

PONCIANO LAYUG, PETITIONER, VS. SANDIGANBAYAN AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. Nos. 121047-57. August 16, 2000

Ponente: PARDO, J.

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PARDO, J.:

Is petitioner guilty of falsification of public documents for filling up his daily time record as a teacher which reflected his actual teaching time and also those when he was within the school facilities?

THE CASE

What is before this Court is a petition for review on certiorari of the decision[1] of the Sandiganbayan finding petitioner Ponciano Layug y Medina guilty beyond reasonable doubt of eleven (11) counts of falsification of public document under Article 171, paragraph 4, of the Revised Penal Code. For each count of falsification, the Sandiganbayan meted on petitioner the indeterminate penalty of two (2) years, four (4) months and one (1) day of prision correccional as minimum, to eight (8) years and one (1) day of prision mayor, as maximum and to pay a fine of P1,000.00 plus costs of suit.

On March 13, 1990, the Special Prosecutor charged petitioner as follows:

Criminal Case No. 14444

“That on or about the month of June 1986, in Digos, Davao del Sur, and within the jurisdiction of this Honorable Court, accused Ponciano Layug being then a duly appointed Secondary Public School Teacher of the Davao del Sur National High School, hence, a public school teacher, and as such assigned to teach Science Class IV with the following schedule, to wit:

MONDAY

WEDNESDAY

FRIDAY

Science IV A

11:15

12:15 am

Science IV 0

1:30

2:30 pm

TUESDAY

THURSDAY

Science IV-A

9:30

10:30 am

Science IV-K

3:30

4:00 pm

Science IV-0

4:00

5:00 pm”

did then and there wilfully, unlawfully and feloniously, with grave abuse of confidence and by taking advantage of his official position prepare and submit his daily time record for June, 1986 by making it appear that he attended aforesaid classes during the said period of June 18 to 30, 1986 when in truth and in fact he failed to attend said classes to teach and for which he is legally bound to disclose the truth, to the damage and prejudice of the government.

Contrary to law.”[2]

In Criminal Case No. 14445, the information states thus:

“That on or about the month of July 1986, in Digos, Davao del Sur, and within the jurisdiction of this Honorable Court, accused Ponciano Layug, a duly appointed Secondary School Teacher of the Davao del Sur National High School, hence, a public school teacher and as such was assigned to teach Youth Development Training I scheduled on Monday, Wednesday and Friday between the hours of 7:15 in the morning to 9:15 in the morning and on Tuesday and Thursday between the hours of 7:30 in the morning to 9:30 in the morning, did then and there wilfully, unlawfully and feloniously and with grave abuse of confidence and taking advantage of his official position prepare and submit his daily time record for the month of July 1986 by making it appear that he attended the aforesaid classes from the 3rd day of July to the 31st day of July, 1986, when in truth and in fact he failed to attend and teach said subject and for which he is legally bound to disclose the truth, to the damage and prejudice of the government.

“Contrary to law.”[3]

In Criminal Cases Nos. 14446 to 14450, the informations filed are similarly worded as that in Criminal Case No. 14445, except for the particulars as to the month and year^[4]indicated in each daily time record.

In Criminal Case No. 14451, the information alleged that petitioner made it appear in his daily time record for January 1987, that from the 13th to the 29th of that month, he reported to the Division Office in Digos, Davao del Sur by virtue of a directive of the Assistant Regional Director and Officer in Charge, although he was in truth absent. The information in Criminal Cases Nos. 14452 to 14454 pertain to the daily time records when petitioner was detailed with the Division Office during the months of February, March and April, 1987, wherein petitioner allegedly made it appear that he reported to said Office from the 3rd to the 27th of February, 1987, the 2nd to the 31st of March, 1987, and the 1st to the 3rd day of April, 1987, respectively.

On March 31, 1995, the Sandiganbayan,^[5] rendered its decision, the dispositive portion of which reads:

“WHEREFORE, after trial on the merits, judgment is hereby rendered finding accused Ponciano Layug y Medina GUILTY beyond reasonable doubt as principal in all eleven (11) counts of Falsification of Public Documents charged in the above-numbered cases, as defined and penalized under Article 171, paragraph 4 of the Revised Penal Code and there being no modifying circumstance in attendance, after applying the benefits of the Indeterminate Sentence Law, he is hereby sentenced as follows:

“(1) In Criminal Case No. 14444 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prision correccional, as minimum, to EIGHT (8) YEARS and ONE (1) DAY of prision mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(2) In Crim. Case No. 14445 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prision correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prision mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(3) In Crim. Case No. 14446 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prision correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prision mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(4) In Crim. Case No. 14447 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prision correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prision mayor as the maximum; to pay a fine of P1,000.00 and to pay the costs of said action.

