

**DENNIS MANGANGEY, GABRIEL WANASON, and ANSELMO FORAYO,
Petitioners, vs. HONORABLE SANDIGANBAYAN (Fifth Division) and the
PEOPLE OF THE PHILIPPINES, Respondents.**

G.R. Nos. 147773-74. February 18, 2008

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

Sometime in October 1986, the Municipality of Paracelis, Mountain Province undertook the widening and partial relocation of the Banilag-Minolli Road. The project was awarded to private contractor Leon Acapen. The description of the work to be done and the terms of the contract included, among others:

- Roadways and Drainage excavation (removal of slides and overbreaks) [for] 1,800 cubic meters at P18.00/cu.m.; and
- Roadways and Drainage Excavation (widening and construction) for 4.010 cubic meters at P20.00/cu.m. x x x

Quantities given above are only approximate and payments of the work shall be based on the quantities actually accomplished and completed which shall be measured and determine[d] accurately and shall be accepted by the Municipal Mayor.[1]

The project was allegedly completed on December 8, 1986 as shown in the Certificate of Inspection and Acceptance dated December 8, 1986. The certificate was prepared and signed by Construction and Maintenance Foreman Dennis Mangangey, petitioner herein, who attested that he personally inspected the project and that it was 100% completed in accordance with the agreed specifications. In another Certificate of Inspection and Acceptance, with the same date, the signatories, namely: Municipal Planning and Development Coordinator Gabriel Wanason, petitioner herein, as the Mayor's representative; Municipal Revenue Clerk Anselmo Forayo, petitioner herein, as the Treasurer's representative; and Bernardo Acapen (now deceased), as the Engineer's representative, all attested that they personally inspected the work done by Leon and found the work in accordance with the approved program of work. The Government subsequently issued a check for PhP 106,970 as payment for the project.[2]

In February 1989, a certain Simon Naigsan wrote to the Regional Office of the Commission of Audit (COA) and complained about the anomalies in the construction of the road. The COA Regional Director directed Technical Audit Specialist Engr. Hospicio Angluben to conduct an actual site inspection. Part of his affidavit/report on the inspection stated:

That Item 105-1 started from Sta. 0+000 to Sta. 4+620, having a total volume of 1,800 cu.m. for excavation; and Item 105-11 started from Sta. +620 to Sta. 6+420, and had a volume of 4,010 cu.m. for excavation;

That all the above works were awarded to Mr. Leon Acapen for P112, 600.00;

That for Item 105-1 there was no accomplishment and for Item 105-11 there was only 365 cu.m. actually

accomplished;

That the contract was certified 100% accomplished and was fully paid for P112,600.00, the full amount of the contract.[3]

As an offshoot of the affidavit/report and for failure to complete the Banilag-Minoli Road, provincial officers Engineer Dionisio Padua, Senior Civil Engineer Francisco Tigcangay, and Paracelis Municipal Treasurer Tomas Pocyao, and project contractor Leon were charged before the Sandiganbayan in an Information[4] dated August 14, 1991, alleging that they conspired with evident bad faith to defraud the government in violation of Section 3(e)[5] of Republic Act No. 3019 also known as the Anti-Graft and Corrupt Practices Act. The Information was docketed as Crim. Case No. 17007. All the accused in this case were acquitted on October 27, 2000 on Amended Informations to include private contractor Leon as an accused. Amended Informations for this case and Crim. Case No. 17008 were filed by the Office of the Special Prosecutor and a joint trial was held. Criminal Case No. 17007 is not a subject of this petition.

