

ADOLFO CAUBANG, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 62634. June 26, 1992

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

This is a petition filed by the accused Adolfo Caubang to review the Court of Appeals decision which affirmed in toto his conviction of the crime of falsification of a public document punished under Article 172, paragraph 1 of the Revised Penal Code, in relation to Article 171, paragraph 2. At the time Caubang was charged with committing the crime, he was the incumbent mayor of Baganga, Davao Oriental.

The information charging him with the offense alleged:

"That on or about the 15th day of January, 1975, in the City of Manila, Philippines, the said accused, being then a private individual, did then and there wilfully, unlawfully and feloniously commit an act of falsification on a Statement of Assets and Liabilities of the Baganga Consolidated Arrastre-Stevedoring Services, Inc., which is a public and/or official document identified as Document No. 95, Page No. 15, Book No. 27, Series of 1975 of the Notary Public Justo Agtarap of the City of Manila, by then and there forging, falsifying and simulating, or causing to be forged, falsified and simulated the signature of the treasurer thereof, Baltazar Pagaduan, appearing on the lower, right hand portion of the said document, thus making it appear, as it did appear, that the said document was made, prepared and signed by the said Baltazar Pagaduan, thereby attributing to the latter participation and intervention in the making and preparation of said document by signing his name and affixing his signature thereon when in truth and in fact, as the said accused well knew, the said Baltazar Pagaduan did not so participate, neither did he authorize the herein accused or anybody else to prepare and sign the same." (See RTC decision, pp. i and ii in Rollo, p. 51)

The facts as found by the trial court are as follows:

"That in 1954, the accused and his brother, Melquiades Caubang, Florencio Teves and Teodoro Diaz organized a stevedoring service in Davao Oriental called the Banganga Mutual Association. This was operating without permit from the Bureau of Customs since its establishment.

"In 1966, Solomon Baja also organized the East Coast Arrastre Stevedoring Services, Inc., also in Davao Oriental. Baltazar Pagaduan was one of the members thereof who was its manager since 1967.

"In 1974, the Collector of Customs at Mati, Davao, suggested that the two arrastre companies merge into one. Following the suggestion, the respective officials of both organizations entered into a merger agreement with the signing of a document to that effect (See Exh. A-1). Thereafter, they drew up and signed the Articles of Incorporation (Exh. H) of a new merged organization which they called the Baganga Consolidated Arrastre Stevedoring Services, Inc. Baltazar Pagaduan was elected Treasurer of the merged corporation and he executed and signed his Treasurer's Affidavit (Exh. H-1).

After the execution of the Articles of Incorporation (Exh. H) and the Treasurer's Affidavit (Exh. H-1), the accused brought to Manila these papers, as well as the sum of P2,500.00 on the paid-up capital and P500.00 for

filing fees, for the registration of the new corporation with the Securities and Exchange Commission (SEC for short). During the process of its registration in Manila, the accused accomplished and signed an information sheet (Exh. C) and an undertaking to change the corporate name in the event that another person, firm or entity has acquired a prior right to use the same or one similar to it (Exh. D). He also wrote at the bottom of Exhibit D a promise to submit the TAN (Tax Account Number) of his brother, Melquiades (should be Clemente) Caubang now marked Exhibit D-1. On the 15th day of January, 1975, the corporation was registered with the SEC which issued a Certificate of Registration (Exh. B-1). The Certificate of Registration (Exh. B-1), together with the letter of transmittal (Exh. F-1), was received by the accused who brought and hand-carried the same to Davao Oriental.

