ROMEO D. LONZANIDA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. Nos. 160243-52. July 20, 2009

Ponente: LEONARDO-DE CASTRO, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/g-r-nos-160243-52/

LEONARDO-DE CASTRO, J.:

On appeal to this Court by way of a petition for review on certiorari under Rule 45 of the Rules of Court are the [1] Decision[1] of the Sandiganbayan dated July 25, 2003, convicting petitioner of ten (10) counts of Falsification of Public Document defined and penalized under paragraph 2 of Article 171 of the Revised Penal Code, and [2] Resolution[2] dated September 24, 2003, denying petitioner's motion for reconsideration.

Petitioner Romeo D. Lonzanida, then Municipal Mayor of San Antonio, Zambales, was among those criminally charged with Falsification of Public Document as defined and penalized under Paragraph 2 of Article 171 of the Revised Penal Code before the Office of the Provincial Prosecutor on separate complaints[3] filed on various dates by Efren Tayag, Elsie de Dios, Daniel Alegado and Rene Abad. Also included in the complaints was Romulo Madarang (Madarang), the Assistant Municipal Treasurer.

The complaints alleged that petitioner, as Municipal Mayor of San Antonio, Zambales, notarized thirteen (13) Affidavits of Ownership[4] of parcels of 117-hectare public land located at Barangay Pundakit, San Antonio, Zambales, particularly described as Lot No. 5504. The Affidavits of Ownership appeared to have been executed by Edzel L. Lonzanida, Leo Lonzanida, Japhet Lonzanida, Peter John Madarang, Leo Madarang, Dolores Joy Madarang, Elsie de Dios, Medardo Domingo, Pedro Lacorte, Efren Tayag, Cedric Legrama, Charlie Lacap and Raphael Gonzales (Edzel Lonzanida, et al.). The purported affiants either denied executing and signing the same or were the minor children of petitioner and of Madarang.

The complaints also alleged that petitioner notarized thirteen (13) identically worded Joint Affidavits[5] of two disinterested persons purportedly executed and signed by Rufino Aniceto who is an illiterate and Roberto Querubin who was already deceased at the time of their execution.

On March 16, 1998, the Office of the Special Prosecutor issued a Memorandum[6] recommending that petitioner be charged with ten (10) counts of falsification, one for the Joint Affidavits and nine in connection with the Affidavits of Ownership. The recommendation was based upon the finding that of the thirteen (13) affiants in the Affidavits of Ownership, seven (7) were minors.[7] Hence, their signatures appearing thereon and the facts stated in the said documents were all false. In addition, two (2) affiants, Efren Tayag and Elsie de Dios denied their participation in the Affidavits of Ownership.

Thus, ten (10) Informations for Falsification of Public Document against petitioner were filed before the Sandiganbayan.

Criminal Case Nos. 24644 to 24652,[8] except for the names of the alleged affiants of the falsified Affidavits of Ownership, were similarly worded, viz:

> That on or about the 17[th] day of October, 1995, in the Municipality of San Antonio, province of Zambales, Philippines and within the jurisdiction of this Honorable Court, the said accused being then the Municipal Mayor of San Antonio, Zambales, taking advantage of his official position and committing the offense in relation to his duties, did then and there, willfully, unlawfully and feloniously falsify or cause to be falsified the Affidavit of Ownership dated October 17, 1995 which he subscribed thus making said document a public or official document, by making it appear, as it did appear, that said document was made, prepared and signed by DOLORES JOY MADARANG thereby attributing to the latter participation and intervention in the making and preparation of said document by signing his name and affixing his signature thereon when in truth and in fact, said accused well knew, the said DOLORES JOY MADARANG did not so participate nor authorize the herein accused or anybody else to prepare and sign the same, thereby causing damage and prejudice to public interest.[9]

The Information in Criminal Case No. 23850[10] contained the following allegations:

