix(ed) the signature?
>
> A: Yes, sir.
>
> Q: As a matter of fact, when you claimed that Mr. Dizon was the one who himself submitted to the PEA this certification, Annex A, you only presumed it was he who personally delivered it?
>
> A: Yes, sir.
>
> Q: You did not see him in person actually in the act of delivering that certification to the PEA?
>
> A: Yes, sir.
>
> Q: You only presumed he was the one who delivered it because the certification was among the records of the

FUCC?

A: Yes, sir.

Q: And you further made the presumption because Mr. Dizon is an officer of FUCC?

A: Yes, sir.

Q: That's all you know, your presumptions?

A: Yes, sir.[9]

Thus, the presumption then of Jose Caneo is totally devoid of any basis.

From the foregoing it is clear that Atty. Linsangan and Jose Caneo had no personal knowledge as to the matter they testified to. The testimony of Atty. Linsangan merely established that he was informed by certain officers of Titan Construction Corporation that the signature of Vicente Liwag appearing on the certification was forged, however, the said officers where never presented during trial to prove such claim of forgery. When evidence is based on what was supposedly told the witness, the same is without any evidentiary weight being patently hearsay.[10] On the other hand, the testimony of Jose Caneo was based on mere presumptions and speculations, and bare assumptions and speculations cannot be bases for conviction.[11] A conviction for a criminal offense must be based on clear and positive evidence and not on mere assumptions.[12] Thus, the reliance by the lower court on the hearsay and speculative testimonies of the abovecited witnesses, is misplaced.

By and large, there was no competent evidence to prove the allegation of the officers of Titan Construction Corporation that the signature affixed on the certification was not that of Vicente Liwag, thus making the issuance of the certification unauthorized. The prosecution did not present Mr. Vicente Liwag, or any other knowledgeable witness to testify whether the signature appearing on said certification was indeed not by Mr. Liwag, thus establishing the fact that the certification was falsified by making it appear that the issuance was actually consented to by the president of Titan Construction Corporation. Absent clear proof that Vicente Liwag did not sanction the issuance of said certification, the Information that petitioner has committed falsification of private document under Article 172, in relation to par. 2, Article 171, cannot be considerably proved.

With respect to par. 4 of Article 171, what is sought to be penalized is the act of making in a document of utterly false narration of facts by a person who has a legal obligation to disclose the truth of said facts, thereby causing injury to a third party. And in the case at bar, in order that petitioner may be penalized under par. 4, it is necessary that the allegations in the Information that "x x x accused, with intent to damage Titan Construction Corporation, did then and there willfully, unlawfully, and feloniously prepare a document, to wit: a certification dated July 10, 1986, by stating and making it appear in said document that the First United Construction Corporation has undertaken building construction, sewage, water, and other civil works, for the following projects of Titan Construction Corporation: 1.Calapan Super Area Shop - P8,900,000.00; 2.Masbate Super Area Shop - P9,800,000.00; 3.Catarman Super Area Shop - P12,000,000.00 x x x, when in truth and in fact, as said accused well knew x x x that it is false because First United Construction Corporation never had any participation of the projects listed therein which were undertaken by Titan Construction Corporation x x x, to the damage and prejudice of Titan Construction Corporation" be proved.

According to the court a quo, it has been substantially gathered from the evidence adduced in trial that:

> . . . [A]ccused Fernando Dizon, then the Executive Vice-President of the First United Construction Corporation, in his desire to be able to join public biddings, requested his father Felipe Dizon to secure a certification to the effect that he has participated in certain projects of the Titan Construction Corporation,

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> knowing fully well that he has no participation whatsoever on said projects. That the father in turn gave the son a certification from the Titan Construction Corporation to the effect that he has participated in the construction of the three (3) projects mentioned therein. That the said certification is material to enable him to qualify the pre-qualification bid for the Bahay Pangarap Project. That because of the certification submitted, he actually pre-qualified and was awarded the project. That the same caused the other bidders to lose in the bid, hence damage is present.[13]

From the foregoing, the trial court concluded that the elements of the crime of falsification under par. 4 of Article 171 necessary to convict petitioner, particularly that a) the offender makes in a document statements in a narration of facts; b) that he has a legal obligation to disclose the truth of the facts narrated by him; c) that the fact narrated by the offender are absolutely false; and d) that the perversion of the truth in the narration of fact was made with the wrongful intent of injuring a third person are present in the instant case.

The Court of Appeals, in sustaining the trial court, further stressed that petitioner admitted in court that he had requested his father to secure a certification from the Titan Construction Corporation declaring that First United Construction Corporation had done some construction work for the former; that said certification was necessary for First United Construction Corporation to qualify in public biddings for government projects; and that petitioner knew fully well the falsity in said statements. Said acts of the accused caused damage not only to Titan Construction Corporation which suffered when it lost in the bidding, but also to the State which expected faithful compliance with the requirements of prequalification, bids, and awards on government infrastructure contracts as provided under Presidential Decree No. 1594.