Disputed is the authorship of the forgery of the signature of Baltazar Pagaduan, marked Exhibit B-2-a, found in the Statement of Assets and Liabilities of the Baganga Consolidated Arrastre Stevedoring Services, Inc., marked Exhibit B-2, which was submitted to the SEC as required by SEC as a pre-requisite to the registration of the new corporation." (RTC decision, p. iii in Rollo, p. 51)

The plaintiff-appellee, People of the Philippines, admits that the officials of the two arrastre companies originally agreed to a merger between the Banganga Mutual Association (BMA) and the East Coast Arrastre Stevedoring Services, Inc. (ECASSI). It notes that the BMA which was partly owned by petitioner had been operating without a business permit since 1957, a fact explicitly admitted by petitioner in a letter to the Social Security System for exemption from coverage by the system in the years prior to 1967. (Exhibit "O", Table of Exhibits, p. 37)

Thereafter, or on December 18, 1974, the officials of both arrastre companies executed the Articles of Incorporation for the newly-formed Baganga Consolidated Arrastre Stevedoring Services, Incorporated (BCASSI) and elected Baltazar Pagaduan, as Treasurer, who then accomplished a Treasurer's Affidavit. For failure to receive P500.00 as initial payment of subscription from each of the incorporators except Solomon Baja and himself, Pagaduan claimed to have announced to the rest of them, namely, Melquiades Caubang, Clemente Caubang and Federico Teves, that the merger will not push through. (See Rollo, p. 44; TSN, August 16, 1976, p. 23) Pagaduan said that he left the Treasurer's Affidavit, which he signed, with the accused. He was surprised to learn more than a month after he signed the affidavit, or in February 1975, that the proposed merger was already registered with the Securities and Exchange Commission (SEC). He also learned that he had supposedly executed and signed a Statement of Assets and Liabilities on February 15, 1975 before a notary public who was not known to him.

The bulk of the evidence for the prosecution consists of testimonies of Pagaduan, Solomon Baja, and the persons who received for processing the incorporation papers in the SEC, namely, Juana Jularbal and Atty. Bernardo Espejo. The prosecution presented evidence that the accused-petitioner was the person who had possession and use of the papers for incorporation including the questioned Statement of Assets and Liabilities.

For his part, the accused-appellant denies having been the one who personally went to and handed over the documents before the SEC. This, notwithstanding his statement that since he frequently traveled to Manila on official business, the incorporators requested and authorized him to file the Articles of Incorporation and the Treasurer's Affidavit, and to present the P2,500.00 paid-up capital for registration of the newly- formed company with the SEC. The following is his own narration of events:

"5. Because petitioner frequently travelled to Manila on official business, the incorporators requested him to register the articles of incorporation with the Securities and Exchange Commission. Petitioner agreed and brought the papers to Manila on January 14, 1975. His associate Luis Granados, who had been previously notified by his son of his coming, met him at Avenue Hotel at (sic) Manila. Because he had to attend to official matters of his municipality in the Department of Local Governments, petitioner entrusted the filing of the articles of incorporation to Granados to whom he gave P2,500.00 representing the paid-up capital of the corporation, plus expense money.

6. In the afternoon of January 14, 1975, Tuesday, Granados went to the SEC to register the articles. While there he negotiated with a fixer named 'Pete' who agreed to file the articles for a fee of P300, but who, after consultation with an SEC clerk, found that certain papers were lacking. Pete thereupon typed the general information sheet and an undertaking to change the name of the corporation should there be any already registered with that name placing thereat the name of petitioner as 'authorized representative' after Granados told him that the president, Clemente Caubang, was not available but that his brother, the petitioner, was in town. Pete asked for the TAN of Clemente Caubang but since Granados did not have it with him, he returned to Avenue Hotel with the papers prepared by Pete. Late in the afternoon, he met the petitioner and after showing him the additional papers prepared by Pete, petitioner signed them. Petitioner did not have with him the TAN of Clemente Caubang but nevertheless wrote on the undertaking to change the corporate name that the TAN will be submitted upon the filing of the by-laws of the corporation.

7. On January 15, 1975, Wednesday, Granados returned to the SEC and gave the papers to Pete. The articles were filed by Pete who thereupon got the agreed fee of P300 from Granados. Pete then followed-up the papers in the SEC while Granados waited outside upon the advice of Pete. Later, Pete fetched him to appear before a lady employee at the SEC to whom he presented the P2,500 paid-up capital of the corporation. After counting the money, the lady returned it to Granados. Then Pete told him to return on the following Friday, January 17, 1975.