The Amended Information docketed as Crim. Case No. 17008 for Estafa thru Falsification of Public Documents charged Paracelis Mayor Matthew Wandag, Municipal Revenue Clerk Forayo, Municipal Planning and Development Coordinator Wanason, and Construction and Maintenance Foreman of the Office of the Provincial Engineer Mangangey. It reads:

CRIM. CASE NO. 17008

That on or about the 8[th] day of December, 1986, in the Municipality of Paracelis, Mountain Province, and within the jurisdiction of this Honorable Court, the above-named accused, all public officers, MATTHEW WANDAG, being then the Municipal Mayor of Paracelis, Mountain Province, ANSELMO FORAYO, being then the Municipal Revenue Clerk of Paracelis, Mountain Province, GABRIEL WANASON, being then the Municipal Planning and Development Coordinator of Paracelis, Mountain Province, and DENNIS MANGANGEY, being then the Maintenance Foreman, Office of the Provincial Engineer, Mountain Province, while in the performance of their official functions taking advantage of their official position, committing the offense in relation to their office and conspiring and confederating with one another, and with accused Leon Acapen, a private contractor, did then and there willfully, unlawfully, feloniously and by means of deceit defraud the Government by making untruthful statements in the Certificate of Inspection and Acceptance signed by accused Gabriel Wanason and Anselmo Forayo in one and by accused Dennis Mangangey in the other and both dated December 8, 1986, and in which they had the obligation to disclose the truth, by making it appear that they have personally inspected the work for the widening and partial relocation of the Banilag-Minoli Road in Paracelis, Mountain Province, consisting of the removal of slides and overbreaks and the widening and construction thereof, and thereafter found the same to have been fully accomplished 100% in accordance with the plans, specifications and requirements thereof, when in truth and in fact, as all the accused well knew, there was no accomplishment on the removal of slides and overbreaks and only 365 cu. m. out of 4,010 cu. m. for the widening and construction had actually been accomplished, and as a result of such false certifications, Leon Acapen was paid the amount of ONE HUNDRED SIX THOUSAND NINE HUNDRED SEVENTY PESOS (P106,970.00), Philippine Currency, through a check which accused Matthew Wandag subsequently encashed after obtaining the same from accused Leon Acapen and causing the latter to affix his signature thereon, thereby inflicting damage and prejudice to the government in the aforesaid sum.

CONTRARY TO LAW.[6]

All the accused in both cases were arraigned a second time on August 9, 1993, except accused Wandag who took flight to the United States. All pleaded not guilty.

All the accused were acquitted in Crim. Case No. 17007 but convicted in Crim. Case No. 17008 excluding Leon

After a joint trial, the Sandiganbayan, on October 27, 2000, exonerated all the accused in Crim. Case No. 17007 while it convicted petitioners for the crime of estafa through falsification of public documents, with the exception of Leon in Crim. Case No. 17008.

In its Decision, the Sandiganbayan found that the signatories of the Certificate of Inspection and Acceptance, namely, Mangangey, Wanason, Forayo, and the late Bernardo, in their own official functions, falsified a public document when they attested that they personally inspected the work of Leon and reported that it was 100% completed in accordance with the plans, specifications, and contract requirements notwithstanding that the work on the aforesaid project was not yet finished. The Sandiganbayan found that petitioners conspired with the accused Wandag to defraud the Government.

The dispositive portion of the Decision reads:

WHEREFORE, judgment is hereby rendered, as follows:

- In Criminal Case No. 17007, accused Dionisio Padua, Francisco Tigcangay, Tomas Pocyao and Leon Acapen are hereby ACQUITTED of the crime of Violation of Section 3(e) of Republic Act 3019, as amended on ground of reasonable doubt. The bail bonds posted for their provisional liberty are ordered cancelled.

