

JOSE R. CATA CUTAN, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 175991. August 31, 2011

Ponente: DEL CASTILLO, J.

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DEL CASTILLO, J.:

It is well within the Court's discretion to reject the presentation of evidence which it judiciously believes irrelevant and impertinent to the proceeding on hand.

Before us is a Petition for Review on Certiorari filed by petitioner Jose R. Catacutan seeking to set aside and reverse the Decision[1] dated December 7, 2006 of the Sandiganbayan which affirmed the Decision[2] dated July 25, 2005 of the Regional Trial Court (RTC), Branch 30, Surigao City convicting him of the crime of violation of Section 3(e) of Republic Act (RA) No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act.

Factual Antecedents

The antecedent facts are clear and undisputed.

Private complainant Georgito Posesano was an Instructor II with Salary Grade 13 while private complainant Magdalena Divinagracia was an Education Program Specialist II with Salary Grade 16, both at the Surigao del Norte School of Arts and Trades (SNSAT).[3]

On June 2, 1997, the Commission on Higher Education (CHED) Caraga Administrative Region, appointed and promoted private complainants as Vocational Instruction Supervisor III with Salary Grade 18 at SNSAT.[4] These promotional appointments were duly approved and attested as permanent by the Civil Service Commission (CSC) on June 3, 1997.[5] Being then the Officer-In-Charge of SNSAT, the approved appointments were formally transmitted to the petitioner on June 6, 1997,[6] copy furnished the concerned appointees. Despite receipt of the appointment letter, the private complainants were not able to assume their new position since petitioner made known that he strongly opposed their appointments and that he would not implement them despite written orders from CHED[7] and the CSC, Caraga Regional Office.[8] Thus, on August 2, 1997, private complainants lodged a formal complaint against petitioner for grave abuse of authority and disrespect of lawful orders before the Office of the Ombudsman for Mindanao.[9]

In an Information dated February 27, 1998, petitioner was charged before the RTC of Surigao City with violation of Section 3(e) of RA 3019 as amended, committed in the following manner, to wit:

That in June 1997 or sometime thereafter, in Surigao City, Philippines and within the jurisdiction of this Honorable Court, the accused JOSE R. CATA CUTAN, OIC Principal of Surigao del Norte School of Arts and Trades (SNSAT), Surigao City, with salary grade below 27, while in the performance of his official duties, thus committing the act in relation to his office, willfully, feloniously and unlawfully did then and there, with grave abuse of authority and evident bad faith, refuse to implement the promotion/appointments of Georgito Posesano and Magdalena A. Divinagracia as Vocational Supervisors III notwithstanding the issuance of the

valid appointments by the appointing authority and despite the directive of the Regional Director of the Commission on Higher Education and the Civil Service Commission in the region, thereby causing undue injury to complainants who were supposed to receive a higher compensation for their promotion, as well as [to] the school and the students who were deprived of the better services which could have been rendered by Georgito Posesano and Magdalena A. Divinagracia as Vocational Instruction Supervisors [III].

CONTRARY TO LAW.[10]

During arraignment on September 22, 1998, petitioner pleaded "not guilty."

For his defense, petitioner admitted that he did not implement the promotional appointments of the private complainants because of some procedural lapses or infirmities attending the preparation of the appointment papers. According to him, the appointment papers were prepared by SNSAT Administrative Officer, Crispin Noguera, using blank forms bearing the letterhead of SNSAT and not of the CHED Regional Office who made the appointments. He also averred that the appointment papers cited the entire plantilla[11] (1996 Plantilla-OSEC-DECSB-VOCIS3-19, Pages 1-16) instead of only the particular page on which the vacant item occurs. He likewise claimed that he received only the duplicate copies of the appointments contrary to the usual procedure where the original appointment papers and other supporting documents are returned to his office. Finally, he asserted that the transmittal letter from the CHED did not specify the date of effectivity of the appointments. These alleged infirmities, he contended, were formally brought to the attention of the CHED Regional Director on June 20, 1997[12] who, however, informed him that the subject appointments were regular and valid and directed him to implement the same. Still not satisfied, petitioner sought the intercession of CHED Chairman Angel C. Alcala in the settlement of this administrative problem[13] but the latter did not respond. Petitioner alleged that his refusal to implement the appointments of the private complainants was not motivated by bad faith but he just wanted to protect the interest of the government by following strict compliance in the preparation of appointment papers.

