PEDRO S. GIRON, JR., LETICIA GUJILDE-CRIZALDO, AND FELIXBERTO B. ARREZA, PETITIONERS, VS. SANDIGANBAYAN AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. NOS. 145357-59. August 23, 2006

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is a petition for review[1] of the Decision[2] promulgated on 9 May 1997 and the Resolution[3] promulgated on 4 October 2000 of the Sandiganbayan in Criminal Case No. 17352, People of the Philippines v. Felixberto B. Arreza, and Criminal Case No. 19675, People of the Philippines v. Pedro S. Giron, Jr., Leticia Gujilde-Crizaldo, Orlando B. Cedro, and Emiliano T. Salang, Jr., both for falsification of public documents.

In Criminal Case No. 19675, the Sandiganbayan initially found petitioners Pedro S. Giron, Jr. ("Giron"), Leticia Gujilde-Crizaldo ("Crizaldo"), and Orlando B. Cedro ("Cedro") guilty of falsification of public documents. The Sandiganbayan, however, acquitted Emiliano T. Salang ("Salang") based on reasonable doubt. The Sandiganbayan also found petitioner Felixberto B. Arreza ("Arreza") guilty of falsification of public documents in Criminal Case No. 17352. In Criminal Case No. 19676, decided jointly with Criminal Case Nos. 17352 and 19675, People of the Philippines v. Pedro S. Giron, Jr., Gertrude S. Sucias, Orlando B. Cedro, Robert G. Lala, and Felixberto B. Arreza, the Sandiganbaya acquitted Giron, Gertrude S. Sucias ("Sucias"), Cedro, Robert G. Lala ("Lala") and Arreza based on reasonable doubt.

On reconsideration, the Sandiganbayan also acquitted Cedro in Criminal Case No. 19675.

The Facts

The present petition involves alleged irregularities in the construction of a two-kilometer road connecting Barangays Kinayan and Kauswagan in Tandag, Surigao del Sur ("Kinayan-Kauswagan Road Project"). Contrary to what was stated in the Monthly Status Report dated 25 January 1989 and the Physical Status Report dated 31 January 1989 (collectively, "Reports"), the Kinayan-Kauswagan Road Project was not 100% complete as of 25 January 1989.

The Sandiganbayan established the following facts:

> That in November 1988 the Department of Public Works and Highways (DPWH) in Tandag, Surigao del Sur embarked on an infrastructure undertaking known as Kinayan-Kauswagan Road Project where a Barangay road in Barobo, Tandag, Surigao del Sur will be constructed and/or rehabilitated connecting barangays Kinayan and Kauswagan in the said town. The project was implemented by the Office of the District Engineer of Tandag, Surigao del Sur and the following participated in the same – Engr. Pedro Giron[,] Jr. as District Engineer, Engr. Felixberto Arreza as [P]roject [E]ngineer, Engr. Orlando Cedro as Chief of the Construction section, Engr. Emiliano Salang as Assistant District Engineer, Engr. Leticia Crizaldo as Construction Foreman

