

NICASIO BORJE, PETITIONER, VS. SANDIGANBAYAN AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 55436. November 25, 1983

Ponente: GUERRERO, J.

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GUERRERO, J.:

That the constitutional presumption of innocence in favor of the accused has not been satisfactorily overcome by the prosecution evidence in the case at bar where the conviction of petitioner for falsification of public documents was based principally on the mere assumption that as possessor of the falsified documents, he is pre-sumed to be the author of the falsification, is stoutly raised in this appeal by certiorari. Since there is no direct proof showing that accused-appellant, being then the Provincial Plant Industry Officer with many subordinate employees and personnel under him engaged in agricultural field work and assigned in the rural areas like the com-plainant Rodrigo Ducusin, had personally and actually falsified the public documents in question (Timebook and Payroll, Exhibit "A"; Daily Time Record, Exhibit "B"; and Certification, Exhibit "C") which under normal office pro-cedures pass through numerous hands at several government offices for typing, attestations, funding, accounting, and payment of the check for P225.00, the legal issue thus raised merits Our careful consideration and resolution, in the face of accused-appellant's vigorous denial.

The Information filed against the accused-appellant reads as follows:

"The undersigned Special Prosecutor accuses NICASIO BORJE of the crime of FALSIFICATION OF PUBLIC DOCUMENT committed as follows:

"That on or about the period from January, February and March, 1977, and sometime thereafter, in the Municipality of San Fernando, Province of La Union, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, being then the Provincial Plant Industry Officer of Bureau of Plant Industry, Provincial Office at San Fernando, La Union and in relation by his performance of the duties of his office, taking advantage of his position as such, did then and there willfully, unlawfully and feloniously falsify the Timebook and Payroll of his office for the periods January to March, 1977, Daily Time Record for the same period of Rodrigo Ducusin and Certification for P225.00 by causing it to appear in the said documents that Rodrigo Ducusin have parti-cipated in the same and affixed his signa-tures thereon when in truth and in fact he did not so sign the said documents nor otherwise participated in their execution to the damage and prejudice of the said Rodrigo Ducusin and the Republic.

"CONTRARY to Article 171 of the Revised Penal Code, in relation to P.D. 1606.

"Manila, August 31, 1979.

(SGD.) FRANCISCO M. TEJANO

Special Prosecutor.

APPROVED:

(SGD.) VICENTE ERICTA

TANODBAYAN"

The accused-appellant pleaded not guilty to the crime charged and the trial commenced on August 7, 1980 after the case was reinvestigated by the Tanodbayan on petition of said accused-appellant, herein petitioner.

On October 23, 1980, the respondent court rendered a decision promulgated on October 29, 1980, finding the petitioner guilty as per the dispositive portion thereof, to wit:

"WHEREFORE, accused is hereby found guilty beyond reasonable doubt as principal for the crime of Falsification of Public Documents as defined and penalized under Article 171, paragraph 2, of the Revised Penal Code, and there being no modifying circumstance to consider, the Court hereby sentences him to an indeterminate imprisonment ranging from two (2) years, four (4) months and one (1) day of prison correccional as minimum, to eight (8) years and one (1) day of prison mayor as maximum, to pay a fine of P2,500.00 and to pay the costs.

SO ORDERED.

Manila, Philippines, October 23, 1980."

The decision appealed from recites the evidence for the government as follows:

"The gist of the evidence of the pro-secution, which consist of the testimonies of Ducusin, Edgardo Olivares, 43 years old, married, agronomist and Provincial Plant Officer, Manuel Varquez, 45 years old, married and Regional Director and Remedios Lorenzo, 47 years old, married and Cashier, all of the Bureau of Plant Industry in San Fernando, La Union, shows that Ducusin was employed as Plant Pest Officer with the Bureau of Plant Industry stationed in San Fernando, La Union from February 2, 1975 up to his resignation on April 30, 1978. From February 2, 1975 up to December 1976, he was detailed as production technician in the Program of the Bureau of Plant Industry and the Bureau of Agricultural Extension receiving incentive pay from the National Food and Agricultural Council (NFAC) during said period. In 1977, how-ever, Ducusin was no longer entitled to the NFAC incentive pay as he was detailed to the Surveillance Team of the Bureau of Plant Industry from January 1977 up to April 30, 1978.