8. On the agreed day, Pete gave Granados an envelope full of papers and told him that the articles were already registered. Granados left and returned to the hotel where he found the petitioner. He gave him the papers saying they were already approved.

9. As it now appears, the SEC approved the articles of incorporation of the merged companies on January 15, 1975. Among the papers filed with the SEC was the statement of assets and liabilities of BCASS that the company had total assets in the form of cash in the amount of P2,500 and liabilities to shareholders in the same amount. The statement was signed by Baltazar Pagaduan as Treasurer and sworn to before Notary Public Justo Agtarap of Manila on January 15, 1975.

10. Claiming that the signature on the statement of assets and liabilities was not his, Pagaduan then filed with the Department of Justice a complaint for forgery of his signature against the petitioner. Solomon Baja also commenced against petitioner the following complaints:

- a. With the SEC for cancellation of the registration of Baganga Consolidated Arrastre and Stevedoring Services, Inc.;
- b. With the Department of Local Governments;
- c. With the Office of the Secretary of National Defense; and
- d. With the Office of the President;

in his efforts to unseat petitioner as mayor of Baganga, Davao Oriental and to put out of business the arrastre company of his (Adolfo's) brother, Melquiades Caubang. During this period, all local elective officials were undergoing performance audit and the President had declared that officials with pending charges will be removed from office. The charges were given wide publicity in the radio and newspapers circulating in Mindanao. Significantly, after Baja signed the articles of incorporation of BCASS, Inc., he nevertheless continued to operate his former stevedoring company." (Rollo, pp. 16-20)

On July 31, 1978, the trial court found the accused petitioner guilty beyond reasonable doubt of falsification of a public document and sentenced him to suffer an indeterminate penalty of from one (1) year and one (1) day of prision correccional, as minimum, to three (3) years, six (6) months and twenty-one (21) days of prision correccional as maximum, and to pay: (1) a fine of P3,000.00 with subsidiary imprisonment in case of insolvency

at the rate of P8.00 a day but not exceeding one-third of the principal penalty, and (2) the costs. The court also allowed him a credit of his preventive imprisonment in the service of his sentence to the extent of four-fifths.

On August 7, 1978, petitioner filed a notice to appeal the judgment of conviction. The Court of Appeals affirmed the decision finding no grounds for its reversal.

Hence, this petition where the following issues are raised:

"1. Whether or not the exception to the general rule and not the general rule itself on the findings of the trial court on credibility of witnesses being binding on the appellate court, is to be applied in this case where the guilt of the accused has not been proven beyond reasonable doubt, as laid down in *People v. Peruelo*, 78 OG No. 16, pp. 2024, 2031;

2. Whether or not the exception to the general rule, and not the general rule itself on the finality of findings of fact by the Court of Appeals, is applicable and must govern in this case where the findings of fact of the Court of Appeals are:

a) Contrary to the established fact, as decided in *Roque v. Buan*, 21 SCRA 642, 650-651, and, therefore, should be reversed by this Court;

b) Overlooked matters of substance in the evaluation of the evidence, as held in *Lim Yhi Luya v. Court of Appeals and Hind Sugar Company*, 78 OG No. 25, pp. 3208, 3229 or misinterpreted the significance of some fact or circumstance, as held in *People v. Marcos*, 70 Phil. 468, 472, and, therefore, should be reversed by this Court.

3. Whether or not the Court of Appeals erred in affirming the judgment of conviction for falsification of the official document in question where the entries therein are not absolutely false and no damage was caused to the government or third parties, and in the absence of criminal intent, contrary to the ruling in *Beradio v. Court of Appeals, et al.*, 77 O.G. No. 48, pp. 6315, 6327." (Rollo, pp. 23-24)

After an in depth examination of the records of the case, the Court is convinced that there is strong evidence that leaves no doubt as to the guilt of the accused.

