

ERNESTO M. FULLERO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 170583. September 12, 2007

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

In this Petition for Review on Certiorari under Rule 45 of the Revised Rules of Court,[1] petitioner Ernesto M. Fullero seeks to set aside the Decision[2] dated 19 October 2005 of the Court of Appeals in CA-G.R. CR. No. 28072, affirming in toto the Decision[3] dated 9 October 2003 of the Legazpi City Regional Trial Court (RTC), Branch 6, in Criminal Case No. 7712, finding petitioner guilty of falsification of public document as defined and penalized in paragraph 4, Article 171 of the Revised Penal Code.

In an Amended Information[4] dated 14 October 1997, petitioner was charged with falsification of public document under paragraph 4, Article 171 of the Revised Penal Code, allegedly committed as follows:

That sometime in 1988, in the City of Legazpi, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, with intent to prejudice and defraud, being then the Acting Chief Operator of Iriga City Telecommunication's Office, while acting in said capacity and taking advantage of his official function, did then and there willfully, unlawfully and feloniously falsify and/or caused to be falsified a genuine public document, that is when he prepared his CSC 212 (Personal Data Sheet) for submission to Bureau of Telecommunication Regional Office No. 5, Legazpi City, he made it appear that he passed the Civil Engineering Board Examinations given by Professional Regulation Commission on May 30 and 31, 1985 with a rating of 75.8%; however, upon verification issued by PRC, said accused took the examination in May 1984 and another one [in] May, 1985 with general ratings of 56.75% and 56.10% respectively.

When arraigned on 5 January 1998, petitioner, with the assistance of counsel de parte, pleaded "Not Guilty" to the charge.[5] Thereafter, trial on the merits ensued.

Culled from the records are the following facts:

In 1977, petitioner was employed as a telegraph operator at the Bureau of Telecommunications Office in Iriga City (BTO, Iriga City). In 1982, he became the Acting Chief Operator of the same office until 1994.[6]

A Personal Data Sheet (PDS) [Civil Service Form 212] dated 8 January 1988, purportedly accomplished and signed by petitioner, states that he passed the Civil Engineering Board Examination given on 30-31 May 1985 in Manila with a rating of 75.8%.[7] It appears that he submitted the PDS to the Bureau of Telecommunications Regional Office, Legazpi City (BTO, Legazpi City).[8]

A letter dated 7 March 1988 and signed by petitioner shows that he applied for the position of either a Junior Telecommunications Engineer or Telecommunications Traffic Supervisor with the Regional Director of the Civil Service Commission (CSC), Region 5, Legazpi City.[9]

Upon inquiry made by Florenda B. Magistrado (Magistrado), a subordinate of petitioner in the BTO, Iriga City,

with the Professional Regulation Commission (PRC), it was verified that petitioner never passed the board examination for civil engineering and that petitioner's name does not appear in the book of registration for civil engineers.[10]

Petitioner denied executing and submitting the subject PDS containing the statement that he passed the 30-31 May 1985 board examination for civil engineering. He likewise disowned the signature and thumbmark appearing therein. He claimed that the stroke of the signature appearing in the PDS differs from the stroke of his genuine signature.[11] He added that the letters contained in the PDS he accomplished and submitted were typewritten in capital letters since his typewriter does not have small letters. As such, the subject PDS could not be his because it had both small and capital typewritten letters.

Moreover, petitioner claimed that Magistrado had an ill motive in filing the instant case against him because he issued a memorandum against her for misbehavior in the BTO, Iriga City.[12] He further argued that the RTC had no jurisdiction to try him there being no evidence that the alleged falsification took place in Legazpi City.[13]

After trial, the Legazpi City RTC rendered a Decision dated 9 October 2003 finding petitioner guilty of the crime of falsification. Thus:

WHEREFORE, premises considered, the accused Ernesto M. Fullero is hereby found guilty beyond reasonable doubt of the crime of Falsification defined and penalized under Art. 171 (4) of the Revised Penal Code, and hereby sentences him to suffer the penalty of imprisonment of six (6) years of prision correccional maximum to ten (10) years of prision mayor medium as the maximum and to pay a fine of three thousand P3,000.00 Pesos. Costs against the accused.[14]

Petitioner appealed to the Court of Appeals. On 19 October 2005, the appellate court promulgated its Decision affirming in toto the assailed Legazpi City RTC Decision. The appellate court decreed:

In sum, the Court finds that the prosecution has successfully established all the elements of the offense of falsification of a public document and that the trial court correctly rendered a judgment of conviction against appellant.