“(5) In Crim. Case No. 14448 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prision correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prision mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(6) In Crim. Case No. 14449 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prision correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prision mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(7) In Crim. Case No. 14450 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prision correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prision mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(8) In Crim. Case No. 14451 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prision correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prision mayor as the maximum; to pay a fine of P1,000.00 an to pay the costs of said action.

“(9) In Crim. Case No. 14452 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prision correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prision mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(10) In Crim. Case No. 14453 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prision correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prision mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(11) In Crim. Case No. 14454 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prision correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prision mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“SO ORDERED.”[6]

THE FACTS

On June 7, 1971, petitioner applied with the Division Office of Davao del Sur for a permanent teaching position in the Digos Provincial High School. He stated in his application letter[7] that he obtained the degrees of Associate in Arts and Bachelor of Arts in Psychology from the University of Sto. Tomas, in 1960, and the academic aspect of the course in Master of Arts in Psychology from the Lyceum of the Philippines. A civil service eligible for secondary teachers, petitioner claimed having taught for seven (7) years English, Mathematics, Social Sciences, Biology, General Science and History in the high school level, and Education, Philosophy, Psychology, Zoology, Botany, Statistics and Health in the college level.

At the Davao del Sur National High School (DSNHS), petitioner taught English, Literature and Social Studies. In school year 1986-1987, he was assigned to teach two loads of English IV and four loads of Science IV (Physics). Ramon Presto, the principal of DSNHS, authorized the head of the Science Department to assign any science course to petitioner.[8] Thus, on June 17, 1986, Lourdes E. Magbanua of the Science Department, issued a memorandum addressed to petitioner detailing his schedule for Science IV classes.[9] Jovencio Tablang, the assistant principal in charge of academic affairs, noted the memorandum. However, because petitioner refused to receive the memorandum,[10] on June 23, 1986, Magbanua informed Presto through a letter that petitioner refused to teach three (3) Science IV classes assigned to him for the reason that he was "inexperienced and incompetent to teach the subject." [11] Magbanua mentioned in that letter that petitioner's science load had been unattended to for one week already and thus she referred the matter to Jovencio Tablang. Nevertheless, Magbanua would see petitioner in campus, talking with friends or with the security guards in the guardhouse.[12]

In the month of June 1986, petitioner filed a daily time record showing that he reported for work within his daily official working hours of 8:30 to 11:30 a.m. and 1:30 to 4:30 p.m. from June 16 to June 30, 1986.[13] Petitioner signed the June 1986 daily time record but the principal did not sign it. Petitioner submitted similarly filled up daily time records from July 1986 to April 1987.[14] Notably, the daily time records for those months showed that, except for reasons of court appearances in certain mornings and afternoons, petitioner regularly reported for work within his official time of 8:30 to 11:30 a.m. and 1:30 to 4:30 p.m.

On June 4, 1986, Presto filed with the Tanodbayan (Ombudsman) TBP Case No. 86-01001,[15] a complaint for estafa through falsification of public documents against petitioner. Presto alleged that petitioner made it appear that he had completed the required number, of hours of work in his daily time records (hereinafter DTR) for the months of January to April 1986, notwithstanding that he only worked for a short period of time.[16] After his arraignment, petitioner learned that he was charged with eleven (11) more counts of falsification of public document pertaining to his daily time records for June 1986 to April 1987, that were docketed as TBP Case No. 87-02474.

On June 30, 1986, petitioner sent a handwritten letter to Presto reiterating his request for the subjects that he could handle and apologizing for his inability to handle the Physics subject that Magbanua was asking him to teach.[17]

In his reply dated July 2, 1986 to that letter, Presto noted that as a result of petitioner's refusal to attend to the science subjects assigned to him petitioner was serving for only six (6) hours a week teaching two loads of English. Hence, he was short of fifteen (15) hours per week from June 16-30, 1986. Presto stated that since there were no more subject load that could be assigned to petitioner except science and YDT, petitioner was instructed to report to Ruperto H. Escarcha of the Youth Development Training (YDT) Department for assignment effective immediately and to see Presto for further instructions.[18]