The first two questions raised by petitioner pertain to one and the same issue of the correctness or propriety of the factual findings of the court, including the finding on credibility of witnesses. The Court restates that the credibility of witnesses who testified in court becomes a matter of great significance in order to determine whether or not the degree of proof required in criminal cases has been met. (*People v. Belibet*, 199 SCRA 587 [1991])

It is a well-settled rule, however, that appellate courts generally will not disturb, but instead uphold and respect the factual findings of the trial court which had the opportunity to hear the witnesses and to observe their deportment as well as the manner of testifying during the trial, and which was in a better position to decide the case. (*People v. De Mesa*, 188 SCRA 48 [1990]; *People v. Arbolante*, G.R. No. 96713, October 17, 1991; *People v. Carraig*, G.R. No. 91162, October 3, 1991; *People v. Aguilin*, G. R. No. 91662, March 11, 1992) Moreover, the jurisdiction of this Court in cases brought before it from the Court of Appeals is limited to reviewing errors of law and not errors of fact. (*Bernardo de los Santos v. Faustino B. Reyes, et al.*, L-45027, January 27, 1992) This doctrine will not apply only where, as alleged in the case at bar, the judge has plainly overlooked certain facts of substance and value which, if considered, might affect the result of the case. (*People v. Javier*, 183 SCRA 702 [1990]; *People v. Belibet*, supra) As will be seen later, the court did not overlook material points as to avoid application of the general rule.

Contrary to the submission of petitioner, the circumstantial evidence relied upon by the trial court and the respondent appellate court are sufficient to establish the fact that the accused-petitioner was responsible for the

falsification of the Statement of Assets and Liabilities. (Exhibit "B-2", Table of Exhibits, p. 5)

The Court found that the following papers were submitted to the Securities and Exchange Commission (SEC) for the registration of the Baganga Consolidated Arrastre-Stevedoring Services, Inc. (BCASSI): (1) the Articles of Incorporation (Exhibit "H", Table of Exhibits, p. 15); (2) Treasurer's Affidavit (Exhibit "A", *ibid.*, p. 1); and (3) the Statement of Assets and Liabilities (Exhibit "B-2", *ibid.*, p. 6).

Additionally, the following were also submitted and made part of the records; (1) a General Information Sheet (Exhibit "C", *ibid.*, p. 9) on which appears the signature of petitioner as the one who certified the truthfulness of the data placed therein; and (2) a typewritten letter also signed by the accused expressing willingness to change the corporate name in case of a prior registrant bearing the same or a similar name (Exhibit "D", *ibid.*, p. 10) on which there was a handwritten promise to submit the Tax Account Number (TAN) of one of the incorporators, Clemente Caubang. At the trial, the petitioner admitted having affixed his signature on Exhibits "C" and "D".

The records also reveal the report of SEC Examiner Juana Jularbal dated January 15, 1975 on which she declared that:

"I have made a physical count of the paid-up capital of the Baganga Consolidated Arrastre-Stevedoring Services, Inc. in the amount of TWO THOUSAND FIVE HUNDRED PESOS, P2,500.00 presented by Mr. Adolfo Caubang as representative of the corporation x x x." (See Exhibit "E", Table of Exhibits, p. 11)

Petitioner himself states that he came to Manila from Baganga, Davao on January 14, 1975 bringing with him only the Articles of Incorporation, the Treasurer's Affidavit, and the cash amount of P2,500 paid - up capital. He did not mention the Statement of Assets and Liabilities to be among those carried by him for purposes of registration. Despite this, the records show that there was on file a copy of the Statement of Assets and Liabilities executed on January 15, 1975 and notarized on the same date by a notary public in Manila, Atty. Justo Agtarap, and bearing a signature purporting to be that of Baltazar Pagaduan. The signature appears to be written in crooked strokes. A comparison of that signature to those sample signatures of Pagaduan appearing in Exhibit "L" on page 32 of the Table of Exhibits, on the Treasurer's Affidavit, and on the Articles of Incorporation proves that it is not genuine nor authentic. Considering that the accused-petitioner acted as the representative of the new corporation to file the documents and that the named officers were in Davao in January 1975, it was physically impossible for Pagaduan to have signed the statement and subscribed it before Atty. Agtarap in Manila.

The fact that accused-petitioner did not carry with him the statement throws open the question of how that document came into being and who caused its execution.