WHEREFORE, the appeal at bench is DISMISSED for lack of merit and the appealed 09 October 2003 decision is affirmed.[15]

On 21 November 2005, petitioner lodged the instant petition before us citing as errors the following:

I.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN SUSTAINING THE JUDGMENT OF THE REGIONAL TRIAL COURT DESPITE THE FACT THAT SAID LOWER COURT CONVICTED THE ACCUSED IN THE ABSENCE OF SUFFICIENT EVIDENCE I.E., PROOF TO SHOW THAT THE ACCUSED ACTUALLY PERFORMED THE ACT OF FALSIFICATION HE IS ACCUSED OF;

II.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN SUSTAINING THE JUDGMENT OF THE REGIONAL TRIAL COURT DESPITE THE FACT THAT, EVEN ON THE ASSUMPTION THAT ACCUSED FILLED UP THE PERSONAL DATA SHEET (PDS) INCLUDING THE STATEMENT THAT HE IS A LICENSED ENGINEER, ACCUSED WAS UNDER NO OBLIGATION TO STATE SAID DATA AND NO CRIMINAL INTENT WAS SHOWN.

III.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN SUSTAINING THE JUDGMENT OF THE REGIONAL TRIAL COURT DESPITE THE FACT THAT SAID RTC ADMITTED EVIDENCES NOT PROPERLY IDENTIFIED AND THEREAFTER CONSIDERED THE SAME IN DETERMINING THE ALLEGED GUILT OF THE ACCUSED;

IV.

WHETHER OR NOT THE HONORABLE COURT OF APPEALS ERRED IN SUSTAINING THE JUDGMENT OF THE REGIONAL TRIAL COURT DESPITE THE FACT THAT THE LOWER COURT HAD NO JURISDICTION BECAUSE THE VENUE SHOULD HAVE BEEN IN THE REGIONAL TRIAL COURT OF IRIGA CITY, WHERE THE ALLEGED PERSONAL DATA SHEET WAS ACCOMPLISHED NOT IN THE RTC OF LEGAZPI CITY.

Apropos the first issue, petitioner maintained that none of the prosecution witnesses actually saw him accomplish and sign the PDS; that the prosecution failed to establish that he took advantage of his position in falsifying the PDS; that a person need not be an Acting Chief Operator to be able to falsify a PDS; that he never became the custodian of the PDS nor did he have any special access to it by reason of his office; and that the identity of the person who falsified the PDS has not been established by the prosecution.[16]

In establishing its charge of falsification against petitioner, the prosecution presented the following witnesses, namely: Magistrado, Joaquin C. Atayza (Atayza), Romeo Brizo (Brizo), Emma Francisco (Francisco) and Edith C. Avenir (Avenir).

Magistrado, a subordinate of petitioner at the BTO, Iriga City, testified that prior to the filing of the instant case against petitioner, she sued the petitioner for unjust vexation as the latter kissed her on one occasion. While the case for unjust vexation was pending, her lawyer, Atty. Mariano Baranda, Jr. (Atty. Baranda), asked her if petitioner was indeed a licensed civil engineer since some persons simply referred to petitioner as "Mr. Fullero" whereas in the BTO, Iriga City, petitioner was known as "Engineer Fullero." Suspicious of the true status of petitioner, she went to the Records Office of the BTO, Legazpi City, and requested therein if she can see petitioner's PDS. Upon being shown petitioner's PDS, she observed that, under Item No. 18 thereof, petitioner appears to be a licensed civil engineer having passed the board examination for civil engineering given on 30-31 May 1985. Unconvinced of the veracity of petitioner's statement in the PDS that he is a licensed civil engineer, she sought the advice of Atty. Baranda. Atty. Baranda then proceeded to the main office of the PRC in Manila to check the records of petitioner. Subsequently, Atty. Baranda obtained a certification from the PRC attesting that petitioner never passed the board examination for civil engineering. Atty. Baranda showed the said certification to her. Thereafter, she instituted the instant case against petitioner.[17]

Atayza, Regional Director of the PRC in Legazpi City, testified that petitioner is not registered as a board passer for the civil engineering examination given on 30-31 May 1985.[18]

Brizo, Human Resource Management Officer and Acting Records Officer of the BTO, Legazpi City, testified that his duty as acting records officer was to safeguard the records and files of the BTO, Iriga City, and BTO, Legazpi City. He said he personally knows the petitioner and is familiar with the latter's signature because he regularly received petitioner's daily time records and other documents bearing petitioner's signature. He confirmed that the signature appearing in petitioner's PDS was the signature of petitioner.[19]