> and Engr. Gertrude Sucias as Civil Engineering Aide (both were only in the Office and not at the site).
>
> A Program of Work/Budget Cost was prepared duly approved by Engr. Emiliano Salang[,] Jr.[,] then Asst. District Engineer and based at DPWH Sub-office in Bislig, Surigao del Sur, and Pedro S. Giron[,] Jr.[,] the District Engineer, which placed the "No. of calendar days to complete" as "60 CD" with the following phases of work with their respective Item nos. "Excavation for Structure " 106, Foundation Fill [-] 110, Reprep. of Prev'ly Const Road – 116, Soil Lime Base [-] 20, and RCCP – 413[,] the total cost of the project amounting to P207,000.00" (Exhibit I). Subsequently, a revised Program of Work/Budget was submitted by Engr. Orlando Cedro with the Assistant District Engineer Emiliano Salang[,] Jr. as the recommending authority, and which was approved by Engineer Pedro Giron[,] Jr. as District Engineer. In this document (Exhibit 2), the "No. of calendar days to complete" was changed to "70 CD" (Exhibit 2 -1) and with the following Item nos. as code or legend: clearing & grubbing – 100, Earthmoving – 105, Excavation for Structure – 106, Foundation Fill – 110, Soil Lime Base Course (Surfacing) – 210, and Inst[.] of Cross Drainage – 413 while the total cost of Project was increased to P227,225.70.
>
> In a communication dated January 25, 1989, District [Engr.] Pedro S. Giron[,] Jr. submitted to the Regional Director of DPWH Regional Office No[.] XI (Davao City) (Exhibit B also Exhibit 4) the Monthly Status Report of CY 1988 Infrastructure Program where it appeared under item [n]o. 15 that Kauswagan-Kinayan Road was 100% complete as of January 25, 1989 (Exhibit B-15 and B-15-A).
>
> Thereafter, in a letter dated January 31, 1989[,] Engr. Roberto G. Lala[,] for and in the absence of the District Engineer[,] submitted the Physical Status Reports of Project Costing P2.0 M and below under C.Y. 1988 Infra Program to the same Regional Office of the DPWH (Exhibit G) wherein it appeared that the Kauswagan-Kinayan Road, Barobo[,] Surigao del Sur is 100% complete. (Exhibit G-20 and G-20-a).
>
> Exhibit B – the Monthly Status Report was prepared by Leticia Gujilde-Crizaldo, checked by Orlando B. Cedro and submitted by Pedro S. Giron[,] Jr. (Exhibit B-40) while Exhibit G – the Physical Status Report of Project was prepared by Gertrude S. Sucias, checked by Orlando B. Cedro and submitted by Robert G. Lala (exhibit G- 69).[4]

Contrary to the Reports, the road was not finished by 25 January 1989. On 30 June 1989, the Barangay Council of Kinayan, Barobo, Surigao del Sur resolved to request the Ombudsman to make an immediate investigation on the irregularities of the Kinayan-Kauswagan Road Project.[5]

The Ombudsman, through the Deputy Ombudsman for Mindanao, ordered the Provincial Auditor to conduct an investigation. On 19 June 1990, in a report addressed to the Deputy Ombudsman for Mindanao, State Auditor III Eusebia Gamulo of the Office of the Provincial Auditor of Surigao del Sur wrote that:

> 3. Actual implementation of the project was very much delayed. In an interview made it was disclosed that while the road opening started in November 1988, spreading of the delivered soil lime base course was done in October 1989 only[,] which was contrary to the DPWH report that said project was 100% completed as of January 25, 1989.[6]

Special Prosecution Officer Erdulfo Querubin ("Prosecution Officer Querubin") was then authorized by the Ombudsman to conduct a preliminary investigation on the involvement of Giron, District Engineer of Surigao del Sur; Salang, OIC District Engineer, DPWH Sub-Office, Manggagiy, Bislig, Surigao del Sur; Cedro, Chief, Construction Section; Crizaldo, General Construction Foreman; Sucias, C.E. Aide II; Lala, Supervising Civil Engineer; and Arreza, Project Engineer of the Kinayan-Kauswagan Road Project. Prosecution Officer Querubin recommended the filing of informations against the accused.

In Criminal Case No. 19675, the Information against Giron, Crizaldo, Cedro and Salang read:

> That on or about January 25, 1989, in the Municipality of Tandag, Surigao del Sur and within the jurisdiction

> of this Honorable Court, accused Pedro S. Giron, Jr., District Engineer; Leticia Gujilde-Crizaldo, Gen. Construction Foreman; Orlando B. Cedro, Chief, Construction Section, and Emiliano T. Salang, Jr., Assistant District Engineer, all of the District Engineer[']s Office of Surigao del Sur, conspiring and confederating with one another and with Felixberto B. Arreza, also an engineer in the same office who is accused in Criminal Case No. 17352 (SB) for the same offense charged herein, taking advantage of their official positions and committing the crime herein charged in relation to their office, did then and there willfully, unlawfully and feloniously falsify Monthly Status Report of CY 1988 Infrastructure program for the month of January 1989, an official document required for submission to the XIth DPWH Regional Office, by reflecting on page 16 hereof that the Kinayan-Kauswagan barangay road project at Barobo, Surigao del Sur was fully completed as of January 25, 1989, a matter the truth of which accused were under obligation to disclose, when in truth and in fact, as accused fully well knew, the said road project as of said date was not yet finished, as the road surfacing materials for use therein were not yet delivered then and were delivered only on March 18-21, 1989, thereby making an untruthful statement in a narration of facts.
>
> CONTRARY TO LAW.
>
> Manila, Philippines, August 17, 1993.[7]