> That on or about the 17[th] day of October, 1995, in the Municipality of San Antonio, Province of Zambales, Philippines and within the jurisdiction of this Honorable Court, the said accused being then Municipal Mayor of San Antonio, Zambales, did then and there, willfully, unlawfully and feloniously prepare a Joint-Affidavit which he ratified by stating and making it appear in the said document that the same was executed and signed before him by Rufino Aniceto and Roberto Querubin, as affiants who declared to know personally the owners of the parcel of land at Sitio Talisayen, Barangay Pundakit as Edzel L. Lonzanida, Peter John Madarang, Elsie de Dios, Leo Madarang, Leo Lonzanida, Japhet Lonzanida, Dolores Joy Madarang, Medardo Domingo, Pedro Lacorte, Efren Tayag, Cedric Legrama, Charlie Lacap and Rafael Gonzales and who have openly and continuously occupied the said land for thirty (30) years, when in truth and in fact, as said accused well knew, the said "Joint-Affidavit" was not executed and signed by Rufino Aniceto and Roberto Querubin, the latter having died prior to the execution of the said joint-affidavit, nor said affiants, ever appear before the accused for the purpose of swearing and subscribing the said document, to the damage and prejudice of the government.

Upon arraignment on November 5, 1998, petitioner, assisted by counsel, entered a plea of "not guilty" to all the charges.

During trial, the prosecution presented as witnesses Municipal Assessor Leopoldo Cacho; complainants Efren Tayag, Elsie de Dios and Daniel C. Alegado; and relatives of purported affiants in the Joint Affidavits Rodolfo Querubin and Lydia Aniceto y dela Cruz.

Municipal Assessor Leopoldo Cacho testified that he is in charge of the preparation of Tax Declarations. He explained that for Tax Declarations of undeclared lands, the applicant is required to submit a Joint Affidavit of the neighboring owners of the property subject of the application together with the Affidavit of Ownership, a sketch plan and a Certification from the Community Environment and Natural Resources Office (CENRO). Cacho disclosed that in the latter part of 1995, Madarang filed 13 applications for Tax Declaration for Lot No. 5504. The applicants for the said parcel of land were, as mentioned earlier, Edzel Lonzanida, et al. Attached to each application were the Joint Affidavits of Rufino Aniceto and Roberto Querubin, Affidavits of Ownership of each of the applicants, Sketch Plan and the Certification from the CENRO. According to Cacho, after preparing the Tax Declarations, he advised Madarang to present to him the applicants to personally sign their respective Tax Declaration. However, Madarang took the Tax Declarations and assured Cacho that he [Madarang] would be the one to make the declarants sign. Cacho found out later that the Tax Declarations were already approved by the Provincial Assessor.

Efren Tayag testified that he is the real occupant of Lot No. 5504. He has been occupying the subject land since 1971 together with twenty-four (24) other persons and that none of the individuals who executed the Affidavits of

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

Ownership were ever in possession of the said parcel of land.

Daniel C. Alegado, the Municipal Planning and Development Officer of San Antonio, Zambales, narrated that sometime in July 1996, he visited Vice-Governor Saturnino Bactad in his office at Capitol Building, Iba, Zambales. Bactad showed to him 13 Joint Affidavits, 13 Affidavits of Ownership, a Mayor's Certification and a Special Power of Attorney. According to Alegado, said documents unraveled an attempt to sell Lot No. 5504. He also testified that Edzel, Leo and Japhet, all surnamed Lonzanida, who appear to have signed the Affidavits of Ownership, are the minor children of petitioner. He stated further that Peter John, Leo and Dolores Joy, all surnamed Madarang, are the minor children of Romulo Madarang while Cedric Legrama is the son of Municipal Treasurer Cecilia Legrama and was only one year old at the time of the execution of the Affidavits of Ownership on October 17, 1995. Alegado added that on the same day - October 17, 1995, petitioner also administered the oath in the 13 Joint Affidavits making it appear that the same were executed by Rufino Aniceto and Roberto Querubin and that petitioner personally knew the two affiants to be the owners of the land adjacent to that subject of the Affidavits of Ownership.

Elsie de Dios testified that the signature appearing in the Affidavit of Ownership she purportedly executed was not hers and was in fact a forgery. She had not been in possession of any portion of Lot No. 5504 for thirty (30) years and she did not apply for the issuance of a Tax Declaration of the same.

Rodolfo Querubin, brother of Roberto Querubin, testified that his brother Roberto could not have executed the Joint Affidavits on October 17, 1995 because Roberto died in Tarlac on May 3, 1981.