Ruling of the Regional Trial Court

On July 25, 2005, the RTC rendered its Decision[14] holding that the act of the petitioner in defying the orders of the CHED and the CSC to implement the subject promotional appointments despite the rejection of his opposition, demonstrates his palpable and patent fraudulent and dishonest purpose to do moral obliquity or conscious wrongdoing for some perverse motive or ill will. The trial court ruled that petitioner's refusal to implement the appointments of the private complainants had caused undue injury to them. Thus, it held petitioner guilty of the crime charged and accordingly sentenced him to suffer the penalty of imprisonment of six (6) years and one (1) month and perpetual disqualification from public office.

The RTC disposed of the case as follows:

WHEREFORE, finding the accused JOSE R. CATA CUTAN guilty beyond reasonable doubt [of] VIOLATION OF SECTION 3(e) of R.A. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, this Court hereby imposes upon him the penalty of imprisonment [of] SIX (6) YEARS and ONE (1) MONTH and PERPETUAL DISQUALIFICATION FROM PUBLIC OFFICE, and to pay the costs.

The aforementioned accused is hereby ordered to pay private complainants Georgito Posesano and Magdalena Divinagracia the sum of Fifty Thousand Pesos (P50,000.00) each, for moral damages.

SO ORDERED.[15]

Petitioner moved for reconsideration[16] but it was denied in an Order[17] dated October 13, 2005.

Ruling of the Sandiganbayan

On appeal, petitioner's conviction was affirmed in toto by the Sandiganbayan.[18] The appellate court ruled that the Decision of the trial court, being supported by evidence and firmly anchored in law and jurisprudence, is correct. It held that petitioner failed to show that the trial court committed any reversible error in judgment.

Hence, this petition.

In the Court's Resolution[19] dated February 26, 2007, the Office of the Solicitor General (OSG) was required to file its Comment. The OSG filed its Comment[20] on June 5, 2007 while the Office of the Special Prosecutor filed the Comment[21] for respondent People of the Philippines on February 22, 2008.

Issue

The sole issue for consideration in this present petition is:

Whether the [petitioner's] constitutional right[s] to due process x x x and x x x equal protection of [the] law x x x were violated x x x [when he was denied] the opportunity to present [in] evidence [the Court of Appeals'] Decision dated April 18, 2001 x x x in CA-G.R. SP No. 51795 entitled "Jose R. Catacutan, petitioner, versus Office of the Ombudsman for Mindanao, et al., respondents." [22]

Invoking the constitutional provision on due process,[23] petitioner argues that the Decision rendered by the trial court is flawed and is grossly violative of his right to be heard and to present evidence. He contends that he was not able to controvert the findings of the trial court since he was not able to present the Court of Appeals' (CA's) Decision in CA-G.R. SP No. 51795 which denied the administrative case filed against him and declared that his intention in refusing to implement the promotions of the private complainants falls short of malice or wrongful intent.

Our Ruling

The petition lacks of merit.

Petitioner was not deprived of his right to due process.

"Due process simply demands an opportunity to be heard." [24] "Due process is satisfied when the parties are afforded a fair and reasonable opportunity to explain their respective sides of the controversy." [25] "Where an opportunity to be heard either through oral arguments or through pleadings is accorded, there is no denial of procedural due process." [26]

Guided by these established jurisprudential pronouncements, petitioner can hardly claim denial of his fundamental right to due process. Records show that petitioner was able to confront and cross-examine the witnesses against him, argue his case vigorously, and explain the merits of his defense. To reiterate, as long as a party was given the opportunity to defend his interests in due course, he cannot be said to have been denied due process of law for the opportunity to be heard is the better accepted norm of procedural due process.

There is also no denial of due process when the trial court did not allow petitioner to introduce as evidence the CA Decision in CA-G.R. SP No. 51795. It is well within the court's discretion to reject the presentation of evidence which it judiciously believes irrelevant and impertinent to the proceeding on hand. This is specially true when the evidence sought to be presented in a criminal proceeding as in this case, concerns an administrative matter. As the Sandiganbayan aptly remarked:

The RTC committed no error in judgment when it did not allow the Accused-appellant to present the Decision of the Court of Appeals in CA-G.R. SP No. 51795 (Jose R. Catacutan vs. Office of the Ombudsman). The findings in administrative cases are not binding upon the court trying a criminal case, even if the criminal proceedings are based on the same facts and incidents which gave rise to the administrative matter. The

dismissal of a criminal case does not foreclose administrative action or necessarily gives the accused a clean bill of health in all respects. In the same way, the dismissal of an administrative case does not operate to terminate a criminal proceeding with the same subject matter. x x x[27]