Having represented himself to be the authorized person to register the company, it logically follows that petitioner had knowledge about the existence of the document, which along with Exhibits "C" and "D", was an equally important requirement for the registration of a corporation. Thus, it behooved upon the accused-petitioner to shed light on the sudden appearance of the spurious document.

Instead, the petitioner insists on his own version that it was some other person, i.e., a fixer named Pete who personally appeared before the SEC in all stages of the process for a fee until the claiming of the certificate of registration. He alleges that Pete finished the registration upon agreement with Luis Granados, from whom the petitioner asked for assistance.

The arguments of the petitioner are mere denials which, if weighed against documentary evidence as well as the testimonies of prosecution witnesses, Ms. Jularbal and Atty. Espejo of the SEC, do not lay down a convincing ground to reverse the respondent court's decision.

The main thrust of the petitioner's arguments refers to the inapplicability to this case of the presumption of law

that a person who is found in possession of a forged document and who used the same is the forger thereof. He attempts to enlighten the Court by relating some intervening circumstances to disprove his possible knowledge or interference in the making of the Statement of Assets and Liabilities prior to the submission of the latter to the SEC.

The petitioner states that the trial court admitted in its decision the failure of prosecution witness, Juana Jularbal, to identify the accused as the one who presented the P2,500.00 cash. Non-identification of the accused as the presentor allegedly defeats the evidence of a report naming him to be the one.

A careful reading of the decision, however, reveals that the trial court did not actually make such an admission. After comparing the testimony of defense witness Luis Granados and that of Jularbal, the trial court gave credence to the latter's testimony. Granados testified that he was the one who gave the money to Jularbal. The court distinctly noted, however, that Granados' testimony "lacks detail as to keep the court wondering on how Juana Jularbal could have known the name of Adolfo Caubang as the representative of the registrant corporation to enable her to put this fact in Exhibit 'E'." (RTC decision, p. xiii in Rollo, p. 51) The defense theory, therefore, is not in accord with human experience.

Thus, in the absence of contradictory evidence, the trial court correctly based its judgment on the factual statement appearing in Exhibit "E", i.e., that the P2,500.00 was presented by Adolfo Caubang as the authorized representative.

The petitioner denies having signed Exhibit "D" (or the typewritten undertaking to change the corporate name with a written promise to give Clemente Caubang's TAN) in the presence of Atty. Espejo.

He alleges that he accomplished it in his hotel room on January 14, 1975 upon being asked by Granados to do so. He also states that there was no written evidence in Exhibit "D" to indicate that he signed in the office of Atty. Espejo.

The vacillations of Atty. Espejo did not make him an unreliable witness. The Court has held several times that inconsistencies and contradictions referring to minor details do not dispel the credibility of the witness (*People v. Sabellano*, 198 SCRA 196 [1991]; *People v. Custodio*, 197 SCRA 538 [1991]).

The Court has earlier ruled that:

"The most candid witness oftentimes makes mistakes but such honest lapses do not necessarily impair his intrinsic credibility. Minor inconsistencies do not affect the veracity and testimony on material points." (*People v. Belibet*, *supra*, at page 592)

The material facts pointing to the accused-petitioner as the one who accomplished and signed Exhibit "D", wherever he may have done so, remains undisputed. Thus, there is sufficient evidence to prove his active participation in the completion of the registration requirements.

The petitioner contends that the respondent appellate court erred in finding that it was he who followed up the registration of the Articles of Incorporation with the SEC. The respondent court, he alleges, overlooked the fact that he gave the Articles of Incorporation, the Treasurer's Affidavit and the cash of P2,500.00 to Granados on January 14, 1975. From that time on, he never saw the papers again, except for Exhibits "C" and "D", until the completion of the process. It was allegedly the fixer who took charge of the registration in order to expedite it. He denies having received and signed the letter transmitting the certificate of incorporation (Exhibit "F", Table of Exhibits, p. 13) and the Certificate of Incorporation dated January 15, 1975 (Exhibit "G", *ibid*, p. 14).