"Before one can receive his NFAC in-cen-tive pay, he must prepare his Daily Time Record (CS Form 48) for the month and a certification that he is detailed with the Program. In February 1978, Ducusin was informed by one Roberto Castro that he is supposed to receive NFAC incentive pay because his name is included in the special order enumerating those included in the program. This prompted Ducusin to go to the Accounting Division of the Bureau of Plant Industry, Region I in San Fernando, La Union to verify the information relayed to him by Castro and there he discovered that in the payroll for January, February and March 1977 (Exhibit A) his name and signature appeared. Attached to said pay-roll were a certification that he was detailed to the Program (Exhibit C) and the corresponding Daily Time Records for said months (Exhibit D) which appeared to have been all signed by him. Actually, however, he did not sign the said payroll, certification and time records nor did he authorize anybody to sign for him. Ducusin referred the aforesaid falsification to the accused in the last week of February 1978 and accused, confessing to him that he got the money, repeatedly offered him Two Hundred Twenty Five (P225.00) Pesos to cover his incentive pay but he remained silent and refused to receive the amount. He finally brought the matter to Regional Director Manuel Varquez who assigned Olivares to investigate the case. But inasmuch as no further action was taken, he brought the case to the attention of the President and the Director of the Bureau of Plant Industry. Ducusin likewise submitted his written re-signation to the Regional Director (Exhibit E) on April 28, 1978 because he felt 'utterly' demoralized because of undesi-rable actuations which he recently disco-vered x x x'. On May 18, 1978, he received a reply from Regional Director Varquez dated May 15, 1978 (Exhibit F) stating that his aforesaid letter of resignation had been endorsed to the accused and attached there-with was the reply of the latter (Exhibit F-1)."

Similarly, the decision condensed the evidence of the defense in the following manner:

"On the other hand, accused, in brief, claimed that Ducusin was one of those involved in the Program for the months of January, February and March 1977 as shown in Special Order No. 172 of the Bureau of Plant Industry Director Domingo E. Panganiban (Exhibits 6 and 6-A) and actually paid of his incentive pay and that it is not true that he received the payroll (Ex-hibit A) and the corresponding checks from Remedios Lorenzo for delivery to the persons whose names appear in said payroll. Accused denied that he instigated the filing of two cases of falsification against Ducusin and to bolster said denial accused presented Jacinto Costales, 54 years old, married and Second Assistant Provincial Fiscal of La Union."

In fairness to the accused, We are constrained to include hereunder the more detailed statement of facts submitted by him in his Brief, viz:

"The Province of La Union undertook as one of its projects the program known as the Gulayan sa Kalusugan and Masagana '99 Program, the implementation of which became a joint program of its Bureau of Plant Industry and its Bureau of Agricultural Extension. Government employees detailed as production technicians in the Gulayan Program received incentive allowances from the NFAC during the covered period. Their detail as production technicians of the said program was effected only by a special order emanating from the Bureau of Plant Industry Director; and before the employee received his incentive pay, he was required to prepare his Daily Time Record for the particular month and submit a Certification attesting to the fact that he was detailed to the program.

