

PABLITO MENESES AND SILVERIO BAUTISTA, APPELLANTS, VS. THE PEOPLE OF THE PHILIPPINES, AND THE HON. SANDIGANBAYAN, RESPONDENTS.

G.R. No. 71651. August 27, 1987

Ponente: NARVASA, J.

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NARVASA, J.:

The appellants in G.R. No. 71651, Pablito Meneses and Silverio Bautista, and those in G.R. No. 71728, Pablo Silva, Virgilio Cruz and Cesar Almendral, were charged before the Sandiganbayan together with Lorenzo Meneses and Braulio Darum, with a violation of Section 3, paragraphs (e) and (j) of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act. The (amended) indictment against them reads as follows:

"That on or about March 1, 1977 or for sometime prior thereto, in Los Banos, Laguna, Philippines, and within the jurisdiction of this Honorable Court, the accused Lorenzo Meneses, then Mayor of Los Banos, Laguna; Braulio Darum, then District Land Officer, District Land Office IV-A-3; Cesar B. Almendral, Inspector, District Land Office IV-A-3; Silverio Bautista, Market Inspector of the Municipality of Los Banos, Laguna, hence are public officers, conspiring and confederating with Pablo Silva, Virgilio Cruz and Pablito Meneses, all private individuals, and mutually helping each other, did then and there wilfully, unlawfully and feloniously through manifest partiality, evident bad faith or gross inexcusable negligence, knowingly approve and grant to Pablito Meneses Free Patent Nos. 12807 & 12808 over portions of Lots 1 & 2 of PSU-208327, owned by the heirs of Dona Ciriaca Arguelles Vda. de Quisumbing and therefore not subject to disposition, depriving said heirs of Dona Ciriaca Arguelles Vda. de Quisumbing possession thereof thereby causing undue injury to them while giving Pablito Meneses unwarranted benefits, advantage and preference."

After due proceedings and trial, the Second Division of the Sandiganbayan promulgated judgment dated June 27, 1985, finding all the accused guilty of the charges against them, except Mayor Lorenzo Meneses, who was acquitted. The dispositive portion of the Sandiganbayan decision reads as follows:

WHEREFORE, judgment is hereby rendered finding accused Braulio Darum y Cruz, Cesar Almendral y Basbas, Pablito Meneses y Cagongon, Silverio Bautista y Santos, Pablo Silva y Salvador and Virgilio Cruz y Canare GUILTY beyond reasonable doubt in the Violation of Republic Act No. 3019, Section 3, paragraph (e) as amended, ** and hereby sentences each of them to suffer the indeterminate penalty ranging from THREE (3) YEARS as minimum, to SIX (6) YEARS as maximum; to further suffer perpetual disqualification from public office, and to pay their proportionate costs of this action.

Three (3) separate petitions for review on certiorari of this judgment of conviction were filed with this Court by the accused. As already intimated, two of these, docketed as G.R. Nos. 71651 and 71728, were filed respectively by Pablito Meneses and Silverio Bautista, on the one hand, and Pablo Silva, Virgilio Cruz and Cesar Almendral, on the other. These are hereby jointly decided. The third appeal, docketed as G.R. No. 72230, was perfected by Braulio Darum, but this was given short shrift; it was summarily dismissed for lack of merit by Resolution dated

October 10, 1985.

The antecedents are largely undisputed, most having in fact been admitted by the defense in the proceedings in the Sandiganbayan (Rollo, G.R. No. 71651, pp. 56 et seq.)

On September 19, 1919, a parcel of land in Los Banos, adjoining Laguna de Bay, with an area of 589 sq. m., was registered in the name of Ciriaca Arguelles Vda. de Quisumbing, to whom was issued Original Certificate of Title No. 989. The land was later inherited by her heirs, who obtained Transfer Certificate of Title No. 33393 in their names.

In 1962 the Quisumbings instituted an accion publiciana in the Court of First Instance of Laguna (docketed as Case B-350) to recover possession of a portion of their property which had been intruded into by Dominga Villamor and Lorenzo Lanuzo: Judgment was rendered in the Quisumbings' favor on January 3, 1966. Villamor and Lanuzo appealed to the Court of Appeals but to no avail. That Court affirmed in toto on February 7, 1974 the judgment of the Trial Court.

In 1964, the Quisumbings caused the survey of an additional area of 2,387 sq. m. which had accrued to their property through the natural action of the waters of the Laguna de Bay. The survey plan was duly drawn up, identified as PSU-20837. The plan divided the additional area into two (2) lots and was in due course approved by the Director of Lands on November 16, 1964.