- In Criminal Case No. 17008, accused Dennis Mangangey, Gabriel Wanason and Anselmo Forayo are hereby found GUILTY beyond reasonable doubt as principals of the crime of Estafa through Falsification of Public Documents defined and penalized under Articles 315 and 171 in relation to Article 48 of the Revised Penal Code. Absent any modifying circumstance and applying the Indeterminate Sentence Law, each is hereby sentenced to suffer an indeterminate penalty ranging from SIX (6) YEARS of prision correccional as minimum, to TWELVE (12) YEARS of prision mayor as maximum, with accessories provided by law; to pay a fine of P2,000.00 without subsidiary imprisonment in case of insolvency; to indemnify jointly and severally, the Republic of the Philippines in the amount of NINETY-NINE THOUSAND SIX HUNDRED SEVENTY PESOS (P99,670.00); and, to pay their proportionate share of the costs. Accused Leon Acapen is hereby ACQUITTED on ground of reasonable doubt. The property bail bond posted by said accused is ordered cancelled.

Let alias warrant of arrest be issued against accused Matthew Wandag.

SO ORDERED.[7]

Petitioners' motion for reconsideration was denied for lack of merit. Hence, we have this petition for review under Rule 45, raising the sole issue:

Whether or not, under the facts alleged and proven, the accused may be held liable for the offense of ESTAFA through FALSIFICATION of PUBLIC DOCUMENT.[8]

Our Ruling

We deny the petition.

Prefatorily, the Sandiganbayan acquitted Leon, the purported contractor of the project on ground of reasonable doubt. It noted that during the preliminary investigation, Leon admitted that he was not the real contractor; that he did not do any work on the road; that he signed the Letter of Acceptance printed below the Resolution of Award dated October 21, 1986[9] and the Municipal Voucher; that he received the PhP 106,970 net contract payment;[10] that he indorsed the PNB check payment for PhP 106,970 to Wandag; and that it was Wandag who exchanged the said check with a demand draft in Wandag's name, all because he was being threatened and coerced by Wandag. Leon reported these matters as early as January 8, 1987 in an affidavit, shortly after he signed the certificate to the Monitoring Committee of Paracelis, Department of Local Government. His affidavit

was appended to his counter-affidavit executed during the preliminary investigation. In our view, Wandag had coerced Leon and used him as a dummy so he could himself get payment for the unfinished road.

Essentially, petitioners contend that the findings of the Sandiganbayan are bereft of factual and legal basis, and that the circumstances relied upon by the Sandiganbayan are insufficient to convict them of estafa through falsification of public document. They reason that the facts from which the inferences were derived were not proven. Furthermore, according to petitioners, these circumstances are insufficient to convict them beyond reasonable doubt.

The Sandiganbayan, petitioners claim, relied on the following circumstantial pieces of evidence in convicting petitioners: (1) Mangangey erroneously testified on the starting point of the project; (2) Alfonso Dilog and Franklin Odsey, who Mangangey mentioned in his testimony as his companions during the actual inspection of the project, were not presented to corroborate Mangangey's testimony; (3) during the preliminary investigation, Forayo and Wanason testified that no actual inspection was conducted; (4) Bernardo, before his death, admitted he did not personally inspect the project; (5) during the inspection, Mangangey could not attest to the measurements of the actual volume/quantity accomplished by the contractor in accordance with the pakyaw contract; and (6) Wandag took flight to evade prosecution.

As to the first circumstance, petitioners contend that the Sandiganbayan merely speculated that Mangangey did not know the starting point of the road project. They claim that this conclusion of the Sandiganbayan was based alone on the uncorroborated testimony of COA Technical Audit Specialist Engr. Angluben who said that when he conducted the audit, he was accompanied by Bernardo and Leon, the private contractors and some residents of Paracelis. Yet, petitioners claim these companions of Angluben were not presented in court to corroborate the latter's testimony. They insist that the Sandiganbayan's reliance alone on Angluben's testimony, without corroboration, could not be used against them as this would violate their right to due process.[11]

As to the second, petitioners assert that for the same reason, Mangangey's testimony that he conducted an inspection accompanied by Dilog and Odsey could not be used against petitioners since Dilog and Odsey were not presented in court to corroborate Mangangey's statement. According to petitioners, the failure to present Dilog and Odsey again violated their rights to remain silent and be presumed innocent. Besides, they posit that the burden of proof to establish their guilt lies with the prosecution.[12]