Lydia Aniceto y dela Cruz, the widow of the late Rufino Rafanan Aniceto who died on June 25, 1998, testified that she had been married to Rufino for 16 years. According to Lydia, the signatures in the Joint Affidavits appearing over the typewritten name Rufino R. Aniceto could not have been her husband's because the latter was illiterate and only used his thumbmark in affixing his signature on any document. As proof thereof, she presented a community tax certificate of Rufino with the latter's thumbmark.

The prosecution also presented the Counter-Affidavit of Cecilia Legrama, the mother of said Cedric Legrama wherein Cecilia declared that her son Cedric Legrama was only eleven (11) months old at the time of the execution of the purported Affidavits of Ownership and could not have therefore executed the same.

On the other hand, petitioner testified in his own defense. He acknowledged the signatures in the Joint Affidavits as his. According to petitioner, the documents were brought to him by Madarang and he signed on each of the affidavits as oath administering officer. He also admitted that he did not know Roberto Querubin and Rufino Aniceto, the affiants therein. Petitioner posited that the affidavits in question or the documentary exhibits of the public prosecutor are not documents, as contemplated under Article 171 of the Revised Penal Code and therefore, they cannot be falsified and made a criminal act thereunder. As to the Affidavits of Ownership, petitioner insisted that no witness was presented to show and state under oath that the signatures on the contested documents belong to him. He contended that in the absence of such evidence, he should be acquitted.

On October 20, 2000, the Sandiganbayan through its Fourth Division rendered a decision[11] convicting petitioner of ten (10) counts of Falsification as charged in Criminal Case Nos. 23850, 24644 to 24652.

On October 24, 2000, petitioner filed a motion for reconsideration. Again on December 22, 2000, without awaiting the resolution of said motion for reconsideration, petitioner filed a Manifestation with Motion to Consider the Motion for Reconsideration as a Motion for New Trial as per Rule VIII of the Revised Rules of the Sandiganbayan in relation to Section 2 (a) of Rule 121 of the Rules on Criminal Procedure.[12]

On January 8, 2001, the Sandiganbayan denied the motion for reconsideration.[13] On January 19, 2001,

petitioner filed a Manifestation and Submission of Evidence Which Became Available Only Recently.[14] The evidence consisted of affidavits of recantation executed by Elsie de Dios, Rene Abad and Rodolfo Querubin.

In the resolution[15] dated April 5, 2001, the Sandiganbayan deferred ruling on the Manifestation with Motion to Consider the Motion for Reconsideration as a Motion for New Trial and required Elsie de Dios, Rene Abad and Rodolfo Querubin, to appear and testify before it.

In the resolution[16] dated October 30, 2001, petitioner's Motion to Consider the Motion for Reconsideration as a Motion for New Trial was treated as a second motion for reconsideration, and denied on the ground that the same was filed without leave of court and that the filing of a second motion is proscribed by the rules. With the denial of his motion, petitioner filed a third motion for reconsideration which was opposed by the prosecution.

Unperturbed, petitioner filed a Manifestation and/or Explanation with Leave of Court to File a Motion for Reconsideration[17] questioning the October 30, 2001 resolution.

In the resolution[18] dated January 3, 2002, the Sandiganbayan gave in to petitioner's plea for a new trial and allowed him a last chance to present evidence in his behalf.

The prosecution filed a petition for certiorari, prohibition with prayer for a temporary restraining order and/or writ of preliminary injunction with this Court assailing the Sandiganbayan's January 3, 2002 resolution. The petition was docketed as G.R. Nos. 152365-74 but eventually dismissed by the Court in the resolution[19] dated July 24, 2002.

Petitioner was thus given a new trial and allowed to present, before the Sandiganbayan, witnesses Elsie de Dios, Leopoldo Cacho and Rene Abad as part of his testimonial evidence.

The three claimed that they were compelled by the political enemies of petitioner to testify against him and to sign the document, the contents of which they did not understand. Principally, their testimony was geared towards proving that no one was prejudiced with the issuance of the Tax Declaration.

Elsie de Dios and Leopoldo Cacho previously testified as witnesses for the prosecution. Recanting her previous testimony, Elsie de Dios testified that the complaint-affidavit which she signed was already prepared at the time she first laid eyes on it in the office of Atty. Hermana Bactad, who was allegedly a political opponent of petitioner. She claimed that no prejudice had been caused her by the execution of the Joint-Affidavits and Affidavit of Ownership because she did not apply for the issuance of a Tax Declaration on any portion of Lot No. 5504.