"In the case-at-bar, complainant Rodrigo Ducusin, an employee of the Bureau of Plant Industry, was detailed to the program from February 2, 1975 up to December 1977, his assignment of work being contained in the NFAC Order captioned 'Detail and Designation of Personnel to NFAC, in connection with the Gulayan Program' where his name appeared opposite item 60 thereof. (Exhibit 6)

"Making it appear that he was surprised to learn that he was supposed to receive his NFAC incentive pay for the months of January, February and March 1977 because he was not entitled thereto as he was not anymore connected with the Gulayan Program; and falsely making it appear that some person other than himself received his incentive pay by allegedly forging his signature on the Daily Time Records, the Pay-roll and the Certification required and submitted - complainant Rodrigo Ducusin caused to be filed a complaint against the petitioner, Nicasio Borje, supervising agronomist of the Bureau of Plant Industry, Region I, before the Tanodbayan. x x x"

Accused-appellant contends that complainant Ducusin was paid his incentive pay for the months of January to March, 1977 in the total sum of P225.00 as Ducusin was included in the payroll since he has worked with the Program as shown by Special Order No. 72 issued by the BPI Director and concurrent Executive Director of NFAC, Domingo Panganiban, and that said Special Order, Exhibit 6 entitled "Detail and Designation of BPI Personnel to NFAC in Connection with the Masagana '99 Program effective January to December 1977" and dated May 17, 1977, included the name Rodrigo Ducusin, herein complainant, opposite item No. 60 in page 2 of the Exhibit and marked Exhibit 6-A (TSN, Aug. 27, 1980, pp. 43-46). He confirms substantially the official procedure in the preparation of the payroll and subsequent payment of the incentive pay to the production technicians as described by witness Remedios Lorenzo, disbursing officer and cashier for the BPI office in San Fernando, La Union. However, he vigorously denies having received the payroll and the corresponding checks from witness Lorenzo as his participation in the preparation of the said payroll ended with his signing thereof after which the payroll goes to the disbursing officer for the preparation and issuance of the checks to the payees.

The defense also presented in evidence certified true copies of two (2) criminal informations for falsification dated August 13, 1979 filed by Assistant Provincial Fiscal Jacinto Costales against complainant Ducusin before the Court of First Instance of La Union, Branch III, Agoo, docketed as Criminal Cases Nos. A-893 (Exhibit 1) and

A-894 (Exhibit 2). The accused contends that the instant case against him was initiated by Ducusin to get even with the petitioner as the complainant admitted in cross-examination that he believes that Borje instigated said two criminal cases against him (TSN, Aug. 25, 1980, pp. 21-27).

Further contending that complainant Ducusin was doing dual work from July, 1976 up to December, 1977, the defense presented Exhibits 5 to 5-C which is Memorandum Order No. 56, Series of 1976, dated June 11, 1976, issued by BPI Director Panganiban for the implementation of the Plant Pest and Disease Surveillance and Early Warning Monitoring Project under the Philippine-German Crop Protection Program which shows that complainant Ducusin was included in the list of personnel assigned to the Surveillance and Early Warning System (SEWS) team as Plant Pest Control Officer. The accused-appellant declared that although Ducusin was named to this SEWS team, he continued working with the Gulayan Program as production technician during said work.

The defense disclaims the authenticity of the prosecution's Exhibit H which is purportedly the original Borje reply letter to BPI Regional Director Varquez' endorsement of Ducusin's resignation letter. Instead, Exhibit 8 was presented in evidence as the genuine carbon copy of Borje's signed letter reply dated May 5, 1978 in response to Varquez' memorandum of May 3, 1978 wherein petitioner recommended disapproval of Ducusin's resignation in order that Ducusin could face the charges against him in connection with his work with the Gulayan Program. (TSN, Aug. 27, 1980, pp. 56-58, 90).

The Sandiganbayan in its decision formulated two issues determinative of the innocence or guilt of the accused, to wit: (1) Whether or not the Time book and Payroll (Exhibit A), the certification (Exhibit C) and the Daily Time Records (Exhibit D) in support of said payroll were falsified; and (2) If they were, the liability of the accused, if any. As indicated earlier, the accused-appellant was found guilty by respondent court.

Hence, the instant appeal by way of certiorari.