The Quisumbings thereafter filed with the Court of First Instance an application pursuant to the Torrens Act for the registration in their names of said additional portion of land, and also prayed that the land be subdivided into six (6) parcels in accordance with their respective shares as co-owners. The case was docketed as LRC Case No. B-327. The proceedings were temporarily suspended in view of the appeal in the accion publiciana (Case B-350), *supra*. But after the dismissal of that appeal, the proceedings were resumed and resulted in a decision dated September 28, 1978 confirming the Quisumbings' title. The Court subsequently directed: (1) on February 9, 1979 that the corresponding decree issue in the Quisumbings' favor; (2) on June 19, 1980 that the Quisumbings be placed in possession of the lots registered in their names; and (3) on December 16, 1980, that the sheriff demolish the houses and/or improvements of the occupants thereof. (Rollo, G.R. No. 71651, pp. 14-15; 219-220.)

Months before the adjudication of the accion publiciana or sometime in May, 1978, the Quisumbings discovered that someone had constructed a swimming pool on a portion of their land. Investigation by their attorney soon disclosed that in March, 1977, District Land Officer Braulio Darum had issued to Pablito Meneses, brother of Los Banos Mayor Lorenzo Meneses, Free Patent No. 12807 with Original Certificate of Title No. P-1268 (for 417 sq. m.) and Free Patent No. 22808 with OCT No. P-1269 (for 515 sq.m.).

Said free patents and titles were issued by Darum principally on the basis of (1) applications for free patents presented by Pablito Meneses; (2) the certificates of inspection, prepared relative to said applications by Cesar Almendral, Land Inspector in the Bureau of Lands District Land Office, in which it was stated that the property was originally owned by Gliceria Almeda who sold the land to Silverio Bautista, a Los Banos Market Collector; and that the latter in turn sold his rights to Pablito Meneses through a "Deed of Waiver and Transfer of Rights," notarized by Mayor Lorenzo Meneses; and (3) affidavits of Pablo Silva, Virgilio Cruz and Pablito Meneses claiming continuous occupation and cultivation of the land by the latter. It was Cesar Almendral who admittedly filled up the Free Patent forms and drew up the supporting documents. The patents and titles were issued by Darum to Pablito Meneses without a survey plan of the land duly approved by the Director of Lands as required by R.A. No. 6516 (eff., July 22, 1972). (Rollo, *id.*, pp. 11-14; 215-218.)

Darum manifested his opposition to the Quisumbings' application for title (LRC Case No. B-327) by writing to

the Land Registration Commissioner on March 6, 1979 to request abatement of the issuance of the decree to the Quisumbings. He also filed, ostensibly in behalf of the Director of Lands, a "Motion to Set Aside Order for Issuance of a Decree", but this was denied due course on account of his failure to show his authority as well as his voluntary withdrawal of his appearance in the proceedings. (Rollo, id., pp. 59-60.)

The Quisumbings filed a motion before the CFI accusing Darum, Almendral, the Meneses brothers, and several John Does of contempt of court, for having issued or caused the issuance of free patents and titles over the land while registration proceedings involving it, as part of a larger parcel, were pending. On July 17, 1981, the Court issued an order finding the accused guilty of contempt of court.

It was in the light of these antecedents and the other evidence on that, as aforestated, the Sandiganbayan convicted all the accused except Mayor Meneses. In the Court's view --

"When accused Darum and Almendral processed and caused the approval and issuance of the free Patents in question, based on the technical descriptions of the lots covered thereby but which survey plan was not approved yet by the Director of Lands as required by Republic Act No 6516, or without exerting due or even ordinary diligence in ascertaining the actual owner or occupants of said land from their own office records or from the Bureau of Lands, they thus acted with gross inexcusable negligence. And when they awarded the patents to accused Pablito Meneses, under such circumstances, they also acted with evident bad faith and manifest partiality in granting undue or unwarranted benefits, advantage or preference to said patentee and to the prejudice or injury of the Quisumbings. Accused Pablito Meneses, Bautista, Cruz and Silva, on their part, are likewise liable as co-principals in this fraudulent scheme as they fully well knew that they had no real or positive basis, factual or legal, for their preparation of supporting documents of the application for free Patents and which documents are clearly suspicious or fraudulent. Under Section 3, paragraph (e), their collective liabilities have been clearly established by the evidence to sustain conviction thereunder. Hence, We find no more necessity to discuss their liabilities under Section 3, paragraph (j), which is just another mode of commission of the offense.