As to the third, petitioners submit that the alleged admissions of Forayo and Wanason during the preliminary investigation, embodied in the July 15, 1988 Resolution of the Deputized Tanodbayan Prosecutor, are inadmissible and hearsay since the investigating officer was not presented to attest to the alleged admissions. Moreover, petitioner Mangangey asserts that even if the admissions were admissible, using these as evidence against him would still violate his constitutional right to due process, under the *res inter alios acta* rule provided under Sec. 28 of Rule 130, Revised Rules on Evidence, which states that "the rights of a party cannot be prejudiced by an act, declaration, or omission of another." [13]

As to the fourth, petitioners assail the admission by the late Bernardo that he did not personally inspect the project as a circumstance that led to their conviction.

As to the fifth, petitioners submit that the interpretation of the pakyaw contract on the volume of the work accomplished is not a finding of fact but only the Sandiganbayan's conclusion and consequently cannot be considered circumstantial evidence. Moreover, they aver that only facts from which the inferences are derived, and not conclusions, must be proven.[14]

Finally, petitioners assert that the Sandiganbayan should not have considered the flight of Wandag as

circumstantial evidence against them for not only have they been steadfast in their claims that they were innocent, but they were also willing to submit to judicial inquiry, unlike Wandag who took flight.[15]

Petitioners insist that from the evidence submitted, it has not been established that petitioners conspired to falsify documents to defraud the government. They posit that aside from the lone circumstance that the Government paid for an incomplete project, no other evidence or circumstance was adduced to prove that they indeed conspired with Wandag. No proof was shown that they had knowledge of Wandag's criminal intent to defraud the Government as it was established that Wandag alone committed the offense. Moreover, they point out that it was Wandag alone who benefited from the crime as petitioners were never shown to have shared the proceeds with Wandag. Consequently, petitioners conclude that absent proof of conspiracy, they could not be held liable for estafa. In all, they assert that the evidence of the prosecution did not overcome petitioners' constitutional and legal right to be presumed innocent.

Wandag masterminded the falsification of the documents

The Sandiganbayan found that Wandag masterminded the fraud and that the local government funded road project was neither submitted to public bidding nor were the required documents on the road project in order when it was launched. Ostensibly, Leon was merely pressured to sign the contract.

The Sandiganbayan convicted petitioners of the complex crime of estafa through falsification of a public document penalized under Articles 315 and 171 in relation to Art. 48 of the Revised Penal Code (RPC). We quote these provisions below:

ART. 315. Swindling (estafa).—Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by x x x.

x x x x

- By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:

x x x x

(a) By using a fictitious name, or falsely pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of other similar deceits.

ART. 171. Falsification by public officer, employee or notary or ecclesiastic minister.—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

- Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate;

- Attributing to persons who have participated in any act or proceeding statements other than those in fact made by them;

- Making untruthful statements in a narration of facts;

ART. 48. Penalty for complex crimes.—When a single act constitutes two or more grave or less grave felonies, or when an offense is a necessary means for committing the other, the penalty for the most serious crime shall be imposed, the same to be applied in its maximum period.

To convict for falsification of a public document under Art. 171, paragraph 4 of the RPC, the following requisites must concur: (1) the offender makes in a document untruthful statements in a narration of facts; (2) the offender has a legal obligation to disclose the truth of the facts narrated; (3) the facts narrated by the offender are absolutely false; and (4) the perversion of truth in the narration of facts was made with the wrongful intent to injure a third person.[16]

The elements of the crime of estafa under Art. 315, par. 2 of the RPC are: (1) the accused made false pretenses or fraudulent representations as to his power, influence, qualifications, property, credit, agency, business, or imaginary transactions; (2) such false pretenses or fraudulent representations were made prior to or simultaneous with the commission of the fraud; (3) such false pretenses or fraudulent representations constitute the very cause which induced the offended party to part with his money or property; and (4) as a result thereof, the offended party suffered damage.[17]

Falsification of public document proven

There is no question that petitioners were public officials and employees performing their official duty when they certified in a public document that they inspected and found that the road project was 100% complete per contract specifications.