Francisco was the Officer-In-Charge of the Records Section of the PRC, Manila. She declared that petitioner's name was included in the master list of examinees in the May 1984 civil engineering licensure examination where petitioner obtained a failing grade of 56.75%. She affirmed that petitioner's name also appears in the list of examinees for the 30-31 May 1985 and May 1990 civil engineering licensure examinations where he got failing

marks.[20]

Avenir was the Special Investigator III in the Legal Affairs Division of the CSC, Regional Office No. 5, Legazpi City. As the duly authorized representative of the Regional Director of the said office, Avenir brought to the court the letter of petitioner applying for the position of either Junior Telecommunications Engineer or Telecommunications Traffic Supervisor, and a certification submitted by the petitioner stating that the latter is a licensed civil engineer. Avenir stated that the letter and the certification were taken from the records of their office and that these documents were being kept as part of the records of an administrative case of petitioner with the said office.[21]

The prosecution also presented documentary evidence to bolster the foregoing testimonies of the prosecution witnesses, to wit: (1) a certification issued by Jose A. Arriola, Director II, PRC, Manila, attesting that petitioner's name is not registered in the book of registry for licensed civil engineers; (2) certifications issued by Francisco affirming that petitioner failed in the 30-31 May 1985 board examination for civil engineering;[22] (3) the PDS where petitioner stated that he passed the 30-31 May 1985 board examination for civil engineering with a rating of 75.8% and which was signed by him;[23] (4) certifications issued by Francisco attesting that petitioner failed the May 1990 board examination for civil engineering;[24] (5) transcript of stenographic notes in the perjury case filed by petitioner against Magistrado which states that, during the trial thereof, petitioner affirmed before the court hearing the case that he is a licensed civil engineer;[25] (6) a letter signed and submitted by petitioner to the Regional Director of the CSC, Regional Office No. 5, Legazpi City, claiming to be a licensed civil engineer and applying for the position of either a Junior Telecommunications Engineer or Telecommunications Traffic Supervisor;[26] (7) an Order dated 20 December 2001 of the CSC, Regional Office No. 5, finding petitioner administratively liable for conduct prejudicial to the best interest of the service and imposing upon him a penalty of six months suspension for falsifying his PDS which is also the subject matter of the instant case;[27] (8) a certification submitted by the petitioner to the CSC, Regional Office No. 5, Legazpi City, showing that he is a licensed civil engineer;[28] (9) the daily time records of Magistrado signed by petitioner as the former's superior;[29] and (10) other documents bearing the signature of petitioner in blue ballpen.[30]

On the other hand, the defense presented petitioner as its sole witness. No documentary evidence was proffered.

Petitioner interposed denials and alibi to support his contentions. Petitioner denied that he executed and submitted the subject PDS containing the statement that he passed the board examinations for civil engineering. He likewise disowned the signature and thumbmark appearing therein. He averred that the PDS he accomplished and submitted was typewritten in capital letters since his typewriter does not have small letters; thus, the subject PDS could not be his since the letters were typewritten in small and capital letters; that the stroke of the signature appearing in the PDS differs from the stroke of his genuine signature; that Magistrado had an ill motive in filing the instant case against him since he issued a memorandum against her for the latter's misbehavior in the BTO, Iriga City; that he is not a licensed civil engineer; and that he accomplished a different PDS in the BTO, Iriga City.

Petitioner testified that he cannot recall the exact date when he issued the alleged memorandum against Magistrado[31] and when during the trial of his perjury case against Magistrado, he claimed that he is a licensed civil engineer.[32] He cannot also remember if he submitted a letter to the CSC, Regional Office No. 5, Legazpi City, applying for the position of either a Junior Telecommunications Engineer or Telecommunications Traffic Supervisor[33] and the fact that he submitted therein a certification that he is a licensed civil engineer.[34]

The initial query to be resolved is whose evidence between the prosecution and defense is credible.

