

NORMALLAH A. PACASUM, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 180314. April 16, 2009

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Before Us is a petition for review on certiorari which seeks to set aside the Decision[1] of the Sandiganbayan in Crim. Case No. 27483 promulgated on 7 August 2007 which found petitioner Normallah A. Pacasum guilty of Falsification under Article 171, paragraph 1 of the Revised Penal Code, and its Resolution[2] dated 22 October 2007 denying petitioner's Motion for Reconsideration and Motion for New Trial/Reception of Newly Discovered Evidence.

On 2 May 2002, petitioner was charged before the Sandiganbayan with Falsification of Public Documents, defined and punished under paragraph 1 of Article 171 of the Revised Penal Code, committed as follows:

That on or about August 22-23, 2000, or sometime prior or subsequent thereto in Cotabato City, Philippines and within the jurisdiction of this Honorable Court, the accused NORMALLAH A. PACASUM, a high ranking public official being the Regional Secretary of the Department of Tourism in the Autonomous Region in Muslim Mindanao, Cotabato City, while in the performance of her official functions, committing the offense in relation thereto, taking advantage of her official position, did then and there, willfully, unlawfully and feloniously falsified her Employee Clearance[3] submitted to the Office of the Regional Governor of the Autonomous Region in Muslim Mindanao, by imitating the signature of Laura Y. Pangilan, the Supply officer I of the DOT-ARMM, for the purpose of claiming her salary for the months of August and September 2000.[4]

On 29 May 2002, petitioner filed a Motion for Reinvestigation asking that she be given the opportunity to file her counter-affidavit during a preliminary investigation in order that her right to due process would not be violated.[5] Petitioner further filed an Urgent Motion for Preliminary Investigation and/or Reinvestigation with a Prayer to Recall or Defer Issuance of Warrant of Arrest.[6]

On 4 May 2004, the Sandiganbayan denied petitioner's motion for preliminary investigation/reinvestigation decreeing that petitioner was not deprived of the opportunity to be heard before the Office of the Ombudsman as she had waived her right to be heard on preliminary investigation.[7]

On 16 June 2004, petitioner, assisted by counsel de parte, pleaded not guilty to the crime charged.[8] Thereafter, pre-trial conference was held and the Sandiganbayan issued a Pre-Trial Order.[9] The parties did not enter any admission or stipulation of facts, and agreed that the issues to be resolved were as follows:

- Whether or not accused Normallah Pacasum, being then the Regional Secretary of the Department of Tourism in the Autonomous Region in Muslim Mindanao, Cotabato City, falsified her Employee Clearance, which she submitted to the Office of the Regional Governor of the Autonomous Region in Muslim Mindanao, by imitating the signature of Laura Y. Pangilan, the Supply Officer I of the DOT-ARMM, for purposes of claiming her salary for the months of August and September 2000;

- Whether or not the accused took advantage of her official position in order to commit the crime charged.[10]

The prosecution presented three witnesses, namely: Subaida K. Pangilan,[11] former Human Resource Management Officer V of the Autonomous Region in Muslim Mindanao (ARMM); Laura Y. Pangilan, former Supply Officer of the Department of Tourism, ARMM;[12] and Rebecca A. Agatep,[13] Telegraph Operator, Telegraph Office, Quezon City.

Subaida K. Pangilan (Pangilan) testified that she was a retired government employee and formerly a Human Resource Management Officer V of the ARMM which position she held from May 1993 to 28 May 2003. As such, one of her duties was to receive applications for clearance of Regional Secretaries of the ARMM. She explained that an Employees Clearance was a requirement to be submitted to the Office of the Regional Director by retiring employees, employees leaving the country or those applying for leave in excess of thirty days. The person applying for clearance shall get a copy of the employees clearance and shall accomplish the same by having the different division heads sign it.

Mrs. Pangilan disclosed that she knew the accused-petitioner - Norma Pacasum - to be the former Regional Secretary of the Department of Tourism (DOT), ARMM. She narrated that in the year 2000, petitioner submitted the original of an Employees Clearance to her office in compliance with the memorandum[14] dated 8 August 2000 issued by Governor Nur Misuari, directing all officers and employees to clear themselves of property and money accountabilities before their salaries for August and September 2000 would be paid. Upon inspection of the Employees Clearance, she noticed that the signature of Laura Pangilan (Laura) contained in said document was not hers. She said Laura Pangilan was her daughter-in-law, and that the latter's signature was very familiar to her. Mrs. Pangilan immediately photocopied[15] the original Employees Clearance with the intention of sending the same to her daughter-in-law for the purpose of having the latter confirm if the signature on top of her name in the Employees Clearance was hers. There being no messenger available, she instead called up Laura to come to her office to verify the signature. Laura, whose office was only a walking distance away, came and inspected the clearance, and denied signing the same. After she denied that she signed the clearance, and while they were conversing, the bearer of the Employees Clearance took said document and left.

Mrs. Pangilan said she did not know the name of the person who took the original of the Employee Clearance, but said that the latter was a niece and staff member of the petitioner. She said that all the signatures[16] appearing in the Employees Clearance were all genuine except for Laura's signature.

The next witness for the prosecution was Laura Y. Pangilan, the person whose signature was allegedly imitated. Laura testified that presently she was holding the position of Human Resource Management Officer II of the Department of Tourism - ARMM. Prior to said position, she was the Supply Officer of the DOT - ARMM from 1994 to January 2001. As such, she issued memorandum receipts (MR) to employees who were issued government property, and received surrendered office properties from officers and employees of the DOT - ARMM. She said she knew the accused, as she was their Regional Secretary of the DOT - ARMM.

Laura recounted that on 9 August 2002, Marie Cris[17] Batuampar, an officemate and niece of petitioner Pacasum, went to her house with the Employees Clearance of petitioner. Batuampar requested her to sign in order to clear petitioner of all property accountabilities. She refused to sign the clearance because at that time, petitioner had not yet turned over all the office properties issued to her. A few days later, she was called by her mother-in-law to go to the latter's office and inspect the Employees Clearance submitted by the representative of petitioner. She went to her mother-in-law's office and was shown the Employees Clearance of petitioner. Upon seeing the same, she denied the signature[18] appearing on top of her name. Thereupon, Marie Cris Batuampar, the representative of petitioner, took the Employees Clearance and left.

