JOSE REYES Y VACIO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. Nos. 177105-06. August 12, 2010

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

The petitioner appeals by petition for review on certiorari the decision dated January 15, 2007 rendered by the Sandiganbayan, finding him guilty in Criminal Case No. 24655 of a violation of Section 3 (e) of Republic Act No. 3019,[1] and in Criminal Case No. 24656 of usurpation of judicial functions as defined and penalized under Article 241, Revised Penal Code. [2]

Antecedents

Belen Lopez Vda. de Guia (Belen) was the registered absolute owner of two parcels of agricultural land with an area of 197,594 square meters located in Santa Barbara, Baliwag, Bulacan and covered by Transfer Certificate of Title (TCT) No. 209298 of the Register of Deeds of Bulacan. On March 19, 1975, Belen's son, Carlos de Guia (Carlos), forged a deed of sale, in which he made it appear that his mother had sold the land to him. Consequently, the Register of Deeds of Bulacan cancelled TCT No. 209298 by virtue of the forged deed of sale and issued TCT No. 210108 in Carlos' name.

On March 20, 1975, Carlos sold the land to Ricardo San Juan (Ricardo). On the same date, Ricardo registered the deed of sale in the Registry of Deeds of Bulacan, which cancelled TCT No. 210108 and issued TCT No. 210338 in Ricardo's name. Subsequently, Ricardo mortgaged the land to Simeon Yangco (Simeon).

Upon learning of the transfers of her land, Belen filed on December 20, 1975 an adverse claim in the Register of Deeds of Bulacan. Her adverse claim was annotated on TCT No. 210338. She also filed in the then Court of First Instance (CFI) of Baliwag, Bulacan a civil action for cancellation of sale, reconveyance, and damages against Carlos, Ricardo and Simeon, docketed as Civil Case No. 655-B.

On January 20, 1981, the CFI decided Civil Case No. 655-B, dismissing Belen's complaint and affirming the validity of the deeds of sale between Belen and Carlos and between Carlos and Ricardo. Belen filed a motion for reconsideration but her motion was denied.

Belen appealed to the Intermediate Appellate Court (IAC), docketed as AC-G.R. CV No. 5524-UDK.

On April 19, 1983, the IAC dismissed Belen's appeal due to non-payment of docket fees. The dismissal became final on May 17, 1983, and entry of judgment was issued on June 21, 1983. The records were remanded to the CFI on July 6, 1983.[3]

Thereafter, the tenants of the land, namely, Paulino Sacdalan, Leonardo Sacdalan, Santiago Sacdalan, Numeriano Bautista and Romeo Garcia (tenants), invoked their right to redeem pursuant to Section 12 of Republic Act No. 3844, as amended.[4] Acting thereon, Ricardo executed a deed of reconveyance in favor of the tenants on October

24, 1983.[5]

Upon registration of the deed of reconveyance, TCT No. 210338 was cancelled, and TCT No. 301375 was issued in the names of the tenants. The land was subdivided into several lots, and individual TCTs were issued in the names of the tenants.

In the meanwhile, Belen discovered for the first time through a letter-inquiry to the IAC Clerk of Court that her appeal in AC-G.R. CIV No. 5524-UDK had been dismissed for non-payment of docket fees. She thus filed in the IAC a motion to reinstate her appeal. The IAC granted her motion.[6] The reinstated appeal was re-docketed as AC-G.R. CV No. 02883.