Petitioner submits the following assignment of errors:

I. The respondent court erred in holding that the petitioner is guilty of the offense of falsification of public documents, the same not having been established by proof beyond reasonable doubt, considering that:

A. The originals of the alleged falsified documents were not presented in court and, hence, the corpus delicti has not been established as held in the case of U.S. vs. Gregorio;

B. There is no iota of evidence that the petitioner falsified the complainant's signature on the alleged falsified documents;

C. The testimony of complainant's witness, Remedios Lorenzo, was sufficiently impeached by her own conflicting testimony previously given before the Tanodbayan;

D. The respondent court erred in finding as a fact that complainant was not entitled to the NFAC incentive pay, in total disregard to the documentary evidence proving that he was doing dual work, both with the Gulayan Program as well as the SEWS, and therefore, still entitled to the NFAC allowance.

II. The respondent court erred in not holding that complainant falsely ascribed the offense to the petitioner, there being proof that complainant was possessed of ill motives against petitioner.

Before resolving the above assigned errors, We find it imperative and compelling to describe and detail the nature and contents of the vital documentary exhibits of the prosecution alleged to have been falsified by the accused-appellant. These are official forms and they are (1) Exhibit A, Timebook and Payroll of accused-appellant's office for the period January to March 1977; (2) Exhibit D, Daily Time Record for the same period of Rodrigo Ducusin; and (3) Exhibit C, Certification that Ducusin was detailed to the Program.

As appearing on the face of these exhibits, the act or participation of the petitioner thereon is indicated below:

In Exhibit A (Timebook and Payroll), the printed certification below which the signature of petitioner is affixed, reads thus:

"2. I certify that this roll is correct; every person whose name appears hereon rendered service for the time and at the rates stated under my general su-pervision, and I approve payment of this roll.

CERTIFIED CORRECT:

(SGD.) NICASIO B. BORJE

NFAC, Prov'l Chairman"

In Exhibit D (Daily Time Record, Service Form No. 18), the signature of the accused-appellant appears below the following words:

"Certified true copy of the original:

"Verified as to the prescribed office hours.

(SGD.) NICASIO BORJE

In-Charge"

Exhibit C (Certification) indicates no par-ticipation whatsoever of appellant Borje. It simply states, thus:

"C E R T I F I C A T I O N

I hereby certify that the amount of two hundred twenty five pesos (P225.00) herein claimed is only in reimbursement of representation and transportation expenses (excepting trips from home to office and vice-versa) actually incurred by me in the performance of my official duties as Production technician while on detailed with the National Food and Agri-culture Council, during the period from Jan. 1977 to March 1977 that I did not use any government vehicle or transporta-tion furnished paid by the government nor did I collect similar transportation and representation expenses from my mother organization Bureau of Plant Industry during the period. (Indicate name of mother unit)

Certified true copy of the original:

(SGD.) Rodrigo Ducusin

(Signature)

RODRIGO DUCUSIN

(Print Name)"

On the face of the above documentary evidence, Exh. "A" and "D", the liability of petitioner as head of the office who had signed the certification and verification printed thereon must be limited to the contents of said verification and certification for which he does not necessarily incur criminal responsibility if the entries, data or statements certified and verified turn out not to be true in which case the employee or personnel making the entries, data or state-ments as to his services and attendance is solely and sepa-rately responsible therefor. In the instant case, since there is the Special Order No. 172 of Executive Director Domingo Panganiban, concurrently

BPI Director, marked Exh. 6, "Detail and Designation of BPI personnel to NFAC in connection with the Masagana-99 Program effective January to December, 1977" listing complainant for the assignment and detail, the inclusion of Ducusin's name in the payroll was not irregular. Besides, the payroll is prepared by the Budget Office based on the Special Order and not by the petitioner's office.