Case law dictates that an accused can be convicted even if no eyewitness is available as long as sufficient

circumstantial evidence had been presented by the prosecution.[35] Circumstantial evidence is sufficient if:

- (a) There is more than one circumstance;
- (b) The facts from which the inferences are derived are proven; and
- (c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[36]

Although none of the prosecution witnesses actually saw the petitioner falsifying the PDS, they, nonetheless, testified that they are very familiar with the petitioner's handwriting and signature. Magistrado testified that, being a subordinate of petitioner, she is very familiar with petitioner's signature and actually witnessed petitioner affixing his signature on her daily time records for September 1987 to May 1988.[37] Brizo testified that he is also familiar with petitioner's signature because he personally knows petitioner and that he regularly received petitioner's daily time records and other documents bearing petitioner's signature.[38] Both Magistrado and Brizo opined that the signature in the PDS belongs to petitioner.

The foregoing testimonies are consistent with the documentary evidence submitted by the prosecution. The RTC and the Court of Appeals found the testimonies of Magistrado and Brizo as trustworthy and believable.

More significant are the documentary evidence consisting of petitioner's signature in certain authentic instruments which are apparently similar to the signature in the PDS. The RTC and the Court of Appeals have compared petitioner's signatures in Magistrado's daily time records and petitioner's signature in his application letter to the CSC, Regional Office No. 5, Legazpi City, with that of petitioner's alleged signature in the PDS. They observed that the slant position of the writing, as well as the stroke and the last rounding loop of the signature in the PDS, does not differ from petitioner's signatures in Magistrado's daily time records and in petitioner's application letter.[39] They noted that petitioner's signatures in the said documents are "strikingly similar, such that through the naked eye alone, it is patent that the signatures therein were written by one and the same person." The observation of the Court of Appeals is worth noting, viz:

Appellant's allegation that he did not execute the subject PDS is unavailing. First, the informations entered in the PDS, such as his accurate personal data and precise employment history, are matters which only the accused could have known. Second, a visual analysis of appellant's signatures in the Certificate of Arraignment and Notice of Hearing, vis-a-vis his signature in the PDS would show no significant disparity, leading to the conclusion that appellant himself prepared the PDS and affixed his signature therein. Third, the signature of appellant in the PDS and in the Daily Time Records (Exhibits "J" to "Q") of prosecution witness Florenda Magistrado, were glaringly identical. x x x.[40]

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.[41] 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.[42]

In absolute disparity, the evidence for the defense is comprised of denials. Petitioner denied having accomplished and signed the PDS. He tried to impart that someone else had filled it up. However, aside from this self-serving and negative claim, he did not adduce any convincing proof to effectively refute the evidence for the prosecution.

It is a hornbook doctrine that as between bare denials and positive testimony on affirmative matters, the latter is accorded greater evidentiary weight.[43]

The subsequent matter to be determined is whether the elements of falsification for which petitioner is charged were proven beyond reasonable doubt.

Article 171, paragraph (4) of the Revised Penal Code, provides:

ART. 171. Falsification by public officer, employee or notary or ecclesiastic 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

- Making untruthful statements in a narration of facts.

The elements of falsification in the above provision are as follows:

- a) the offender makes in a public document untruthful statements in a narration of facts;
- b) he has a legal obligation to disclose the truth of the facts narrated by him; and
- c) the facts narrated by him are absolutely false.[44]

In addition to the aforecited elements, it must also be proven that the public officer or employee had taken advantage of his official position in making the falsification. In falsification of public document, the offender is considered to have taken advantage of his official position when (1) he has the duty to make or prepare or otherwise to intervene in the preparation of a document; or (2) he has the official custody of the document which he falsifies.[45]

All of the foregoing elements of falsification of public documents under paragraph 4, Article 171 of the Revised Penal Code, have been sufficiently established.

First, petitioner was a public officer, being then the Acting Chief Operator of the BTO, Iriga City, when he accomplished and submitted his PDS on 4 January 1988 at the BTO, Legazpi City. It is settled that a PDS is a public document.[46] He stated under Item No. 18 of his PDS that he passed the civil engineering board examination given on 30-31 May 1985 in Manila with a rating of 75.8%. Thereafter, petitioner submitted his PDS to the BTO, Legazpi City.

