

FLORO T. TADENA, PETITIONER, V. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 228610. March 20, 2019

Ponente: J. REYES, JR., J.

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J. REYES, JR., J.:

A municipal mayor, who changed the wordings of a municipal ordinance, is guilty of falsification by a public officer of a public document.

The Facts

The Court adopts the concise narration of facts of the Sandiganbayan (SB), which is based on documentary and testimonial evidence and stipulations of the parties.

On 17 October 2001, the accused [Floro T. Tadena], then the Municipal Mayor of Sto. Domingo, Ilocos Sur, wrote a letter to the members of the [Sangguniang Bayan] requesting for the creation of the position of a Municipal Administrator.

On 10 December 2001, the [Sangguniang Bayan] adopted the First Version, for the appropriation of the annual budget of the Municipality of Sto. Domingo, Ilocos Sur, for the fiscal year of 2002. Paragraph (a) of the 4th "Whereas Clause" of said municipal ordinance addressed [Tadena's] request and provided for the creation of the position of a Municipal Administrator as follows:

"(a) The position "MUNICIPAL ADMINISTRATOR" shall not be created unless the proposed needs of all the Offices of the municipality will be satisfied through Supplemental Budgets and provided further that the Mandatory 5% Salary Increase for 2001 be implemented."

[Tadena vetoed the First Version]. In his veto message to the [Sangguniang Bayan], [Tadena] declared that the conditions given for the creation of the Office of the Municipal Administrator were unrealistic and demanding. He relayed to them, among others, that the only condition agreed upon during a previous conference of the municipality's heads of offices was that the office of the Municipal Administrator would be created at a later date. Hence, he returned the First Version unacted upon, with a request for the deletion of the conditions imposed therein and to be substituted by the agreement set during the heads of offices conference.

On 11 January 2002, the [Sangguniang Bayan] deliberated on [Tadena's] request and passed the Second Version. Paragraph (a) of the 4[th] "Whereas Clause" thereof stated that:

"(a) The position "MUNICIPAL ADMINISTRATOR" shall not be created unless 2% of the Mandatory 5% Salary Increase for 2002 be implemented"

On 14 January 2002, the [Sangguniang Bayan's] Secretary, [Rodel M.] Tagorda [(Tagorda)], transmitted a copy of the Second Version to [Tadena] for his information, approval and appropriate action. On 15 January 2002, the transmittal letter as well as the copy of the Second Version was received by the Office of the Municipal Mayor.

On 23 January 2002, the Office of the Municipal Mayor returned the copy of the Second Version with the [Tadena's] signature but the first page thereof was substituted and an apparent change in paragraph (a) of the 4[th] "Whereas Clause" was noted, to wit:

"(a) The position "MUNICIPAL ADMINISTRATOR" shall be created and the 2% of the Mandatory 5% Salary Increase for 2002 be implemented."

On 25 January 2002, the [Sangguniang Bayan] issued Resolution No. 007 deleting paragraph (a) of the 4[th] "Whereas Clause" of Municipal Ordinance No. 2001-013. In the same resolution, the [Sangguniang Bayan] put on record the changes they observed in the Second Version thereof, thus:

"x x x WHEREAS, On 11 January 2002, during our 2nd Special Session, we unanimously approved said Mun. Ordinance No. 2001-013 with modification contained at page one thereof as follows "a) The position 'MUNICIPAL ADMINISTRATOR' shall not be created unless the 2% of the Mandatory 5% Salary Increase for 2002 be implemented." The same was transmitted at the Office of the Hon. Mayor FLORO T. TADENA on January 15, 2002;

WHEREAS, On 23 January 2002, the said Office returned said copies of Municipal Ordinance No. 2001-013 for suppose transmittal to the [Sangguniang Panlalawigan] by the [Sangguniang Bayan] Secretary, however, it was observed that page one of such was substituted and the provisions contained at paragraph 5 thereof was changed into: "The position ['MUNICIPAL ADMINISTRATOR'] shall be created and the 2% of the Mandatory 5% Salary Increase for 2002 be implemented. x x x"