COA Examining Technical Audit Specialist Angluben testified on October 28, 1994[18] and stated in his affidavit dated August 27, 1987 that the facts in the certificates of inspection and acceptance were false. His testimony was based on the specifications of the pakyaw contract as evinced by the Individual Project Program for Roads and Bridges in the Mountain Province,[19] the original Cross-Section of the Program for Banilag-Minoli Road widening and partial relocation road project,[20] and the earthwork computations. According to Angluben, the earthworks dug were only 364.5 cu. m.,[21] short of the estimated 4,010 cu. m. He also found that no earthworks were done on the estimated 1,800 cu. m. for removal of slides and overbreaks.[22] The payment of the completed road project was going to be based on the actual volume of the earthworks as clearly specified in the pakyaw contract, vis-à-vis the estimates of the volume of earthworks in the project. The only conclusion that could be drawn is that the Banilag-Minoli Road was far from finished at the time the certifications were signed by petitioners and when the government paid for the road project.

Based on the aforesaid documents and Angluben's testimony, we agree with the Sandiganbayan that Mangangey lied in his declarations. First, his erroneous identification of the starting point of the project puts into doubt his claim that he personally inspected the road project. Second, we find it suspect that Mangangey, a foreman and a supposed technical expert of the Provincial Engineer's Office, could not specify the width and the extent of the work done on the road. Third, Mangangey's report that the actual earthworks excavated were exactly the same as the approximated volume of earthworks to be excavated is highly improbable. He also offered no proof to rebut the results of the technical audit of Angluben.

As to the credibility of Angluben, it is a familiar and fundamental doctrine that the determination of the credibility of witnesses is the domain of the trial court as it is in the best position to observe the witnesses' demeanor.[23] Angluben's oral testimony is supported by documentary evidence. Under the circumstances of this case, we are not inclined to depart from this principle.

Besides, Forayo and Wanason clearly admitted in their counter-affidavits that they did not personally inspect the project when they affixed their signatures on the Certificate of Inspection and Acceptance. According to Forayo, he merely relied on the late Bernardo's signature. Wanason said he signed because he was threatened by Wandag.

Now, as to the requirement that the accused had a legal obligation to disclose the truth of the facts narrated,

suffice it to say that a Certificate of Inspection and Acceptance is required in the processing of vouchers for the payment of government projects. Patently, the falsification of this document by the petitioners caused the release of the payment for an unfinished road at great cost to the Government.

Elements of estafa duly proven

Similarly, we find that the charge of estafa through falsification of public documents under Art. 315, par. 2(a) of the RPC was likewise proven. The first element, that the accused made false pretenses or fraudulent representations, need not be discussed all over. We have sufficiently gone over this matter. The same holds true with the requirement that these falsifications were made during the commission of the crime. The falsified certificates of inspection and acceptance resulted in the government paying for the unfinished project to the disadvantage and injury of the State. Altogether, the elements of the complex crime of estafa through falsification of public document are present.

The question of conspiracy

Did petitioners conspire with Wandag to defraud the Government by making untruthful statements in the certificates of inspection and acceptance?

There is conspiracy when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.[24] Direct proof of previous agreement to commit a crime is not necessary. Conspiracy may be shown through circumstantial evidence, deduced from the mode and manner in which the offense was perpetrated, or inferred from the acts of the accused themselves when such lead to a joint purpose and design, concerted action, and community of interest.[25] Conspiracy must be proven as convincingly as the criminal act itself—like any element of the offense charged, conspiracy must be established by proof beyond reasonable doubt.[26] For a co-conspirator to be liable for the acts of the others, there must be intentional participation in the conspiracy with a view to further a common design.[27] Except for the mastermind, it is necessary that a co-conspirator should have performed some overt act—actual commission of the crime itself, active participation as a direct or indirect contribution in the execution of the crime, or moral assistance to his co-conspirators by being present at the commission of the crime or by exerting moral ascendancy over the other co-conspirators.[28]