Second, in *Inting v. Tanodbayan*,[47] we ruled that the accomplishment of the PDS being a requirement under the Civil Service Rules and Regulations in connection with employment in the government, the making of an untruthful statement therein was, therefore, intimately connected with such employment. Hence, the filing of a PDS is required in connection with promotion to a higher position and contenders for promotion have the legal obligation to disclose the truth. Otherwise, enhancing their qualifications by means of false statements will prejudice other qualified aspirants to the same position.[48]

Petitioner was legally obliged to disclose in the PDS that he is not a licensed civil engineer since, as evidenced by his application letter, he was applying for positions to be occupied only by licensed civil engineers. Further, petitioner was also legally obliged to make truthful statements in his PDS since he affirmed therein "under the penalty of perjury" that his answers to the queries are "true and correct to the best of [his] knowledge and belief."[49]

Third, petitioner's statement in the PDS that he passed the civil engineering board examination given on 30-31 May 1985 in Manila with a rating of 75.8% is absolutely false. As Officer-in-Charge of the Records Section of the PRC, Manila, Francisco declared that petitioner was included in the master list of examinees in the May 1984 civil engineering licensure examination wherein petitioner obtained a failing grade. She affirmed that petitioner's name also appears in the list of examinees for the May 1985 and May 1990 civil engineering licensure

examinations where petitioner also got failing marks. She also submitted certifications and authentic documents in support of her statements. Further, petitioner admitted that he never passed the board examination for civil engineering.[50]

Finally, as a public officer, petitioner is duty-bound to prepare, accomplish and submit his PDS pursuant to the Civil Service Rules and Regulations.[51] Were it not for his position and employment in the government, he could not have accomplished the PDS. In *People v. Uy*,[52] Santiago Uy, a field agent of the National Bureau of Investigation, was charged with falsification of public document under paragraph 4, Article 171 of the Revised Penal Code, for making false statements in his Personal Information Sheet. We ruled therein: "[T]hat the defendant (Santiago Uy) took advantage of his position may be gathered from the fact that he himself filled the information sheet which obviously was to be submitted by each and every officer or employee of the NBI." In the same vein, petitioner also had the responsibility to prepare, accomplish and submit his PDS at the time he made a false statement therein that he is a licensed civil engineer. Hence, it is clear that petitioner took advantage of his position as Acting Chief Operator of BTO, Iriga City when he falsified his PDS.

Anent the second issue, petitioner posited that being a licensed civil engineer is not a qualification for him to hold office and such is not a requirement for his promotion; that the false statement caused no prejudice to any private person as he did not have any competitor in his position nor was the government damaged by such false statement; that the false statement would not in any way redound to his benefit and, as such, no criminal intent could have impelled him to make such false claim; and that no evidence was produced showing that he had intent to cause injury.

The law is clear that wrongful intent on the part of the accused to injure a third person is not an essential element of the crime of falsification of public document.[53] It is jurisprudentially settled that in the falsification of public or official documents, whether by public officers or private persons, it is not necessary that there be present the idea of gain or the intent to injure a third person for the reason that, in contradistinction to private documents, the principal thing punished is the violation of the public faith and the destruction of truth as therein solemnly proclaimed.[54] In falsification of public documents, therefore, the controlling consideration is 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.[55]

The fact that the petitioner's false statement in the PDS did not redound to his benefit, and that the government or any private individual was not thereby prejudiced, is inconsequential. What is clear and decisive in this case is that petitioner made an entry in his PDS that he passed the 30-31 May 1985 board examination for civil engineering despite his full awareness that such is not true.

Regarding the third issue, petitioner contended that the prosecution's documentary evidence, consisting of Exhibits A, C, F, G, H, I, J, K, L, M, N, O, P, Q and R and their sub-markings, are inadmissible in evidence based on the following reasons:

(1) Exhibit A, which is the Certification of the PRC dated 17 January 1998, confirming that petitioner's name does not appear in the registry books of licensed civil engineers, was not properly identified during the trial. The proper person to identify the certification should have been the signatory therein which was PRC Director II Jose A. Arriola, or in his absence, a person who actually witnessed the execution of the certification. Prosecution witness Atayza, who was not present when the certification was executed, had identified the certification during the trial. Thus, the contents of the certification are mere hearsay; (2) Exhibit C, which is, according to petitioner, a machine copy of the PDS, does not show that it was the petitioner who prepared and submitted the PDS to BTO, Legazpi City. There was nothing in the PDS which requires a periodic submission of an updated PDS. Prosecution witness