Thereafter, the [Sangguniang Bayan] enacted and implemented the Final Version.[1] [The Final Version contained the same matters as the Second Version except the alleged falsified details. The First and Second Versions were not implemented by the municipality but were kept in its records.][2]

This notwithstanding, [Sangguniang Bayan] Secretary Tagorda filed a complaint for Falsification of Public Document against [Tadena] with the Office of the Ombudsman. Initially, the Ombudsman dismissed the case. Upon Motion for Reconsideration, the latter reversed its resolution in an Order dated 28 August 2002 and directed the filing of an Information against [Tadena].[3]

On July 4, 2014, the Office of the Special Prosecutor (OSP) of the Office of the Ombudsman (Ombudsman) filed an Information[4] against accused-petitioner (Tadena) and charged him of falsification of public document under Article 171, paragraph 6 of the Revised Penal Code (RPC).[5] On arraignment, Tadena pleaded not guilty to the offense charged.[6]

During pre-trial, the parties stipulated on the following facts:

- That at the time material to the allegations in the Information, accused Tadena was a high-ranking public official, being then the Municipal Mayor of Sto. Domingo, Ilocos Sur[; and]
- That the private complainant, Rodel Tagorda, was (and still is) the Secretary of the [Sangguniang Bayan] of Sto. Domingo, Ilocos Sur, at the time of the incident.[7]

The parties also proposed the following issues for resolution: 1. Whether or not accused Floro T. Tadena changed, altered or intercalated paragraph (a) of the 4th Whereas Clause of the original Municipal Ordinance No. 2001-013 which was duly enacted by the [Sangguniang Bayan] of Sto. Domingo, Ilocos Sur, thus changing its meaning [; and] 2. Whether or not the accused falsified Municipal Ordinance No. 2001-013 dated January 11, 2002.[8]

On September 15, 2016, the SB rendered a Decision[9] in Criminal Case No. SB-14-CRM-0327, finding Tadena guilty beyond reasonable doubt of the offense charged. The SB discussed that all the elements of the offense were

present in this case; thus, a conviction is in order.[10] Tadena moved for reconsideration, which the SB denied in its December 7, 2016 Resolution.[11]

The Issues Presented

Unconvinced, Tadena filed the present Petition for Review on Certiorari[12] before the Court and assigned the following errors:

- WITH DUE RESPECT, THE HONORABLE SANDIGANBAYAN ERRED IN NOT DISMISSING THE CASE DESPITE PETITIONER'S MOTION TO DISMISS FOR INORDINATE DELAY IN THE PROSECUTION OF THE CASE.
- WITH DUE RESPECT, THE HONORABLE SANDIGANBAYAN ERRED IN DISREGARDING THE JUDICIAL ADMISSION OF THE COMPLAINANT THAT HE LOST INTEREST IN PROSECUTING HIS COMPLAINT AFTER THE OFFICE OF THE OMBUDSMAN DISMISSED THE SAME, BUT WAS LATER REVIVED UPON FILING OF A MOTION FOR RECONSIDERATION BY A LAWYER NOT AUTHORIZED BY SAID COMPLAINANT TO FILE THE SAME AND DESPITE COMPLAINANT'S DECLARATION THAT THE RESPONDENT IN HIS COMPLAINT, HEREIN PETITIONER, HAS NOT COMMITTED ANY FALSIFICATION AS CHARGED.
- WITH DUE RESPECT, THE HONORABLE SANDIGANBAYAN ERRED IN HOLDING IN EFFECT, THAT THE DOCUMENT FALSIFIED BY PETITIONER WAS A GENUINE DOCUMENT WHEN IT WAS NOT.
- WITH DUE RESPECT, THE HONORABLE SANDIGANBAYAN ERRED IN NOT FINDING THAT THE CHANGES WHICH PETITIONER MADE IN THE SUBJECT ALLEGED DOCUMENT WERE DONE WITH THE ACTUAL PARTICIPATION AND CONCURRENCE OF THE MAJORITY MEMBERS OF THE SANGGUNIANG BAYAN OF STO. DOMINGO, ILOCOS SUR.
- WITH DUE RESPECT, THE PETITIONER ACTED IN GOOD FAITH AND WITH NO CRIMINAL INTENT IN MAKING THE CHANGES HE MADE IN SAID ALLEGED DOCUMENT.
- WITH DUE RESPECT, THE PETITIONER MADE THE CHANGES BEING A PART OF THE LOCAL LEGISLATION PROCESS AND AS SUCH HE WAS AUTHORIZED TO MAKE THE CHANGES BEFORE THE ORDINANCE WAS FINALLY ENACTED INTO LAW.
- WITH DUE RESPECT, IF THERE WAS ANY DOUBT THE SAME SHOULD HAVE BEEN RESOLVED IN FAVOR OF THE ACCUSED.
- WITH DUE RESPECT, THE PROSECUTION FAILED TO OVERCOME THE PRESUMPTION OF INNOCENCE USUALLY ACCORDED BY LAW TO THE ACCUSED IN CRIMINAL CASES.
- WITH DUE RESPECT, THE HONORABLE SANDIGANBAYAN FAILED TO APPRECIATE MITIGATING CIRCUMSTANCES IN FAVOR OF PETITIONER.[13]