The Court finds that the accused-petitioner has consistently made use of the fixer as a necessary character to block

the possibility of his having gone to the SEC. The petitioner not only had to use the person of Luis Granados but also a third person whose shadowy character and shady occupation do not help at all to convince us of the veracity of the defense theory.

There was no way of verifying the existence of the fixer in the defense version. It is quite likely that no fixer in his right mind would audaciously volunteer to disclose his true identity in court and testify that he acted as such. Whatever the reason for the non-production of this key participant, utilizing a fixer as part of the scenario becomes a convenient ploy to divert the mind of the court from the more plausible inference that the accused-petitioner engineered the spurious statement of assets and liabilities.

Even assuming that the defense story was true such that the accused-petitioner could not have been the one who personally received the letter of transmittal and the certificate of incorporation, the circumstances point to the vital fact that being the real authorized representative, any representations made at his own instance by another before the SEC and for the newly-formed corporation, were absolutely made on behalf of the accused Adolfo Caubang.

The principle of estoppel in pais is made applicable to the situation wherein the accused, either by himself or through another person made a representation by submitting a supposedly validly executed statement of assets and liabilities to form part of the registration requirements, and thereafter, by receiving the certificate of incorporation and the letter transmitting the certificate of incorporation. The accused acted in a manner as to make the SEC believe that the person transacting was duly authorized to do so and was faithfully complying with the lawful requirements of the agency.

The presumption *juris et de jure*: that whenever a party has by his own declaration, act or omission, intentionally and deliberately led another to believe a particular thing to be true, and to act upon such belief, he cannot in a litigation arising out of such declaration, act or omission be permitted to falsify it - - more appropriately solves the disparity between the factual narrations of the defense as well as those of the prosecution.

Even if the allegation that some other person filed and followed up the registration papers was true, the accused-petitioner would still be subjected to the same conclusion.

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." (*Koh Tieck Heng v. People*, 192 SCRA 533 at 546 [1990]) This is the reason why the court a quo and the respondent appellate court had 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. (*People v. Esparcia*, 187 SCRA 282 [1990])

The version of facts as presented and proven by the People deserves more credence for being in consonance with human experience and normal conduct and for being based on documentary evidence admitted by the accused-petitioner. (*People v. Aguilin*, *supra*)

Having been the one responsible for the filing of the registration papers, including the means he felt necessary to accomplish the registration, the accused must likewise be accountable therefor. As the authorized representative, he is deemed to have been the one in custody or possession, or at least the one who has gotten hold even for a short while, of the papers which included the statement of assets and liabilities. That he knew of the execution of the statement is a possibility not too difficult to imagine under the circumstances.

We are satisfied that the court a quo and the respondent court did not err in relying upon the presumption that the possessor and user of a falsified document is presumed to be the forger thereof (*People v. Sendaydiego*, 81 SCRA 120 [1978]; *People v. Caragao*, 30 SCRA 993 [1969]; *Alarcon v. Court of Appeals*, 19 SCRA 688 [1967]; *Dava v. People*, G.R. No. 73905, September 30, 1991).

The evidence conclusively shows that the statement of assets and liabilities was not among those brought by the petitioner from Davao to Manila. The statement was not an authentic representation of the assets and liabilities of the BCASSI. It was surreptitiously signed by someone who imitated the signature of Baltazar Pagaduan. Indeed, no forger could ever do this in the open.

Forgery could easily be consummated only by the forger alone or in the confidence of persons in connivance with him.

The filing of the previously inexistent document subjects the accused-petitioner to the inference that he used it as part of the registration papers. In the absence of a credible and satisfactory explanation of how the document came into being and then filed with the SEC, the accused is presumed to be the forger of the signature of Pagaduan, and the one who prepared doubtful information on the financial status of the proposed corporation (*People v. Cu Unjieng*, 61 Phil. 906 [1935]).