On February 20, 1986, the IAC promulgated its decision in AC-G.R. CV No. 02883, granting Belen's appeal,[7] thus:

> WHEREFORE, the decision appealed from is hereby REVERSED and SET ASIDE and another one entered:
>
> (1) declaring as null and void and without any effect whatsoever the deed of sale executed by and between appellant Belen Lopez vda. De Guia and defendant Carlos de Guia, Exhibit "A;"
>
> (2) declaring defendant-appellant Ricardo San Juan as a purchaser in bad faith and ordering him to reconvey to appellant the two (2) parcels of land described in the complaint;
>
> (3) ordering the Register of Deeds of Bulacan to cancel and/or annul TCT No. 210338 in the name of defendant-appellee Ricardo San Juan as well as TCT No. 210108 in the name of defendant-appellee Carlos de Guia for being null and void and to reinstate TCT No. 209298 in the name of appellant as the true and valid title over the lands described therein; and
>
> (4) ordering the defendants-appellees to pay the costs.
>
> SO ORDERED.

The IAC decision became final on March 15, 1986, and entry of judgment was made on November 7, 1986.[8] The records were remanded to the Regional Trial Court (RTC) of Baliwag, Bulacan (RTC).

On December 18, 1986, Belen filed in the RTC a motion for execution vis-à-vis the decision in AC-G.R. CV No. 02883. The RTC granted her motion. However, when the writ of execution was about to be executed, Belen learned that Ricardo had sold the land to the tenants through a deed of reconveyance. Thus, Belen filed in the RTC a motion to declare Ricardo and the tenants in contempt of court for circumventing the final and executory judgment in AC-G.R. CV No. 02883.

On October 12, 1987, the RTC held Ricardo and the tenants in contempt of court and ordered each of them to pay a fine of P200.00. It directed Ricardo and the tenants to reconvey the land to Belen and to deliver to her the share in the harvest.

Ricardo and the tenants appealed the RTC order to the Court of Appeals (CA), docketed as CA-G.R. SP No. 14783 entitled Mariano Bautista, et al vs. Hon. Felipe N. Villajuan, Jr. as Judge RTC of Malolos, Bulacan, Branch XIV and Belen Lopez Vda. De Guia.

On November 8, 1988, Belen, through her daughter and attorney-in-fact, Melba G. Valenzuela (Melba), filed in the Department of Agrarian Reform Adjudication Board (DARAB) a complaint for ejectment and collection of rents against the tenants, entitled Belen Lopez Vda. De Guia thru her Attorney-in-Fact, Melba G. Valenzuela vs. Paulino Sacdalan, Romeo Garcia, Numeriano Bautista, Leonardo Sacdalan and Santiago Sacdalan and docketed as DARAB Case No. 034-BUL'88.[9]

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On July 6, 1989, the CA rendered its decision in CA-G.R. SP No. 14783,[10] affirming the RTC order dated October 12, 1987 with modification. It ruled that the RTC correctly ordered Ricardo and the tenants to reconvey the land to Belen, but held that the RTC erred in finding Ricardo and the tenants in contempt of court. This decision became final and executory on July 31, 1989.

On March 16, 1993, the petitioner, as Provincial Adjudicator, rendered a decision in DARAB Case No. 034-BUL'88 entitled Belen Lopez vda. De Guia thru her Attorney-in-Fact, Melba G. Valenzuela v. Paulino Sacdalan, Romeo Garcia, Numeriano Bautista, Leonardo Sacdalan and Santiago Sacdalan,[11] dismissing Belen's complaint for ejectment and collection of rents and affirming the respective TCTs of the tenants, viz:

> WHEREFORE, premises considered, the Board finds the instant case wanting of merit, the same is hereby dismissed. Consequently, the Transfer Certificate of titles Nos. T-307845, T-307846, T-307856, T-307857, T-307869, T-307870, T-307871, T-307873 and T-307874 issued in the name of Numeriano Bautista, Romeo Garcia, Leonardo Sacdalan, Paulino Sacdalan and Santiago Sacdalan respectively are hereby AFFIRMED. The plaintiff and all other persons acting in their behalf are hereby ordered to permanently cease and desist from committing any acts tending to oust or eject the defendants or their heirs or assigns from the landholding in question.
>
> SO ORDERED.[12]

Belen filed a notice of appeal in the DARAB on March 26, 1993.