Leopoldo Cacho's recantation was to the effect that no one was prejudiced by the issuance of subject Tax Declarations. He rationalized that the government was not prejudiced by the issuance of the Tax Declarations in favor of the thirteen (13) applicants because the taxes therefor had been duly paid. He added that no person, other than the thirteen persons who signed the applications and Affidavits of Ownership, has claimed ownership over Lot No. 5504 which remains a public land until a title is issued to cover it.

Rene Abad claimed that he was used as a pawn by petitioner's political adversaries. According to him, he was brought by Atty. Hermana Bactad to the Office of the Provincial Prosecutor of Zambales where he was made to sign a prepared affidavit which he neither read nor fully comprehended. He likewise claimed that he was not prejudiced by the execution of the affidavits of ownership and the issuance of the tax declarations over the subject land.

On July 25, 2003, the Sandiganbayan promulgated a Decision convicting petitioner of the crimes charged. In so ruling, the Sandiganbayan belittled the recantation of the three prosecution witnesses. Dispositively, the decision

reads:

> WHEREFORE, premises considered, judgment is hereby rendered finding accused Mayor Romeo Lonzanida y Dumlao guilty of ten (10) counts of Falsification of Public Document defined and penalized under Article 171 par. 2 of the Revised Penal Code, and in the absence of any mitigating and aggravating circumstances, applying the Indeterminate Sentence Law, said accused is hereby sentenced to suffer in each of the cases the penalty of imprisonment of four (4) years and one (1) day of prision correccional as minimum to eight (8) years and one (1) day of prison mayor (sic) as maximum, and to pay a fine of P5,000.00, in each of the cases without subsidiary imprisonment in case of insolvency.
>
> Considering that this decision is the result of the new trial granted upon motion of the accused and notwithstanding that the same finding of guilt was arrived at despite the evidence presented in the new trial, the resolution of this court promulgated on January 21, 2003, ordering the issuance of a warrant of arrest against the accused, and which is the subject of accused's Motion for Clarification/Reconsideration (With Prayer to Recall/Set Aside Warrant of Arrest), is hereby set aside and the arrest accused is held in abeyance until such time that the new decision becomes final and executory, pursuant to the provisions of Secs. 22 and 24, Rule 114 of the Rules of Court.[20]
>
> SO ORDERED.

Petitioner filed a motion for reconsideration and a supplemental motion for reconsideration but both motions were denied by the Sandiganbayan in its Resolution[21] dated September 24, 2003.

Unable to accept the judgment of conviction, petitioner elevated the case to this Court via a petition for review on certiorari imputing the following errors against the Sandiganbayan:

> I
> THE COURT A QUO SERIOUSLY MISAPPRECIATED THE FACTS THEREBY LEADING IT TO A CONCLUSION NOT IN ACCORD WITH LAW OR APPLICABLE DECISION OF THE SUPREME COURT.
>
> II
> THE COURT A QUO RELIED ON PURELY CIRCUMSTANTIAL EVIDENCE IN JUSTIFYING THE CONVICTION OF THE ACCUSED WHEN THE FACTS FROM WHICH THE INFERENCE WERE DERIVED WERE NOT ESTABLISHED THEREBY DEPARTING FROM THE RULING OF THE SUPREME COURT IN PEOPLE V. GENOBIA, 234 SCRA 699 ON JUDGMENT OF CONVICTION BASED ON CIRCUMSTANTIAL EVIDENCE.
>
> III
> ALL THE REQUISITES FOR CONVICTION OF AN ACCUSED BASED ON CIRCUMSTANTIAL EVIDENCE WERE NOT PRESENTED/PROVEN, HENCE HE IS ENTITLED TO AN ACQUITTAL AS HIS GUILT WAS NOT PROVEN BEYOND REASONABLE DOUBT.