According to complainant Ducusin, he was no longer connected with the Masagana Program during the period of January to March 1977 because his assignment thereto had been terminated. But he was asked this question by the Sandiganbayan, thus:

"JUSTICE ESCAREAL:

Q - What evidence do you have that you were removed in 1977 and you were no longer performing your duties as technician?

A - It is only verbal." (TSN, p. 47, Aug. 25, 1980)

The alleged verbal order is doubtful for under normal and usual official procedure, a written special order issued by a government office is cancelled, amended or modified only by another written special order, not only for purposes of record on file but also to prevent conflict and confusion in government operations. Moreover, under the best evidence rule, Section 2, Rule 130 of the Rules of Court, the supposed verbal order cannot prevail over the written, Special Order No. 172 stated above.

Respondent Sandiganbayan, however, justified the conviction of the accused on the basis of the testimony of witness Remedios Lorenzo, Regional Disbursing Officer and Cashier, to the effect that she delivered the payroll and checks to petitioner accused-appellant, relying further on the presumption that as possessor of the document, accused-appellant is presumed to have falsified it.

But reviewing the testimony of witness Lorenzo, the records disclose that her original testimony at the rein-vestigation of the case before the Tanodbayan was favorable to the accused, saying that she delivered the payroll and the checks to the complainant Ducusin, even identifying the genuine signature of Ducusin on the payroll. We quote hereunder excerpts of her testimony:

"Prosecutor Ferrer:

Q: What is your SOP in the preparation of timebook and payroll, do you have to sign as Regional Disbursing Officer?

A: I don't sir. It is only the Budget Officer who prepares the payroll. After the budget officer has prepared it will go to the accounting for funding and after the accounting it will go to my office.

Q: All in all how many signatures are to be signed in the payroll for its validity under your standard operation procedure?

A: There are four, sir. The provincial officer, the accountant for funding, then the Director and after the director have signed it, it will go to my office.

x x x x x x

x x x x x x

Q: Under your standard operating procedure who will sign first the payroll. The payee or the provincial plant officer?

A: Provincial plant officer.

Q: After the Provincial Plant Officer, the payroll will go to the regional accountant, is that correct?

A: Yes, sir.

Q: And after the Regional accountant it will go to the Director?

A: Yes, sir.

Q: And after the Regional Director, it will go to the Disbursing Officer?

A: Yes, sir.

Q: And that will be the time that the payee will receive the amount, is that correct?

A: We prepare the check for them.

Q: When do the payee affix their signatures in the payroll, if you know?

A: When I will issue them the check that is the time that they affix their signatures in the payroll.

Q: So after that the check will go back to the Provincial Plant Officer?

A: It will not go back to the Provincial Plant Officer.

Q: After the Provincial Plant Officer has affixed his signature he has no further participation in this payroll?

A: No more, sir.

Q: Now, Mrs. Lorenzo, you also brought with you By the way, who is supposed to sign first this timebook and payroll under your Standard Operation Procedure. Is it the Provincial Plant Officer?

A: Yes, sir. Then after that it will go to the office of the Regional Accountant, and after the regional accountant have signed, it will go to the regional director for approval, and from there it will go to my office.

Q: You are the same time cashier?

A: Yes, sir. My item is Cashier I.

Q: So, do you have any participation in this Exhibit "X" by way of issuing the check to corresponding payee in this timebook and payroll?

A: In the preparation of the check, sir.

Q: Who delivers the check to the payee?

A: After we have prepared the check, they will just go to my office to get the check and that is the time they will affix their signature.

Q: And they sign their names after delivering to them their respective checks?

A: Yes, sir.

Q: Are you familiar with any of these signatures appearing in this timebook and payroll, particularly that of Mr. Ducusin?

PROSECUTOR FERRER:

Q: By the way, before you answer that question do you know personally Mr. Rodrigo Ducusin?

A: Yes, sir.

Q: Why do you know him?

A: He is also our employee in the office. He is one of the technicians under M-99.