Brizo does not know whether petitioner's PDS was personally delivered or mailed. Hence, the identification and subsequent testimonies of the prosecution witnesses on the PDS are mere hearsay; (3) Exhibit F, which is the Transcript of Stenographic Notes dated 17 March 1998 of the perjury case filed by petitioner against Magistrado where petitioner allegedly admitted that he is a civil engineer, lacks proper identification as the stenographer or records officer was not presented in court; (4) Exhibit G, which is the alleged letter of petitioner to the Regional Director of the CSC, Region 5, Legazpi City, applying for the position of either a Junior Telecommunications Engineer or Telecommunications Traffic Supervisor; and Exhibit I, which is a machine copy of a certification allegedly issued by the PRC attesting that petitioner is a licensed civil engineer and which was allegedly submitted by petitioner to the Regional Director of the CSC, Region 5, Legazpi City, as his credential in applying for the aforesaid positions, are merely machine copies and the loss and unavailability of their original were not proven; and (5) Exhibits J, K, L, M, N, O, P, Q and R, which are the daily time records of Magistrado signed by petitioner and which were offered to compare petitioner's alleged signature in the PDS with the said exhibits, are devoid of factual basis. Petitioner's signatures in the said exhibits are, "with the use of naked eye," not the same as his signature in the PDS. The Legazpi City RTC should have submitted these documents to a handwriting expert for examination instead of relying on the testimony of Magistrado.[56]

Section 36, Rule 130 of the Revised Rules on Evidence, states that a witness can testify only to those facts which he knows of or comes from his personal knowledge, that is, which are derived from his perception. A witness, therefore, may not testify as to what he merely learned from others either because he was told, or he read or heard the same. Such testimony is considered hearsay and may not be received as proof of the truth of what he has learned.[57] This is known as the hearsay rule.

The law, however, provides for specific exceptions to the hearsay rule. One of the exceptions is the entries in official records made in the performance of duty by a public officer.[58] In other words, official entries are admissible in evidence regardless of whether the officer or person who made them was presented and testified in court, since these entries are considered prima facie evidence of the facts stated therein. Other recognized reasons for this exception are necessity and trustworthiness. The necessity consists in the inconvenience and difficulty of requiring the official's attendance as a witness to testify to innumerable transactions in the course of his duty. This will also unduly hamper public business. The trustworthiness consists in the presumption of regularity of performance of official duty by a public officer.[59]

Exhibit A, or the Certification of the PRC dated 17 January 1998, was signed by Arriola, Director II of the PRC, Manila.[60] Although Arriola was not presented in court or did not testify during the trial to verify the said certification, such certification is considered as prima facie evidence of the facts stated therein and is therefore presumed to be truthful, because petitioner did not present any plausible proof to rebut its truthfulness. Exhibit A is therefore admissible in evidence.

Section 3, Rule 128 of the Revised Rules on Evidence, provides that an evidence is admissible when it is relevant to the issue and is not excluded by the law or rules. Exhibit C, which according to petitioner is the machine copy of the PDS, is very relevant to the charge of falsification and is not excluded by the law or rules. It was offered precisely to prove that petitioner committed the crime of falsification by making false statements in the PDS. Further, the information specifically accuses petitioner of falsifying such PDS. A scrutiny of Exhibit C would show that it is the very PDS which petitioner falsified and not a mere machine copy as alleged by petitioner. Being the original falsified document, it is the best evidence of its contents and is therefore not excluded by the law or rules.[61]

Section 2, Rule 132 of the Revised Rules on Evidence, explicitly provides that a transcript of the record of the proceedings made by the official stenographer, stenotypist or recorder and certified as correct by him shall be

deemed prima facie a correct statement of such proceedings.

Petitioner failed to introduce proof that Exhibit F, or the Transcript of Stenographic Notes dated 17 March 1998 of the perjury case filed by petitioner against Magistrado in which petitioner allegedly admitted that he is a civil engineer, is not what it purports to be. Thus, it is prima facie correct. Moreover, as earlier elucidated, one of the exceptions to the hearsay rule is the entries in official records made in the performance of duty by a public officer. Exhibit F, being an official entry in the court's records, is admissible in evidence and there is no necessity to produce the concerned stenographer as a witness.[62]

Section 7, Rule 130 of the Revised Rules on Evidence, provides that when the original of a document is in the custody of a public officer or is recorded in a public office, its contents may be proved by a certified copy issued by the public officer in custody thereof. Exhibit G, which is the alleged letter of petitioner to the Regional Director of the CSC, Region 5, Legazpi City, applying for the position of either a Junior Telecommunications Engineer or Telecommunications Traffic Supervisor; and Exhibit I, which is the machine copy of a certification allegedly issued by the PRC attesting that petitioner is a licensed civil engineer and which was allegedly submitted by petitioner to the Regional Director of the CSC, Region 5, Legazpi City, as his credential in applying for the aforesaid positions, are certified true copies of their original documents recorded or kept in the CSC, Regional Office No. 5, Legazpi City[63] and, thus, admissible to prove the contents of their originals.