In Criminal Case No. 19676, the Information against Giron, Sucias, Cedro, Lala and Arreza alleged:

> That on or about January 25, 1989, in the Municipality of Tandag, Surigao del Sur, within the jurisdiction of this Honorable Court, accused Pedro S. Giron, Jr., Gertrude S. Sucias, Orlando B. Cedro, Robert G. Lala, all public officers being then District Engineer, Civil Engineer Aide II, Chief, Construction Section, and Supervising Civil Engineer I, respectively, of the Office of the District Engineer of Surigao del Sur, conspiring together and with accused Felixberto B. Arreza, of the same office who was the project engineer of the road project treated herein, taking advantage of their official positions and committing the crime herein charged in relation to their office, did then and there, willfully, unlawfully and feloniously falsify Physical Status Report of Projects costing P2.0M and Below under CY 1988 Infrastructure Program as of January 1989, an official document required for submission to the XIth DPWH Regional Office, by stating on page 14 thereof that the Kinayan-Kauswagan barangay road project at Barobo, Surigao del Sur, was fully completed as of January 25, 1989, a matter the truth of which accused was under obligation to disclose, when in truth and in fact, as accused fully well knew, the said road project as of said date was not yet finished as the road surfacing materials for use therein were not yet delivered then and were only delivered on March 18-21, 1989, thereby making an untruthful statement in a narration of facts.
>
> CONTRARY TO LAW.
>
> Manila, Philippines, August 16, 1993.[8]

Before the informations quoted above were filed, Arreza had been charged with malversation in Criminal Case No. 17351 and with falsification of a public document in Criminal Case No. 17352. The charges in Criminal Case Nos. 17351 and 17352 were based on the same set of facts as Criminal Case Nos. 19675 and 19676. The information for Criminal Case No. 17352 read:

> That in January 1989 or sometime prior or subsequent thereto, in Tandag, Surigao del Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, a public officer being then the duly appointed [P]roject Engineer of the Department of Public Works and Highways (DPWH), taking advantage of his official position did then and there, willfully, unlawfully and feloniously falsify his report on the Status of Project Implementation on the repair of the Kinayan-Kauswagan Road at Barobo, Surigao del Sur, by causing it to appear that the same was 100% complete as of January 25, 1989, when in fact and in truth, as the accused knows fully well, it is not yet complete on the said date, the same having been completed in October 1989.
>
> CONTRARY TO LAW.

> Manila, November 27, 1991.[9]

The proceedings in Criminal Case No. 17352 were suspended pending the conduct of a preliminary investigation. The preliminary investigation resulted in the filing of Criminal Case Nos. 19675 and 19676. In the meantime, Arreza's trial in Criminal Case No. 17351 for malversation continued, with the Sandiganbayan's First Division acquitting him of the charge. The Sandiganbayan's Second Division resolved to consolidate Criminal Case Nos. 17352, 19675 and 19676 on 20 October 1993. All the accused interposed separate pleas of not guilty, and joint trial ensued shortly thereafter.

The Ruling of the Sandiganbayan

In its decision promulgated on 9 May 1997, the Sandiganbayan's First Division found Giron, Crizaldo, Cedro and Arreza guilty and sentenced them accordingly. The dispositive portion of the decision reads thus:

> WHEREFORE, premises considered, judgment is hereby rendered as follows:
>
> - In Criminal Case No. 19676, accused Pedro S. Giron[,] Jr., Gertrude S. Sucias, Orlando B. Cedro, Robert G. Lala, and Felixberto B. Arreza are all ACQUITTED on the basis of reasonable doubt.
>
> - In Criminal Case No. 19675, the guilt of accused Pedro S. Giron[,] Jr., Leticia Gujilde-Crizaldo and Orlando B. Cedro having been proven beyond reasonable doubt, they are hereby found guilty as principals, and accordingly this Court sentences each one of them in default of any mitigating or aggravating circumstances to an indeterminate prison term of SIX (6) MONTHS and ONE DAY of Prision Correccional as minimum to SIX (6) YEARS[,] EIGHT (8) MONTHS and ONE (1) DAY of Prision Mayor as maximum and to pay a fine of Five Thousand (P5,000.00) each without any subsidiary liability in case of insolvency.
>
> Accused Emiliano T. Salang is hereby ACQUITTED on the basis of reasonable doubt[.] [H]is participation [is] seemingly limited to the acts before the actual construction of the project[.]
>
> - In Criminal Case No. 17352[,] the prosecution having established the guilt of accused Felixberto B. Arreza beyond reasonable doubt for having conspired with accused Pedro Giron[,] Jr.[,] Leticia Gujilde-Crizaldo and Orlando B. Cedro[,] [this Court] hereby finds him guilty as principal for violation of Article 172 of the Revised Penal Code, and accordingly sentences him, in the absence of any mitigating or aggravating circumstances, to an indeterminate prison term of FOUR (4) MONTHS and ONE (1) DAY of ARRESTO MAYOR as minimum to FOUR (4) YEARS[,] NINE (9) MONTHS and TEN (10) DAYS of Prision Correccional as maximum and to pay a fine of FIVE THOUSAND pesos (P5,000.00) with subsidiary imprisonment in case of insolvency.
>
> All those found guilty shall pay the costs proportionately.
>
> The facts from which civil liability could have arisen not having been adequately established[,] there is no pronouncement as to the same.
>
> SO ORDERED.[10] (Emphasis in the original)

Giron, Crizaldo, Cedro, and Arreza filed a Motion for Reconsideration on 23 May 1997 and a Supplemental Motion for Reconsideration on 13 June 1997 with regard to the Sandiganbayan's decision in Criminal Case Nos. 19675 and 17352. In a resolution promulgated on 4 October 2000, the appellate court reconsidered its previous decision and ruled thus:

> WHEREFORE, premises considered, the Decision dated March 10, 1997, only insofar as the criminal aspects of Criminal Cases No[s]. 19675 and 17352 are concerned, is hereby reconsidered and set aside, and a new one entered as follows:
>
> - In Criminal Case No, 19675, accused ORLANDO B. CEDRO is hereby ACQUITTED by reason of

reasonable doubt. As for accused PEDRO S. GIRON, JR. and LETICIA GUJILDE-CRIZALDO, their guilt having been established beyond reasonable doubt, taking into account the mitigating circumstance of voluntary surrender, they are hereby sentenced to: (a) suffer an indeterminate sentence of imprisonment of six (6) months and one (1) day of prision correccional, as minimum, to six (6) years and one (1) day of prision mayor, as maximum; (b) suffer all the appropriate accessory penalties consequent thereto, including perpetual special disqualification; and (c) pay a fine of Five Thousand Pesos (P5,000.00) each.

- In Criminal Case No. 17352, accused FELIXBERTO B. ARREZA, his guilt having been established beyond reasonable doubt, taking into account the mitigating circumstance of voluntary surrender, is hereby sentenced to: (a) suffer an indeterminate sentence of imprisonment of four (4) months and one (1) day of arresto mayor, as minimum, to two (2) years, four (4) months and one (1) day of prision correccional, as maximum; (b) suffer all the appropriate accessory penalties consequent thereto, including perpetual special disqualification; and (c) pay a fine of Five Thousand Pesos (P5,000.00).

All those adjudged guilty are likewise hereby ordered to proportionately pay the costs.

SO ORDERED.[11]

The Issues

Petitioners Giron, Crizaldo and Arreza come before this Court to question the Sandiganbayan's rulings. They raise the following issues:

First Ground

It is settled jurisprudence that an intention to injure a third person is an essential element of the offense of falsification of a public document by making an untruthful statement of facts. In these cases, the prosecution failed to prove that petitioners had intended to injure the government or a third person through the Monthly Status Report. Likewise, the Joint Decision and Resolution pointed to no evidence of an actual injury to the government or a third person.

The Honorable Sandiganbayan departed from the established jurisprudence by convicting petitioners on the basis of its erroneous ruling that the existence of a wrongful intent to injure a third person is not necessary when the falsified document is a public document, and that criminal intent is presumed to exist from the knowledge of the falsity of the entry in [the] Monthly Status Report on the status of the road project and did not need to be established by the prosecution.