Laura revealed she executed a joint complaint-affidavit[19] dated 28 August 2001 regarding the instant case. She issued a certification[20] with a memorandum receipt[21] dated 23 November 1999, signed[22] by petitioner. The certification attested she did not sign petitioner's Employees Clearance because all the office properties issued to petitioner had not been turned over or returned to the Supply Officer of the DOT - ARMM. Finally, she said that as of 2 January 2005, her last day as Supply Officer, petitioner had not returned anything.

The last witness for the prosecution, Rebecca A. Agatep, Telegraph Operator, Telegraph Office, Quezon City, testified that she had been a telegraph operator for nineteen years. On 31 May 2005, she was at the Telegraph Office in Commission on Audit, Quezon City. She received two telegrams[23] for transmissions both dated 31 May 2005. One was addressed to petitioner and the other to Marie Cris Batuampar. Upon receiving said documents, she transmitted the documents through telegram. The telegram addressed to petitioner was received by her relative, Manso Alonto, in her residence on 1 June 2005, while that addressed to Ms. Batuampar was transmitted to, and received in, Cotabato City on 1 June 2005.[24]

On 4 July 2005, the prosecution formally offered[25] its documentary evidence consisting of Exhibits A, A-1, A-1-a, A-2, A-2-a, A-2-b, A-2-c, A-2-d, A-2-e, A-2-f, A-2-g, A-3, A-3-1, A-4, A-4-a, A-5, A-6, A-7, A-8, and A-9, to which the accused filed her objections.[26] The trial court admitted all the exhibits on 10 August 2005.[27]

For the defense, petitioner and Atty. Jose I. Lorena, former ARMM Regional Solicitor General, took the stand.

For her defense, petitioner testified that she was appointed by ARMM Regional Governor Nur Misuari (Gov. Misuari) as Regional Secretary of the DOT of the ARMM in 1999. She said she was familiar with the Memorandum dated 8 August 2000 issued by Gov. Misuari directing all ARMM officers and employees to liquidate all outstanding cash advances on or before 31 August 2000 in view of the impending expiration of the Governor's extended term. At first, she said the memorandum applied to her, she being a cabinet secretary, but later she said same did not apply to her because she had no cash advances. Only those with cash advances were required to get an Employees Clearance before they could receive their salaries. She then instructed her staff to work on her salary.

Petitioner said she did not know where the original of her Employees Clearance was. Neither did she know if the signature of Laura Pangilan therein had been imitated or forged. She likewise said that although the Employee Clearance was in her name, she did not cause Laura's signature to be affixed thereto.

Petitioner disclosed that she was able to get her salary for the month of August 2000 sometime in said month, because ARMM Executive Secretary Randolph C. Parcasio told her that she did not need a clearance before she could get her salary because she was re-appointed.[28]

Petitioner explained that she has not seen the original of the subject Employees Clearance.[29] When she first saw the photocopy of the Employees Clearance, the signature of Laura was not there. She was able to see the photocopy of the Employees Clearance again after this case had been filed with the Sandiganbayan, already with the alleged signature of Laura. Petitioner said it was not she who placed or caused Laura's purported signature to be affixed there.

Petitioner added that the memorandum of Gov. Misuari did not apply to her, because she had no cash advances and she could receive her salary even without clearance. At that time, she said the Cashier, Accountant and the Auditor checked her records and found that she had no cash advances.[30] Because she was elsewhere, she instructed her secretary to get her salary. However, she was informed by her staff that her salary could not be released because the Office of the Governor required a clearance. Her staff worked on her clearance, the purpose

of which was for the release of her salary for the months of August and September 2000. She was able to get all the needed signatures except for Laura's signature. With the refusal of Laura to sign, her staff went to Executive Secretary Parcasio and explained the situation.

Petitioner denied receiving a telegram from Asst. Special Prosecutor I Anna Isabel G. Aurellano ordering her to submit to the Office of the Special Prosecutor the original of the Employees Clearance of the DOT-ARMM issued in her name sometime on 22-23 August 2000.

On cross-examination, petitioner said that prior to her receipt of her salary, she believed that an Employees Clearance was necessary, and for this reason she had this document prepared by her staff. She said her Employees Clearance was always in the possession of Marie Cris, her assistant secretary. It was Marie Cris who showed her the document twice.[31]

Atty. Jose I. Lorena, former ARMM Solicitor General, testified that he was familiar with the Memorandum dated 8 August 2000 issued by Gov. Misuari because the same was the product of consultation among him, Gov. Misuari and ARMM Executive Secretary Parcasio. He explained that this memorandum pertained only to outstanding cash advances. He added that an Employees Clearance was not a requirement and was not sufficient to comply with the directive contained in the memorandum, because what was required for the purpose of release of salaries was a credit notice from the Resident Auditors of the Commission on Audit.

On 16 February 2007, the defense formally offered its documentary exhibits[32] consisting of Exhibits 1 to 5, with sub-markings. The prosecution objected to the purpose for which Exhibit 1 was offered. The trial court admitted all the defense exhibits.[33]

On 7 August 2007, the Sandiganbayan rendered the assailed decision convicting petitioner of the crime charged in the information. The dispositive portion of the decision reads:

WHEREFORE, judgment is hereby rendered finding accused Normallah A. Pacasum GUILTY beyond reasonable doubt of the offense charged in the Information and, with the application of the Indeterminate Sentence Law and without any mitigating or aggravating circumstance, hereby sentencing her to suffer the indeterminate penalty of TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY OF prision correccional as minimum to EIGHT (8) YEARS and ONE (1) DAY of prision mayor as maximum with the accessories thereof and to pay a fine of TWO THOUSAND PESOS (P2,000.00) with costs against the accused.[34]

The Sandiganbayan found the signature of DOT-ARMM Supply Officer Laura Y. Pangilan appearing in the Employees Clearance of petitioner to have been falsified/forged. It did not give much weight on petitioner's defense denying she was the one who actually falsified her Employees Clearance by imitating the signature of Laura Pangilan and that she had no idea about the alleged falsification, because it was her assistant secretary, Marie Cris Batuampar, who worked for her clearance and the one who submitted the said clearance to the Office of the Regional Governor of the ARMM. The trial court found said denial unsubstantiated and ruled that while there was no direct evidence to show that petitioner herself "actually" falsified/forged the signature of Laura Pangilan, there were circumstances that indicated she was the one who committed the falsification/forgery, or who asked somebody else to falsify/forged the subject signature in her Employees Clearance. The Sandiganbayan added that considering it was petitioner who took advantage of and profited from the use of the falsified clearance, the presumption was that she was the material author of the falsification. Despite full opportunity, she was not able to rebut said presumption, failing to show that it was another person who falsified/forged the signature of Laura Pangilan, or that another person had the reason or motive to commit the falsification/forgery or could have benefited from the same.