The Sandiganbayan ruled that contrary to the contentions of the accused --

1) the evidence, inclusive of the admitted facts, more than adequately established the Quisumbings' title to the property in question, alluding to specific facts and circumstances demonstrating their and their predecessor's possession and exercise of dominion dating from 1919;

2) the exhibits submitted by the defense were "not true and actual documents in existence in 1975 and were probably manufactured and/or ante-dated to support the defense theory of good faith," it appearing --

a) "very suspicious that Almada's application does not bear the marital consent ** of her husband and does not include the details of her 1959 residence certificate (Exh 15-Meneses);

b) that "from June 29, 1959 to October 29, 1959. while certain proceedings allegedly took place in connection with Almada's application, there was a hiatus from October 29, 1959 up to August 12, 1963, on which latter date Almada was supposed to have paid P21.48 as fees for her use and occupation of the land (Exh. 11-Meneses); *(and) there is another gap of time up to January 21, 1966 when Almada's affidavit of waiver in favor of Silverio Bautista was allegedly submitted to the Land Management Division (Exhs 14 and 33-Meneses);

c) that "Exhibits 8-to-12-Meneses, inclusive were all secured by counsel for Meneses only on September 13, 1983 allegedly from the Natural Resources District No IV-2 Bureau of Lands, Los Banos, Laguna, and not from the Records Division of the Central Office, Bureau of Lands or of District Land Office No. 7, which are the proper official custodian of such records";

d) that "the supposed affidavit of waiver by Almada in favor of Silverio Bautista was allegedly executed on

July 26, 1965 (Exh. 14-Meneses) and, although it was mentioned in the said exhibit, there is no evidence presented as to its actual existence";

e) that "as of 1962, the same area applied for by Almeda, allegedly consisting of 300 sq. m. then, was already the subject of litigation between the Quisumbings, on one hand, and Domingo Villamor and Lonrenzo Lanuzo, on the other hand" (Civil Case No. B-350, accion publiciana although the area involved had increased by accretion to 859 sq. m. by that time [Exhibits E to E-2]):

f) that "the same land applied for by Almeda was within ** the private land survey conducted in 1964 ** for the Quisumbings, denominated as PSU-208327 (EXHIBIT D), thus, it would appear that Almeda had no legal or factual basis in waiving her rights and interests in favor of Bautista on July 26, 1965 (Exhibit 14-Meneses)";

g) that "neither could Darum, Almendral and the Meneses brothers ignore the existence of PSU-208327 as the said survey clearly appears on the cadastral survey plan of Engr. Clemeno, plus the fact that the land was the subject of land registration proceedings;"

h) that "in his Deed of Waiver and Transfer of Right', Bautista declared that he had occupied the land in question since 1956 (Exhibit FF) contrary to Exhibit 14-Meneses, which states that Almeda's waiver to him was in 1965";

i) that "when Atty Brion (the Quisumbings' attorney) went to ** Darum and also to the Meneses brothers, these persons could not show or present the requisite documents to support the issuance of Free Patents to Pablito Meneses; ** (indeed) Darum and Almendral allegedly 'reconstituted' certain documents and it was only after the Quisumbings had filed their complaint with the Tanodbayan and a prima facie case was found that the accused came up with said reconstituted' documents to support their motion for reconsideration in 1981 (Exhibit TT)."

The Sandiganbayan decision also pointed out "numerous inconsistencies and contradictions ** in the defense evidence," to wit:

"(1) While Bautista declared in his waiver (Exhibit FF) that the consideration for the transfer of his rights to Pablito Meneses was love and affection and some monetary obligation," however during his testimony in the contempt case, he declared that Pablito owed him P12,000.00 (Exhibits 00-1 to 00-7), which Pablito himself admitted by declaring during the same proceedings that he had agreed to pay P12,000.00 to Bautista on installments (Exhibits NN-1 to NN-3).

(2) Bautista declared in his Deed of Waiver, dated May 5, 1985 (Exhibit FF) that the area of the land transferred by him to Pablito was 900 sq. m. while Almeda claimed in her application that the area was 300 sq. m., and that she had occupied said land since 1958 (Exhibit 12-Meneses). In Bautista's Application for Permit dated February 14, 1973 (Exhibit 27-Meneses), he stated that the area was still 300 sq. m., while in his Affidavit dated May 12, 1980, he stated that area is 318 sq. m.