In this case, the ascertained facts abovementioned and the encashment of the contract payment check obtained through the falsified certificate of inspection prove the commission of the crime. Wandag's guilt has been proven with moral certainty. As co-conspirators of Wandag, petitioners are equally guilty, for in a conspiracy, every act of one of the conspirators in furtherance of a common design or purpose of such a conspiracy is the act of all.[29]

Now, had the conspiracy of petitioners been proven beyond reasonable doubt?

Recall that petitioners were convicted allegedly on circumstantial evidence. Under Sec. 4, Rule 133 of the Rules of Court on Revised Rules of Evidence, circumstantial evidence would be sufficient to convict the offender if (1) there is more than one circumstance; (2) the facts from which the inferences are derived are proven; and (3) the combination of all the circumstances is such as to produce a conviction beyond reasonable doubt. A judgment of conviction based on circumstantial evidence can be upheld only if the circumstances proven constitute an unbroken chain that leads to one fair and reasonable conclusion pointing to the accused, to the exclusion of all others, as the guilty person, that is, the circumstances proven must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with any other hypothesis except that of guilty.[30]

Based on our earlier discussion, the facts and the circumstances earlier mentioned when strung together duly prove guilt beyond reasonable doubt. Mangangey did not inspect the road project. He could not say where the

starting point of the subject project was when he was supposed to have inspected it. He certified that the subject project was completed exactly to the approximate volume of excavated earth without making any measurements of the earthworks accomplished. Forayo and Wanason willfully signed the Certificate of Inspection and Acceptance, and certified that they personally inspected the road when in fact they did not as admitted in their counter-affidavits during the preliminary investigation. Wandag took flight—a sign of guilt.

In addition, it has not been shown that Forayo and Wanason were under duress when they signed the falsified documents nor that any of their constitutional rights have been violated when they made their declarations in their counter-affidavits. Both Forayo and Wanason did not dispute the finding that Mangangey did not inspect the road project. They instead only gave separate excuses on why they signed the certificate. Also, the non-presentation of the investigating officer who conducted the preliminary investigation to testify on the admissions is insignificant as this would only be corroborative. Although petitioners vehemently deny receiving money from Wandag as their share in the loot, this information is of no moment. The concerted acts of the co-conspirators resulted in the processing and release of the payment for an unfinished road to the disadvantage and damage to the government. All these circumstances are based on facts proven by the prosecution, pointing to Wandag and petitioners as conspiring to defraud the Government. Finally, we do not agree with petitioners that as lowly employees, they were only prevailed upon by Wandag. As succinctly observed by the Sandiganbayan, if indeed there was duress, this duress is not the exempting circumstance of “irresistible force” in Art. 12, par. 5 of the RPC sufficient to exculpate petitioners. A moral choice was available to them.

Further, we have reviewed the records and we agree with the Sandiganbayan that the testimony of Angluben was credible, consistent and categorical in contrast with the testimony of Mangangey, and there is no need to corroborate Angluben’s testimony. Corroborative evidence is necessary only when there are reasons to suspect that the witness falsified the truth or that his observations were inaccurate.[31]

Petitioners are likewise mistaken that the interpretation of the provision in the pakyaw contract on the volume of the work accomplished is not factual but merely a conclusion by the Sandiganbayan. Angluben testified that that there was only 364.5 cu. m. of excavation work compared to the projected 5,810 cu. m. per program of work. The aggregate estimate of 5,810 cu. m. is based on the cross-section of the project and the Individual Project Program. The Sandiganbayan observed that the contract specifies the approximate volume of excavation as a basis for payment, and consequently, full payment was due only when the actual work done had been measured and verified corresponding to the maximum approximate volume of work. That there was only 364.5 cu. m. of excavation and there was actual payment for 5,810 cu. m. are not mere interpretations of the contract as petitioners want us to believe. These are physical evidence of the amount of work done and evidence of the incompleteness of the work on the road. All told, we rule that the guilt of petitioners has been proven beyond any iota of doubt.

