

LAURINIO GOMA AND NATALIO UMALE, PETITIONERS, VS. THE COURT OF APPEALS, PEOPLE OF THE PHILIPPINES, AND SANGGUNIAN MEMBER MANUEL G. TORRALBA, RESPONDENTS.

G.R. No. 168437. January 08, 2009

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

The Case

Appealed, via this Petition for Review on Certiorari under Rule 45, is the Decision[1] dated June 6, 2005 of the Court of Appeals (CA) in CA-G.R. CR No. 27963, affirming the July 28, 2003 Decision[2] of the Regional Trial Court (RTC), Branch 26 in Santa Cruz, Laguna in Criminal Case No. SC-6712. The RTC convicted petitioners of the crime of falsification of public document under Article 171 of the Revised Penal Code (RPC).

The Facts

On the basis of the affidavit-complaint of Manuel Torralba and two other members of the Sangguniang Barangay of Brgy. Cabanbanan, Pagsanjan, Laguna, the Office of the Ombudsman for Luzon filed with the RTC in Sta. Cruz, Laguna an Information for falsification of public document under Art. 171(2) of the RPC against petitioners Laurinio Goma and Natalio Umale.[3] Specifically, the complaint alleged that Laurinio and Natalio, as barangay chairperson and secretary, respectively, falsified a barangay resolution dated September 24, 1995, allocating the amount of Php 18,000 as disbursement for a seminar for the two officials. The indicting information, docketed as Crim. Case No. SC-6712 and raffled to Branch 26 of the Sta. Cruz RTC, alleged as follows:

That on or about September 24, 1995 in Barangay Cabanban [sic], Pagsanjan, Laguna, Philippines and within the jurisdiction of this Honorable Court, the above-named accused LAURINIO GOMA and NATALIO A. UMALI, both public officials, being the Barangay Chairman and Barangay Secretary, respectively, taking advantage of their official positions and committing the offense in relation to their office, in connivance and conspiracy with each other, did then and there, willfully, unlawfully and feloniously falsify a Resolution dated September 24, 1995, an official document, by indicating therein that aforesaid Resolution was passed on motion of Kagawad Renato Dizon, seconded by Kagawad Recaredo C. Dela Cruz and unanimously approved by those present in the meeting held on September 24, 1995 at 2:00 P.M., when in truth and in fact no meeting was held as no quorum was mustered, to the damage and prejudice of public interest.

CONTRARY TO LAW.[4]

When arraigned, both Laurinio and Natalio, assisted by counsel, pleaded not guilty to the above charge. Pre-trial and trial then ensued.

The prosecution presented the three complaining witnesses,[5] who testified that, for lack of quorum, no actual session of the sanggunian of Brgy. Cabanbanan took place on September 24, 1995, the day the disputed resolution was allegedly passed. On that day, according to the three, they went to the barangay health center to attend a

pre-scheduled session which, however, did not push through as, apart from them, only one other member, i.e., Laurinio, came. But they later got wind of the existence of subject Resolution No. T-95 (Res. T-95) dated September 24, 1995, in which it was made to appear that all the sanggunian members attended the session of September 24, 1995 and unanimously approved, upon motion of kagawad Renato Dizon, duly seconded by kagawad Ricaredo dela Cruz, the allocation of PhP 18,000 to defray the expenses of two officials who would attend a seminar in Zamboanga. On the face of the resolution appears the signature of Natalio and Laurinio, in their respective capacities as barangay secretary and chairperson. It also bore the official seal of the barangay.

On October 15, 1995, the sanggunian held a special session during which it passed a resolution therein stating that no session was held on September 24, 1995.[6]

In their defense, Natalio and Laurinio, while admitting having affixed their signatures on the adverted falsified resolution, alleged that said resolution was nothing more than a mere proposal or a draft which Natalio, as was the practice, prepared and signed a week before the scheduled September 24, 1995. They also alleged that the same resolution was not the enabling instrument for the release of the seminar funds.

The Ruling of the RTC

After trial, the RTC rendered on July 28, 2003 judgment, finding both Laurinio and Natalio guilty as charged and, accordingly, sentenced them, thus:

WHEREFORE, this Court finds both accused Laurinio Goma and Natalio A. Umali guilty beyond reasonable doubt as principals in the felony of falsification of public document punishable under Section [sic] 171 of the Revised Penal Code and there being neither aggravating nor mitigating circumstance, hereby imposes upon each of said accused the penalty of four (4) years and two (2) months of prision correccional, as minimum, to eight (8) years, and two (2) months of prision mayor, as maximum.

