

CARMEN LABATAGOS, PETITIONER, VS. HON. SANDIGANBAYAN AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. No. 71581. March 21, 1990

Ponente: PADILLA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-71581/>

PADILLA, J.:

This is a petition for review on certiorari of the decision of the Sandiganbayan (Third Division)* in Criminal Case No. 4799, finding the petitioner guilty beyond reasonable doubt as principal of the crime of malversation of public funds defined and penalized under Article 217, par. 4 of the Revised Penal Code.

From January 1978 to December 1980, petitioner Carmen Labatagos was the cashier and collecting officer of the Mindanao State University (MSU), General Santos City. She filed a leave of absence for the months of March, April and May 1978 and did not discharge her duties for the said period.

On 1 October 1980, Francisco T. Rivera, under Commission on Audit (COA) General Order No. 8022-117 (Exh. C), was designated leader of a team to conduct the examination of the cash and accounts of the petitioner. When the team conducted the examination, the petitioner did not have any cash in her possession, so she was asked to produce all her records, books of collection, copies of official receipts and remittance advices and her monthly reports of collections.

Based on the official receipts and the record of remittances for the period from January to August 1978, the audit examination disclosed that the petitioner collected the total amount of P113,205.58 (Exhs. A-1 and A-2), and made a total remittance to the Development Bank of the Philippines (DBP), the depository bank of the university, in the amount of P78,868.69, leaving an unremitted amount of P34,336.19.

On the basis of similar official receipts and record of remittances, the audit examination further disclosed that for the period from January 1979 to June 6, 1980, the petitioner made a total collection of P327,982.00 (Exhs. B, B-1, and B-1-a), and remitted to the DBP the total amount of P256,606.25 (Exhs. B-2 and B-2-a) incurring a shortage of P71,365.75.

The petitioner signed without exception both Reports of Examination (Exhs. A and B) as well as their supporting summaries.

Thereafter, Francisco T. Rivera submitted his report on the examination to the Chairman, Commission on Audit, through the Regional Director, COA, Region IX (Exhs. A-4 and B-4).

Subsequently, Rivera prepared the letters of demand corresponding to the two (2) audit reports (Exhs. A-3 and B-3) and served them personally on the petitioner who signed both letters. Despite the demand letters, the petitioner did not submit any explanation of her shortages.

Hence, on 27 October 1981, the Tanodbayan filed with the Sandiganbayan an information charging petitioner with the crime of Malversation of Public Funds, committed as follows:

"That between the periods January 1978 to August 17, 1978, and January 1, 1979 to June 6, 1980, in General Santos City, Philippines, the said accused a public officer being then the Cashier and Collecting Officer of the Mindanao State University, General Santos Unit, General Santos City, who, by reason of the duties of her office was charged with the duty of collecting school dues and tuition fees of the students of said school, and of remitting to, or depositing with, the school's depository bank, the Development Bank of the Philippines, General Santos City branch, all money collections by way of school dues and tuition fees she collected as Cashier and Collecting Officer, was responsible and accountable for the funds collected and received by her, by reason of her position as Collecting Officer, did wilfully, unlawfully, feloniously and fraudulently, and with grave abuse of confidence, misappropriate, and embezzle the total sum of ONE HUNDRED FIVE THOUSAND SEVEN HUNDRED ELEVEN AND 94/100 (P105,711.94), Philippine Currency, out of her collection of P441,187.58, during the aforesaid period, which sum of P105,711.94 she appropriated and converted to her own personal use and benefit, to the damage and prejudice of the Republic of the Philippines in said amount."[1]

During the trial, petitioner in her defense claimed that she signed the audit reports on the understanding that her shortage would amount to only P2,000.00; that she could not be held accountable for the collections for March, April and May 1978 because she was on maternity leave; and that several disbursements in the total amount of P49,417.12 were not credited in her favor by the auditors. She claimed further that she should not be held accountable for the alleged mis-appropriations between the months of January 1978 and August 1978 in the amount of P34,336.19 because those who appropriated the amount were her superiors and that the amounts taken were properly receipted but that the receipts were lost.

Respondent Sandiganbayan, however, did not give weight nor credence to her defense. Hence, as previously stated, petitioner was found guilty beyond reasonable doubt of the crime of malversation of public funds.