WHEREFORE, we DENY the petition, and AFFIRM IN TOTO the assailed October 27, 2000 Decision and April 6, 2001 Resolution of the Sandiganbayan Fifth Division in Criminal Case Nos. 17007-08. No pronouncement as to costs.

SO ORDERED.

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

[1] Rollo, pp. 19-20, 46.

[2] Id. at 42.

[3] Id. at 48.

[4] Records, pp. 1-2.

[5] SEC. 3. Corrupt practices of public officers. — In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x x

(e) Causing any undue injury to any party, including the Government, or giving any party any unwarranted benefits, advantage or preference in the discharge of his official, administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

[6] Records, pp. 178-180.

[7] Rollo, pp. 67-68. Penned by Associate Justice Minita V. Chico-Nazario (now a member of this Court) and concurred in by Associate Justices Anacleto D. Badoy, Jr. and Ma. Cristina Cortez-Estrada.

[8] Id. at 174.

[9] Evidence Folder, Exhibits “B” and “B-1,” Formal Offer of Evidence dated November 2, 1994.

[10] Id., Exhibit “F.”

[11] Rollo, p. 17.

[12] Id.

[13] Id. at 179.

[14] Id.

[15] Id.

[16] Relucio v. Civil Service Commission, G.R. No. 147182, November 21, 2002, 392 SCRA 435, 441; Lecaroz v. Sandiganbayan, G.R. No. 130872, March 25, 1999, 305 SCRA 396, 413; citing Art. 171 of the RPC.

[17] Fernandez v. People, G.R. No. 138503, September 28, 2000, 341 SCRA 277, 286.

[18] TSN, October 28, 1994, pp. 1-46.

[19] Evidence Folder, Exhibit “C.”

[20] Id., Exhibit “G.”

[21] Id., Exhibit “G-4.”

[22] Rollo, p. 40.

[23] Llanto v. Alzona, G.R. No. 150730, January 31, 2005, 450 SCRA 288, 295-296.

[24] Talay v. Court of Appeals, G.R. No. 119477, February 27, 2003, 398 SCRA 185, 201.

[25] People v. Cordova, G.R. No. 83373, July 5, 1993, 224 SCRA 319, 339; People v. Martinado, G.R. No. 92020, October 19, 1992, 214 SCRA 712, 732.

[26] *People v. Gregorio*, G.R. No. 153781, September 24, 2003, 412 SCRA 90, 96; see also *People v. Garcia*, G.R. No. 94187, November 4, 1992, 215 SCRA 349, 361; *Perez v. Sandiganbayan*, G.R. Nos. 76203-04, December 6, 1989, 180 SCRA 9, 13.

[27] *People v. Macatana*, No. L-57061, May 9, 1988, 161 SCRA 235, 240.

[28] *People v. De Roxas*, G.R. No. 106783, February 15, 1995, 241 SCRA 369, 378.

[29] *People v. Liquiran*, G.R. No. 105693, November 19, 1993, 228 SCRA 62, 74; *People v. Rostata*, G.R. No. 91482, February 9, 1993, 218 SCRA 657, 678; *People v. Pama*, G.R. Nos. 90297-98, December 11, 1992, 216 SCRA 385, 401.

[30] *People v. Genobia*, G.R. No. 110068, August 3, 1994, 234 SCRA 699, 706; *People v. Alvero*, G.R. No. 72319, June 30, 1993, 224 SCRA 16, 27.

[31] *Rivera v. People*, G.R. No. 139185, September 29, 2003, 462 SCRA 350, 364.

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