Costs against both accused.

SO ORDERED.[7]

The RTC found Res. T-95 to have all the appearance of a complete and "true and genuine document," sealed and signed by the Sanggunian secretary.[8] And for reasons set out in its decision, the trial court dismissed, as incredulous, the defense's theory, and the arguments propping it, about the subject resolution being just a mere proposal.

The Ruling of the CA

From the RTC decision, Laurinio and Natalio appealed to the CA, their recourse docketed as CA-G.R. CR No. 27963, raising three issues, to wit: (a) whether Res. T-95 is a public document; (b) whether they violated Art. 171(2) of the RPC; and (c) whether the penalty imposed is proper. Answering all three issues in the affirmative, the CA, by its Decision dated June 6, 2005, affirmed that of the trial court, disposing as follows:

WHEREFORE, the 28 July 2003 Decision of Branch 26, Regional Trial Court of Santa Cruz, Laguna finding accused-appellants Laurinio Goma and Natalio A. Umali guilty beyond reasonable doubt of the crime of falsification of public document under Article 171(2) of the Revised Penal Code and sentencing them to suffer the penalty of four (4) years and two (2) months of prision correccional [sic], as minimum, to eight (8) years, and two (2) months of prision mayor, as maximum, is AFFIRMED. Costs against appellants.

SO ORDERED.[9]

Petitioners are now before this Court raising the very same issues they earlier invoked before the CA, the first two of which may be reduced into the following proposition: Whether Res. T-95 may be characterized as a public

document to bring the case, and render petitioners liable on the basis of the evidence adduced, under Art. 171(2) of the RPC.

The Court's Ruling

The petition is bereft of merit.

As a preliminary consideration, petitioners, in this recourse, merely highlight and discuss their defense that the subject resolution is a mere draft or proposed resolution not acted upon by the sanggunian for lack of quorum on September 24, 1995, and that they never had any criminal intent when they signed such proposed resolution. They deny having affixed the barangay official seal on the subject resolution.

Subject Resolution a Public Document

Under Sec. 19(a) of Rule 132, Revised Rules on Evidence, public documents include "[t]he written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country." Verily, resolutions and ordinances of sanggunians, be they of the sanggunian panlalawigan, panlungsod, bayan, or barangay, come within the pale of the above provision, such issuances being their written official acts in the exercise of their legislative authority. As a matter of common practice, an action appropriating money for some public purpose or creating liability takes the form of an ordinance or resolution.

Black defines a public document as "a document of public interest issued or published by a political body or otherwise connected with public business."^[10] The term is also described as a document in the execution of which a person in authority or notary public takes part.^[11] There can be no denying that the public money-disbursing and seemingly genuine Res. T-95, in the preparation of which petitioners, in their official capacity, had a hand, is, in context, a public document in a criminal prosecution for falsification of public document. And it bears to stress that in falsification under Art. 171(2) of the RPC, it is not necessary that there be a genuine document; it is enough that the document fabricated or simulated has the appearance of a true and genuine document or of apparent legal efficacy.^[12]

Petitioners Guilty of Falsification

At the outset, it must be emphasized that the Court usually defers to factual findings of the trial court, more so when such findings receive a confirmatory nod from the appellate court. We explained in one case:

The rule is that the findings of fact of the trial court, its calibration of the testimonies of the witnesses and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect if not conclusive effect. This is more true if such findings were affirmed by the appellate court. When the trial court's findings have been affirmed by the appellate court, said findings are generally binding upon this Court.^[13]

And this factual determination, as a matter of long and sound appellate practice, deserves great weight and shall not be disturbed on appeal, except only for the most convincing reasons,^[14] such as when that determination is clearly without evidentiary support on record^[15] or when the judgment is based on misapprehension of facts or overlooked certain relevant facts which, if properly considered, would justify a different conclusion.^[16] This is as it should be since it is not the function of the Court under Rule 45 of the Rules of Court to evaluate and weigh all over again the evidence presented or the premises supportive of the factual holdings of lower courts.^[17]

The case disposition of the CA and the factual and logical premises holding it together commend themselves for concurrence. Its inculpatory findings on the guilt of petitioners for falsification under Art. 171(2) of the RPC,

confirmatory of those of the trial court, are amply supported by the evidence on record, consisting mainly of the testimony of the complaining witnesses and a copy of the subject resolution.