In its Comment,[14] the People of the Philippines, as represented by the OSP of the Ombudsman, alleged that the SB correctly ruled that Tadena's right to speedy disposition of his case was not violated. This issue was first raised in Tadena's Motion to Quash/Motion to Dismiss. After the SB denied the motion, Tadena did not pursue further relief. Thus, the resolution had attained finality.[15]

The OSP recounted that the Ombudsman completed the preliminary investigation with dispatch, and that the prosecutor acted promptly in filing the Information against Tadena.[16] The OSP averred that the prosecution of

the case was not attended with inordinate delay.[17]

The OSP asserted that Tadena is guilty beyond reasonable doubt of falsification of public document because all the elements of the offense are present, and he admitted on record that he made the changes on the municipal ordinance.[18]

Lastly, the OSP maintained that the SB was correct to disregard Tadena's voluntary surrender as a mitigating circumstance since a warrant of arrest had been issued before he posted bail. The OSP argued that the essence of voluntary surrender is spontaneity, and the intent to give oneself up and submit to the authorities because one acknowledges his/her guilt and wishes to save the authorities the trouble and expense that may be incurred for the search and capture. However, when the reason for the surrender is the inevitability of the arrest and to ensure safety, the surrender is not spontaneous and voluntary. Hence, it is not a mitigating circumstance.[19]

In its Reply,[20] Tadena essentially reiterated his arguments in the petition.

The issues to be resolved by the Court can be summarized as:

- Whether or not the SB erred in ruling that Tadena's right to speedy disposition of his case was not violated;
- Whether or not the SB erred in finding Tadena guilty beyond reasonable doubt of falsification under Article 171, Paragraph 6 of the RPC, and
- Whether or not the SB imposed the proper penalty.

The Court's Ruling

The petition is denied.

I.

Tadena contends that the SB should have dismissed the case because (1) of inordinate delay, and (2) private complainant Tagorda desisted from pursuing the case after it was dismissed by the Ombudsman.[21]

The issue of whether or not there was inordinate delay in the prosecution of the case raises a question of fact, which is not a proper subject of a petition for review on certiorari under Rule 45 of the Rules of Court. Although there are exceptions found in jurisprudence, none of them apply in this case as Tadena did not allege and substantiate its application. Thus, the Court shall not entertain a factual issue.