Q: Since when have you known Mr. Rodrigo Ducusin

A: I could not exactly remember, sir.

A: Because I have come across their names when they got their checks from me.

Q: But before January 1977, you have already known him?

A: Yes, sir.

Q: How long before January 1977 have you been a cashier or Regional Disbursing Officer?

A: I was already a cashier since 1976, July 1975.

Q: As a cashier since that time, are you familiar with the signature of Mr. Ducusin?

A: I could not remember their signatures because there are plenty of personnel in the Bureau of Plant Industry.

Q: Were you the one who issued the check to the complainant?

A: Yes, sir.

Q: In issuing the checks did you issue them individually to the personnels in the BPI?

A: Yes, sir. As soon as we pay the check to anyone, they have to affix their signature first.

Q: Where do you deliver the checks to the payees?

A: In my office.

Q: At San Fernando, La Union?

A: Yes, sir."

(TSN, December 21, 1979, pp. 5-14, Tanodbayan, underlining supplied.)

The contradictory and conflicting testimonies of this witness only proves her unreliability and unworthiness in respect to the sanctity of the witness' oath. Although she tried to explain her complete "turn-about" by saying during the Sandiganbayan hearing: "They told me that if I will testify against them, I will be accessory and I don't want to be involved in the case because I am not the one really who delivered the checks to the production technician, sir." (TSN, p. 18, Aug. 27, 1980), the conclusion of the respondent court that she was intimidated to testify in favor of the accused during the reinvestigation is not war-ranted, considering that the witness herself is a high re-gional official, being the Regional Disbursing Officer and Cashier and not subordinate to but perhaps co-equal in rank to the petitioner and, therefore, may not be so easily intimidated by the accused who was in no position or power to include her as accessory in the case. Lorenzo's testimony given at the Sandiganbayan hearing is not worthy of belief and must be rejected.

We also reject respondent court's reliance on the pre-sumption that as possessor of the document, the accused is presumed to be the author of the falsification. In the first place, the factual basis which is the Lorenzo testi-mony which We have reviewed as doubtful and variable, cannot be credited. Petitioner has denied vigorously the testimony of Lorenzo that he received the payroll and the checks from her. He said that his participation in the preparation of the payroll ended with his signing thereof after which the payroll goes to the Disbursing Officer for the preparation and issuance of the checks to the payees at which time the payee affix their signatures on the

payroll, which is substantially corroborated by the original testimony of the witness Lorenzo during the reinvestigation of the case before the Tanodbayan.

In the second place, Exhibit "A" appears to be also signed by ten (10) other production technicians listed in the payroll, besides complainant Ducusin. It is initialled by three (3) personnel in the Accounting Services Unit and further signed by the Regional Accountant and for the Regional Director. All of these persons were at one time or another in possession of the document, all of them had the same opportunity impliedly imputed to the accused. The payroll must have been carried and passed by messengers and other employees from one office to another, from one desk to another for purposes of typing, funding, initialling, verification, certification, accounting, recording, drawing of the check and finally, issuing of the check. In Our view, the respondent court's reliance on the presumption which is only presumptive, is misplaced and unwarranted, there being no sufficient reason to apply the same.

The defense contends that the prosecution, having pre-sented xerox copies only of the falsified documents, Exhs. "D" and "C", failed to prove the corpus delicti of the crime charged, citing the case of U.S. vs. Gregorio, 17 Phil. 522. In this case of Gregorio, the Supreme Court held:

"In a criminal case for the falsification of a document, it is indispensable that the judges and the courts have before them the document alleged to have been simulated, counterfeited or falsified, in order that they may find, pursuant to the evidence produced at the trial, whether or not the crime of falsification was actually committed; in the absence of the original document, it is improper to conclude, with only a copy of the said original in view, that there has been a falsification of a document which was neither found nor exhibited, because, in such a case, even the existence of such original document may be doubted."