On March 31, 1993, the petitioner granted the tenants' motion for execution in DARAB Case No. 034-BUL'88.[13]

Aggrieved, Belen, through Melba, filed an urgent motion to set aside the writ of execution in DARAB Case No. 034-BUL'88,[14] but her motion was denied.

On October 24, 1994, the DARAB Central Office affirmed the petitioner's ruling.[15]

After her motion for reconsideration was denied, Belen lodged an appeal to the CA (CA-G.R. SP No. 39315).

In due course, the CA reversed and set aside the decision of the DARAB Central Office,[16] and ordered the tenants: (a) to vacate the land; (b) to deliver its possession to Belen; and (c) to pay to Belen the rents on the land corresponding to the period from 1981 until they would have vacated.

The tenants filed a motion for reconsideration, but the CA denied their motion.

Thus, the tenants appealed to this Court (G.R. No. 128967), which affirmed the CA's decision in CA-G.R. SP No. 39315.[17]

On May 13, 1998, the Office of the Ombudsman filed two informations in the Sandiganbayan, one charging the petitioner with a violation of Section 3 (e) of RA 3019, and the other with usurpation of judicial functions under Article 241 of the Revised Penal Code,[18] as follows:

> Criminal Case No. 24655
> (for violation of section 3 (e) of RA 3019)
>
> That on or about 16 March 1993, or sometime prior or subsequent thereto, in Malolos, Bulacan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused Jose V. Reyes, a public officer being then employed as Provincial Adjudicator of the Department of Agrarian Reform Adjudication Board (DARAB) in Malolos, Bulacan, while in the performance of his official function as such and acting with evident bad faith and manifest partiality, did then and there willfully, unlawfully and criminally render his decision in DARAB Case No. 034-Bul-88 favorable to the tenants who were respondents in said agrarian case,

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> thereby ignoring and disregarding the final and executory decision of the Court of Appeals in AC-GR CV-02883 which declared complainant Belen de Guia as the true owner of the lands subject of the litigation in both cases, thus causing undue injury and damage to the said Belen de Guia and to the public interest.[19]
>
> Criminal Case No. 24656
> (for usurpation of judicial functions under
> Article 241 of the Revised Penal Code)
>
> That on or about 16 March 1993, or immediately prior or subsequent thereto, in Malolos, Bulacan, Philippines, above-named accused Jose V. Reyes, a public officer being then employed as Provincial Adjudicator of the Department of Agrarian Reform Adjudication Board (DARAB) in Malolos, Bulacan, while in the performance of his official function as such and taking advantage thereof, with full knowledge of a Decision in AC-GR CV-02883 of the Court of Appeals, which declared Belen de Guia as the true owner of the lands litigated in said case, did then and there willfully, unlawfully and feloniously disregard, obstruct and ignore the said final and executory decision of the Court of Appeals, by rendering a decision in DARAB Case No. 034-Bul-88 thereby favoring and emboldening the tenants-respondents in said DARAB case to unlawfully continue occupying the lands of Belen de Guia, the complainant, to her damage and prejudice, as well as to the public interest.[20]

Arraigned on August 8, 2000, the petitioner, assisted by counsel de parte, pleaded not guilty to each information.[21]

After trial, on January 15, 2007, the Sandiganbayan rendered its assailed decision,[22] finding the petitioner guilty of both charges; and sentencing him to suffer: (a) in Criminal Case No. 24655 (for violation of Section 3 (e) of RA 3019), an indeterminate sentence of imprisonment from six years and one month, as minimum, to 10 years as maximum, with perpetual disqualification from holding public office; and (b) in Criminal Case No. 24656 (for usurpation of judicial functions under Article 241 of the Revised Penal Code), imprisonment of four months of arresto mayor.

The Sandiganbayan denied the petitioner's motion for reconsideration on March 15, 2007.[23]

Hence, this appeal by petition for review on certiorari.