This action undertaken by the trial court and sustained by the appellate court was not without legal precedent. In *Paredes v. Court of Appeals*,[28] this Court ruled:

It is indeed a fundamental principle of administrative law that administrative cases are independent from criminal actions for the same act or omission. Thus, an absolution from a criminal charge is not a bar to an administrative prosecution, or vice versa. One thing is administrative liability; quite another thing is the criminal liability for the same act.

x x x x

Thus, considering the difference in the quantum of evidence, as well as the procedure followed and the sanctions imposed in criminal and administrative proceedings, the findings and conclusions in one should not necessarily be binding on the other. Notably, the evidence presented in the administrative case may not necessarily be the same evidence to be presented in the criminal cases. x x x

In *Nicolas v. Sandiganbayan*,[29] the Court reiterated:

This Court is not unmindful of its rulings that the dismissal of an administrative case does not bar the filing of a criminal prosecution for the same or similar acts subject of the administrative complaint and that the disposition in one case does not inevitably govern the resolution of the other case/s and vice versa. x x x

On the basis of the afore-mentioned precedents, the Court has no option but to declare that the courts below correctly disallowed the introduction in evidence of the CA Decision. "Due process of law is not denied by the exclusion of irrelevant, immaterial, or incompetent evidence, or testimony of an incompetent witness. It is not an error to refuse evidence which although admissible for certain purposes, is not admissible for the purpose which counsel states as the ground for offering it." [30]

At any rate, even assuming that the trial court erroneously rejected the introduction as evidence of the CA Decision, petitioner is not left without legal recourse. Petitioner could have availed of the remedy provided in Section 40, Rule 132 of the Rules of Court which provides:

Section 40. Tender of excluded evidence. - If documents or things offered in evidence are excluded by the court, the offeror may have the same attached to or made part of the record. If the evidence excluded is oral, the offeror may state for the record the name and other personal circumstances of the witness and the substance of the proposed testimony.

As observed by the appellate court, if the petitioner is keen on having the RTC admit the CA's Decision for whatever it may be worth, he could have included the same in his offer of exhibits. If an exhibit sought to be presented in evidence is rejected, the party producing it should ask the court's permission to have the exhibit attached to the record.

As things stand, the CA Decision does not form part of the records of the case, thus it has no probative weight. Any evidence that a party desires to submit for the consideration of the court must be formally offered by him otherwise it is excluded and rejected and cannot even be taken cognizance of on appeal. The rules of procedure and jurisprudence do not sanction the grant of evidentiary value to evidence which was not formally offered.

Section 3(e) of RA 3019, as amended, provides:

Section 3. Corrupt practices of public officers. - In addition to acts or omissions of public officers already

penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful.

x x x x

(e) Causing any undue injury to any party, including the Government or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official, administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

Under said provision of law, three essential elements must thus be satisfied, viz:

- The accused must be a public officer discharging administrative, judicial or official functions;
- He must have acted with manifest partiality, evident bad faith or inexcusable negligence; and
- His action caused any undue injury to any party, including the government or gave any private party unwarranted benefits, advantage or preference in the discharge of his functions.[31]

All the above enumerated elements of the offense charged have been successfully proven by the prosecution.

First, petitioner could not have committed the acts imputed against him during the time material to this case were it not for his being a public officer, that is, as the Officer-In-Charge (Principal) of SNSAT. As such public officer, he exercised official duties and functions, which include the exercise of administrative supervision over the school such as taking charge of personnel management and finances, as well as implementing instruction as far as appointment of teachers.[32]

Second, petitioner acted with evident bad faith in refusing to implement the appointments of private complainants. As the Sandiganbayan aptly remarked:

The records clearly indicate that the refusal of Catacutan to implement the subject promotion was no longer anchored on any law or civil service rule as early [as] the July 14, 1997 letter of the CHED Regional Director addressing the four issues raised by the Accused-appellant in the latter's protest letter. x x x In light of the undisputed evidence presented to the trial court that Catacutan's reason for not implementing the appointments was a personal dislike or ill feelings towards Posesano, this Court believes that Catacutan's refusal was impelled by an ill motive or dishonest purpose characteristic of bad faith. x x x

x x x x

In the August 1, 1997 [m]emorandum issued by the CHED Regional Director, Catacutan was once again directed, in strong words, to cease and desist from further questioning what has been lawfully acted upon by competent authorities. Catacutan deliberately ignored the memorandum and even challenged the private complainants to file a case against him. Such arrogance is indicative of the bad faith of the accused-appellant.