Exhibits J to R, which are the daily time records of Magistrado signed by petitioner and which were offered to compare petitioner's alleged signature in the PDS with the said exhibits, are admissible in evidence since they are relevant and material to the charge of falsification against petitioner. The signatures of petitioner in the said exhibits, the authenticity of which were not denied by petitioner, were presented to prove that these signatures were similar to petitioner's signature in the PDS where he made the alleged falsification.

Well-entrenched is the rule that resort to handwriting experts is not mandatory. Handwriting experts, while probably useful, are not indispensable in examining or comparing handwritings or signatures.[64] This is so since under Section 22, Rule 132 of the Revised Rules on Evidence, the handwriting of a person may be proved by any witness who believes it to be the handwriting of such person, because he has seen the person write; or has seen writing purporting to be his upon which the witness has acted or has been charged, and has thus acquired knowledge of the handwriting of such person. Moreover, the opinion of a non-expert witness, for which proper basis is given, may be received in evidence regarding the handwriting or signature of a person with which he has sufficient familiarity.[65]

The Legazpi City RTC was, therefore, not obliged to put a handwriting expert on the witness stand and direct the latter to examine petitioner's signatures in the foregoing exhibits before ruling on their admissibility. It can, as it did, rely on the testimonies of the prosecution witnesses who are familiar with petitioner's handwriting/signature in determining the admissibility of the aforesaid exhibits. It can, by itself, also compare petitioner's signature in the PDS with the petitioner's signatures in the subject exhibits with or without the aid of an expert witness and thereafter rule on the admissibility of such exhibits based on its own observation. In short, it can exercise independent judgment as regards the admissibility of said exhibits.

As to the fourth issue, petitioner argued that since none of the prosecution witnesses testified that they actually saw him fill up the PDS, then there is no evidence showing that the alleged falsification took place in Legazpi City; that when the PDS was allegedly falsified, he was stationed at BTO, Iriga City, and was a resident of Iriga City; that, even assuming without admitting that he filled up the PDS, the same was, "in all probability," filled up in Iriga City and, as such, the crime of falsification was consummated therein; that, consequently, the instant case should have been tried in the Iriga City RTC and not in the Legazpi City RTC.[66]

There are three important requisites which must be present before a court can acquire jurisdiction over criminal cases. First, the court must have jurisdiction over the offense or the subject matter. Second, the court must have jurisdiction over the territory where the offense was committed. And third, the court must have jurisdiction over the person of the accused.[67] There is no dispute that the Legazpi City RTC has jurisdiction over the offense and over the person of petitioner. It is the territorial jurisdiction of the Legazpi City RTC which the petitioner impugns.

The territorial jurisdiction of a court is determined by the facts alleged in the complaint or information as regards the place where the offense charged was committed.[68] It should also be emphasized that where some acts material and essential to the crime and requisite to its consummation occur in one province or city and some in another, the court of either province or city has jurisdiction to try the case, it being understood that the court first taking cognizance of the case will exclude the others.[69]

In the case at bar, the information specifically and positively alleges that the falsification was committed in Legazpi City. Moreover, as heretofore discussed, the testimonies and documentary evidence for the prosecution have sufficiently established that petitioner accomplished and thereafter submitted the PDS to the BTO, Legazpi City. The foregoing circumstances clearly placed the locus criminis in Legazpi City and not in Iriga City.

We find no reason to disturb the prison term and fine imposed on petitioner by the Legazpi City RTC and the Court of Appeals, as they are in accord with law and jurisprudence.

WHEREFORE, the petition is hereby DENIED. The Decision of the Court of Appeals, dated 19 October 2005, in CA-G.R. CR. No. 28072, is hereby AFFIRMED in toto. Costs against petitioner.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Corona, and Nachura, JJ., concur.

[1] Rollo, pp. 3-20.

[2] Penned by Associate Justice Rebecca de Guia-Salvador with Associate Justices Ruben T. Reyes (now a member of this Court) and Aurora Santiago-Lagman concurring; rollo, pp. 24-35.

[3] Penned by Presiding Judge Vladimir B. Brusola; rollo, pp. 36-42.

[4] Records, p. 40.

[5] Id. at 31.

[6] TSN, 17 September 2002, p. 4.

[7] Records, p. 256.

[8] TSN, 30 March 1998, p. 14.

[9] Records, p. 361.