Petitioner did not report to Ruperto H. Escarcha to teach subjects in YDT and CAT-1.[19] Hence, on July 16, 1986, Presto issued a memorandum calling petitioner's attention to his failure to follow instructions from his superiors. Presto warned him that should he fail to explain his side within five (5) days, he would be constrained to recommend petitioner's preventive suspension or summary dismissal to higher authorities.[20]

On August 6, 1986, Escarcha informed Presto that he had scheduled petitioner's working load for YDT/CAT-1 but petitioner failed to report to his assigned classes. Escarcha reminded Presto that with the YDT load, petitioner would have a teacher's total maximum load of twenty-one (21) hours per week with his two CAE (Communication Arts English) load.[21]

On December 17, 1986, Presto issued a memorandum to petitioner instructing him to report immediately to the Guidance Office during his CAE IV periods, MWF, pending instruction from higher authorities, because the Guidance Coordinator would give him assignment in guidance services in lieu of his English subject load. Petitioner was also informed that Mrs. Farcolina Badilles would be assigned temporarily to CAE IV of Section Garcia while CAE IV of Section Luna would be handled by Mrs. Celestina Hipe until a qualified teacher assumes the two subject load. Petitioner would, however, remain assigned to the YDT/CAT Department. Presto clarified that the shifting of teachers' assignment/load was made in the interest and welfare of the students "as requested by them and their parents, and for the good of the service." [22] On that same day, Presto issued a memorandum to Mrs. Hipe and Mrs. Badilles informing them of their temporary subject load assignment in addition to their duties in the Guidance Department.[23]

On May 19, 1986, petitioner filed with the Ministry of Education, Culture and Sports, Region XI in Davao City complaints for harassment and oppression and for unjustifiable refusal to release vacation salaries against Presto under Administrative Cases Nos. R-0758-XI-86 and R-0766-XI-86. The cases were consolidated with the complaint filed by Presto against petitioner for dishonesty under Administrative Case No. R-0764-XI-86.

Notwithstanding the fact that petitioner was allowed to teach only two (2) English subjects (one hour in the morning and one hour in the afternoon) he accomplished the daily time record for June 1986. After teaching, he would while away time in the library, in the administrative office, and in the school premises because the school did not have a faculty room and he was not even provided a table by the principal.

On June 19, 1986, petitioner wrote Presto stating that, for reasons of competency, experience and readiness, he would like to teach: (1) English and Literature, (2) History, "Business Distributive Arts (commercial) and Population Education," and (3) Science I and Biology.[24] Petitioner submitted the daily time record to Presto, through the head teacher, at the end of each month. He would place a particular daily time record in a pigeonhole provided for the purpose and the head teacher would submit it either to the principal or the assistant principal. However, from June 1986 to April 1987, he was not paid his salary. Only after his case reached the Court of Appeals[25] did he receive compensation in the amount of P6,000.00. Meanwhile, Presto and his companions persisted in harassing petitioner. He was not only assigned to subjects he was not competent to teach, he was also removed from teaching the English subjects he was already teaching. Petitioner testified that some of the administrators even induced students not to attend the classes where he taught and posted signs along the

corridor.[26]

In its order of January 8, 1987, the DECS regional office detailed petitioner to the Division Office in Digos, Davao del Sur. On January 12, 1987, petitioner filed a motion for reconsideration. On January 26, 1987, the regional office denied the motion thereby sustaining the order detailing him to the Division Office.[27] However, petitioner did not report to the Division Office pursuant to those orders. Neither did he file a leave of absence starting January 8, 1987.[28]

Petitioner, however, presented evidence that on July 13, 1987, DECS Regional Director Teofilo E. Gomez issued a memorandum to Schools Division Superintendent Benedicto V. Cruz and principal Presto requesting them to give teaching loads to petitioner at the DSNHS effective upon receipt thereof. The memorandum modified the one issued by the same office on January 8, 1987, detailing petitioner to the Division Office. The memorandum indicated that the detail of teaching personnel in the Regional/Division/District Offices was prohibited.[29]

On July 27, 1987, as a consequence of the withholding of his salary for the vacation period of 1986, petitioner filed with the Regional Trial Court of Digos, Davao del Sur, Branch 19, Civil Case No. 2425, an action for mandamus against Presto, the DSNHS cashier and the Schools' Division Superintendent. Petitioner alleged that on June 19, 1987, the DECS Regional Director had issued an order to effect the payment of his salary as well as other emoluments but the principal refused to comply therewith and hence, petitioner claimed damages therefor.