As to the issue of Tagorda's desistance as a ground for dismissal of the case, it is conceded that the State has the sovereign right to prosecute criminal offenses under the full control of the fiscal and that the dismissal of criminal cases by the execution of an affidavit of desistance by the complainant is not looked upon with favor.[22] An affidavit of desistance is merely an additional ground to buttress the accused's defenses, not the sole consideration that can result in acquittal. There must be other circumstances which, when coupled with the retraction or desistance, create doubts as to the truth of the testimony given by the witnesses at the trial and accepted by the judge.[23]

The OSP commented that in Tagorda's affidavit of desistance, he did not repudiate the material points in the Information referring to the offense of falsification.[24] His main reason for the desistance was to keep the peace in the municipality.[25] Notably, in his Reply, Tadena did not object or offer counter arguments to the OSP's observations. Thus, the charges in the Information were intact and unaffected by the desistance. The Court concurs with the SB in not dismissing the case based solely on Tadena's contentions. The records contain pieces of evidence that prove Tadena's guilt beyond reasonable doubt.

II.

In the prosecution of falsification by a public officer, employee, or notary public under Article 171 of the RPC, the following are the elements:

- The offender is a public officer, employee, or notary public;
- The offender takes advantage of his/her official position;
- The offender falsifies a document by committing any of the following acts:
 1. Counterfeiting or imitating any handwriting, signature or rubric;
 2. Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate;
 3. Attributing to persons who have participated in an act or proceeding statements other than those in fact made by them;
 4. Making untruthful statements in a narration of facts;
 5. Altering true dates;
 6. Making any alteration or intercalation in a genuine document which changes its meaning;
 7. Issuing in an authenticated form a document purporting to be a copy of an original document when no such original exists, or including in such a copy a statement contrary to, or different from, that of the genuine original; or
 8. Intercalating any instrument or note relative to the issuance thereof in a protocol, registry, or official book. (Emphasis supplied)[26]

The first element, that the offender is a public officer, is indisputably present as the parties stipulated during pre-trial that Tadena was the municipal mayor of Sto. Domingo, Ilocos Sur when the falsification took place

The second element is taking advantage of official position in falsifying a document, when (1) the offender has the duty to make, prepare, or intervene in the preparation of a document, or (2) he/she has the official custody of the document which he/she falsifies.[27] These two aspects are evident in this case.

As for the first aspect, the SB correctly pointed out that Section 54[28] of the Local Government Code (LGC) states that a local chief executive participates in the enactment of an ordinance either by approval or veto.[29] Either of the acts are connected with the performance of his duties as municipal mayor, and constitute as intervention in enacting an ordinance.

Tadena justifies that he made the changes as part of the local legislation process. The Court strongly disagrees. Section 54 of the LGC limits the participation of a local chief executive in the enactment of ordinance to two acts, either approval or veto. The provision does not include the power to make changes on an ordinance. At most, the local chief executive may veto the ordinance and submit his objections to the sanggunian. However, Tadena neither approved nor vetoed the ordinance. He intervened in the process by changing the wordings of the 4th Whereas Clause of the municipal ordinance.

As for the second aspect, Tadena has official custody of the Second Version of Municipal Ordinance 2001-013, because Tagorda transmitted it to his office for appropriate action. Tadena admitted receiving the municipal ordinance in the Statement of Facts in his petition:

3. The SECOND Municipal Ordinance No. 2001-013 xxx which was deliberated and transmitted to the Mayor for his APPROVAL WAS NOT ACTUALLY ADOPTED AND FINALLY ENACTED BY THE SANGGUNIANG BAYAN BECAUSE HEREIN PETITIONER TEMPORARILY HELD IT IN HIS OFFICE AND CALLED FOR A CONFERENCE OR MEETING WITH THE MEMBERS OF THE SANGGUNIANG BAYAN REGARDING SOME CHANGES HE MADE IN THE ORDINANCE.[30]

With the two aspects both evident in this case, it is unmistakable that Tadena took advantage of his position as municipal mayor when he falsified the municipal ordinance.

The third element is falsification of a document by making any alteration or intercalation in a genuine document which changes its meaning. The case of *Typoco, Jr. v. People*[[31]] dissected this element and required the following:

- An alteration (change) or intercalation (insertion) on a document;
- It was made on a genuine document;
- The alteration or intercalation has changed the meaning of the document; and
- The change made the document speak something false.