The Sandiganbayan likewise did not sustain petitioner's contention that she did not stand to benefit from the

falsification of her Employees Clearance and from the submission thereof to the Office of the Regional Governor, because she allegedly had no existing cash advances. She claimed that an Employees Clearance was not needed to enable her to draw her salary for the months of August and September 2000 under the 8 August 2000 Memorandum of Gov. Misuari, and that the presumption that he who benefits from the falsification is presumed to be the author thereof does not apply to her. The lower court explained that the aforementioned memorandum applied to petitioner, she being an official of the ARMM. It said that the applicability of said memorandum to petitioner was even admitted by her when she, in compliance therewith, instructed her staff/assistant secretary to work for her Employees Clearance to enable her to collect her salary for the month of August 2000. It said that the fact that she (allegedly) had no existing cash advances did not exempt her from the coverage of the memorandum, because she must show she had no cash advances and the only way to do this was by obtaining a clearance.

Petitioner argued that the photocopy of her Employees Clearance had no probative value in proving its contents and was inadmissible because the original thereof was not presented by the prosecution. The Sandiganbayan did not agree. It said that the presentation and admission of secondary evidence, like a photocopy of her Employees Clearance, was justified to prove the contents thereof, because despite reasonable notices (telegrams) made by the prosecution to petitioner and her assistant secretary to produce the original of her Employees Clearance, they ignored the notice and refused to present the original of said document.

On 21 August 2007, petitioner filed a motion for reconsideration of the decision of the Sandiganbayan[35] to which the prosecution filed a Comment/Opposition.[36] Subsequent thereto, petitioner filed a Supplement to Accused's Motion for Reconsideration & Motion for New Trial/Reception of Newly Discovered Evidence.[37] Petitioner prayed that her motion for new trial be granted in order that the testimony of Marie Cris Batuampar be introduced, the same being newly discovered evidence. The prosecution filed its Opposition.[38]

On 22 October 2007, the Sandiganbayan issued its resolution denying petitioner's motion for reconsideration for lack of merit; and the motion for new trial, because the evidence sought to be presented did not qualify as newly discovered evidence.[39]

On 16 November 2007, the instant petition was filed.

In our Resolution[40] dated 27 November 2007, respondent People of the Philippines, through the Office of the Special Prosecutor (OSP), was required to file its Comment on the petition.[41] After two motions for extension to file comment on the petition, which were granted by this Court, the OSP filed its Comment dated 18 February 2008.[42] Petitioner was required[43] to file a Reply to the Comment, which she did on 5 June 2008.[44]

On 5 August 2008, the Court resolved to give due course to the petition for review on certiorari and required the parties to submit their respective memoranda within thirty (30) days from notice. They filed their respective memoranda on 21 November 2008 and on 5 November 2008.[45]

Petitioner assails her conviction arguing that the Sandiganbayan committed grave abuse of discretion, amounting to lack or excess of jurisdiction, in:

- Finding that petitioner benefited from the alleged falsification, hence must be deemed the author thereof, when the evidence on record does not support, but even contradicts, such a conclusion.
- Presuming that petitioner had unliquidated cash advances hence was required under the Misuari Memorandum to submit her Employee's Clearance to clear herself of these, when there is no evidence to that effect and the prosecution even admitted so.
- Not resolving doubt as to the authenticity of the photocopy of the allegedly forged Employee's Clearance, in favor of the innocence of the Accused.

- In short-circuiting the right of the petitioner to present additional evidence on her behalf, thus denying her due process.[46]

Petitioner contends that under the Misuari memorandum dated 8 August 2000, she was not required to file an Employees Clearance to draw her salary, since what was required under said memorandum was a Credit Notice from the COA. She further contends that since she was not required to file said Employees Clearance because she had no cash advances, the signature in her Employees Clearance was "irrelevant and a non-issue" because what was required was a Credit Notice.

As to the first contention, we agree with petitioner that under the aforesaid memorandum, what was required before she could draw her salaries was a Credit Notice from the COA and not an Employees Clearance. The full text of the Memorandum[47] from the Regional Governor reads:

MEMORANDUM FROM THE REGIONAL GOVERNOR

TO: ALL CONCERNED

SUBJECT: AS STATED

DATE: AUGUST 8, 2000

- In view of the impending expiration of the extended term of the undersigned, it is hereby directed that all outstanding cash advances be liquidated on or before August 31, 2000.
- Effective September 1, 2000, the salaries and other emoluments of all ARMM officials/employees with unliquidated cash advance shall be withheld until they have settled their accounts and a corresponding Credit Notice is issued to them by the Commission on Audit.
- Due to budgetary and financial constraints brought about by the drastic cut of our budget, memorandum dated December 01, 1998 is hereby reiterated. Therefore all releases for financial assistance is hereby suspended effective immediately.
- For strict compliance.

PROF. NUR MISUARI

It is clear from said memorandum that what was required from officers/employees who had unliquidated cash advances was the corresponding Credit Notice issued by the COA after they had settled their accounts. There was indeed no mention of any Employees Clearance therein. Up to this point, we agree with petitioner. However, on her contention that the signature of Laura Pangilan in her Employees Clearance was "irrelevant and a non-issue," we disagree. Whether the signature of Laura Pangilan was imitated or not is the main issue in this case for falsification.

From the memorandum of Gov. Misuari, the Credit Notice requirement was effective only starting 1 September 2000 and not before. In the case at bar, the information charges petitioner not with failure to secure a Credit Notice, but with allegedly falsifying her Employees Clearance by imitating the signature of Laura Y. Pangilan, Supply Officer I of the DOT-ARMM. The Credit Notice requirement was therefore irrelevant and a non-issue as regards the release of salaries prior to 1 September 2000.

The questions to be answered are: (1) Was the signature of Laura Pangilan in petitioner's Employees Clearance imitated? If yes, (2) Who imitated or caused the imitation of said signature?