Reacting to the defense contention, the Sandiganbayan held that "(a)ccused's claim that in the absence of the original documents it is improper to conclude that there is falsification of document in accordance with the case of U.S. vs. Gregorio, 17 Phil. 522, is sleazy for the case referred to is not in point," and then attempted to differentiate said case with the case at bar by holding that "(h)ad the issue confronting the Court been one of alteration or superimposition of signatures or word or figure, then the issue of bringing out the original may have relevance." The Sandiganbayan further added: "At any rate, it is worthwhile to note that with the development of modern copying devices which virtually eliminate the possibility of error in reproduction of the original, the relevancy of the doctrine in U.S. vs. Gregorio is now open to question."

We do not agree with the respondent court. Firstly, the Gregorio ruling makes no distinction for the doctrine itself applies in criminal proceedings for the falsification of a document, whether simulated, counterfeited, or falsified. Secondly, the Gregorio doctrine is still tenable, notwithstanding modern copying devices for a falsified document, passed off as an original can also be duplicated by xeroxing and thereafter, certified as true copy of the original as in Exh. "D". And thirdly, considering that in the case at bar, the xeroxing was done or caused to be done by complainant Ducusin (TSN, pp. 189-191, Aug. 25 1980) after taking out the original documents without the official authority and permission of the Disbursing Officer and Cashier, Remedios Lorenzo, who was then out on rural service and thereafter the originals were lost, misplaced and are now missing, the failure to present the originals is suspicious for complainant had ulterior and ill motives in accusing the petitioner as will be shown hereunder.

The ill motives of the complainant in falsely accusing the accused-appellant is easily discernible herein. There is presented Exhibit "1", certified true copy of the information filed against complainant Rodrigo Ducusin in Criminal Case No. A-893, CFI, Agoo, La Union, for falsification committed on or about July 24, 1975 in relation to the grant of farmer's loan under the Gulayan Sa Kalusugan Food Production Program when complainant was assigned to the Agoo Rural Bank, and a similar information for falsification against Ducusin in

Criminal Case No. A-894, Exh. "2". Referring to these two (2) cases, Ducusin declared that petitioner Borje motivated the filing of the cases; that in the filing of the case in the Fiscal's Office in San Fernando, La Union, there is an affidavit of Mr. Nicasio Borje and that because of that affidavit, it was Mr. Borje who motivated the filing of the charge against him. (TSN, pp. 26-27, Aug. 25, 1980). There is also the refusal of the petitioner to recommend acceptance of the resignation of Ducusin until he shall have cleared matters with the Rural Bank of Agoo, La Union considering that the total amount of P52,047.73 is involved. (Exhibit "8").

The rule is established that the absence of evidence as to an improper motive actuating the offended party and the principal prosecution witness tends to sustain the conclusion that no such improper motive existed and that their testimonies are worthy of full faith and credit. (People vs. Amiscua, 37 SCRA 813; People vs. Mercado, 38 SCRA 168; People vs. Valdemoro, 102 SCRA 170). Conversely, where there is showing as to improper motives, as in the case at bar, the testimony of complainant Ducusin is un-worthy of faith and credit and, therefore, deserves scant consideration. And since the prosecution theory is built or based on such testimony, the cause of the prosecution collapses or falls with it.

According to respondent court, its conclusion that the accused falsified or caused to be falsified the document in question is further supported by the following facts: (1) that the accused confessed to him that he was the one who got the money and offered immediately to Ducusin the sum of P225.00 to cover the incentive pay so that Ducusin will just keep silent but Ducusin did not accept the money; and (2) that in his reply to the letter of Ducusin denoun-cing the forging of his signature that he received his incentive pay from January to March, 1977, the accused tried to justify the falsification of the time record as shown in the portion of said reply, Exhibit "H".

