

MANUEL L. SIQUIAN, PETITIONER, VS. THE PEOPLE OF THE PHILIPPINES, AND THE COURT OF APPEALS, RESPONDENTS.

G.R. No. 82197. March 13, 1989

Ponente: CORTES, J.

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CORTES, J.:

The information charging petitioner Manuel L. Siquian, the then municipal mayor of Angadanan, Isabela, of the crime of falsification of public document under Art. 171, par. 4 of the Revised Penal Code filed by Second Assistant Provincial Fiscal before Branch XX of the of the Regional Trial Court of Cauayan, Isabela reads as follows:

That on or about the 1st day of July, 1975, in the Municipality of Angadanan, Province of Isabela, and within the preliminary jurisdiction of this Honorable court, the accused Manuel L. Siquian, being then the Municipal Mayor of Angadanan, Isabela, taking advantage of his position as such Municipal Mayor did then and there wilfully, unlawfully and feloniously prepare and sign a false document, knowing it to be false, to wit, an official communication to the Civil Service Commissioner, dated July 1, 1975, which is required by law in order to support the appointment of a certain Jesusa B. Carreon to the position of clerk in the Office of the Municipal Secretary which (sic) he appointed as such by stating and making it appear in said document that there was such a position existing and that funds therefore were available, when in truth and in fact, as said accused well-know (sic), there was no such position or item and no funds were available for said position in the Fiscal Budget of Angadanan for 1975-76, nor was there any special ordinance creating said position and appropriating the necessary funds therefor.

* * *

[Rollo, pp. 23-24.]

Upon arraignment, petitioner pleaded not guilty to the offense charged and the trial of the case ensued. The facts as found by the Regional Trial Court (RTC) are as follows:

It appears from the evidence that sometime in June, 1975, Jesusa Carreon, 20 years old, single and a resident of Ilagan, Isabela, went to the accused Manuel L. Siquian, Mayor of the Municipality of Angadanan, Province of Isabela, to apply for employment in the office of the Mayor. Earlier, she and her friends went to the Municipal Hall of Angadanan to ask information if there was any vacancy. When she was informed that there was, she went to see the accused in his house.

The accused must have agreed to appoint her because he accompanied her to the office of the Municipal Secretary, Emilio Valenzuela. The latter, however, was not there. Even so, the accused told Jesusa Carreon to report for work the following day and that she should be included in the budget. The accused then accompanied her to the Office of the Municipal Treasurer, Calo Battung. The Treasurer agreed that she could report for work.

One week after, Jesusa Carreon went alone to the Office of the Municipal Secretary. He was there. When she went to the accused, she was told to go back to the Municipal Secretary to work for her appointment papers.

She was appointed clerk to the Municipal Secretary in the Office of the Municipal Secretary, on July 1, 1975 by the accused.

* * *

Accompanying her appointment is the certification, among others, of the availability of funds (C.S. Form No. 203) dated July 1, 1975, issued by the accused Manuel L. Siquian, pursuant to the requirements of Memorandum Circular No. 5, Series of 1975, addressed to the Commissioner of Civil Service, Manila (Exh. "C").

* * *

Jesusa Carreon took her oath of Office (Exh. "A-1") on July 1, 1975, and promptly began to work on the same day. Her monthly salary was P120.00. She rendered services for the months of July, August, September, October, November and December 1975 (Exhibits "B", "B-1" to "B-5"). She was not, however, paid. As early as October 1975, she went to the Municipal Treasurer to receive her salary, but she was told that there was no money yet. In November 1975, she went to see the accused, but the latter told her to see the treasurer. She went to the Treasurer who told her that there was no money. Because of this, she went to the Sangguniang Panlalawigan at the Provincial Capitol in Ilagan, Isabela, to ask (sic) information regarding her unpaid salaries. She was interviewed by Atty. Efren Ambrosio, Provincial Administrator. Atty. Ambrosio asked her if she had complete appointment papers. Thereafter, she filed her verified complaint dated April 20, 1976, against the accused. Her complaint is addressed to Governor Faustino N. Dy (Exhibit "G" and "G-1").

It also appears from the evidence that the Municipal council of Angadanan, Isabela, failed to enact the annual budget for the municipality for the Fiscal Year 1975-1976 (Exhs. "H", "H-1", and "H-2"). Accordingly, and pursuant to PD No. 477, the annual budget for the previous Fiscal Year 1974-1975, was deemed re-enacted (Exh. "H-1"). Thus, the Municipal Plantilla of Personnel for the Fiscal Year 1975-1976 is the same as the Plantilla of Personnel for the Fiscal Year 1975-1976. No supplemental budget was enacted by the Municipal council of Angadanan.