(3) In the documents submitted by the defense and which were notarized by accused Lorenzo Meneses, some documents were notarized by the latter as municipal mayor of Los Banos, while others were notarized as a notary public, a circumstance which casts doubt as to the genuineness of the allegedly 'reconstituted' supporting documents to his brother Pablito's application.

(4) If it were true, as Pablito Meneses and Silverio Bautista contended, that the land subject of the free patent application had an area of 900 sq. m. as of 1975 (Exhibit FF), ** no justification therefor (exists) since the private survey (PSU-208327) conducted at the behest of the Quisumbings on May 16, 1984 showed that the total land area which was added to the original Quisumbing property by accretion was already 2,387 sq. m. (Exhibits D to D-3) In fact, in Pablito Meneses' two applications (Exhibits M and M-1), no area was mentioned of the two lots applied for.

(5) While the defense vigorously insisted on their theory that the land in question was held in occupancy by Gliceria Almeda from the Japanese Occupation up to 1965 when she transferred her rights to Silverio Bautista, however, there was no solid or substantial refutation of the prosecution's evidence that Private Land Surveyor Benigno E. Aquino's findings, as set forth in the technical descriptions of Lots 1 and 2 of PSU-208327, together with his Surveyor's Certificate, showed that as of 1964, the adjoining owners of said land were the Quisumbings, Santiago de los Santos and the Heirs of E. Capinpin (Exhibits D-1 to D-3)."

In their appeal (G.R. No. 71651) Pablito Meneses and Silverio Bautista raise the following issues:

1. Whether or not private individuals like them "may be held criminally liable for alleged violation of Section 3 (e) of R. A. 3019 under which they are convicted anent the issuance of and granting of free patents titles;"
2. Whether or not they were convicted "on the basis of alleged weakness of their evidence and not on the strength of the evidence of the prosecution;"
3. Whether or not their conviction was founded on "mere suspicions and conjectures unsupported by positive proof;"
4. Whether or not they "may be convicted of conspiracy, when same appeared not punishable under the law allegedly ^ violated, and whether the existence of conspiracy may be inferred in the absence of positive and convincing evidence;"
5. Whether or not the Sandiganbayan was "justified in disregarding and ignoring public documents that favor ** (their) innocence after all of said documents have been admitted in evidence;" and
6. Whether or not "the conclusion drawn from the record by the Sandiganbayan in arriving at a verdict of conviction is legally justified, a question of law which ** (the) Supreme Court is authorized to pass upon to avoid miscarriage of justice."

On the other hand, the appellants in G.R. No. 71728, Pablo Silva, Silverio Cruz and Cesar Almendral, ascribe to the Sandiganbayan the following errors, viz:

- 1) "in declaring "the existence of conspiracy despite the fact that no evidence of its existence could be obtained from the evidence of the prosecution ***";
- 2) "in not considering the acts of Silva and Cruz as truthful, legal and done in utmost good faith and therefore cannot be taken to form part of a supposed conspiracy to commit a crime";
- 3) "in not relying on the strength of the prosecution evidence but on the weakness of the defense";
- 4) "in allowing itself to be unduly influenced by the findings of the Civil Service Commission of grave misconduct and neglect of duties of accused Darum"; and
- 5) "in not holding the evidence of the prosecution insufficient to establish a moral certainty of guilt and in not giving due weight and consideration to the evidence for the defense."

It would seem quite obvious that such issues raised by Meneses and Bautista in G.R. No. 71651 as whether or not conviction was on the basis of alleged weakness of the defense evidence rather than on the strength of the prosecution's proofs or was founded on mere suspicions and conjectures; or the existence of conspiracy was inferred in the absence of positive and convincing evidence; or the evidence on record does not justify arrival at a verdict of guilt, are issues of fact, and not of law So, too, such issues as are set up by Silva, Cruz and Almendral in G.R. No. 71728, to wit: whether or not there is sufficient evidence of conspiracy among the accused; or Silva and Cruz acted truthfully and in utmost good faith; or the Sandiganbayan relied on the weakness of the defense

rather than on the strength of the evidence of the State; or the judgment of the Sandiganbayan was unduly influenced by the findings of the Civil Service Commission of grave misconduct and neglect of duties as regards accused Darum; or the evidence of the prosecution is insufficient to establish moral certainty of guilt, are factual, not legal, issues. But it is axiomatic that in appeals to this Court from the Sandiganbayan only questions of law may be raised, not issues of fact (Sec. 7, PD 1606; Nunez v. Sandiganbayan 111 SCRA 433). Absent any grave abuse of discretion tainting the factual findings of the Sandiganbayan, and the record discloses no such grave abuse of discretion in the case at bar, this Court is bound by those findings (Calubaquib v. People, 117 SCRA 493).