The first requirement is crystal clear with the following alteration or intercalation on the municipal ordinance:

ORIGINAL SECOND VERSION

ALTERED SECOND VERSION

(a) The position MUNICIPAL ADMINISTRATOR shall not be created unless 2% of the Mandatory 5% Salary Increase for 2002 be implemented. (Emphasis supplied.)[32] (a) The position MUNICIPAL ADMINISTRATOR shall be created and the 2% of the Mandatory 5% Salary Increase for 2002 be implemented. (Emphasis supplied.)[33]

As for the second requirement, Section 31, Rule 132 of the Revised Rules on Evidence provides how to present alteration in a document.

Sec. 31. Alteration in document, how to explain. — The party producing a document as genuine which has been altered and appears to have been altered after its execution, in a part material to the question in dispute, must account for the alteration. He may show that the alteration was made by another, without his concurrence, or was made with the consent of the parties affected by it, or was otherwise properly or innocent made, or that the alteration did not change the meaning or language of the instrument. If he fails to do that, the document shall not be admissible in evidence.

Here, the prosecution presented the original Second Version of the municipal ordinance (Exhibit E), the altered Second Version (Exhibit F), and Resolution 007 (Exhibit G), which contains the Sangguniang Bayan's observation that the first page of the municipal ordinance was substituted and the Whereas Clause was altered. The defense admitted the existence, due execution and truthfulness of Exhibits E to G.[34]

The prosecution also presented Tagorda and his judicial affidavit. Tagorda testified that it is his duty as Sangguniang Bayan Secretary to: (1) attend sessions and meetings of the Sangguniang Bayan; (2) keep minutes and journal of the proceedings; (3) attest approved Resolutions and Ordinances; (4) act as custodian of records of the Sangguniang Bayan; and (5) other functions as provided by the Local Government Code, laws, and ordinances.[35]

The SB narrated that [w]hen the signed Second Version was returned to the Sangguniang Bayan, Vice-Mayor

Anthony Que x x x noticed that the first page was substituted and paragraph (a) of the 4th "Whereas Clause" was changed, x x x. [T]he alteration was made known to the Sangguniang Bayan, [and] they decided to adopt Resolution No. 007 to delete the provision on the creation of [the] Municipal Administrator.[36] (*Italics supplied*)

The combined testimonial and documentary evidence prove that alteration and intercalation were made on the Second Version of the municipal ordinance. Hence, the second requirement was complied with.

Further, the SB correctly explained that Section 19,[37] Rule 132 of the Revised Rules on Evidence identifies public documents, and one of them includes written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers whether of the Philippines or a foreign country. Here, the Second Version of the municipal ordinance is undoubtedly a written official act of the Sangguniang Bayan members, who were in the lawful exercise of their mandated official function.[38] The records reveal that a genuine copy of the Second Version was transmitted to the Office of the Municipal Mayor. Tadena admitted to receiving and changing the wordings of the Second Version. Thus, an alteration or intercalation was made on a genuine copy of a public document.

Lastly, the alteration changed the meaning of the Second Version of the municipal ordinance and represented a false intention of the local legislative body. The SB correctly observed that the Sangguniang Bayan originally wanted the creation of the municipal administrator's office to be dependent on the implementation of the 2% of the 5% mandatory salary increase for 2002. However, after the alteration, Tadena made it appear that the creation of the municipal administrator's office was independent from the implementation of the mandatory salary increase.[39] Clearly, the alteration departed from the intention of the Sangguniang Bayan, removed the condition imposed, and conveyed an untruthful idea.

The Court disputes Tadena's excuse that he acted with the concurrence of the majority of the Sangguniang Bayan members. The SB found that Tadena did not offer proof that the Sangguniang Bayan members agreed with the changes he made.[40] His bare and self-serving claim is insufficient to reverse his conviction.

The Court also rejects Tadena's justification that he acted in good faith in changing the wordings of the municipal ordinance.