On September 17, 1991, the Regional Trial Court[30] rendered a decision ordering the dismissal of the case and the counterclaim. The trial court directed payment to petitioner of his salary for work correspondingly rendered from January 5, 1989.[31] The latter date had been fixed by this Court in the Decision of February 7, 1990 in G.R. No. 82272 (Layug vs. Quisumbing),[32] arising from petitioner's preventive suspension by the DECS Regional Director and approved by DECS Secretary Lourdes Quisumbing.

In that case, the Court held that a teacher may not be compelled to accept and neither may he demand to be given an assignment not specified in his appointment. However, interruptions in the administrative investigation caused by petitioner's own fault or upon his own request would not be counted in computing the 90-day statutory limit of suspension. Hence, for his refusal to accept assignments given to him by the regional director, petitioner was not entitled to receive salary for the period of idleness; he may receive salary only from January 5, 1989 when he reported for work.

On March 30, 1990, the prosecutor filed with the Sandiganbayan eleven (11) counts of falsification of public document[33] against petitioner.

Upon arraignment, petitioner pleaded not guilty to the charges.[34] The prosecution thus presented Ramon Presto, Lourdes Magbanua, Benedicto Cruz, Ruperto Escarcha and Celestina Hipe as its witnesses.

On March 31, 1995, the Sandiganbayan promulgated its decision finding petitioner guilty of eleven (11) counts of falsification of public documents.

Hence, this appeal.[35]

Petitioner asserts that the facts narrated in his daily time records were not absolutely false. Hence, there was no falsification as there was "some colorable truth" in the daily time record. Moreover, in filling up his daily time record, petitioner acted in good faith. Proof of this is that he filed a petition for mandamus to compel the school head to release his salary for school year 1986-87. On the other hand, it was the school principal who was impelled by improper motives in testifying against petitioner. As this Court noted in its decision of June 16, 1995 in G.R. No. 114138 (Layug vs. Sandiganbayan),[36] despite his knowledge of the irregular attendance of

petitioner, he (Presto) did not take extra care to segregate and scrutinize petitioner's DTRs starting January 1986, so as to give himself (Presto) justification not to sign the same.

THE RULING

We find the petition meritorious.

At the outset, it must be stressed that in all criminal prosecutions for offenses under the Revised Penal Code, the prosecution must prove beyond reasonable doubt that the accused had criminal intent to commit the offense charged. As this Court said in *Beradio vs. Court of Appeals*:

"Of great weight in Our criminal justice system is the principle that the essence of an offense is the wrongful intent (*dolo*), without which it cannot exist. *Actus non facit reum, nisi mens set rea*, the act itself does not make a man guilty unless his intentions were so. Article 3 of the Revised Penal Code clearly indicates that malice or criminal intent (*dolo*) in some form is an essential requisite of all crimes and offenses defined in the Code, except in those cases where the element required is negligence (*culpa*)."[37]

Petitioner was charged with having committed eleven (11) counts of falsification of public document under Article 171, paragraph 4 of the Revised Penal Code that states:

"The penalty of prision mayor and a fine not to exceed P5,000 pesos shall be imposed upon any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:

x x x x x x x x

4. Making untruthful statements in a narration of facts;

x x x x x x x x."

To convict an accused of the crime of falsification of public or official document under that provision of law, the following requisites must be established: (1) the offender makes in a document untruthful statements in a narration of facts; (2) he has a legal obligation to disclose the truth of the facts narrated by him; and (3) the facts narrated by him are absolutely false.[38]

There is authority to the effect that a fourth requisite, i.e., that the act of falsification was committed to the damage of a third party or with intent to cause such damage, may be dispensed with as regards falsification of public or official document. The reason for this is that in falsification of public document, the principal thing punished is the violation of the public faith and the destruction of the truth as therein solemnly proclaimed.[39] However, the daily time record that a public official or employee must fill up is a public document which has characteristics distinct from other public documents. It should contain a "true and correct report of hours of work performed, record of which was made daily at the of arrival at and departure from office." [40] As to its nature and purpose, this Court has said:

"x x x. The evident purpose of requiring government employees to keep a time record is to show their attendance in office to work and to be paid accordingly. Closely adhering to the policy of no work no pay, a daily time record is primarily, if not solely, intended to prevent damage or loss to the government as would result in instances where it pays an employee for no work done. The integrity of the daily time record as an official document, however, remains untarnished if the damage sought to be prevented has not been produced. X x x (w)hile it is true that a time record is an official document, it is not criminally falsified if it does not pervert its avowed purpose as when it does not cause damage to the government. It may be different in the case of a public document with continuing interest affecting the public welfare which is naturally damaged if that document is falsified where the truth is necessary for the safeguard and protection of that general interest. x x

x."[41] (Italics supplied.)