In any event, a review of the record (Cesar vs. Sandiganbayan, 134 SCRA 105, 121) satisfies this Court of the absence of error in the Sandiganbayan's factual findings. The appellants' claim of good faith and lack of awareness of the registration proceedings initiated by the Quisumbings and the accion publiciana filed against Dominga Villamor and Lorenzo Lanuso cannot be given credence. These proceedings, apart from being widely known, could not possibly have eluded the attention of the accused officers of the Bureau of Lands. By reason of their positions which gave them easy access to all land surveys and records of registration proceedings within their district, and the fact, particularly, that they had to inquire into the history of the lands involved in the applications of Pablito Meneses, and hence had to precisely examine those surveys and records, they could not but learn, if they did not already know, the recorded and observable facts. The appellants could not produce or exhibit to the Quisumbings' counsel, Atty. Brion, the papers relevant to Pablito Meneses applications for free patent. It was only after the Quisumbings had filed a complaint with the Tanodbayan that the accused public officers presented any of the relevant documents; but even at this time, what was produced was not the originals of Pablito Meneses' free patent applications but only "reconstituted" copies thereof, furthermore, the copies bore only the signature of the Land District Officer, Almendral, but not of the applicants, and equally as significant, showed that no notice of the applications had been given to adjoining land-owners. And, as earlier already stressed, the cadastral survey made the basis for the issuance of free patents and titles to Pablito Meneses had never been approved by the Director of Lands as explicitly required by law. These circumstances, considered conjointly with the other evidence of the prosecution, and the infirmities in the documentary proofs of the appellants and the serious inconsistencies and contradictions in their testimonial declarations -- set forth by the Sandiganbayan in its decision in no little detail, and of the existence of which this Court is also satisfied - confirm the validity of the factual findings of the Sandiganbayan, inclusive of its adjudgment that a conspiracy existed among the appellants as demonstrated by their individual acts which though separately performed, all obviously conduced towards the attainment of a common objective. Those findings will not therefore be disturbed.

The point sought to be made by appellants that private persons, such as Pablito Meneses and Silverio Bautista, can not be convicted of a violation of Section 3[3] of the Anti-Graft and Corrupt Practices Law, its application being limited only to public officers, cannot be conceded. Section 1 of the law makes clear the legislative intention to make application of the statute extend both to public officers and private persons.

"The policy of the Philippine government, in line with the principle that a public office is a public trust is to repress certain acts of public officers and private persons alike which constitute graft or corrupt practices or which may lead thereto." (SEE also, Sec 4 [3rd par.], PD 1606, as amended by PD 1861.)

Moreover, as the Solicitor General stresses, quite correctly --

" ** Section 4 [b] of R.A. 3019 punishes any private individual who knowingly induces a public Officer to commit any offense defined in Section 3 of the said statute. Appellant Meneses desperately attempts to extricate himself by insisting that he cannot be punished for merely applying for a free patent from the accused Darum and Almendral. This would be true, were this the full extent of his participation, but as circumstances show, he voluntarily participated in the fraud committed against the Quisumbings. Indeed, it

would be unlikely that the public officers concerned would go to such lengths to grant such titles were they not persuaded to do so by the appellants."

Having conspired and confederated with the accused public officers, in the perpetration of acts designed towards the obtention of pecuniary benefits or advantage, in violation of law, they must be deemed to have consented to and adopted as their own, the offense of said public officers; in a conspiracy, the act of one is the act of all (People v. Damaso, 86 SCRA 370; see also U.S. v. Ponte, 20 Phil. 379; U.S. v. Dato and Lustre, 37 Phil. 359; People v. Caluag, et al., 94 Phil. 457; Halili v. CIR, 136 SCRA 112).

WHEREFORE, the petitions in G.R. Nos. 71651 and 71728 are DISMISSED and the judgment of the Sandiganbayan affirmed, with costs against the appellants.

Teehankee, C.J., Yap, Fernan, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento and Cortes, JJ., concur.

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