On the first query, the same was answered by Laura Pangilan. She said that the signature in petitioner's Employees Clearance was not hers. The same was an imitation. When a person whose signature was affixed to a document denies his/her signature therein, a prima facie case for falsification is established which the defendant

must overcome.[48]

Petitioner argues there was no need for her to file an Employees Clearance to draw her salary. She adds that Atty. Randolph C. Parcasio, Executive Secretary of the ARMM, told her and her secretary, Marie Cris Batuampar, that she did not need an Employees Clearance because she was re-appointed.[49]

These arguments are untenable. There was a need for petitioner to file an Employees Clearance not only for compliance with the Misuari memorandum but, more importantly, because her term of office was about to end, since her position was coterminous with the term of Gov. Misuari, the appointing authority.[50] She even admitted that before she received her salary for August, 2000,[51] an Employees Clearance was necessary.[52] Moreover, her claim that Atty. Parcasio told her and her secretary that she did not need an Employee Clearance to get her salary does not persuade us. In fact, we find her alleged "re-appointment," when she was working for her Employees Clearance at around August 2000, improbable. How could she have been re-appointed by Gov. Alvarez,[53] whom she claims re-appointed her sometime in the year 2000, when Gov. Misuari was still the Regional Governor of the ARMM when she had her Employees Clearance prepared sometime in August 2000? Clearly, her statement that she did not need an Employees Clearance because she was re-appointed does not inspire belief.

Petitioner faults the Sandiganbayan for applying the presumption that if a person had in his position a falsified document and he made use of it (uttered it), taking advantage of it and profiting thereby, he is presumed to be the material author of the falsification. He argues that the Sandiganbayan overlooked the fact that there was no evidence to prove that petitioner made use of or uttered the Employees Clearance, because there was no evidence that she submitted it -- if not, at least caused it to be submitted to the Office of the Regional Governor. To support such claim, she said there were no "receipt marks" in the Employees Clearance to show that the Office of the Regional Governor received said documents.

It is to be made clear that the "use" of a falsified document is separate and distinct from the "falsification" of a public document. The act of "using" falsified documents is not necessarily included in the "falsification" of a public document. Using falsified documents is punished under Article 172 of the Revised Penal Code. In the case at bar, the falsification of the Employees Clearance was consummated the moment the signature of Laura Pangilan was imitated. In the falsification of a public document, it is immaterial whether or not the contents set forth therein were false. What is important is the fact that the signature of another was counterfeited.[54] It is a settled rule that in the falsification of public or official documents, 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 the falsification of a public document, the principal thing punished is the violation of the public faith and the destruction of the truth as therein solemnly proclaimed.[55] Thus, the purpose for which the falsification was made and whether the offender profited or hoped to profit from such falsification are no longer material.

The records further show that petitioner "used" or uttered the Employees Clearance. The fact that the same was circulated to the different division heads for their signatures is already considered use of falsified documents as contemplated in Article 172. The lack of the stamp mark "Received" in the Employees Clearance does not mean that said document was not received by the Office of the Regional Governor. We find the certification signed by Atty. Randolph C. Parcasio, Executive Secretary of Office of the Regional Governor - ARMM, as contained in the Employees Clearance, to be sufficient proof that the same was submitted to the Office of the Regional Governor. It must be stressed that the Executive Secretary is part of the Office of the Regional Governor.

Petitioner denies having "actually" falsified her Employees Clearance by imitating the signature of Laura Pangilan, claiming that she had no knowledge about the falsification because it was her assistant secretary, Marie

Cris Batuampar, who worked for her Employees Clearance.

Petitioner's denial, unsubstantiated and uncorroborated, must certainly fail. Denial, when unsubstantiated by clear and convincing evidence, is negative and self-serving evidence, which deserves no greater evidentiary value than the testimony of credible witnesses who testify on affirmative matters.[56] Denial is intrinsically weak, being a negative and self-serving assertion.[57]

In the case at bar, petitioner did not even present as her witness Marie Cris Batuampar, the person whom she instructed to work for her Employees Clearance. Her failure to present this person in order to shed light on the matter was fatal to her cause. In fact, we find that the defense never intended to present Marie Cris Batuampar as a witness. This is clear from the pre-trial order, because the defense never listed her as a witness.[58] Her attempt to present Ms. Batuampar to help her cause after she has been convicted is already too late in the day, and Ms. Batuampar's testimony, which is supposed to be given, cannot be considered newly discovered evidence as to merit the granting of her motion for new trial and/or reception of newly discovered evidence.

The lack of direct evidence showing that petitioner "actually" imitated the signature of Laura Pangilan in her Employees Clearance will not exonerate her. We have ruled that it is not strange to realize that in cases of forgery, the prosecution would not always have the means for obtaining such direct evidence to confute acts contrived clandestinely. Courts have to rely on circumstantial evidence consisting of pieces of facts, which if woven together would produce a single network establishing the guilt of the accused beyond reasonable doubt.[59] We totally agree with the Sandiganbayan, which said:

While there is no direct evidence to show that the accused herself "actually" forged the signature of Laura Pangilan in the Employees Clearance in question, the Court nevertheless finds the following circumstances, obtaining in the records, to establish/indicate that she was the one who committed the forgery or who asked somebody else to forge or caused the forgery of the signature of Laura Pangilan in her Employees Clearance, to wit -

- that the accused instructed her staff Maricris Batuampar to work for her Employees Clearance in compliance with the Memorandum of ARMM Regional Governor Nur Misuari and that the forged signature of Laura Pangilan was affixed on her clearance are strong evidence that the accused herself either falsified the said signature or caused the same to be falsified/imitated, and that possession by Maricris of the falsified clearance of the accused is possession by the accused herself because the former was only acting upon the instructions and in behalf of the latter;
- that it was the accused who is required to accomplish and to submit her Employees Clearance to enable her to collect her salary for the months of August and September 2000 is sufficient and strong motive or reason for her to commit the falsification by imitating the signature of Laura Pangilan or order someone else to forge it; and
- that the accused was the only one who profited or benefited from the falsification as she admitted that she was able to collect her salary for the month of August 2000 after her falsified Employees Clearance was submitted and approved by the ORG-ARMM and therefore, she alone could have the motive for making such falsification.