The petitioner then filed the instant petition, and alleged the following reasons why the petition should be granted: (1) that respondent court made manifestly mistaken inferences and misapprehended the significance of the evidence which resulted in the erroneous decision rendered in the case; and (2) that respondent court erred in finding the petitioner guilty of the crime charged when there is ample evidence submitted showing that she did not put the missing funds to her personal use.

The petition is devoid of merit.

The only issue to be resolved in this case is whether or not the guilt of the petitioner has been proved beyond reasonable doubt.

The established facts show that respondent court did not err in convicting petitioner for the crime of malversation. As held by said court:

"There is no merit in the accused's defense. Her claim that she signed the audit report and statement of collections and deposits prepared by the audit team of Francisco Rivera on the understanding that her shortage was only P2,000.00 is belied by the figures clearly reflected on the said documents. Exhibit A, the audit report which she signed without exception, shows that she incurred shortage of P34,336.19 for the period from January to August 1978; while Exhibit A-1, the statement of her collections and deposits for the same period which she certified as correct, indicates the same amount of P34,336.19 as her shortage.

Mrs. Ester Guanzon, the prosecution's rebuttal witness, confirmed that she assisted the accused in the collection of fees; that the accused filed an application for maternity leave in March 1978 but continued reporting for work during that month; that the accused did not report for work in April 1978; and that she (Guanzon) was the one assigned to collect the fees in her stead. Mrs. Guanzon, however, explained that she turned over all her collections to the accused during all the times that she was assisting her in collecting the fees; and that even in April 1978 when the accused was physically absent from office, she also turned over her

collections to the accused in the latter's house with the duplicate copies of the receipts she issued which the accused signed after satisfying herself that the amounts turned over tallied with the receipts.

There is color of truth to Mrs. Guanzon's explanation. All the collections for the months of March and April 1978 are fully accounted for; they are itemized in the reports of collections (Exhs. F and G) and shown to have been duly remitted in the remittance advices for those months. (Exhs. F-1 to F-5; G-1 and G-2).

The auditor was correct in refusing to credit the accused with the three (3) different amounts mentioned in her letter of October 22, 1980. (Exh. 5) The first sum, P7,140.20, purporting to be refunds of tuition fees to students granted tuition privileges is not supported by any official authorization for such refunds by the University authorities. Besides, the supposed list of students who were recipients of the refunds (Exh. 10) is incompetent evidence being a mere xerox copy uncertified as a true copy of an existing original.

The second sum, P4,494.80 was purportedly spent for the cost of uniforms of players of the school and basketball balls, P2,100.00 in all (Exhs. 6 and 6-A), and the balance taken by Alikhan Marohombsar and Auditor Casan, (Exh. 6-B). The third amount, P6,702.12, was supposedly covered by vouchers submitted to the Auditor's office through Rosa Cabiguin. (Exh. 12-K) Again, the auditor did not err in not crediting the aforesaid sums to the accused's accountability. The P2,100.00 cost of uniforms and balls, unsupported by a duly accomplished and approved voucher, was not a valid disbursement. And since the alleged vouchers for P6,792.12 were not presented in evidence nor was any effort exerted to compel their production in court by subpoena duces tecum, the same was properly refused to be deduced from the incurred shortage of the accused.

All the others sums allegedly taken from the accused by Director Osop, Alikhan Marohombsar and Auditor Casan totalling P31,070.00. (Exhs. 12, 12-A, etc., 13-A and 14-A), supported as they are by mere pieces of paper, despite the admission by Director Osop of having signed some of them (Exhs. 12-A, 12-D, 12-E, 12-F and 12-I) were not valid disbursements. Granting that the amounts reflected in the chits were really secured by the persons who signed them, the responsibility to account for them still rests in the accused accountable officer, Malversa-tion consists not only in misappropriation or converting public funds or property to one's personal use but also by knowingly allowing others to make use of or misappropriate them."[2]

WHEREFORE, there being no reversible error in the questioned decision of respondent court and the issues raised in this petition being essentially factual, the petition for review is DENIED and the appealed decision is AFFIRMED.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Bidin, Sarmiento, Cortes, Grino-Aquino, Medialdea, and Regalado, JJ., concur.

* Penned by Associate Justice Conrado M. Molina with the concurrence of Justices Romulo S. Quimbo and Bienvenido C. Vera Cruz.

[1] Rollo, p. 87

[2] Rollo, pp. 90-92

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.