In *Civil Service Commission v. Maala*,[41] the Court explained that good faith is a state of mind denoting honesty of intention, and freedom from knowledge of circumstances which ought to put the holder upon inquiry. It is an honest intention to abstain from taking any unconscientious advantage of another, even through technicalities of law, together with absence of all information, notice, or benefit or belief of facts which render transaction unconscientious. In short, good faith is actually a question of intention. Although this is something internal, we can ascertain a person's intention by relying not on his own protestations of good faith, which is self-serving, but on evidence of his conduct and outward acts.

Here, Tadena's actuations cannot be considered as done in good faith. The records show that Tadena initiated the creation of the municipal administrator's office. The sanggunian convened and included the creation of the municipal administrator's office in the First Version of the municipal ordinance. Tadena vetoed the ordinance and wrote the sanggunian expressing his objections. The sanggunian again convened and issued the Second Version. This time, instead of expressing his objections in a veto, Tadena took it upon himself to change the wordings of the municipal ordinance, and returned it to the sanggunian. At this point, the vice mayor noticed that the first page was substituted and the wordings of the ordinance were altered.

From the narration of facts, it is obvious that Tadena took advantage of his position as municipal mayor to alter the wordings of the municipal ordinance, create the municipal administrator's office without condition/s, and pass

it as though it was the original version of the sanggunian.

The Court also observed that Tadena had inconsistent defenses. During trial in the SB, he averred that he inadvertently signed the Second Version due to volume of work, but he later called for a meeting with the Sangguniang Bayan members to correct the errors.[42] In this petition, he alleges that the changes he made were with the concurrence of the majority of the sanggunian members.[43] He also asserts good faith as he was trying to save his constituents from expenses which could not be funded by the municipality's budget.[44] The Court finds that Tadena's conduct in taking advantage of his position and his varying defenses show that his state of mind is inconsistent with good faith.

Therefore, the Court resolves to affirm the SB decision convicting Tadena of the offense charged. The pieces of evidence presented support a conviction for falsification by a public officer of a public document.

III.

Tadena claims that the SB erred in not appreciating the mitigating circumstance of voluntary surrender, which he did before the First Division Clerk of Court upon learning of the criminal case against him.[45] For voluntary surrender to be appreciated, the following requisites should be present: (1) the offender has not been actually arrested; (2) the offender surrendered himself to a person in authority or the latter's agent; and (3) the surrender was voluntary. The essence of voluntary surrender is spontaneity and the intent of the accused is give oneself up and submit to the authorities either because he/she acknowledges his/her guilt or he/she wishes to save the authorities the trouble and expense that may be incurred for his/her search and capture. Without these elements, and where the clear reasons for the supposed surrender are the inevitability of arrest and the need to ensure his safety, the surrender is not spontaneous and, therefore, cannot be characterized as "voluntary surrender" to serve as a mitigating circumstance.[46]

Here, the records disclose that a warrant of arrest had been issued on August 1, 2014, before Tadena posted bail on August 20, 2014.[47] He also admitted in this petition that upon learning of the issuance of a warrant of arrest against him, he surrendered to the First Division Clerk of Court.[48] With Tadena's arrest being inevitable, his surrender cannot be regarded as voluntary or spontaneous. Therefore, his claim of mitigating circumstance does not deserve merit.

WHEREFORE, premises considered, the petition is DENIED. The Decision dated September 15, 2016 and the December 7, 2016 Resolution of the Sandiganbayan in SB-14-CRM-0327 are AFFIRMED.

SO ORDERED.

Carpio, Acting C.J., (Chairperson), Perlas-Bernabe, Caguioa, and Lazaro-Javier, JJ., concur.

[1] Rollo, pp. 70-72.

[2] Id. at 65.

[3] Id. at 72.