In the Resolution[22] dated July 14, 2004, the Court denied the petition, thus:

> Considering the allegations, issues, and arguments adduced in the petition for review on certiorari of the decision and resolution of the Sandiganbayan dated July 25, 2003 and September 24, 2003, respectively, the Court further Resolves to DENY the petition for failure of the petitioners to sufficiently show that the Sandiganbayan committed any reversible error in the challenged decision and resolution as to warrant the exercise by this Court of its discretionary appellate jurisdiction in this case.

However, upon motion for reconsideration, the Court, in its Resolution[23] of January 26, 2005, reinstated and gave due course to the petition. We now take a second look at this case and the facts and circumstances obtaining herein.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

In handing down a verdict of guilty, the Sandiganbayan appreciated against petitioner the following factual circumstances:

- Petitioner did not deny having signed as subscribing officer the thirteen Joint Affidavits;

- Even as petitioner admitted that he signed as subscribing officer the subject Joint Affidavits, he denied that he knew Roberto Querubin and Roberto Aniceto, the affiants therein;

- A Joint Affidavit is an indispensable requirement in an application for a tax declaration;

- It was upon the submission of the Joint Affidavits, Affidavits of Ownership, Certification from CENRO and the sketch plan that Tax Declarations were issued in favor of the thirteen applicants for Tax Declaration;

- Of the thirteen applicants for Tax Declarations, three were minor children of petitioner; one was a two-month old child of Municipal Treasurer Cecilia Legrama; and, three were the children of Assistant Municipal Treasurer Romulo Madarang;

- None of the 7 children were more than thirty years old, yet, there was a declaration in the Affidavits of Ownership that the affiants were in possession of the subject lot for more than thirty years;

- Two of the alleged applicants for tax declaration, Elsie de Dios and Efren Tayag, never applied for the issuance of a Tax Declaration in their favor nor filed any document relative to the said application;

- Petitioner issued a Mayor's Ce r tification dated February 19, 1996 attesting that the thirteen applicants for Tax Declaration were the actual occupants of Lot No. 5504 and had been in possession of the same for more than thirty years; and,

- The applicants for Tax Declaration executed a Special Power of Attorney giving Madarang the authority to sell the land subject thereof and to receive the proceeds of the sale.

The general rule is that the factual findings of the Sandiganbayan are conclusive upon this Court except where: (1) the conclusion is a finding grounded entirely on speculation, surmise and conjectures; (2) the inference made is manifestly an error or founded on a mistake; (3) there is grave abuse of discretion; (4) the judgment is based on misapprehension of facts; and (5) the findings of fact are premised on a want of evidence and are contradicted by evidence on record.[24]

A perusal of the records reveals that none of the above exceptions obtains in this case. There is no showing that the conclusion made by the Sandiganbayan on the sufficiency of the evidence of the prosecution is manifestly mistaken or grounded entirely on speculation and conjectures.

Under Article 171 of the Revised Penal Code, for falsification of a public document to be established, the following elements must concur:

- That the offender is a public officer, employee, or notary public;

- That he takes advantage of his official position;

- That he falsifies a document by committing any of the following acts:

a) Counterfeiting or imitating any handwriting, signature or rubric;
b) Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate;
c) Attributing to persons who have participated in an act or proceeding statements other than those in fact made by them;

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

> d) Making untruthful statements in a narration of facts;
> e) Altering true dates;
> f) Making any alteration or intercalation in a genuine document which changes its meaning;
> g) Issuing in authenticated form a document purporting to be a copy of an original document when no such original exists, or including in such copy a statement contrary to, or different from, that of the genuine original;
> h) Intercalating any instrument or note relative to the issuance thereof in a protocol, registry or official book x x x [25]

Undeniably, the foregoing elements of the crime were proven in the present case . The accused Petitioner is a public officer who has taken advantage of his position to commit the felonious acts charged against him , i.e. knowingly subscribing or signing the oath as administering officer the affidavits mentioned in the infor m ations under false circumstances . The accused's petitioner's acts of signing the oaths as administering officer in the said affidavits were clearly in abuse of the powers of his office for his authority to do so was granted to him by law as municipal mayor and only in matters of official business . [26]

As alleged in the Information s and proven d u ring the trial of the cases, the accused was exercising his authority to administer oath as a municipal mayor when he committed the acts complained of. The Administrative Code of 1987, as amended by R.A. No. 6733 (July 25, 1989), pertinently provides:

> Sec. 41. Officers Authorized to Administer Oath. -- The following officers have general authority to administer oaths: President; Vice-President; Members and Secretaries of both Houses of the Congress; Members of the Judiciary; Secretaries of Departments; provincial governors and lieutenant-governors; city mayors; municipal mayors ; bureau directors; regional directors; clerks of courts; registrars of deeds; other civilian officers in the public service of the government of the Philippines whose appointments are vested in the President and are subject to confirmation by the Commission on Appointments; all other constitutional officers; and notaries public.
>
> Sec. 42. Duty to Administer Oath. - Officers authorized to administer oaths, with the exception of notaries public, municipal judges and clerks of court, are not obliged to administer oaths or execute certificates save in matters of official business ; and with the exception of notaries public, the officer performing the service in those matters shall charge no fee, unless specifically authorized by law. (emphasis supplied) [26]

As for the accused's petitioner's defenses, this Court finds them to be without merit.

In Lumancas v. Intas,[27] this Court held that in the falsification of public or official documents, whether by public officials or by private persons, it is unnecessary that there be present the idea of gain or the intent to injure a third person, for the reason that, in contradistinction to private documents, the principal thing punished is the violation of the public faith and the destruction of the truth as therein solemnly proclaimed.

Petitioner is consistent in his repeatedly decries stand that there was is no proof that he authored such falsification or that the forgery was done under his direction. This argument is without merit. Under the circumstances, there was no need of any direct proof that the petitioner was the author of the forgery. As keenly observed by the Sandiganbayan, petitioner notarized the Joint Affidavits allegedly executed by Querubin and Aniceto who m petitioner admittedly never met and who were later proven to have been incapable of signing the said affidavits. Petitioner's signature also appeared as the attesting officer in the Affidavits of Ownership , n . N ine of which were undoubtedly without the participation of the indicated affiants.

As attesting officer, petitioner was required to verify and ascertain from the affiants whether they voluntarily executed their affidavits; whether they understood the contents of their affidavits; and, whether the allegations contained therein are true. In addition to these, and as evidenced by the questioned affidavits, petitioner attested to the fact that the affiants swore and signed their affidavits in his presence when in fact they never did . Petitioner

likewise issued a Mayor's Ce r tification falsely attesting to the fact that the alleged applicants for tax declaration (three of whom are his children while the other four are the minor children of his municipal officials) ha d ve been occupying the said lot for thirty years.

These Affidavits of Ownership and Joint Affidavits were material to the issuance of a Tax Declaration after which, the alleged applicants are would then considered the owners be able to use as proof of ownership of the lot subject thereof. Here, the Tax Declarations were successfully obtained and the applicants, in the exercise of their purported right of ownership over the subject land, executed a Special Power of Attorney authorizing Madarang to sell their respective lots.

Petitioner maintains that he had no participation in the preparation and/or execution of the Affidavits of Ownership, and no witness was presented to prove that he signed said Affidavits. We quote with approval the findings of the Sandiganbayan on this matter:

> Interestingly, the accused maintains that his signatures appearing in the thirteen Affidavits of Ownership were forged. The Court cannot accept the claim of the accused that he has no knowledge of the Affidavit of Ownership. Besides, his signatures appearing in the thirteen Joint-Affidavits appear to be the same as those of his signatures appearing in the Affidavit of Ownership. But what the accused cannot deny, however, is that while he maintains that he has no knowledge that his three (3) children had been included as applicants for the issuance of a tax declaration, the Certification, (Exh. "TT"), shows that it was signed by him (accused), declaring that his children, among others, were the actual occupants of the subject land. Clearly, therefore, as Mr. Romulo Madarang appears to be only a subordinate to the herein accused who was undeniably the municipal mayor when he signed the documents as subscribing officer, he then took advantage of his position as municipal mayor.[28]

Petitioner singles out the Affidavit of Ownership pertaining to Dolores Joy Madarang and capitalizes on the absence of his signature therein to get an acquittal. It must be pointed out that this Affidavit of Ownership is inextricably connected with the rest of the documents i.e., the Joint Affidavit, the other Affidavits of Ownership purportedly executed on the same date and Mayor's Certification of 30-year occupancy, all of which were intended to enable the purported affiants to obtain the Tax Declarations over Lot No. 5504 in favor of the purported affiants . The re is no other logical conclusion but would be that petitioner wa i s also the author of the supposed Affidavit of Ownership of Dolores Joy Madarang or that he caused its preparation albeit unsigned by him.