Issues

The issues raised herein are:

> a) Whether the petitioner was guilty of violating Section 3 (e) of RA 3019 in rendering his decision in DARAB CASE NO. 034 BUL'88; and
>
> b) Whether the petitioner was guilty of usurpation of judicial functions under Article 241 of the Revised Penal Code.[24]

Anent the first issue, the petitioner maintains that there was no evident bad faith, manifest partiality, and gross inexcusable negligence on his part when he decided DARAB Case No. 034-BUL'88; that his decision therein had been solely based on what he had perceived to be in keeping with the letter and spirit of the pertinent laws; and that his decision had been rendered upon a thorough appreciation of the facts and the law.[25]

As to the second issue, the petitioner insists that his rendition of the decision did not amount to the felony of usurpation of judicial functions.

Ruling

The petitioner was correctly held guilty of and liable for violating Section 3 (e) of RA 3019 in rendering his

decision in DARAB Case No. 034 BUL'88, but his conviction for usurpation of judicial functions under Article 241 of the Revised Penal Code is reversed and set aside.

A.
Elements of Section 3 (e) of RA 3019,
established herein

RA 3019 was enacted to repress certain acts of public officers and private persons alike that constitute graft or corrupt practices or may lead thereto.[26] The law enumerates the punishable acts or omissions and provides their corresponding penalties.

Section 3 (e) of RA 3019, under which petitioner was charged and found guilty, relevantly provides:

> Section. 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
>
> (e) Causing any undue injury to any party, including the government, or giving any private party 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.
>
> x x x

The essential elements of the offense under Section 3 (e) are the following:

> - The accused must be a public officer discharging administrative, judicial, or official functions;
>
> - He must have acted with manifest partiality, evident bad faith, or gross inexcusable negligence; and
>
> - His action caused any undue injury to any party, including the Government, or gave any private party unwarranted benefits, advantage, or preference in the discharge of his functions.[27]

The first element was established. The petitioner was a public officer when he rendered his decision in DARAB Case No. 034 BUL'88, being then a Provincial Adjudicator of the DARAB discharging the duty of adjudicating the conflicting claims of parties.

The second element includes the different and distinct modes by which the offense is committed, that is, through manifest partiality, evident bad faith, or gross inexcusable negligence. Proof of the existence of any of the modes suffices to warrant conviction under Section 3 (e).[28]

Manifest partiality exists when the accused has a clear, notorious, or plain inclination or predilection to favor one side or one person rather than another.[29] It is synonymous with bias, which excites a disposition to see and report matters as they are wished for rather than as they are.[30]

Evident bad faith connotes a manifest deliberate intent on the part of the accused to do wrong or to cause damage.[31] It contemplates a breach of sworn duty through some perverse motive or ill will.[32]

Gross inexcusable negligence refers to negligence characterized by the want of even the slightest care, acting or omitting to act in a situation where there is duty to act, not inadvertently but willfully and intentionally, with conscious indifference to consequences insofar as other persons may be affected.[33]

The decision rendered on February 20, 1986 in AC-G.R. CV No. 02883 - nullifying the forged deed of sale between Belen and Carlos; declaring Ricardo a purchaser in bad faith; ordering Ricardo to reconvey the land to Belen; directing the Register of Deeds of Bulacan to cancel the respective TCTs of Ricardo and Carlos; and reinstating Belen's TCT - became final on March 15, 1986. After the entry of judgment was made on November 7, 1986, the records were remanded to the RTC in Baliwag, Bulacan, which eventually granted Belen's motion for execution.