In the Plantilla of Personnel for 1974-1975, which was deemed re-enacted for the Fiscal Year 1975-1976, there was no new item or appropriation for the position of clerk in the Office of the Municipal Secretary of Angadanan, Isabela. The new position of clerk in the office of the Municipal Council appearing in the Municipal Plantilla for Personnel (Exhibit "H-2") for 1974-1975, was filled-up as early as October 16, 1974 by the accused when he appointed Clarita G. Ramirez to that position (Exhibits "J" and "J-2"). With respect to the new position of a Clerk to the office of the Municipal Mayor in the Plantilla for 1974-1975, it was already filled-up by the appointment of Miss Marivic A. Tallod on June 16, 1975, by the accused (Exhibits "K" and "K-4"). As early as June 28, 1974, the same position was held by Miss Felicidad Visitacion who was appointed by the accused, but she resigned (Exhs. "K" and "K-1").

* * *

[Rollo, pp. 26, 28, 29-30.]

After trial, the Court found the petitioner guilty beyond reasonable doubt of the crime charged and decreed:

WHEREFORE, finding the accused Manuel L. Siquian guilty beyond reasonable doubt of the crime of falsification of public document as charged in the information, the Court hereby sentences said accused to suffer an indeterminate penalty of from FIVE (5) YEARS, EIGHT (8) MONTHS, and ONE (1) DAY of prision correctional (sic) as minimum to SEVEN YEARS of prision mayor as maximum and to pay a fine of THREE THOUSAND (P3,000.00) PESOS.

SO ORDERED. [Rollo, 35.]

On appeal, the respondent Court of Appeals ruled as follows:

WHEREFORE, the decision appealed from is in accordance with law and the evidence and is hereby therefore affirmed. Costs against the accused-appellant.

SO ORDERED. [Rollo, p. 42.]

Hence, this petition for review seeking reversal of the CA decision and the acquittal of petitioner Manuel L. Siquian. Petitioner contends that the respondent court has decided a question of substance not in accord with law and jurisprudence when it affirmed the decision of the trial court convicting him of the crime of falsification despite the following:

- A. The evidence on record which consists of the testimony of the prosecution's principal witness, shows the absence of criminal intent on the part of the accused.
- B. There is no evidence that the accused took advantage of his position as Municipal Mayor when he made the allegedly falsified certification.
- C. The statement that "Funds for the position are available" is not a narration of facts but a conclusion of law.
- D. The petitioner was deprived of his right to due process of law when the trial court proceeded with the trial in his absence despite a pending petition for change of venue with the Supreme Court. [Rollo, p. 13.]

Petitioner's arguments, however, are bereft of any merit.

The offense of falsification by a public officer under Article 171 of the Revised Penal Code is committed by "any public officer, employee or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts: . . . ; 4. Making untruthful statements in a narration of facts; . . ." It is settled that in this fourth kind of falsification, the following requisites must concur:

- (a) That the offender makes in a document untruthful statements in a narration of facts;
- (b) That he has a legal obligation to disclose the truth of the facts narrated by him; and,
- (c) That the facts narrated by the offender are absolutely false [Cabigas v. People, G. R. No. 67472, July 3, 1987, 152 SCRA 18.]

All these requisites had been fully met in the case at bar. Petitioner, a public officer, being then the mayor of the municipality of Angadanan, Isabela, made an untruthful statement in the narration of facts contained in the certification which he issued in connection with the appointment of complainant Jesusa Carreon. The certification, having been issued by a public official in the exercise of the function of his office is a public document [U.S. v. Asensi, 34 Phil. 765 (1915).] It is immaterial whether or not the Civil Service Commissioner to whom the certification was addressed received the document issued by petitioner. Since the certification was prepared by petitioner in accordance with the standard forms prescribed by the government (specifically the Civil Service Commission) pursuant to law, the certification was invested with the character of a public document [People v. Asensi, supra citing U.S. v. Vy Guico, 12 Phil. 209 (1908)] falsification of which is punishable under Article 171 of the Revised Penal Code. Here, falsification of such document was committed when the petitioner stated that funds were available for the position to which Jesusa Carreon was appointed when he knew that, in reality, the position itself did not even exist and no funds had been appropriated therefor.

Petitioner's stance that the certification which he issued contained no narration of facts but rather a conclusion of law is not meritorious. The respondent court, upholding the Solicitor General's arguments, correctly ruled as follows:

"Conclusion of law" is defined as a proposition not arrived at by any process of natural reasoning from a fact or combination of facts stated but by the application of the artificial rules of law to the facts pleaded [Levins v. Rovegno, 71 Cal. 273, 12 p. 161; Black's Law Dict., p. 362.]

From the above-cited definition, it can be deduced that the certification by the appellant that "funds for the position are available" does not require the application of the artificial rules of law. To certify that funds are available for the position what one should do was (sic) to refer to the budget and plantilla of personnel of the applicable fiscal year and ascertain if such item exists and funds are allocated therefor.