Yet again, the [CSC] Regional Director wrote the Accused-appellant on September 5, 1997, clarifying with finality the validity of the appointment. Still, Accused-appellant failed to implement the subject promotions. This stubborn refusal to implement the clear and repeated directive of competent authorities established the evident bad faith of Catacutan and belies any of his claims to the contrary.[33]

While petitioner may have laudable objectives in refusing the implementation of private complainants' valid appointments, the Court fails to see how he can still claim good faith when no less than the higher authorities have already sustained the validity of the subject appointments and have ordered him to proceed with the implementation. "It is well to remember that good intentions do not win cases, evidence does." [34]

Third, undue injury to the private complainants was duly proven to the point of moral certainty. Here, the private complainants suffered undue injury when they were not able to assume their official duties as Vocational Supervisors III despite the issuance of their valid appointments. As borne out by the records, they were able to assume their new positions only on November 19, 1997. So in the interregnum from June to November 1997, private complainants failed to enjoy the benefits of an increased salary corresponding to their newly appointed positions. Likewise established is that as a result of petitioner's unjustified and inordinate refusal to implement their valid appointments notwithstanding clear and mandatory directives from his superiors, the private complainants suffered mental anguish, sleepless nights, serious anxiety warranting the award of moral damages under Article 2217 of the New Civil Code.

At this point, the Court just needs to stress that the foregoing are factual matters that were threshed out and decided upon by the trial court which were subsequently affirmed by the Sandiganbayan. Where the factual findings of both the trial court and the appellate court coincide, the same are binding on this Court. In any event, apart from these factual findings of the lower courts, this Court in its own assessment and review of the records considers the findings in order.

WHEREFORE, the petition is DENIED and the assailed Decision of the Sandiganbayan promulgated on December 7, 2006 is AFFIRMED.

SO ORDERED.

Corona, C.J., (Chairperson), Leonardo-De Castro, Bersamin, and Villarama, Jr., JJ., concur.

[1] Rollo, pp. 48-65; penned by Associate Justice Jose R. Hernandez and concurred in by Associate Justices Gregory S. Ong and Rodolfo A. Ponferrada.

[2] Id. at 30-36; penned by Judge Floripinas C. Buyser.

[3] Now Surigao State College of Technology.

[4] Exhibits "B" and "C", Folder of Exhibits No. II, pp. 310-311.

[5] Exhibits "B-5" and "C-5", id.

[6] Exhibit "A", id. at 309.

[7] Exhibits "D" and "G", id. at 312-313.

[8] Exhibit "H", id. at 317.

[9] Exhibit "J", id. at 318-320.

[10] Sandiganbayan rollo, vol. I, p. 1.

[11] Rollo, p. 51.

[12] Exhibits "1" and "1-A", Folder of Exhibits No. II, pp. 427-428.

[13] Exhibits "2" and "2-A", id. at 429-430.

[14] Supra note 2.

[15] Rollo, p. 36.

[16] Id. at 37-42.

[17] Id. at 46-47.

[18] Id. at 48-65.

[19] Id. at 66.

[20] Id. at 78-88.

[21] Id. at 402-417.

[22] Id. at 17.

[23] Constitution, Article III, Section 1. No person shall be deprived of life, liberty or property without due process of law nor shall any person be denied the equal protection of the laws.

[24] Philippine Deposit Insurance Corporation v. Commission on Audit, G.R. No. 171548, February 22, 2008, 546 SCRA 473, 483.

[25] People v. Dela Cruz, G.R. No. 173308, June 25, 2008, 555 SCRA 329, 340.

[26] Equitable PCI Banking Corporation v. RCBC Capital Corporation, G.R. No. 182248, December 18, 2008, 574 SCRA 858, 883.

[27] Rollo, p. 57.

[28] G.R. No. 169534, July 30, 2007, 528 SCRA 577, 587-589.

[29] G.R. Nos. 175930-31, February 11, 2008, 544 SCRA 324, 345.

[30] People v. Larrañaga, 466 Phil. 324, 373-374 (2004).

[31] Ong v. People, G.R. No. 176546, September 25, 2009, 601 SCRA 47, 53-54.

[32] TSN, June 17, 2004, p. 5.

[33] Rollo, pp. 62-63.

[34] Pleyto v. Philippine National Police Criminal Investigation and Detection Group (PNP-CIDG), G.R. No. 169982, November 23, 2007, 538 SCRA 534, 590.

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