Due to its finality, the decision in AC-G.R. CV No. 02883 became immutable, and could no longer be modified in any respect, whether the modification was to correct erroneous conclusions of fact or law, whether made by the court that rendered it or by the highest court of the land.[34] The reason for such immutability is that a litigation must end sometime, and an effective and efficient administration of justice requires that the winning party be not deprived of the fruits of the verdict once a judgment becomes final.[35]

The petitioner was fully aware of the finality of the decision in AC-G.R. CV No. 02883 prior to his promulgation of the decision in DARAB Case No. 034 BUL'88. Indeed, he actually admitted having read and examined the following documents (adduced by the Prosecution) prior to his rendition of the decision,[36] namely:

> (1) Belen's position paper dated August 7, 1992 submitted to him in DARAB Case No. 034 BUL'88, in which Belen stated that the decision in AC-G.R. CV No. 02883 had become final and executory;[37]
>
> (2) The entry of judgment issued in AC-G.R. CV No. 02883;[38]
>
> (3) Belen's TCT No. 209298, reflecting the entry of judgment issued in AC-G.R. CV No. 02883 and the cancellation of the TCTs of the tenants-lessees by virtue of the decision in AC-G.R. CV No. 02883;[39] and
>
> (4) Addendum to Belen's position paper, mentioning the decree in the decision in AC-G.R. CV No. 02883.[40]

Yet, the petitioner still rendered his decision in DARAB Case No. 034 BUL'88 that completely contradicted and disregarded the decision in AC-G.R. CV No. 02883 by invalidating Belen's title on the land and upholding the TCTs of the tenants. He thereby exhibited manifest partiality, for such decision of his was a total and willful disregard of the final decision in AC-G.R. CV No. 02883. His granting the tenants' motion for execution made his partiality towards the tenants and bias against Belen that much more apparent.

Similarly, the petitioner's evident bad faith displayed itself by his arrogant refusal to recognize and obey the decision in AC-G.R. CV No. 02883, despite his unqualified obligation as Provincial Adjudicator to abide by the CA's ruling that was binding on him as Provincial Adjudicator and on all the parties in DARAB Case No. 034-BUL'88.

Worthy of note is that the CA, in CA-G.R. SP No. 39315, and this Court, in G.R. No. 128967, had characterized the petitioner's aforementioned conduct as "an utter disrespect to the judiciary," as vested with a "dishonest purpose," and as constituting "a contumacious attitude which should not be tolerated."[41] These acute characterizations fortify the holding that he harbored a deliberate intent to do wrong to Belen.

Correctly did the Sandiganbayan find that the petitioner had displayed manifest partiality and evident bad faith in rendering his decision in DARAB Case No. 034-BUL'88.

The third element of the offense - when the act of the accused caused undue injury to any party, including the Government, or, gave any private party unwarranted benefit, advantage or preference in the discharge of the functions of the accused - was also established. In this regard, proof of the extent or quantum of damage was not essential, it being sufficient that the injury suffered or the benefit received could be perceived to be substantial enough and was not merely negligible.[42]

Belen was constrained to engage the services of a lawyer and to incur other expenses in order to protect and prosecute her interest in DARAB Case No. 034 BUL'88. In all, her expenses were in the substantial sum of P990,000.00.[43] Moreover, the petitioner's stubborn refusal to recognize and obey the decision in AC-G.R. CV No. 02883 forced a further but needless prejudicial delay in the prompt termination of the cases. The delay proved very costly to Belen, for, in that length of time (that is, from March 16, 1993 up to the present), Belen has been unduly deprived of her exclusive ownership and undisturbed possession of the land, and the fruits thereof. The injury and prejudice surely equated to undue injury for Belen.

Likewise, the petitioner's ruling in DARAB Case No. 034 BUL'88 gave unwarranted benefit, advantage, or preference to the tenants by allowing them to remain in possession of the land and to enjoy the fruits.

Given the foregoing considerations, the Sandiganbayan correctly convicted the petitioner in Criminal Case No. 24655 for violating Section 3 (e) of RA 3019.

B.
Usurpation of judicial functions

Article 241 of the Revised Penal Code states:

> xxx The penalty of arresto mayor in its medium period to prision correcional in its minimum period shall be imposed upon any officer of the executive branch of the government who shall assume judicial powers or shall obstruct the execution of any order or decision rendered by any judge within his jurisdiction.