In the present case, despite the presence of the records which shows that there is no position and funds therefor referred to in the certification, the appellant, fully aware of the data provided by the records, certified falsely that "funds for the position are available" [Rollo, p. 41.]

It is undisputed that the Municipal Council of Angadanan failed to enact the annual budget of the municipality for the Fiscal Year 1975-1976 and therefore, the annual budget for the last fiscal year, 1974-1975, was deemed re-enacted under P.D. No 477. In the Municipal Plantilla of Personnel (Exh. "B-2") accompanying the Annual Budget for the Municipality of Angadanan, Isabela for the Fiscal Year 1974-1975, there is no such position as Clerk to the Municipal Secretary in the Office of the Municipal Secretary, the position to which Jesusa Carreon was appointed. Accordingly, there is no appropriation made in the Annual Budget for the Fiscal Year 1974-1975 for such position, thus rendering petitioner's statement in his certification utterly false. The requisite of absolute falsity of the statement made in the document is met when there exists not even an iota of colorable truth in what is declared in the narration of facts [U.S. v. Bayot, 10 Phil. 518 (1908)], as in this case. From the foregoing, it can be seen that the first and third requirements laid down in the Cabigas case, *supra*, are fully satisfied.

The second element of the offense is likewise present. Under the civil service rules and regulations, specifically the Guidelines in the Preparation of Appointment for Original Appointment (Exhs. "D" and "D-3"), a certification of the availability of funds for the position to be filled up is required to be signed by the head of office or any officer who has been delegated the authority to sign. As an officer authorized by law to issue this certification which is designated as Civil Service Form No. 203, as revised, the petitioner has a legal obligation to disclose the truth of the facts narrated by him in said certification which includes information as to the availability of the funds for the position being filled up.

Contrary to petitioner's claim, the existence of a wrongful intent to injure a third person is not necessary when the falsified document is a public document. This has already been authoritatively decreed in the 1955 case of *People v. Po Giok To* [96 Phil. 913 (1955).] The Court in the aforementioned case explicitly stated that wrongful intent on the part of the accused to injure a third person is not an essential element of the crime of falsification of public document. The rationale for this principal distinction between falsification of public and private documents has been stated by the Court in this wise: "In the falsification of public or official documents, whether by public officials or private persons, it is unnecessary that there be present the idea of gain or the intent to injure a third person, for the reason that, in contradistinction to private documents, the principal thing punished is the violation of the public faith and the destruction of the truth as therein solemnly proclaimed" [*People v. Po Giok To*, *supra* at 918, citing *People v. Pacana*, 47 Phil. 48 (1924).] In falsification of public documents therefore, the controlling consideration is the public character of a document and the existence of any prejudice caused to third persons or, at least, the intent to cause such damage becomes immaterial [*People v. Pacana*, *supra*.]

Petitioner's plea for acquittal on the ground that the evidence for the prosecution shows the absence of criminal intent on his part must be denied. While this Court has declared good faith as a valid defense to falsification of public documents by making untruthful statements in a narration of facts [U.S. v. San Jose, 7 Phil. 604 (1907)], such defense cannot serve to exonerate the petitioner since the element of good faith has not clearly been shown

to exist in the case at bar.

Under the applicable law at the time, petitioner, as municipal mayor of Angadanan, Isabela presides at all meetings of the municipal council [Section 2621 (d), Revised Administrative Code] and signs all ordinances and resolutions passed by the municipal council [Section 2624 (c), Revised Administrative Code.] He was thus aware that (1) for failure to enact a budget for the Fiscal Year 1975-1976, Ordinance No. V of the Municipal Council of Angadanan, Isabela which was the Municipal Annual Budget of Angadanan, Isabela for Fiscal Year 1974-1975 was re-enacted and (2) that under the Municipal Plantilla of Personnel for that fiscal year, there were no funds appropriated for the position of clerk to the municipal secretary. His knowledge of these facts is shown by the fact that he even affixed his signature in attestation to the correctness of these documents; i.e. Ordinance No. V and Municipal Plantilla of Personnel [See Exhs. "H-1" and "H-2", Folder of Exhibits, pp. 27-32s.] He cannot claim good faith in issuing a certification of the availability of funds for the questioned position since at the time he issued such certification on July 1, 1975, the fiscal year 1975-1976 had already commenced and no new ordinance creating the new position to which he appointed Jesusa Carreon had been enacted by the municipal council.