[4] That on or about January 15, 2002, or sometime prior or subsequent thereto, in the Municipality of Sto. Domingo, Province of Ilocos Sur, Philippines, and within the jurisdiction of this Honorable Court, accused FLORO T. TADENA, a high-ranking public officer, being the Municipal Mayor of Sto. Domingo, Ilocos Sur received a copy of the Municipal Ordinance No. 2001-013 enacted by the [Sangguniang Bayan] of Sto. Domingo, Ilocos Sur which was officially forwarded to him, for his information, approval and/or appropriate action by

reason of or in relation to the performance of his official duties as Mayor and, while in possession of said ordinance, taking advantage of his official position, did then and there wilfully, unlawfully and feloniously falsify or cause to be falsified the said Municipal Ordinance No. 2001-013 by changing, altering, intercalating and making it appear in paragraph (a) of the 4th Whereas Clause thereof that: "(a) The position "MUNICIPAL ADMINISTRATOR" shall be created and the 2% of the Mandatory 5% Salary Increase for 2002 be implemented."; when in truth and in fact, as accused knew fully well that the afore-quoted paragraph (a) of the said 4th Whereas Clause of the said Municipal Ordinance reads as: (a) The position "MUNICIPAL ADMINISTRATOR" shall not be created unless 2% of the Mandatory 5% Salary Increase for 2002 be implemented."; thereby changing the import and meaning of the said Municipal Ordinance without any authority to do so, to the prejudice of public interest. Id. at 94-95.

[5] Id. at 94.

[6] Id. at 63.

[7] Id. at 63-64.

[8] Id. at 64.

[9] Penned by Associate Justice Reynaldo P. Cruz, with Associate Justices Efren N. De La Cruz and Michael Frederick L. Musngi, concurring; id. at 62-79.

[10] Id. at 73.

[11] Id. at 90-93.

[12] Id. at 8-61.

[13] Id. at 8-9.

[14] Id. at 197-217.

[15] Id. at 204-205

[16] Id. at 205-206

[17] Id. at 206

[18] Id. at 210-212.

[19] Id. at 213.

[20] Id. at 236-239-A.

[21] Id. at 53-54.

[22] *People v. Ballabare*, 332 Phil. 384-410 (1996).

[23] Id. at 399.

[24] *Rollo*, p. 207.

[25] Id.

[26] Art. 171, REVISED PENAL CODE.

[27] *Typoco, Jr. v. People*, G.R. No. 221857; *Reyes v. People*, G.R. No. 222020, August 16, 2017.

[28] SEC. 54. Approval of Ordinances. — (a) Every ordinance enacted by the [sangguniang panlalawigan], [sangguniang panlungsod], or [sangguniang bayan] shall be presented to the provincial governor or city or municipal mayor, as the case may be. If the local chief executive concerned approves the same, he shall affix his signature on each and every page thereof; otherwise, he shall veto it and return the same with his objections to the [sanggunian], which may proceed to reconsider the same. The [sanggunian] concerned may override the veto of the local chief executive by two-thirds (2/3) vote of all its members, thereby making the ordinance or resolution effective for all legal intents and purposes. x x x LOCAL GOVERNMENT CODE OF 1991, Republic Act No. 7160, October 10, 1991.

[29] Rollo, p. 74.

[30] Id. at 51.

[31] Supra note 27.

[32] Id. at 95.

[33] Id.

[34] Pre-Trial Order, id. at 120.

[35] Id. at 64.

[36] Id. at 65.

[37] Sec. 19. Classes of Documents. — For the purpose of their presentation in evidence, documents are either public or private.

Public documents are:

- (a) The written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country;
- (b) Documents acknowledged before a notary public except last wills and testaments; and
- (c) Public records, kept in the Philippines, of private documents required by law to be entered therein.

All other writings are private.

[38] Rollo, p. 75.

[39] Id. at 78.

[40] Id. at 77-78.

[41] 504 Phil. 646, 654 (2005).

[42] Rollo at p. 69.

[43] Id at 55.

[44] Id at 56.

[45] Id. at 58.

[46] *Belbis, Jr. v. People*, 698 Phil. 706, 724 (2012).

[47] Rollo, p. 213.

[48] Id. at 58.

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