In usurpation of judicial function, the accused, who is not a judge, attempts to perform an act the authority for which the law has vested only in a judge.[44] However, the petitioner's task as Provincial Adjudicator when he rendered judgment in DARAB Case No. 034 BUL'88 was to adjudicate the claims of the opposing parties. As such, he performed a quasi-judicial function, closely akin to the function of a judge of a court of law. He could not be held liable under Article 241 of the Revised Penal Code, therefore, considering that the acts constitutive of usurpation of judicial function were lacking herein.

C.
Penalties

The Sandiganbayan appreciated the mitigating circumstance of old age in favor of the petitioner by virtue of his being already over 70 years old.

The Sandiganbayan thereby erred. The mitigating circumstance of old age under Article 13 (2) of the Revised Penal Code applied only when the offender was over 70 years at the time of the commission of the offense.[45] The petitioner, being only 63 years old when he committed the offenses charged,[46] was not entitled to such mitigating circumstance.

Under Section 9 of RA 3019, the penalty for violation of Section 3 (e) of RA 3019 is imprisonment for not less than six years and one month nor more than 15 years, and perpetual disqualification from public office. Pursuant to Section 1 of the Indeterminate Sentence Law, if the offense is punished by a special law, the accused is punished with an indeterminate sentence the maximum of which does not exceed the maximum fixed by the law violated, and the minimum is not less than the minimum term prescribed by the law violated.

Accordingly, in Criminal Case No. 24655, the Sandiganbayan correctly imposed on the petitioner the indeterminate penalty of imprisonment ranging from six years and one month, as minimum, to 10 years as maximum. The penalty of perpetual disqualification from public office was also correctly imposed.

WHEREFORE, the Court affirms the conviction of the petitioner in Criminal Case No. 24655 (for violation of

section 3 (e) of RA 3019), but reverses and sets aside his conviction in Criminal Case No. 24656 (for usurpation of judicial functions as defined and penalized under Article 241 of the Revised Penal Code).

No pronouncement on costs of suit.

SO ORDERED.

Carpio Morales, (Chairperson), Brion, Abad,[*] and Villarama, Jr., JJ., concur.

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[*] Additional member per Special Order No. 843 dated May 17, 2010.

[1] The Anti-Graft and Corrupt Practices Act.

[2] Penned by Associate Justice Godofredo L. Legaspi (retired), with Associate Justice Efren N. Dela Cruz and Associate Justice Norberto Y. Geraldez (later Presiding Justice of the Sandiganbayan, now deceased) concurring; rollo, pp. 64-98.

[3] Rollo, pp. 66-67.

[4] RA 3844 (Agricultural Land Reform Code):

Section 12. Lessees Right of Redemption. - In case the landholding is sold to a third person without the knowledge of agricultural lessee, the latter shall have the right to redeem the same at a reasonable price and consideration: Provided, That where the there are two or more agricultural lessees, each shall be entitled to said right of redemption only to the extent of the area actually cultivated by him. The right of redemption under this Section may be exercised within one hundred eighty days from notice in writing which shall be served by the vendee on all lessees affected and the Department of Agrarian Reform upon the registration of the sale, and shall have priority over any other right of legal redemption. The redemption price shall be the reasonable price of the land at the time of the sale. Upon filing of the corresponding petition or request with the department or corresponding case in court by the agricultural lessee or lessees, the said period of one hundred and eighty days shall cease to run. Any petition or request for redemption shall be resolved within sixty days from the filing thereof; otherwise, the said period shall start to run again.

[5] Sandiganbayan records, Volume 2, p. 181.

[6] Folder of Exhibits for the Prosecution, Exhibit Q, p. 3.