Art. 171(2) of the RPC provides as follows:

ART. 171. Falsification by public officer, employee; or notary or ecclesiastical minister.--The penalty of prison mayor and a fine not to exceed 5,000 pesos shall be imposed upon any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:

x x x x

(2) Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate.

The elements of the crime of falsification of public documents, as above defined and penalized, are:

- That the offender is a public officer, employee, or notary public.
- That he takes advantage of his official position.
- That he falsifies a document by causing it to appear that persons have participated in any act or proceeding.
- That such person or persons did not in fact so participate in the proceeding.[18]

The first two elements clearly obtain, petitioners, during the period material, being local government elected officials who, by reason of their position, certified, as Natalio did, as to the holding of a barangay session and falsely attested, as Laurinio did, as to the veracity of a resolution supposedly taken up therein. The other two elements are likewise present. As correctly observed by the CA:

x x x [Petitioners] made it appear in the Barangay resolution dated 24 September 1995 that all members of the Sangguniang Barangay deliberated upon and unanimously approved the questioned resolution, when in fact no such deliberation and approval occurred. The non-participation of the members of the Sangguniang Barangay in the passage of the resolution was established by the 15 October 1995 resolution issued by 7 of the 8 members of the Sangguniang Barangay denying that the challenged resolution was passed upon and approved by the council.[19]

Petitioners' bid to pass off the resolution in question as a mere proposal or a draft cannot be accorded merit in the light of the manner they worded and made it appear. Consider the following apt observations of the trial court:

Barangay Resolution No. T-95 does not appear to be a proposed resolution in all aspects x x x

x x x x

- b) the opening paragraph unequivocally states that the contents thereof were copied from the minutes of the ordinary session of Sanggunian held on September 24, 1995 meeting, at 2:00 o'clock pm;
- c) it announces all the names of the members of the Sanggunian who attended the session during which said resolution [was] passed;
- d) it bears the resolution number, not the proposed resolution number;
- e) the title clearly states that the Sanggunian had already approved the allocation of P18,000.00 for two (2) barangay officials x x x;
- f) it made mention that Kagawad Renato M. Dizon made the motion, duly seconded by Kagawad [Ricaredo] C. de la Cruz, for the passing of said resolution; and
- g) accused Natalio A. Umali, in his official capacity as Barangay Kalihim, certified said resolution as true and correct, and accused Laurinio A. Goma, Punong Barangay, attested to the truthfulness of said resolution.[20]

Indeed, the contents and appearance of Res. T- 95 argue against the very idea of its being merely a proposal or a draft barangay enactment. Res ipsa loquitur. A draft resolution would not be numbered or be carrying certificatory and attestative signatures, let alone impressed with the dry seal of the barangay. It would not also include such particulars as the attendance of all members of the sanggunian and the identity of the moving and seconding kagawads relative to the passage of the resolution, for such details are not certain; unless they have been rehearsed or planned beforehand. But the notion that a plan had been arranged by the sanggunian as a body would be negated by subsequent development which saw the approval of a resolution dated October 15, 1995 duly signed by seven kagawads virtually trashing Res. T-95 as a falsity. The sequence of events would readily show that petitioners falsified the subject resolution, but only to be exposed by private complainants.

Petitioners' allegation that kagawad Torralba was the one who affixed the seal or that he harbored ill-feelings towards them strikes this Court as a mere afterthought, absent convincing evidence to support the imputation.

Finally, petitioners urge their acquittal on the theory that they did not benefit from, or that the public was not prejudiced by, the resolution in question, it not having been used to obtain the Php 18,000 seminar funds. The argument holds no water. Falsification of a public document is consummated upon the execution of the false document. And criminal intent is presumed upon the execution of the criminal act. Erring public officers' failure to attain their objectives, if that really be the case, is not determinative of their guilt or innocence. The simulation of a public document, done in a manner so as to give it the appearance of a true and genuine instrument, thus, leading others to errors as to its authenticity, constitutes the crime of falsification.[21]

In fine, the element of gain or benefit on the part of the offender or prejudice to a third party as a result of the falsification, or tarnishing of a document's integrity, is not essential to maintain a charge for falsification of public documents.[22] What is punished in falsification of public document is principally the undermining of the public faith and the destruction of truth as solemnly proclaimed therein. In this particular crime, therefore, the controlling consideration lies in the public character of a document; and the existence of any prejudice caused to third persons or, at least, the intent to cause such damage becomes immaterial.[23]