As such, in the prosecution of cases involving falsification of daily time records, it is imperative that there be proof of damage to the government. Such damage may take the form of salary paid to the accused for services not rendered.[42]

There is no proof that petitioner unduly benefited from his daily time record. On the contrary, what appears on record is the fact that petitioner was deprived of his salary from June 1986 to April 1987, the period of time material in these cases. In fact, petitioner had to resort to our courts before he could get the salary that was due him in proportion to the time he actually rendered services to the government.

The court allowed petitioner to receive the amount of P6,000.00 for services he actually rendered. It sufficiently proves that his daily time record was not absolutely false. In other words, there was a color of truth in the entries in petitioner's daily time record as he did report for work at the DSNHS. The truth that he taught within his official time of work is even buttressed by the prosecution evidence that two teachers, Hipe and Badilles, had to take over the English subjects assigned to him.

Upon his replacement by Hipe and Badilles in the English classes he handled, petitioner was supposed to report to the Division Office in accordance with the January 8, 1987 directive of the DECS regional office. Petitioner did not report to the Division Office. By his daily time record, he continued reporting to DSNHS because he protested his detail to that office sometime in February 1987.[43] Notably, petitioner received a copy of the report of the DECS Grievance Committee dated December 15, 1986[44] recommending the detail of both petitioner and principal Presto to the Division Office, only on July 8, 1987.[45] Then, he also received the Memorandum of the DECS Regional Director dated July 13, 1987, lifting the detail order.[46]

Petitioner cannot therefore be faulted for reporting to the DSNHS. He was not under a suspension order or any administrative sanction that would legally prevent him from reporting to work. He sought redress in the proper administrative body and during the time that he had not received a copy of the memorandum regarding his detail that he had questioned, he reported at the DSNHS. In the absence of sufficient proof to the contrary, good faith in reporting to work and in accordingly filling up his daily time record may therefore be attributed to petitioner. As this Court once said:

“x x x ‘there is no falsification of a public document if the acts of the accused are consistent with good faith. Thus, it has been held that “a conviction for falsification of public document by a private person will not be sustained when the facts found are consistent with good faith on the part of the accused.” In other words, although the accused altered a public document or made a misstatement or erroneous assertion therein, he would not be guilty of falsification as long as he acted in good faith and no one was prejudiced by the alteration or error.”[47]

Moreover, in filling up his daily time records from June 1986 to January 1987, petitioner clearly acted on the erroneous belief that he had the choice of what subjects to teach. This Court discussed that matter in *Layug vs. Quisumbing*[48] wherein petitioner's petition to declare respondents DECS Secretary Quisumbing, Gomez and Presto in contempt and to direct them to reinstate him as a teacher of English and Biology and to pay his back salaries were denied. From June 1986 to April 1987, he filled up his daily time record on the notion that he should report to the DSNHS pursuant to Civil Service Rules requirements on the number of hours a teacher should remain in school.[49] He did so even though he was not given a subject to teach and the administrative matter of his detail to the Division Office had not been resolved. Clearly then, petitioner's actions do not necessarily reflect criminal intent. If what is proven is mere judgmental error on the part of the person committing an act, no malice or criminal intent can be rightfully imputed to him.[50]

There is no proof beyond reasonable doubt that petitioner is guilty of falsification of public document. From the facts of all the cases that had been filed by either petitioner or Presto could have been the lack of cordiality between them. Petitioner's recalcitrance might have aggravated the situation that resulted in his commission of acts that may be grounds of an administrative cases.[51] However, under the facts established by the prosecution in these cases, the acts attributed to petitioner may not be the foundation of a successful criminal prosecution. The evidence presented did not provide moral certainty that petitioner committed the eleven (11) counts of falsification of public document charged.

In view of the foregoing, the presumption is that petitioner Ponciano Layug is innocent. Such presumption continues until his guilt is proved beyond reasonable doubt.[52] Verily, although the evidence for the defense may be weak, criminal conviction must come from the strength of the prosecution's evidence and not from the weakness of the defense.[53] The proofs presented do not meet the set criterion to justify petitioner's conviction for the offense.

Thus, acquittal of petitioner is proper.