[7] Penned by Associate Justice Ramon G. Gaviola, Jr. (retired), with Associate Justice Eduardo P. Caguioa (retired), Associate Justice Ma. Rosario Quetulio-Losa (retired), and Associate Justice Leonor Ines Luciano (retired), concurring; Folder of Exhibits for the Prosecution, Exhibit B.

[8] Folder of Exhibits for the Prosecution, Exhibit E-1.

[9] Folder of Exhibits for the Prosecution, Exhibit D.

[10] Folder of Exhibits of the Prosecution, Exhibit A; penned by Associate Justice Serafin E. Camilon (retired), with Associate Justice Segundo G. Chua (retired) and Associate Justice Justo P. Torres, Jr. (later a Member of this Court, since retired), concurring.

[11] Folder of Exhibits for the Prosecution, Exhibit G.

[12] Id.

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[13] Folder of Exhibits for the Prosecution, Exhibit K.

[14] Folder of Exhibits for the Prosecution, Exhibit L.

[15] Sandiganbayan records, Volume 2, p. 185.

[16] Penned by Associate Justice Angelina Sandoval Gutierrez (later a Member of this Court, since retired), with Associate Justice Arturo D. Buena (later a Member of this Court, since retired) and Associate Justice Conrado M. Vasquez (later a Presiding Justice of the Court of Appeals, since retired), concurring; Folder of Exhibits for the Prosecution, Exhibit C.

[17] Folder of Exhibits for the Prosecution, Exhibit Q.

[18] Sandiganbayan records, Volume 2, pp. 1-4.

[19] Sandiganbayan records, Volume 2, pp. 3.

[20] Sandiganbayan records, Volume 2, p. 1.

[21] Sandiganbayan records, C-Volume 2, pp. 69-70.

[22] Rollo, pp. 64-98.

[23] Id., p. 119.

[24] Id., pp. 39-40.

[25] Id., pp. 41-43.

[26] Section 1, RA 3019.

[27] Albert v. Sandiganbayan, G.R. No. 164015, 26 February 2009, 580 SCRA 279, 289-290; Velasco v. Sandiganbayan, G.R. No. 160991, 28 February 2005, 452 SCRA 593, 601.

[28] Fonacier v. Sandiganbayan, G.R. No. 50691, 5 December 1994, 238 SCRA 655, 688.

[29] Albert v. Sandiganbayan, supra, note 27.

[30] Supra, note 28, p. 687.

[31] Reyes v. Atienza, G.R. No. 152243, 23 September 2005, 470 SCRA 670, 683.

[32] Villanueva v. Sandiganbayan, G.R. No. 105607, 21 June 1993, 223 SCRA 543, 550, citing Marcelo v. Sandiganbayan, G.R. No. 69983, 14 May 1990, 185 SCRA 346, 349-350.

[33] Supra, note 28.

[34] Philippine Veterans Bank v. Estrella, G.R. No. 138993, 27 June 2003, 405 SCRA 168, 172.

[35] Salva v. Court of Appeals, G.R. No. 132250, 11 March 1999, 304 SCRA 632, 645.

[36] TSN, 17 August 2006, pp. 18 and 27-34.

[37] Folder of Exhibits for the Prosecution, Exhibit E.

[38] Supra, note 89.

[39] Folder of Exhibits for the Prosecution, Exhibit E-2.

[40] Folder of Exhibits for the Prosecution, Exhibit F.

[41] Supra, note 16 and 17.

[42] Supra, note 28.

[43] Folder of Exhibits for the Prosecution, Exhibit O.

[44] Miñoso v. Pamulag, A.M. No. P-05-2067, 31 August 2005, 468 SCRA 407, 415; Pace v. Leonardo, A.M. No. P-03-1675, 6 August 2003, 408 SCRA 359, 362.

[45] People v. Nacional, G.R. Nos. 111294-95, 7 September 1995, 248 SCRA 122, 131.

[46] Sandiganbayan records, C-Volume 2, pp. 277-282.

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