In view of the foregoing considerations, petitioner must be held criminally liable for his act of issuing the absolutely false certification as to the availability of funds for the subject position. The law considers his act criminal since it amounts to an untruthful statement in a narration of facts in a public document [Article 171 (4), Revised Penal Code.] Criminal intent and the will to commit a crime are presumed to exist on the part of the person who executes an act which the law punishes, unless the contrary shall appear [United States v. Apostol, 14 Phil. 92 (1909).] In this case, the presumption that petitioner committed the act with criminal intention, which arose from proof of his commission of the unlawful act, stands un rebutted.

Petitioner's claim that there was no showing that he took advantage of his official position in falsifying the document should likewise be rejected. This essential element of falsification of a public document by public officer requires that the offender "abuse his office or use the influence, prestige or ascendancy which his office gives him, in committing the crime" [U.S. v. Rodriguez, 19 Phil. 150 (1911).] Abuse of public office is considered present when the offender falsifies a document in connection with the duties of his office which consist of either making or preparing or otherwise intervening in the preparation of a document [U.S. v. Inosanto, 20 Phil. 376 (1911); People v. Santiago Uy, 101 Phil. 159 (1957)], as in the case of petitioner who was charged with the duty of issuing the certification necessary for the appointment of Jesusa Carreon.

Finally, the alleged denial of due process of law committed by the trial court when it proceeded with the trial of the case in the absence of the petitioner despite a pending petition for change of venue with the Supreme Court is totally unfounded. A careful and thorough review of the record reveals that petitioner had been afforded due process when the trial court, in view of the absence of petitioner, granted continuances to enable the defense to present its evidence although the prosecution had rested its case as early as December 7, 1978 [See Original Records, p. 253, et seq.]

It is a basic postulate in law that what is repugnant to due process is not lack of previous notice but absolute lack of opportunity to be heard [Tajonera v. Lamaroza, G.R. Nos. L-48097 & 49035, December 19, 1981, 110 SCRA 438.] Hence, this Court laid down this criterion to determine whether an accused in a criminal case has been properly accorded due process of law:

"x x x (I)f an accused has been heard in a court of competent jurisdiction and proceeded against under the orderly processes of law, and only punished after inquiry and investigation, upon notice to him, with an opportunity to be heard, and a judgment awarded within the authority of a constitutional law, then he has had due process of law. x x x" [People v. Mui, G.R. No. L-48875, October 21, 1982, 117 SCRA 696 citing People v. Castillo, 776 Phil. 73 (1946); Underscoring supplied.]

Thus, there is no denial of due process when an accused is afforded the chance to present evidence on his behalf but due to his repeated, unjustifiable failure to appear at the hearings, the trial court ordered the case to be deemed submitted upon the evidence presented by the prosecution. For under such circumstances, he will be deemed to have waived his right to be present during the trial [Section 1 (c), Rule 115 of the Revised Rules of Court] and his right to adduce evidence on his behalf [People v. Angco, 103 Phil. 33 (1958).]

It is true that he filed a petition for change of venue with the Supreme Court. However, on the date set for the hearing of the petitioner's urgent motion to suspend the proceedings in the trial court due to the pendency of the petition for change of venue, he also failed to appear (See Order dated January 18, 1985, Original Records, p. 428.) In fact, Atty. Romeo Calixto, one of the counsels for the petitioner, manifested before the trial court that he was withdrawing as counsel for his client for the reason that he has lost contact with the latter who already went abroad [See Original Records, p. 435.] Hence, the trial court cannot be faulted for rendering its decision on the basis solely of the evidence presented by the prosecution.

WHEREFORE, the appealed decision being in conformity with law and settled jurisprudence, the same is AFFIRMED and the instant petition is hereby DENIED.

SO ORDERED.

Fernan, C.J., Feliciano, and Bidin, JJ., concur.

Gutierrez, Jr., J., see concurring opinion.

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CONCURRING OPINION

GUTIERREZ, JR., J.:

I agree with the precedent rulings applied by the Court to the facts as found by both the trial court and the Court of Appeals. I believe, however, that a too literal application of the rules may blur the line between deliberate intent to commit a crime and the unwitting commission, through negligence, of an act which would otherwise be criminal if intentionally committed.

It is a well-known fact that many top officials, both national and local, usually rely on the initials of lower echelon employees on such routine matters as prior compliance with regular procedures. When a government executive sees the required initials below his typewritten name, he confidently affixes his signature to certifications, clearances, and approvals of permits or licenses. He is technically guilty of falsification if what he signed turns out to be false but should we require him to personally go over every step and procedure which he ordinarily leaves to subordinates? In this case, of course, there is evidence that the accused was aware that the position to which Carreon was appointed is non-existent.

There is likewise an indication in this case that the petitioner could not present evidence in his defense because he was in the United States hiding from political enemies. However, his counsel was here and his main plea was for change of venue. If the venue had been changed, there would have been presentation of evidence. I agree with the ponente that the due process argument has not been presented adequately, sufficient to reverse the findings of both the trial court and the appellate court.

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