On the basis of the foregoing circumstances, no reasonable and fair-minded man would say that the accused - a Regional Secretary of DOT-ARMM - had no knowledge of the falsification. It is an established rule, well-buttressed upon reason, that in the absence of a satisfactory explanation, when a person has in his possession or control a falsified document and who makes use of the same, the presumption or inference is justified that such person is the forger or the one who caused the forgery and, therefore, guilty of falsification. Thus, in *People v. Sendaydiego*, the Supreme Court held that -

The rule is that if a person had in his possession a falsified document and he made use of it (uttered it), taking advantage of it and profiting thereby, the presumption is that he is the material author of the falsification. This is especially true if the use or uttering of the forged documents was so closely connected in time with the forgery that the user or possessor may be proven to have the capacity of committing the forgery, or to have close connection with the forgers. (U.S. v. Castillo, 6 Phil. 453; People v. De Lara, 45 Phil. 754; People v. Domingo, 49 Phil. 28; People v. Astudillo, 60 Phil. 338; People v. Manansala, 105 Phil. 1253).

In line with the above ruling, and considering that it was the accused who took advantage and profited in the use of the falsified Employees Clearance in question, the presumption is inevitable that she is the material author of the falsification. And despite full opportunity, she was not able to rebut such presumption by failing to show that it was another person who forged or falsified the signature of Laura Pangilan or that at least another person and not she alone, had the reason or motive to commit the forgery or falsification, or was or could have been benefited by such falsification/forgery.[60]

The circumstances enumerated by the Sandiganbayan, as against the denials of petitioner, convince us to apply the rule that in the absence of satisfactory explanation, one who is found in possession of, and who has used, a forged document, is the forger and, therefore, guilty of falsification.[61] The effect of a presumption upon the burden of proof is to create the need of presenting evidence to overcome the prima facie case created, which, if no contrary proof is offered, will thereby prevail.[62] A prima facie case of falsification having been established, petitioner should have presented clear and convincing evidence to overcome such burden. This, she failed to do.

Petitioner assails the weight given by the Sandiganbayan to the testimonies of the two Pangilans when they failed to report the alleged falsification to the police or alert the Office of the Regional Governor of said falsification, or tried to stop petitioner from getting her salaries.

We do not agree with the petitioner. It is a settled rule 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.[63] The determination of the credibility of witnesses is the domain of the trial court, as it is in the best position to observe the witnesses' demeanor.[64] The Sandiganbayan has given full probative value to the testimonies of the prosecution witnesses. So have we. We find no reason to depart from such a rule.

Aware that the prosecution failed to present the original from which the photocopy of petitioner's Employees Clearance was supposed to have been obtained, she maintains that the Sandiganbayan should have doubted the authenticity and probative value of the photocopy of the Employees Clearance.

The Sandiganbayan correctly admitted in evidence the photocopy of the Employees Clearance. We agree when it ruled:

Section 3, Rule 130 of the Rules of Court provides that when the subject of inquiry is the contents of a document, no evidence shall be admissible other than the original document itself. The purpose of the rule requiring the production by the offeror of the best evidence is the prevention of fraud, because if a party is in possession of such evidence and withholds it and presents inferior or secondary evidence in its place, the presumption is that the latter evidence is withheld from the court and the adverse party for a fraudulent or devious purpose which its production would expose and defeat. Hence, as long as the original evidence can be had, the Court should not receive in evidence that which is substitutionary in nature, such as photocopies, in the absence of any clear showing that the original has been lost or destroyed or cannot be produced in court. Such photocopies must be disregarded, being inadmissible evidence and barren of probative weight.

The foregoing rule, however, admits of several exceptions. Under Section 3(b) of Rule 130, secondary evidence of a writing may be admitted "when the original is in the custody or under the control of the party

against whom the evidence is offered, and the latter fails to produce it after reasonable notice." And to warrant the admissibility of secondary evidence when the original of a writing is in the custody or control of the adverse party, Section 6 of Rule 130 provides as follows:

Sec. 6. When original document is in adverse party's custody or control. - If the document is in the custody or control of the adverse party, he must have reasonable notice to produce it. If after such notice and after satisfactory proof of its existence, he fails to produce the document, secondary evidence may be presented as in the case of loss.

Thus, the mere fact that the original is in the custody or control of the adverse party against whom it is offered does not warrant the admission of secondary evidence. The offeror must prove that he has done all in his power to secure the best evidence by giving notice to the said party to produce the document which may be in the form of a motion for the production of the original or made in open court in the presence of the adverse party or via a subpoena duces tecum, provided that the party in custody of the original has sufficient time to produce the same. When such party has the original of the writing and does not voluntarily offer to produce it, or refuses to produce it, secondary evidence may be admitted.

Here, the accused admitted that her Employees Clearance was always in the possession of her assistant secretary, [Marie Cris] Batuampar. So the prosecution in its effort to produce the original copy of the said Employees Clearance of the accused, thru Assistant Special Prosecutor Anna Isabel G. Aurellano of the Office of the Prosecutor, sent on May 31, 2005 thru the COA Telegraph Office at Quezon City two (2) telegram subpoenas addressed to accused Normallah Pacasum, and [Marie Cris] Batuampar ordering them to submit to the Office of the Special Prosecutor on or before June 8, 2005, the original of the Employees' Clearance in the name of Normallah Alonto Lucman-Pacasum for the release of her August and September 2000 salary as DOT Regional Secretary. Notwithstanding receipt of the said telegram subpoena by her uncle Manso Alonto in her residence on June 1, 200[5], the accused did not appear before or submit to Assistant Special Prosecutor Anna Isabel G. Aurellano, the original of the said Employees Clearance, much less offered to produce the same.

Under the circumstances, since there was proof of the existence of the Employees Clearance as evidenced by the photocopy thereof, and despite the reasonable notices made by the prosecution to the accused and her assistant secretary to produce the original of said employees clearance they ignored the notice and refused to produce the original document, the presentation and admission of the photocopy of the original copy of the questioned Employees Clearance as secondary evidence to prove the contents thereof was justified.[65]

This Court decrees that even though the original of an alleged falsified document is not, or may no longer be produced in court, a criminal case for falsification may still prosper if the person wishing to establish the contents of said document via secondary evidence or substitutionary evidence can adequately show that the best or primary evidence - the original of the document - is not available for any of the causes mentioned in Section 3,[66] Rule 130 of the Revised Rules of Court.