Second Ground

Jurisprudence is settled that in offenses of falsification of a public document by making untruthful statements in a narration of facts, the accused is not liable if the acts imputed to him are consistent with good faith. The prosecution did not prove that petitioners had acted in bad faith. Likewise, the Joint Decision and Resolution failed to cite any evidence of bad faith on the part of petitioners.

The Honorable Sandiganbayan departed from the established jurisprudence and grievously erred by not holding that petitioners had acted in good faith that negates the existence of a criminal intent to commit falsification.

Third Ground

It is a settled doctrine that the offense of falsification is not deemed to have been committed if the statements are not altogether false or if these statements have colorable truth. The defense proved that the road project was almost eighty percent (80%) complete, less the delivery of the limestone as of the submission date of the Monthly Status Report on 25 January 1989. The delivery of the limestone was suspended due to heavy rains, as the delivery trucks would only destroy the road that was already prepared for the limestone surfacing. The

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limestone was delivered to and spread at the project site in March 1989.

The Honorable Sandiganbayan departed from the established jurisprudence and grievously erred by not ruling that the statement in the Monthly Status Report regarding the 100% completion of the road project was not absolutely false.

Fourth Ground

Petitioner Arreza did not prepare, and was not a signatory to, the Monthly Status Report. In fact, the Sandiganbayan found that this petitioner "had no participation in the preparation and execution" of the report. Conspiracy in the preparation of the report was ruled out. The Honorable Sandiganbayan grievously erred and departed from the established jurisprudence [in] not acquitting petitioner Arreza.

Fifth Ground

Petitioner Giron, the District Engineer, did not prepare the Monthly Status Report, which was submitted [by] Asst. Dist. Engr. Emiliano T. Salang in lieu of petitioner Giron whose facsimile signatures were merely stamped in the covering latter and the last page of the report. The respondent court ruled out the existence of conspiracy in the preparation of the report.

The Honorable Sandiganbayan departed from the established jurisprudence and grievously erred [in] not acquitting petitioner Giron.

Sixth Ground

Petitioner Crizaldo was the construction foreman merely assigned to type the report at the Office of the District Engineer. She never went to the project site and was not shown to have had personal knowledge about the Kinayan-Kauswagan road project, which was only one of the more than 100 projects mentioned in the report.

The Honorable Sandiganbayan departed from the established jurisprudence and grievously erred [in] not acquitting petitioner Crizaldo.

Seventh Ground

The Honorable Sandiganbayan departed from established jurisprudence and grievously erred by convicting petitioners notwithstanding the prosecution's failure to prove beyond reasonable doubt that these petitioners had committed the crime of falsification of the Monthly Status Report.[12]

The Ruling of the Court

The petition has merit.

The main issue in this appeal is whether Giron, Crizaldo and Arreza are indeed guilty of falsification of documents under Article 171(4) of the Revised Penal Code.

The Crime of Falsification of Documentsunder Article 171(4) of the Revised Penal Code

Article 171(4) of the Revised Penal Code reads:

Art. 171. Falsification by public officer, employee or notary or ecclesiastic minister. – The penalty of prision mayor and a fine not to exceed 5,000 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

- Making untruthful statements in a narration of facts;

x x x x.

There are three elements in the crime of falsification of documents under Article 171(4). First, the offender is a public officer, employee, or notary public. Second, the offender takes advantage of his official position. Third, the offender falsifies a document by making untruthful statements in a narration of facts.

Let us examine whether the charges against Giron, Crizaldo and Arreza satisfy these three essential elements. There is no doubt that all three are public officials, as they were employees of the Department of Public Works and Highways (DPWH) at the time of the questioned act.

There is serious doubt, however, as to whether anyone among Giron, Crizaldo and Arreza actually took advantage of his official position. The offender takes advantage of his official position when he has the duty to make or to prepare or otherwise to intervene in the preparation of the document, or he has the official custody of the document which he falsifies.[13] According to the Sandiganbayan, Giron testified that:

> In preparing these reports, the project engineer reports to the Construction Section the degree of work they had accomplished with respect to the project assigned to them. The reports of the project engineers were to be consolidated into one hence arriving at a Monthly Status Report. These reports were being submitted every 25th of the month and it takes the Office of the District Engineer three (3) to five (5) days to prepare the said report.[14]