[10] TSN, 30 March 1998, pp. 21-24.

[11] TSN, 17 September 2002, pp. 4-6.

[12] Id. at 7-10.

[13] Records, p. 264.

[14] Rollo, pp. 41-42.

[15] Id. at 34.

[16] Id. at 15-17.

[17] TSN, 30 March 1998, pp. 18-24.

[18] Id. at 2-10.

[19] Id. at 12-18.

[20] TSN, 1 March 2002, pp. 5-13.

[21] TSN, 3 February 2003, pp. 3-10.

[22] Exhibit B and its sub-markings, Records, pp. 254-255.

[23] Exhibit C, id. at 256.

[24] Exhibit E and its sub-markings, id. at 258-260.

[25] Exhibit F, id. at 323-360.

[26] Exhibit G and its sub-markings, id. at 361.

[27] Exhibit F, id. at 362-368.

[28] Exhibit I, id. at 367.

[29] Exhibits J-R, id. at 370.

[30] Exhibits S-V, id. at 371-375.

[31] TSN, 17 September 2002, p. 12.

[32] Id. at 17.

[33] Id. at 18.

[34] Id. at 20.

[35] People v. Yatar, G.R. No. 150224, 19 May 2004, 428 SCRA 504, 513; People v. Lagao, Jr., 337 Phil. 497, 510 (1997).

[36] Section 4, Rule 133, Rules of Court.

[37] TSN, 8 May 2003, p. 6.

[38] TSN, 30 March 1998, p. 16.

[39] Rollo, p. 41.

[40] Id. at 32.

[41] People v. Aguila, G.R. No. 171017, 6 December 2006, 510 SCRA 642, 661.

[42] Id.

[43] People v. Comiling, 468 Phil. 869, 890 (2004); Olivarez v. Court of Appeals, G.R. No. 163866, 29 July 2005,

465 SCRA 465, 483; *People v. Gusmo*, 467 Phil. 199, 219 (2004).

[44] *Santos v. Sandiganbayan*, G.R. Nos. 71523-25, 8 December 2000, 347 SCRA 386, 424.

[45] Luis B. Reyes, *The Revised Penal Code, Criminal Law* (Fourteenth Edition, Revised 1998), Book Two, Arts. 114-367, p. 216, citing *People v. Uy*, 101 Phil. 159, 163 (1957) and *United States v. Inosanto*, 20 Phil 376, 378 (1911); *Adaza v. Sandiganbayan*, G.R. No. 154886, 28 July 2005, 464 SCRA 460, 478-479.

[46] *Lumancas v. Intas*, G.R. No. 133472, 5 December 2000, 347 SCRA 22, 34.

[47] G.R. Nos. 52446-48, 15 May 1980, 97 SCRA 494, 499.

[48] *People v. Aguila*, supra note 41.

[49] At the back page of Exhibit C, Records, p. 256.

[50] TSN, 17 September 2002, p. 6.

[51] *People v. Aguila*, supra note 41.

[52] Supra note 45.

[53] *People v. Po Giok To*, 96 Phil. 913, 917 (1955).

[54] *Lastrilla v. Granda*, G.R. No. 160257, 31 January 2006, 481 SCRA 324, 345.

[55] *Syquian v. People*, G.R. No. 82197, 13 March 1989, 171 SCRA 223, 233.

[56] Rollo, pp. 13-15.

[57] *D.M. Consunji, Inc. v. Court of Appeals*, G.R.No. 137873, 20 April 2001, 357 SCRA 249, 253-254.

[58] Section 44, Rule 130 of the Revised Rules on Evidence.

[59] VI Herrera, *REMEDIAL LAW REVISED RULES ON EVIDENCE*, Rules 131-133 (1999 ed.), p. 290, citing *Antilon v. Barcelona*, 37 Phil. 148, 151 (1917).

[60] Records, p. 46.

[61] Section 3, Rule 130 of the Revised Rules on Evidence.

[62] Section 2, Rule 132 of the Revised Rules on Evidence.

[63] Records, p. 361 and p. 367.

[64] *Bautista v. Castro*, G.R. No. 61260, 17 February 1992, 206 SCRA 305, 312.

[65] Section 50(b), Rule 130 of the Revised Rules on Evidence.

[66] Rollo, pp. 11-13.

[67] *Cruz v. Court of Appeals*, 436 Phil. 641, 654 (2002).

[68] *People v. Olermo*, 454 Phil. 147, 164 (2003).

[69] *Id.*

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