In the light of the ill-motives of the complainant as shown above, this particular assertion of Ducusin which is uncorroborated is sleazy, that is, flimsy, shabby, cheap or unsubstantial. Moreover, petitioner's reply marked Exh. "H" is not an admission of the accused that he falsified or caused to be falsified the documents in question. In fact, examining Exh. "H", it says that "his (Ducusin) daily time record (was) prepared by other employees in order to justify such payment. The authenticity of Exh. "H" is denied by the petitioner who presented Exh. "8" as the real and cor-rect copy duly received and initialed by the Regional Office, and therein, he wrote: "I therefore deny knowledge of the alleged forgery of the signature of Mr. Ducusin in the same payroll."

Finally, the defense puts forth the exemplary and distinguished record of the petitioner as a public servant, having been in the government service for more than twenty (20) years and multi-awarded and commended for meritorious services, among them as scholar under the Colombo Plan specializing in pest management in England; Diploma of Merit as Most Outstanding Employee in Ilocos Sur; Award as one of the Most Outstanding Green Revolutionist in the Philippines, 1976; and Award as one of the Most Outstanding Bureau of Plant Industry Employees, 1978. And citing the case of Manero vs. Court of Appeals, 102 SCRA 817 wherein the Supreme Court said:

"(T)he petitioner exhibited an exemplary record as a policeman; he was thrice cited by his superiors for refusing to accept a bribe, was commended for minimizing armed robberies, was twice the recipient to Letters of Appreciation and has been recommended for promotion on the basis of known honesty and integrity xxx,"

in sustaining the innocence of the accused, petitioner also prays for his acquittal.

The record and services of the accused-appellant is, indeed praiseworthy and commendable. But an accused is not entitled to an acquittal simply because of his previous good moral character and exemplary conduct if the court believes he is guilty beyond reasonable doubt of the crime charged. The affirmance or reversal of his conviction must be resolved on the basic issue of whether the prosecution has discharged its duty of proving his guilt beyond perad-venture of doubt, of convincing the court as to the moral certainty of his guilt.

Considering that, on the whole, the evidence presented against the accused in the case at bar is not clear, competent and convincing, and considering further that there is jurisprudence which, by analogy, supports the defense in *U.S. vs. Balais*, 17 Phil. 503 wherein We held:

"The municipal treasurer who 'certifies that the official payroll he signs is correct, that the services have been rendered and the payments made as stated,' does not pervert the truth in the narration of the facts, if the persons certified as municipal secretary and clerk to the municipal president were duly appointed and qualified as such municipal secretary and clerk to the municipal president, discharging the duties of their respective offices, the services certified having been rendered at the time referred to in the payroll, and both persons having received their respective salaries from the municipal treasurer certifying the payroll. Nor can it be taken as proving the falsification of the document if it is subsequently discovered that the services were really not rendered by the aforementioned persons themselves but by substitutes; for it is not the mission of the municipal treasurer to take upon himself to investigate whether the persons accredited to him as secretary and clerk, by the municipal council and whom he, in turn, acknowledges and pays their monthly salary, really or apparently perform the duties of such offices,"

in resume, Our review of the case at bar concludes that the prosecution failed in discharging its sworn duty to prove the guilt of the accused beyond reasonable doubt. It has not overcome the constitutional presumption of innocence in favor of the accused. Consequently, accused-appellant must be acquitted.

WHEREFORE, IN VIEW OF ALL THE FOREGOING, the judgment of the Sandiganbayan convicting the accused is hereby REVERSED and SET ASIDE. We find the accused-appellant NOT GUILTY. No costs.

Judgment reversed.

SO ORDERED.

Fernando, C.J., Makasiar, Concepcion, Jr., De Castro, Plana, Escolin, Relova, and Gutierrez, Jr., JJ., concur.
Abad Santos, J., votes to affirm the judgment of conviction for the reasons stated by the Sandiganbayan.
Teehankee, Aquino, and Melencio-Herrera, JJ., no part.

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