The Monthly Status Report was typed by Crizaldo, checked by Cedro, and submitted by Salang in lieu of Giron. Engr. Cedro, who supervised the preparation of the Monthly Status Report and checked the same, was acquitted by the Sandiganbayan because "he never signed the subject reports."[15] Salang was also acquitted by the Sandiganbayan because "his participation [was] seemingly limited to the acts before the actual construction of the project."[16]

Crizaldo's item was that of a General Construction Foreman but she was not assigned to the project site.[17] Crizaldo was assigned in the office and was tasked to type the Monthly Status Report. The prosecution never proved that Crizaldo had knowledge of the actual status of the Kinayan-Kauswagan Road Project at the time she prepared the Monthly Status Report. Crizaldo could have merely relied on field reports submitted to her, precluding her from making, on her own, untruthful statements at the time she prepared the Monthly Status Report. Crizaldo could not have conspired with any other party because the Sandiganbayan found that "there is reasonable doubt as to the existence of conspiracy on the part of the accused herein to falsify the subject reports."[18] The Sandiganbayan ruled that "any criminal liability should be based on their individual participation in the questioned act."[19]

Giron's testimony as to the usual procedure cannot be used against him because he did not sign the Monthly Status Report. Giron's facsimile signature was merely stamped on the Monthly Status Report. The stamped facsimile signatures of Giron do not establish his personal participation in the preparation of the Monthly Status Report. To use this portion of Giron's testimony to establish his personal participation is to extrapolate and speculate. This will not suffice in a criminal action, which requires proof beyond reasonable doubt for conviction.[20]

Arreza was the Project Engineer of the Kinayan-Kauswagan Road Project. However, like Giron and Crizaldo, the prosecution was unable to prove his actual participation in the questioned reports. The Sandiganbayan found that Arreza "had no participation in the preparation and execution of the said document[s]."[21] The Sandiganbayan also found that Arreza "did not take advantage of his public position,"[22] and thus Arreza is liable under Artcle 172 of the Revised Penal code for falsification of a private document. In the dispositive portion of its Decision of 9 May 1997, however, the Sandiganbayan adjudged Arreza guilty as charged in Criminal Case No. 17352, which was for falsification of a public document.

In sum, we acquit Giron, Crizaldo and Arreza for failure of the prosecution to satisfy the requisites for the conviction of the crime of falsification of public documents. All are public officers, however, the prosecution has failed to prove their criminal culpability beyond reasonable doubt. There is no moral certainty that Giron, Crizaldo, and Arreza took advantage of their positions to make a false statement in a narration of facts in a public document.

WHEREFORE, the petition is GRANTED. The Decision promulgated on 9 May 1997 and the Resolution promulgated on 4 October 2000 of the Sandiganbayan are SET ASIDE. Pedro S. Giron, Jr., Leticia Gujilde-Crizaldo, and Felixberto B. Arreza are ACQUITTED based on reasonable doubt.

SO ORDERED.

Quisumbing, (Chairperson), Carpio Morales, Tinga and Velasco, Jr., JJ., concur.

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[1] Under Rule 45 of the 1997 Rules of Civil Procedure.

[2] Penned by Associate Justice Edilberto G. Sandoval with Presiding Justice Francis E. Garchitorena and Associate Justice Minita V. Chico-Nazario (now Supreme Court Associate Justice), concurring.

[3] Penned by Associate Justice Gregory S. Ong with Presiding Justice Francis E. Garchitorena and Associate Justice Catalino R. Castañeda, Jr., concurring.

[4] Rollo, pp. 76-79.

[5] Id. at 85.

[6] Id. at 49-50.

[7] Id. at 51.

[8] Id. at 52.

[9] Id. at 53.

[10] Id. at 98-100.

[11] Id. at 118-119.

[12] Id. at 16-19.

[13] See Adaza v. Sandiganbayan, G.R. No. 154886, 28 July 2005, 464 SCRA 460.

[14] Rollo, p. 68.

[15] Id. at 115.

[16] Id. at 99.

[17] Id. at 67.

[18] Id. at 114.

[19] Id.

[20] See Macadangdang v. Sandiganbayan, G.R. Nos. 75440-43, 14 February 1989, 170 SCRA 308.

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[21] Rollo, pp. 96-97.

[22] Id. at 97.

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