THE FALLO

WHEREFORE, we REVERSE and SET ASIDE the decision of the Sandiganbayan in Criminal Cases Nos. 14444 to 14454. Petitioner Ponciano Layug is hereby ACQUITTED of eleven (11) counts of falsification of public document for failure of the prosecution to prove his guilt beyond reasonable doubt.

No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

[1] Promulgated on March 31, 1995 in Criminal Cases Nos. 14444 to 14454,

[2] Sandiganbayan Record in Criminal Case No. 14444, Vol. 1, pp. 1-2.

[3] Sandiganbayan Record in Criminal Case No. 14445, pp. 1-2.

[4] August 1986 in Crim. Case No. 14446; September 1986 in Crim. Case No. 14447; October 1986 in Crim. Case No. 14448; November 1986 in Crim. Case No. 14449 and December 1986 in Crim. Case No. 14450.

[5] Second Division, Justice Romeo M. Escareal, ponente, Justices Minita Chico-Nazario and Roberto M. Lagman, concurring.

[6] Rollo, pp. 77-78.

[7] Exh. E.

[8] TSN, November 19, 1991, p. 7.

[9] Exh. L.

[10] Exh. L-1.

[11] Exh. A.

[12] TSN, November 19, 1991, pp. 5-12.

[13] Exh. K.

[14] Exhs. K-2 to K-10.

[15] With the then Tanodbayan.

[16] Record of Crim. Case No. 14444, p. 29.

[17] Exh. C.

[18] Exh. D.

[19] Exh. F.

[20] Exh. G.

[21] Exh. T.

[22] Exh. X.

[23] Exh. W.

[24] Exh. 3.

[25] CA-G.R. No. SP No. 12876 (Layug vs. Presto I Diez). In its decision of promulgated on January 27, 1989 (Exh. 8), the Court of Appeals (through Associate Justice Pedro A. Ramirez, concurred in by Associate Justices Vicente V. Mendoza and Asaali S. Isnani) dismissed the petition for mandamus on account of petitioner's admission that he had been paid his claim for the 1985-86 "proportional vacation salary." However, the case was remanded to the trial court for further proceedings on the "question of damages claimed from each other by petitioner and respondents."

[26] TSN, July 9, 1992, pp. 18-50.

[27] Exh. I.

[28] Exh. R, Certification of Benedicto V. Cruz.

[29] Exh. 11.

[30] Branch 19, Digos, Davao del Sur, Sp. Civil Case No. 2425, presided over by Judge Dominador F. Carrillo.

[31] Exh. O.

[32] 182 SCRA 46 [1990].

[33] Docketed as Criminal Case Nos. 14444-14454.

[34] Ibid., p. 202.

[35] Filed on July 31, 1995.

[36] 245 SCRA 123 [1995].

[37] 191 Phil. 153, 163 [1981] .

[38] Syquian vs. People, 171 SCRA 223, 230 [1989], citing Cabigas vs. People, 152 SCRA 18 [1987]; Leyson vs. Office of the Ombudsman, G.R. No. 134990, April 27, 2000.

[39] *People vs. Po Giok To*, 96 Phil. 913, 918 [1955].

[40] *Suan vs. Resuello*, 65 SCRA 301, 303 [1975].

[41] *Beradio vs.*, Court of Appeals, *supra*, at p. 168.

[42] *Layug vs. Sandiganbayan*, 315 Phil. 93, 106 [1995] where petitioner was charged with four (4) counts of estafa through falsification of public documents or his daily time records. In that case, the Court said: “If petitioner did not receive his salaries, no damage and prejudice could have been caused the government.”

[43] TSN, July 10, 1992, p. 25.

[44] Exh. 5.

[45] TSN, *supra*, p. 22.

[46] Exh. 11.

[47] *Amora, Jr. vs. Court of Appeals*, 200 Phil. 777, 783 [1982].

[48] 182 SCRA 46 [1990]

[49] TSN, *supra*, at p. 34.

[50] *Lecaroz vs. Sandiganbayan*, 305 SCRA 396, 408 [1999].

[51] *Mirano vs. Saavedra*, 225 SCRA 77, 85 [1993] where the Court held that falsification of an official document is considered a grave offense, which warrants the penalty of dismissal.

[52] *Enriquez vs. People*, G.R. Nos. 119239 and 119285, May 9, 2000.

[53] *Ibid.*, citing *Layug vs. Sandiganbayan*, 245 SCRA 123 [1995].

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