Petitioner claims she was denied due process when the Sandiganbayan severely restricted her time to present evidence, allowing her only two hearing dates, thus resulting in her failure to present another important witness in the of person of Atty. Randolph Parcasio. Petitioner was not denied due process. She was given every opportunity to adduce her evidence. The Sandiganbayan outlined the proceedings of the case as follows:

After the prosecution rested its case, by agreement of the parties, the initial hearing for the reception of defense evidence was scheduled on September 19 and 20, 2005 both at 8:30 in the morning. However, upon motion of the prosecution, the Court, in its Order of September 16, 2005, cancelled the setting as the handling prosecutor, Pros. Anna Isabel G. Aurellano, had to attend a 5-day workshop at PHINMA in Tagaytay City on September 19-23, 2005 and scheduled anew the hearing on November 23 and 24, 2005, both at 8:30 in the morning. However, for failure of the defense counsel, Atty. Rico B. Bolongaita, to appear at the November 23, 2005

hearing despite due notice, the Court cancelled the November 23 and 24 hearings, and moved the same to March 13 and 14, 2006 both at 8:30 in the morning, and at the same time directed the said defense counsel to show cause in writing within five (5) days from receipt of the Order why he should not be held in contempt for his failure to appear despite due notice. In compliance with this Order, Atty. Rico B. Bolongaita, filed his Explanation and Withdrawal of Appearance, respectively, which were both Noted by the Court in its Resolution of January 19, 2006.

In view of the absence of the accused in the March 13, 2006 hearing and her continued failure to get a substitute counsel considering that her counsel, Atty. Rico B. Bolongaita, had already withdrawn from the case since January 16, 2006, the Court cancelled the March 13 and 14, 2006 hearings and moved the same to July 3 and 4, 2006 both at 8:30 in the morning and designated Atty. Conrado Rosario of the PAO as counsel de oficio of the accused and directed the accused upon receipt of the order to immediately confer with said counsel for purposes of preparing for her defense in the case.

On March 20, 2006, the Court issued the following Resolution, which reads:

Accused Normallah L. Pacasum's letter of February 17, 2006 (received by mail on March 16, 2006) requesting extension of time to engage the services of counsel is merely NOTED WITHOUT ACTION as the next hearings are scheduled on July 3 and 4, 2006 and said accused would have more than ample time to engage the services of counsel of her choice. For this reason, any excuse from the accused on said settings that she failed to engage the services of counsel or that her counsel needs more time to prepare will be unacceptable. At all events, this Court, in its Order of March 13, 2006, had already appointed Atty. Conrado Rosario of the PAO as a counsel de oficio to represent the accused, with specific orders to the latter to confer with Atty. Rosario and assist him in preparing for her defense.

On July 3, 2006, upon the manifestation of Atty. Conrado Rosario, counsel for the accused, that since he was appointed counsel de oficio, the accused has not communicated with him and therefore he was not ready to present any evidence for the accused, the Court cancelled the hearing in order to give the defense another opportunity to present its evidence and reset it to July 4, 2006, the following day as previously scheduled.

On July 4, 2006, the Court issued the following Order, which reads -

"When this case was called for hearing, accused asked for the resetting of the case on the ground that she just hired a new counsel who thereafter arrived and entered his appearance as Atty. Napoleon Uy Galit with address at Suite 202 Masonic Building, #35 Matalino St., Diliman, Quezon City. With the appearance of her new counsel, Atty. Conrado C. Rosario is hereby discharged as counsel de oficio of the accused.

"As prayed for by the accused, she is given the last chance to present her evidence on October 9 and 10, 2006, both at 8:30 o'clock in the morning. For repeated failure of the accused to acknowledge receipt of the notices of the Court, her waiver of appearance is hereby cancelled and she is ordered to personally appear in the scheduled hearings of this case.

SO ORDERED.

On October 6, 2006, the accused thru counsel, Atty. Bantreas Lucman, filed an Entry of Appearance, Motion For Postponement of October 9 and 10 Hearings stating therein that since his service as new counsel was just engaged by the accused, and that the accused herself cannot also attend the said hearing because she is undergoing fasting until October 24, 2006 in observance of Ramadan, he asked to postpone the settings on October 9 and 10, 2006. At the hearing on October 9, 2006, the Court issued the following, which reads -

"Acting on the Entry of Appearance, Motion for Postponement of October 9 and 10, 2006 Hearing filed by accused Normallah L. Pacasum, thru counsel, Atty. Bantreas Lucman, finding the same to be without merit, as this case has been set for hearing several times and the accused has been given the last chance to present

evidence, the Court hereby denies the motion for postponement.

"In this regard, in view of the absence of accused Normallah L. Pacasum in today's hearing despite the Order of the Court dated July 4, 2006, canceling her waiver of appearance, and ordering her to personally appear before this Court, as prayed for by the prosecution, let a Bench Warrant of Arrest be issued against the said accused. The cash bond posted for her provisional liberty is ordered confiscated in favor of the government. The accused is given thirty (30) days from notice to explain in writing why final judgment shall not be rendered against the said bond.

With the Manifestation of Atty. Bantreas Lucman that the defense is not ready to present its evidence today and tomorrow, the last chance for it to present its evidence, the Court is constraint to consider the accused's right to present evidence as waived.

The parties are hereby given thirty (30) days to submit their respective memoranda. Thereafter, the case shall be deemed submitted for decision.

SO ORDERED.

Subsequently, the accused thru counsel, filed a Motion for Reconsideration of the above Order dated October 25, 2006, and Motion to Set Hearing For Motion for Reconsideration and to Lift Warrant of Arrest dated October 31, 2006.

At the hearing of accused's motion for reconsideration on November 3, 2006, the Court issued the following Order, which reads -

"When the 'Motion To Set Hearing for Motion for Reconsideration and to Lift Warrant of Arrest' was called for hearing this morning, only Attorneys Bantreas M. Lucman and Jose Ventura Aspiras appeared. Accused Normallah L. Pacasum was absent.

In view of the absence of the accused, the Court is not inclined to give favorable action to the Motion for Reconsideration. It must be stressed that the primordial reason for the issuance of the order sought to be reconsidered in the presence of the accused in the previous hearing in violation of the Court's Order for her to personally appear in the hearings of this case and for her indifference to the directives of the Court. With the absence anew of the accused, the Court has no alternative but to deny the Motion.

Moreover, the Court notes the allegation in the Motion that the counsel sought the assurance of the accused (and she promised) to appear before this Court if the motion will be granted, as if the Court owes the accused the favor to appear before it. The accused is reminded/advised that the issuance of the warrant of arrest, she has to voluntarily surrender and appear before the Court or be arrested and brought to the Court.

WHEREFORE, the Motion for Reconsideration is denied.

SO ORDERED.