The Court has similarly ruled in *United States v. Castillo*, 6 Phil. 453 [1906] regarding the utterance of a check:

"The utterance of such an instrument, when unexplained is strong evidence tending to establish the fact that the utterer either himself forged the instrument or caused it to be forged, and that this evidence, taken together with the further evidence set out xxx and brought out on the trial of the case establishes the guilt of the accused with which he was charged beyond a reasonable doubt." (At p. 455; underscoring supplied)

In the case at bar, the filing of the statement of assets and liabilities remained unexplained. This fact, together with other proofs presented by the prosecution, is strong evidence tending to show that the accused Adolfo Caubang either himself forged the statement or caused it to be forged by someone else. Worthy of note is the willingness of the accused to accomplish all that were necessary to acquire a certificate of incorporation.

Contrary to the denials of the accused, the Court upholds the finding that "he was the one, or through someone else as he claimed, who received the Certificate of Registration (Exhibit "6") from the SEC and who brought it home to Davao" (RTC decision, page x in Rollo, p. 51). We find no reason to believe the assertion that the respondent appellate court erred in relying on the factual determination by the trial court.

The petitioner contends that there were absolutely no false entries in the statement of assets and liabilities as to make its execution injurious or damaging to the government or third parties. The claim is without merit.

In the falsification of a public document such as Exhibit "B-2", 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.

The ruling in *Beradio v. Court of Appeals*, 103 SCRA 567 [1981], alleged by petitioner to be applicable is not binding in the instant case. In that case, the official document involved was a time record, the accomplishment of which was for the purpose of proving rendition of service in the interest of the public. The reason why the Court ruled that there was no damage to the government was because under the facts proven, the time record had already served its purpose. The time record could thereafter be set aside for being worthless. Moreover, the submission of a time record was not strictly required of election registrars as a matter of legal obligation, but only for administrative procedural convenience.

The Court, however, did not fail to distinguish a time record from other public documents "with continuing interest affecting the public welfare which is naturally damaged if that document is falsified." (*Beradio v. Court of Appeals*, supra, p. 584)

This is not to say that Exhibit "B-2" is a public document the falsification of which must have the effect of damage that must first be proven.

The Court is of the view that mere falsification by forging the signature of Baltazar Pagaduan as to cause it to appear that Pagaduan has participated in the execution of Exhibit "B-2," when he did not in fact so participate, makes the accused-petitioner criminally liable. In a crime of falsification of a public or official document, the principal thing punished is the "violation of the public faith and the destruction of the truth as therein solemnly proclaimed." (People v. Pacana, 47 Phil. 48 [1924]; People v. Po Giok To, 96 Phil. 913 [1955]; Sarep v. Sandiganbayan, 177 SCRA 440 [1989]) Thus, intent to gain or to injure is immaterial. Even more so, the gain or damage is not necessary.

The petitioner states that the respondent appellate court erred in finding that the merger, through which the new corporation was formed, did not materialize. It is unfortunate that petitioner gravely misunderstood not only the manner by which the respondent court presented the facts, but also their simple meaning. In quoting the narration prepared by the prosecution, the appellate court did not additionally indicate nor give the impression that the merger did not push through.

The quotation, as again quoted by petitioner, related that:

"xxx [H]e (referring to Pagaduan) told the subscribers that the merger will not push through." (Rollo, p. 30)

In his last attempt to dwell on prevarications, the petitioner argues that prosecution witnesses, Baltazar Pagaduan and Solomon Baja had an ulterior motive to destroy his integrity by instituting the charge of falsification against him. He stated that Baja, his political rival for mayoralty at that time, was inclined to unseat him as mayor.

The Court finds this an effort to befuddle what has been established by the evidence on record. The respondent court correctly ignored the infusion of political or partisan matters where the evidence was found to be strong to convict the accused-petitioner of falsification beyond reasonable doubt. The questions raised are factual. We see no reason to deviate from the usual respect accorded to factual findings of the trial court and the Court of Appeals.

WHEREFORE, the petition is hereby DISMISSED for absence of reversible error on the part of the respondent court. The appealed judgment of the Court of Appeals is AFFIRMED in toto.

SO ORDERED.

Feliciano, Bidin, Davide, Jr., and Romero, JJ., concur.

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