Petitioner would belatedly, at this stage of the case, point ed out the prosecution's failure to present the original of the Mayor's Certification , [29] as and complained in his petition that only a certified xerox copy of the xerox copy on file was submitted in the proceedings a quo . It must be stressed that the Mayor's Certification was not even the subject of any of the criminal cases against petitioner. It is only one among equally damning evidence presented by the prosecution.

While Although petitioner contested the authenticity of his signature in the Mayor's Certification as well as those appearing in the Affidavits of Ownership , . h H e nonetheless , however, admitted having signed the Joint Affidavits and upon comparison of the signatures thereon, the Sandiganbayan found that they were made by one and the same person. We find no reason to deviate from this factual finding of the Sandiganbayan.

To overcome the presumption that the person who stood to benefit by the falsification of the documents is the material author of the falsifications, petitioner points out that it was Madarang, not him, who was authorized to sell and receive the proceeds of the sale of the land. Thus, he would not have benefited from the issuance of the Tax Declaration.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

True, Madarang was the one designated as attorney-in-fact in the Special Power of Attorney, but it is a fact that Madarang was petitioner's Assistant Municipal Treasurer. Undeniably, petitioner w c ould not have allowed the falsification of these documents if he would not benefit from them. As aptly pointed out by the Sandiganbayan, all the acts of herein petitioner, i.e., from administering the oath of the alleged affiants , which includ ed the accused's petitioner's minor children, in the questioned documents to his act of issuing a Mayor's Cetification Certification attesting to the fact that the applicants , which again included the petitioner's accus ed's minor children, for tax declaration have been in possession of the lot for more than thirty years, prove beyond cavil that he was the one who falsified the documents and would benefit therefrom.

Petitioner contends that the subject lot remains public and that no damage resulted from the issuance of the tax declaration.

Jurisprudence[30] has already settled that in the falsification of public or official documents, whether by public officials or by private persons, it is not necessary that there be present the idea of gain or intent to injure a third person. This notwithstanding, it cannot be denied that petitioner consummated his act in falsifying the documents, and which documents petitioner used in successfully obtaining the tax declaration in the names of the alleged applicants causing prejudice to the real occupant, Efren Tayag.

Circumstantial evidence may be resorted to when to insist on direct testimony would ultimately lead to setting felons free.[31] The standard that should be observed by the courts in appreciating circumstantial evidence was extensively discussed in the case of People of the Philippines v. Modesto, et al.[32] thus:

> . . . No general rule can be laid down as to the quantity of circumstantial evidence which in any case will suffice. All the circumstances proved must be consistent with each other, consistent with the hypothesis that the accused is guilty, and at the same time inconsistent with the hypothesis that he is innocent, and with every other rational hypothesis except that of guilt.
>
> It has been said, and we believe correctly, that the circumstances proved should constitute an unbroken chain which leads to one fair and reasonable conclusion which points to the accused, to the exclusion of all others, as the guilty person. From all the circumstances, there should be a combination of evidence which in the ordinary and natural course of things, leaves no room for reasonable doubt as to his guilt. Stated in another way, where the inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with innocence and the other with guilt, the evidence does not fulfill the test of moral certainty and is not sufficient to convict the accused.

The evidence presented by the prosecution, albeit mostly circumstantial, is sufficient to warrant petitioner's conviction. The following requisites for circumstantial evidence to sustain a conviction were met, to wit:

(a) There is more than one circumstance;

(b) The facts from which the inferences are derived are proven; and

(c) The combination of all the circumstances is such as to produce a conviction beyond reasonable doubt.[33]

All told, the Court finds no reason to disagree with the Sandiganbayan's judgment of conviction. With the overwhelming evidence presented by the prosecution and applying Sec. 5, Rule 133 of the Revised Rules of Court, there are more than enough bases to sustain the findings of the Sandiganbayan that herein petitioner is guilty beyond reasonable doubt of ten (10) counts of Falsification under Article 171, particularly paragraph 2, "causing it to appear that persons have participated in an act or proceeding when in fact and in truth, they did not participate in the act or proceeding . " and paragraph 4, "making untruthful statements in a narration of facts."