Acting on the Omnibus Motion to Hold in Abeyance Consideration of Prosecution's Memorandum (And for a Second Look on the Matter of Accused's Right to Present Defense Evidence) of the accused dated November 21, 2006, and the prosecution's Opposition thereto, the Court issued the following Order, which reads -

"This refers to the Accused "Omnibus Motion to Hold in Abeyance Consideration of Prosecution's November 7, 2006 Memorandum (And For a Second Look on the Matter of Accused's Right to Present Defense Evidence)" dated November 21, 2006 and the plaintiff's Opposition thereto dated November 28, 2006.

"Inasmuch as the accused has already appeared before the Court and posted an additional bond of P10,000.00 despite the aforesaid opposition of the prosecution, in the interest of justice, the Court is inclined to reconsider and

give favorable action to the motion and grant the accused another and last opportunity to present here evidence.

"WHEREFORE, the motion is granted and this case is set for hearing for the accused's last chance to present and/or complete the presentation of her evidence on February 5 and 6, 2007 both at 8:30 in the morning in the Sandiganbayan Centennial Building in Quezon City.

SO ORDERED.

Thus, despite the initial indifference of the accused to present her defense, the Court gave her ample opportunity to present her evidence.[67]

The Sandiganbayan properly dealt with the situation. In fact, we find that the trial court was lenient with the petitioner. The failure of the defense to present Atty. Parcasio was its own doing. The defense failed to prepare its witnesses for the case. As proof of this, we quote a portion of the hearing when petitioner was testifying:

ATTY. ASPIRAS

Q

Would you know where (sic) the whereabouts of this Sec. Parcasio would be (sic) at this time?

A

He lives in Davao but after what happened to Gov. Misuari, we have not got together with the other members of the cabinet of Gov. Misuari, but he lives in Davao, sir.

Q

Would it be possible, Madame Witness, to request or ask him to testify in this case?

A

After this hearing, I will look for Sec. Parcasio just to clear my name, sir.

CHAIRMAN

Not after this hearing, you should have already done that. Because we already gave you enough opportunity to present your side, right? You should not be telling the Court that only after this hearing, you will start looking (for) people who will, definitely, clear your name. You should be doing that months ago, correct?

WITNESS

Yes, your Honors.[68]

Petitioner was charged with falsifying her Employees Clearance under Article 171, paragraph 1 of the Revised Penal Code. For one to be convicted of falsification under said paragraph, the followings elements must concur: (1) that the offender is a public officer, an employee, or a notary public; (2) that he takes advantage of his official position; and (3) that he falsifies a document by counterfeiting or imitating any handwriting, signature or rubric.

All the foregoing elements have been sufficiently established. There is no dispute that petitioner was a public officer, being then the Regional Secretary of the Department of Tourism of the ARMM, when she caused the preparation of her Employees Clearance (a public document) for the release of her salary for the months of August and September 2000. Such being a requirement, and she being a public officer, she was duty-bound to prepare, accomplish and submit said document. Were it not for her position and employment in the ARMM, she could not have accomplished said Employees Clearance. In a falsification of public document, the offender is

considered to have taken advantage of his official position when (1) he had the duty to make or prepare or otherwise intervene in the preparation of the document; or (2) he had official custody of the document which he falsified.[69] It being her duty to prepare and submit said document, she clearly took advantage of her position when she falsified or caused the falsification of her Employees Clearance by imitating the signature of Laura Pangilan.

Going now to the penalties imposed on petitioner, we find the same proper. The penalty for falsification under Article 171 of the Revised Penal Code is prision mayor and a fine not exceeding P5,000.00. There being no mitigating or aggravating circumstance in the commission of the felony, the imposable penalty is prision mayor in its medium period, or within the range of eight (8) years and one (1) day to ten (10) years. Applying the Indeterminate Sentence Law, the maximum penalty to be imposed shall be taken from the medium period of prision mayor, while the minimum shall be taken from within the range of the penalty next lower in degree, which is prision correccional or from six (6) months and one (1) day to six (6) years.

WHEREFORE, premises considered, the decision of the Sandiganbayan in Crim. Case No. 27483 dated 7 August 2007 and its resolution dated 22 October 2007 are hereby AFFIRMED.

SO ORDERED.

Puno, C.J., Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio Morales, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, and Bersamin, JJ., concur.

Quisumbing, J., pls. see dissenting opinion.

Tinga, J., join J. Quisumbing's dissent.

[1] Penned by Associate Justice Rodolfo A. Ponferrada with Associate Justices Gregory S. Ong and Jose R. Hernandez, concurring; records, Vol. 1, pp. 527-555.

[2] Records, Vol. 2, pp. 41-50.

[3] Should be "Employees Clearance." See Exh. A-2, Folder of Exhibits.

[4] Records, Vol. 1, p. 1.

[5] Id. at 23-24.

[6] Id. at 48-51.

[7] Id. at 114-115.

[8] Id. at 129-130.

[9] Id. at 180-183.

[10] Id. at 182.

[11] TSN, 6 April 2005.

[12] Id.

[13] TSN, 14 June 2005.

[14] Exh. A-5, Folder of Exhibits.

[15] Exh. A-2, Folder of Exhibits.

- [16] Exhs. A-2-b to A-2-g, Folder of Exhibits.
- [17] Spelled as "Maricris" by the Sandiganbayan.
- [18] Exh. A-2-a, Folder of Exhibits.
- [19] Exh. A-1, Folder of Exhibits.
- [20] Exh. A-3, Folder of Exhibits.
- [21] Exh. A-4, Folder of Exhibits.
- [22] Exh. A-4-a, Folder of Exhibits.
- [23] Exhs. A-6 and A-7, Folder of Exhibits.
- [24] Exhs. A-8 and A-9, Folder of Exhibits.
- [25] Records, Vol. 1, pp. 260-265.
- [26] Id. at 268-276.
- [27] Id. at 284.
- [28] TSN, 5 February 2007, p. 17.
- [29] Id. at 19.
- [30] Id. at 29.
- [31] Id. at 50.
- [32] Records, Vol. 1, pp. 451-453
- [33] Id., Exh. 1 is the same as Exh. A-5; Exh. 2 is the same as Exh. A-2, Folder of Exhibits.
- [34] Id. at 554.
- [35] Records, Vol. 2, pp. 5-11.
- [36] Id. at 18-24.
- [37] Id. at 25-31.
- [38] Id. at 35-39.
- [39] Id. at 41-50.
- [40] Rollo, p. 188.
- [41] Id.
- [42] Id. at 195-218.
- [43] Id. at 219.
- [44] Id. at 226-237.
- [45] Id. at 242-265, 266-279.
- [46] Id. at 14.