This Court is not convinced. In the case at bar, the circumstances relied upon by the trial court do not lead to an inference exclusively consistent with the guilt of the petitioner beyond reasonable doubt. The prosecution failed to prove that it was indeed petitioner who prepared the document nor that he was the one who provided the facts contained in the certification. Even from the admissions of both petitioner and his father, what can only be established is that petitioner requested his father to secure a certification that they had done some construction work for Titan Construction Corporation. Nothing in said testimony indicates that petitioner had asked his father to commit any falsification. Petitioner did not provide nor even suggest what detailed information will be included in said certification.

The testimonies of the prosecution witnesses merely inferred that by virtue of petitioner's position as Executive Vice President of First United Construction Corporation, he was in possession of said document and thus can be presumed to be the author of said falsification. There is nothing in the evidence to support a positive conclusion that petitioner was actually in possession of the falsified document.

Even the presumption that the person who is benefited by the falsified document is presumed to be the author, cannot be applied in this case. Petitioner was not directly benefited by the certificate. It must be pointed out here that the said certification benefited First United Construction Corporation which was granted the construction project, and petitioner was merely an officer of said company and any benefit he may have received from said project would only have been incidental.

From the totality of evidence presented before the Court, it cannot, with propriety and due respect for the law, be held that there is sufficiency of competent evidence on which to base an affirmative finding of guilt in relation to the requisite degree of moral certainty. The Court finds the testimonies and documents for the prosecution rather weak. While there may be inherent weaknesses for the defense, at most, the proofs in this case only cast suspicion on petitioner. The principle has been dinned into the ears of the bench and the bar that in this jurisdiction, accusation is not synonymous with guilt. While the Court is not inclined to hold that the evidence is conclusive that he is not guilty, neither is it convinced that he is so, based on the circumstances of this case. The Court is,

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thus, under a long standing legal injunction to resolve the doubt in favor of herein petitioner. So long as the acts of the petitioner and the circumstances can be explained upon any other reasonable hypothesis inconsistent with his guilt, he must be acquitted.

To emphasize, the foundation of the ruling of acquittal is reasonable doubt, which simply means that the prosecution's evidence was not sufficient to sustain the guilt of the petitioner beyond the point of moral certainty - certainty that convinces and satisfies the reason and the conscience of those who are to act upon it.[14] It is such proof to the satisfaction of the court, keeping in mind the presumption of innocence, as precludes every reasonable hypothesis except that which it is given to support it. An acquittal based on reasonable doubt will prosper even though the accused's innocence may be doubted,[15] for a criminal conviction rests on the strength of the evidence of the prosecution and not on the weakness of the defense.[16] And, if the inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with the innocence of the accused and the other consistent with his guilt, then the evidence does not fulfill the test of moral certainty and is not sufficient to support a conviction,[17] and, thus, that which is favorable to the accused should be considered.[18]

WHEREFORE, premises considered, the instant petition is hereby GRANTED. The Decision of the Court of Appeals in CA-G.R. CR No. 20143, dated 29 November 1999, affirming the Decision dated 22 April 1993 of the Regional Trial Court of Pasay, Branch 109, is hereby REVERSED and SET ASIDE. Instead, a new one is entered ACQUITTING petitioner Fernando S. Dizon of the crime of Falsification of Private Document as defined and penalized under Art. 172, par. 2, in relation to Art. 171, par. 4, of the Revised Penal Code, on reasonable doubt. No costs.

SO ORDERED.

Ynares-Santiago, Austria-Martinez, and Callejo, Sr., JJ., concur.
Panganiban, C.J., (Chairperson), no part. Former law partner of Atty. Jaime Linsangan.

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[1] CA-G.R. CR No. 20143, dated 29 November 1999, penned by Associate Justice Ruben T. Reyes (now Presiding Justice) with Associate Justices Jainal D. Rasul and Eloy R. Bello, Jr., concurring.[2] Crim. Case No. 91-0716 dated 22 April 1993.[3] Rollo, pp. 114-115.[4] Civil Case No. 91-213 entitled, "Titan Construction Corporation and Fernando M. Sopot v. Atty. Luis B. Pangilinan, Jr., as Chairman, Engineer Manuel Berina, Atty. Dan Amosin and Mr. Pelayo Laplap, as members of the Pre-Post Qualification Bids and Awards Committee (PBAC) and the Public Estates Authority."[5] Rollo, p. 116.[6] RTC Decision, pp. 11-13; rollo, pp. 124-126.[7] CA Decision, p.18; rollo, p. 92.[8] Spouses Almendrala v. Spouses Wing On Ngo, G.R. No. 142408, 30 September 2005, 471 SCRA 311, 322.[9] TSN, 31 July 1991, pp. 7-8; rollo, pp. 39-41.[10] People v. Sarabia, 376 Phil. 32, 43 (1999).[11] Marcos v. Sandiganbayan, 357 Phil. 762, 808 (1998).[12] Gaerlan v. Court of Appeals, G.R. No. 57876, 6 November 1989, 179 SCRA 20, 25.[13] Rollo, p. 123.[14] People v. Salguero, G.R. No. 89117, 19 June 1991, 198 SCRA 357, 377.[15] People v. Fronda, 384 Phil. 732, 743 (2000).[16] Id., pp. 743-744.[17] People v. Ale, 229 Phil. 81, 93-94 (1986).[18] People v. Bautista, 81 Phil. 78, 80 (1948).

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