WHEREFORE, the petition is DENIED. The assailed Decision dated July 25, 2003 and Resolution dated

September 24, 2003 of the Sandiganbayan are hereby AFFIRMED.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio, Corona, and Bersamin, JJ., concur.

---

[1] Penned by Associate Justice Rodolfo G. Palattao (ret.) with Associate Justices Gregory S. Ong and Ma.

Cristina G. Cortez-Estrada, concurring; rollo, pp. 44-54.

[2] Id. at 40-42.

[3] Sandiganbayan rollo, volume I, pp. 43-46, Folder of Exhibits, pp. 52-53.

[4] Id. at 14-22.

[5] Id. at 1-13.

[6] Sandiganbayan rollo, volume I, pp. 3-10.

[7] Edzel L. Lonzanida, Leo Lonzanida, Japhet Lonzanida, Peter John Madarang, Leo Madarang, Dolores Joy Madarang, and Cedric Legrama.

[8] Criminal Case No. 24645 - Edzel L. Lonzanida; Criminal Case No. 24646 - Leo Madarang; Criminal Case No. 24647 - Elsie de Dios; Criminal Case No. 24648 - Efren Tayag; Criminal Case No. 24649 - Leo Lonzanida; Criminal Case No. 24650 - Cedric Legrama; Criminal Case No. 24651 - Japhet Lonzanida; and, Criminal Case No. 24652 - Peter John Madarang; rollo, pp. 61-75.

[9] Criminal Case No. 23850, id. at 56-57.

[10] Id. at 56-58.

[11] Rollo, pp. 77-97.

[12] Id. at 105-106.

[13] Id. at 110-113.

[14] Id. at 114-117.

[15] Id. at 118-119

[16] Id. at 120-122.

[17] Id. at 123-125.

[18] Id. at 137.

[19] Id. at 237.

[20] Supra note 1.

[21] Supra note 2.

[22] Rollo, p. 526.

[23] Id. at 624-625.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

[24] Florante Soriquez v. Sandiganbayan (Fifth Division), G.R. No. 153526, October 25, 2005, 474 SCRA 222, 231.

[25] Andres S. Suero v. People, G.R. No. 156408, January 31, 2005, 450 SCRA 350, 358-359.

[26] The Administrative Code of 1987, as amended by R.A. No. 6733 (July 25, 1989), pertinently provides:

Sec. 41.Officers Authorized to Administer Oath. -- The following officers have general authority to administer oaths: President; Vice-President; Members and Secretaries of both Houses of the Congress; Members of the Judiciary; Secretaries of Departments; provincial governors and lieutenant-governors; city mayors; municipal mayors; bureau directors; regional directors; clerks of courts; registrars of deeds; other civilian officers in the public service of the government of the Philippines wh ose appointments are vested in the President and are subject to confirmation by the Commission on Appointments; all other constitutional officers; and notaries public.

Sec. 42. Duty to Administer Oath. - Officers authorized to administer oaths, with the e xception of notaries public, municipal judges and clerks of court, are not obliged to administer oaths or execute certificates save in matters of official business; and with the exception of notaries public, the officer performing the service in those matt ers shall charge no fee, unless specifically authorized by law. (emphasis supplied)

Sections 41 and 42 were later further amended by R.A. No. 9406 to include lawyers of the Public Attorneys' Office in the enumeration of officers authorized to administer oaths i n connection with the performance of their duties.

Sections 41 and 42 were later further amended by R.A. No. 9406 to include lawyers of the Public Attorney ' s Office in the enumeration of officers authorized to administer oaths in connection with the performance of their duties.

[27] G.R. No. 133472, December 5, 2000, 347 SCRA 22, 33-34.

[28] Supra note 11 at pp. 93-94.

[29] Folder of Exhibits, p. 59.

[30] People v. Po Giok To, 96 Phil. 913, 918 (1955).

[31] Solomon Alvarez v. Court of Appeals, G.R. No. 141801, 25 June 25, 2001, 359 SCRA 550.

[32] No. L-25484, 21 September 21, 1968, 25 SCRA 36.

[33] Rule 133, Section 5, Rules on Evidence.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.