[47] Exhibit A-5, Folder of Exhibits.

[48] Ramon C. Aquino, *The Revised Penal Code* (1997 Edition), Vol. II, p. 233, citing *US v. Vilorio*, 1 Phil. 682, 684-685 (1903).

[49] TSN, 5 February 2007, pp. 17-18, 52.

[50] TSN, 6 February 2007, p. 20.

[51] TSN, 5 February 2007, p. 17.

[52] *Id.* at 42.

[53] *Id.* at 44.

[54] *Cabang v. People*, G.R. No. 62634, 26 June 1992, 210 SCRA 377, 392.

[55] *Lumancas v. Intas*, 400 Phil. 785, 798 (2000), citing *People v. Po Giok To*, 96 Phil. 913, 918 (1955).

[56] *People v. Maglente*, G.R. No. 179712, 27 June 2008, 556 SCRA 447, 468.

[57] *People v. Agsaoay, Jr.*, G.R. Nos. 132125-26, 3 June 2004, 430 SCRA 450, 466.

[58] Pre-Trial Order, Records, Vol. 1, p. 181.

[59] *Cabang v. People*, *supra* note 51 at 390.

[60] Rollo, pp. 546-549.

[61] *Nierva v. People*, G.R. No. 153133, 26 September 2006, 503 SCRA 114, 124-125.

[62] *Republic v. Vda. de Neri*, 468 Phil. 842, 862-863 (2004), citing *Francisco*, *The Revised Rules of Court in the Philippines* (Vol. VII, Part II), p. 7.

[63] *Fullero v. People*, G.R. No. 170583, 12 September 2007, 533 SCRA 97, 113.

[64] *Mangangey v. Sandiganbayan*, G.R. Nos. 147773-74, 18 February 2008, 546 SCRA 51, 65.

[65] Rollo, pp. 550-552.

[66] Sec. 3. Original document must be produced; exceptions. - When the subject of inquiry is the contents of a document, no evidence shall be admissible other than the original document itself, except in the following cases: (a) When the original has been lost or destroyed, or cannot be produced in court, without bad faith on the part of the offeror; (b) When the original is in the custody or under the control of the party against whom the evidence is offered, and the latter fails to produce it after reasonable notice; (c) When the original consists of numerous accounts or other documents which cannot be examined in court without great loss of time and the fact sought to be established from them is only the general result of the whole; and (d) When the original is a public record in the custody of a public officer or is recorded in a public office.

[67] Rollo, pp. 532-536.

[68] TSN, 5 February 2007, pp. 21-22.

[69] *Fullero v. People*, *supra* note 63 at 114.

DISSENTING OPINION

QUISUMBING, J.:

With due respect, I dissent from the majority opinion. I vote to grant the petition and reverse the decision of the Sandiganbayan finding petitioner Normallah A. Pacasum guilty beyond reasonable doubt of the crime of falsification under Article 171, paragraph 1, of the Revised Penal Code.

In my view, it is erroneous to convict petitioner because of the following grounds:

First, there is lack of sufficient evidence to prove petitioner's guilt beyond reasonable doubt. Article 171, paragraph 1[1] of the Revised Penal Code punishes "any public officer, employee, or notary who, taking advantage of his/her official position shall falsify a document by counterfeiting or imitating any handwriting, signature, or rubric."

The elements of falsification of public document are as follows:

- (a) the offender is a public officer, employee or notary public;
- (b) s/he takes advantage of his/her official position;
- (c) s/he falsifies a document by committing any of the acts mentioned in Article 171 of the Revised Penal Code such as counterfeiting or imitating any handwriting, signature or rubric.[2]

Elements (b) and (c) are absent in this case. Petitioner could not have taken advantage of her official position to have her employee clearance falsified because she had no need for the clearance. Moreover, the mere act of an employee of having his/her clearance signed is not taking advantage of one's official position. It is erroneous to conclude that were it not for her position and her employment in the ARMM, petitioner could not have accomplished her clearance.

There is no evidence, direct or circumstantial, showing that petitioner imitated or caused to be imitated the alleged falsified signature in the clearance. The witnesses merely testified that the signature in petitioner's clearance was falsified. This fact alone is not sufficient proof beyond reasonable doubt that she is guilty of falsification.

The Sandiganbayan, for lack of proof of petitioner's direct participation in falsifying the document, relied on the disputable legal presumption that the possessor of a falsified document who makes use of such to her advantage is presumed to be the author of the falsification.[3] At any rate, for the presumption of authorship of falsification to apply, the possessor must stand to profit or had profited from the use of the falsified document.[4] In this case, petitioner does not stand to profit nor profited from the use of the alleged falsified document.

Second, the allegedly falsified document, petitioner's employee clearance, was not needed by her to get her salaries for the months of August and September 2000 and therefore, no criminal intent or ill motive could be attributed to petitioner to warrant her conviction for falsification under Article 171, paragraph 1, of the Revised Penal Code.

Criminal intent must be present in felonies committed by means of dolo, such as falsification.[5] In this case, there is no reasonable ground to believe that the requisite criminal intent or mens rea was present. Petitioner had no ill motive to falsify her own employee's clearance. She had no need to do so since the employee clearance was not needed by her in the procurement of her salaries. Even if she had her employee clearance prepared, this act, by itself, is not felonious. There was nothing willful or felonious in petitioner's acts that would warrant her prosecution for falsification.

I therefore vote to set aside the Decision dated August 7, 2007 of the Sandiganbayan and acquit petitioner of the charges against her.

[1] Art. 171. Falsification by public officer, employee or notary or ecclesiastic minister. -- The penalty of prison mayor and a fine not to exceed P5,000 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:

1. Counterfeiting or imitating any handwriting, signature or rubric;

xxxxxx

[2] Flores v. Layosa, G.R. No. 154714, August 12, 2004, 436 SCRA 337, 349.

[3] Eugenio v. People of the Philippines, G.R. No. 168163, March 26, 2008, 549 SCRA 433, 447.

[4] Id. at 449.

[5] De Jesus v. Sandiganbayan, G.R. No. 164166 & 164173-80, October 17, 2007, 536 SCRA 394, 405.

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