Third Issue: Imposed Penalty Proper

Finally, the penalty imposed by the RTC, as affirmed by the CA, is proper. Art. 171 of the RPC provides for a single divisible penalty of prision mayor to public officers or employees who, taking advantage of their official positions, shall cause it to appear that persons have participated in any act or proceeding when they did not in fact participate. And where neither aggravating nor mitigating circumstance attended the execution of the offense, as here, the imposable penalty is, according to Art. 64 of the RPC, that of the medium period provided. The medium period for prision mayor is from eight (8) years and one (1) day to ten (10) years.

Applying the Indeterminate Sentence Law, the penalty imposable would be that of a degree lower than the medium period of prision mayor as minimum, and the maximum is any period included in the medium period of prision mayor. The degree lower than the medium period of prision mayor is the medium period of prision correccional which ranges from two (2) years, four (4) months, and one (1) day to four (4) years and two (2) months.

The penalty of four (4) years and two (2) months of prision correccional, as minimum, to eight (8) years and two (2) months of prision mayor, as maximum, thus imposed on petitioners is well within the authorized imposable range, and is, therefore, proper.

WHEREFORE, the instant appeal is DENIED for lack of merit. Accordingly, the appealed CA Decision dated June 6, 2005 in CA-G.R. CR No. 27963 is hereby AFFIRMED IN TOTO.

No pronouncement as to costs.

SO ORDERED.

Quisumbing, (Chairperson), Carpio Morales, Tinga, and Brion, JJ., concur.

[1] Rollo, pp. 27-40. Penned by Associate Justice Perlita J. Tria Tirona and concurred in by Associate Justices Delilah Vidallon-Magtolis and Jose C. Reyes, Jr.

[2] Id. at 41-51. Penned by Judge Pablo B. Francisco.

[3] His surname is spelled "Umali" in both the RTC and CA decisions.

[4] Rollo, p. 41.

[5] Barangay Kagawads Manuel G. Torralba, Armando F. Cabantog, and Ricaredo dela Cruz of Barangay Cabanbanan, Pagsanjan, Laguna. The defense presented Laurinio, Natalio, and Asst. Municipal Treasurer Elizalde G. Cabaleño.

[6] Rollo, p. 44.

[7] Id. at 51.

[8] Id. at 45.

[9] Id. at 39-40.

[10] BLACK'S LAW DICTIONARY 520 (8th ed.).

[11] Bermejo v. Barrios, Nos. L-23614-15, February 27, 1970, 31 SCRA 764; Cacnio v. Baens, 5 Phil. 742 (1906); cited in 6 Herrera, REMEDIAL LAW 256 (1999).

[12] 2 L.B. Reyes, THE REVISED PENAL CODE 213 (1981); citing MILLER ON CRIMINAL LAW.

[13] Fullero v. People, G.R. No. 170583, September 12, 2007, 533 SCRA 97, 117; citations omitted.

[14] Republic v. Court of Appeals, G.R. No. 116372, January 18, 2001, 349 SCRA 451, 460.

[15] Alba Vda. de Raz v. Court of Appeals, G.R. No. 120066, September 9, 1999, 314 SCRA 36, 52.

[16] Sampayan v. Court of Appeals, G.R. No. 156360, January 14, 2005, 448 SCRA 220, 229.

[17] Culaba v. Court of Appeals, G.R. No. 125862, 15 April 2004, 427 SCRA 721, 729.

[18] 2 L.B. Reyes, THE REVISED PENAL CODE (15th ed., 2001).

[19] Rollo, p. 36.

[20] Id. at 49-50.

[21] Re: Fake Decision Allegedly in G.R. No. 75242, A.M. No. 02-8-23-0, February 16, 2005, 451 SCRA 357, 386.

[22] Bustillo v. Sandiganbayan, G.R. No. 146217, April 7, 2006, 486 SCRA 545, 551.

[23] Lastrilla v. Granda, G.R. No. 160257, January 31, 2006, 481 SCRA 324, 345; citing Lumancas v. Intas, G.R. No. 133472, December 5, 2000, 347 SCRA 22, 33-34; and Luague v. Court of Appeals, G.R. No. 55683,

February 22, 1982, 112 SCRA 97, 101.

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