

GAUDIOSO C. LLAMOSO, HILARIO A. GUIGUE, PROTACIO U. JUMAMOY, JR., NICANOR ANINIPO AND ALFREDO CAGAIS, PETITIONERS, VS. SANDIGANBAYAN AND PEOPLE OF THE PHILIPPINES, RESPONDENTS.

G.R. Nos. 63408 & 64026. August 07, 1985

Ponente: AQUINO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-63408/>

AQUINO, J.:

This case is about a false entry in the payroll for March 16 to 31, 1981 of 12 laborers who worked in the improvement of Sta. Rosa Street, municipality of E. Villanueva, Siquijor. The anomaly involves the sum of P130 as the wages for two weeks of one laborer at P13 a day. The entries for the 11 laborers were not falsified.

Gaudioso C. Llamoso was the assistant highway engineer and officer-in-charge of the district engineer's office. Hilario A. Guigue, 56, a senior civil engineer, was assigned to Project CRI-80-0704 which undertook the repair of drainage canals and sidewalks at Sta. Rosa Street, E. Villanueva. Protacio U. Jumamoy, Jr., 33, was also a civil engineer who had been in the service since 1974.

Llamoso, now 57, was assigned as district engineer on February 10, 1981. Alfredo Cagais, 25, worked as caretaker of the district engineer's cottage and acted as utility man and messenger. On March 10, 1981 Cagais complained that he had not been paid his wages at thirteen pesos a day or P130 for the quincena of February 16 to 27, 1981, a period of ten working days.

He was on the verge of crying because he was the sole breadwinner of his family. His mother was sickly. Llamoso called Guigue and Jumamoy to explain why Cagais had not been paid his wages. They said that Cagais was listed in the payroll of the Pisong Bridge project. Apparently, he could not be included in the payroll for personnel of the district engineer's office. Llamoso asked Guigue and Jumamoy to find a "legitimate way" by which Cagais could be paid his wages as caretaker (11 tsn November 17, 1982).

Jumamoy intended to consult the auditor as to how Cagais could be paid his wages. He was not able to see the auditor. Instead, he talked with Gertrudes Quilat, an auditing aide who suggested that a person, acting as a "stand-in" or substitute for Cagais, might be included in the payroll but Jumamoy should consult a lawyer about that arrangement (14).

Jumamoy discussed the matter with Mayor Alfredo Orquillas, Sr. of the municipality of E. Villanueva who used to be a municipal judge. Orquillas advised that a "stand-in" was permissible provided it was done in good faith and without the slightest intention of defrauding the government (15). Jumamoy then asked Cagais who could act as his "stand-in" Cagais suggested Nicanor Aninipo, 18, who was allegedly jobless (17).

So, on March 12, 1981, Jumamoy instructed his clerk to include the name of Aninipo in the form or document known as "Authority to Hire Casual Employees and Order to Work" for the project On Sta. Rosa Street, municipality of E. Villanueva for the quincena of March 16 to 31, 1981 (Exh. A and A-2). Jumamoy initialed the

inclusion of Aninipo's name in that form and gave it to his immediate superior, Guigue, for approval (19). Guigue approved it.

Aninipo was also included in the "Time Book and Payroll" (Exh. A) for that quincena of March 16 to 31, 1981 which listed 12 laborers, 11 of whom worked for 12 days. In the case of Aninipo, the twelfth in the list, it was indicated that he worked for 10 days only to correspond with the ten-day period for the quincena of February 12 to 27, 1981 for which, as already noted, Cagais worked in the district engineer's cottage (21-22).

Aninipo was able to collect P130 under that pay-roll for the project on Sta. Rosa Street, E. Villanueva. He gave the amount to Cagais because, as previously arranged, Aninipo was only a "stand-in" for Cagais (22-23).

The paymaster, the sole prosecution witness, testified that at nine o'clock in the morning of April 13, 1981 he paid Aninipo P130 for his supposed work in the Sta. Rosa Street project. Two hours later, Aninipo wanted to collect P156 for his actual work in the Bogo-Licuan road, another project (Exh. B). The paymaster refused to pay him again. That was how the false entry was discovered.

It should be clarified that before March 16, Aninipo was really jobless. His first job was in the Bogo-Licuan project. But he was not able to apprise Cagais before March 16 that he started working in that project (62-63).

Jumamoy declared that the government was not defrauded because Aninipo gave the P130 to Cagais for his work of ten days in the district engineer's cottage but Aninipo was not able to collect P156 for his actual work in the Bogo-Licuan Road project (31-2).

The Sandiganbayan convicted Llamoso, Guigue, Jumamoy, Cagais and Aninipo as conspirators in the crime of falsification of public documents by allegedly having made it appear in the time book, payroll and authority to hire employees (Exh. A to A-2) that Aninipo worked in the Sta. Rosa Street project when in fact he did not work therein.

It sentenced each of them to an indeterminate penalty of two years, four months and one day of prison correccional as minimum to eight years and one day of prison mayor as maximum and to pay a fine of P2,000. They appealed.

We hold that the accused are not criminally liable because they had no criminal intent. Making no concealment or evasion, they admitted that there was a false entry. They acted in good faith (12-13 tsn Nov. 16, 1982). They may be disciplined administratively for the irregularity but their inclusion of Aninipo in the payroll is outside the pale of criminal law.

Apparently, the case was an isolated instance. It should not be equated with the systematic and rampant practice in some engineering districts of fabricating payrolls with fictitious laborers working on fictitious projects resulting in the defraudation of the government of considerable sums of money.

There is a ruling that the accused is not guilty of falsification in the absence of proof that he maliciously perverted the truth with the wrongful intent of injuring some third person (U.S. vs. Reyes, 1 Phil. 341, 343).

The instant case is similar to U. S. vs. Arceo, 17 Phil. 592, where the accused was the foreman of carpenters hired by the City of Manila to reconstruct the houses torn down for reasons of sanitation and removed to the San Lazaro Estate. The city had bound itself to reconstruct gratis said houses. The wife of the accused had purchased from Severino Pelagio one of these houses, including the right to have the house, rebuilt at the city's expense.

The accused foreman reported that a carpenter named Castro worked for the city when in truth he worked on the reconstruction of the house which the accused had purchased. He was charged with falsification.

It was held that he was not criminally liable. He believed in good faith that the city was duty-bound to rebuild the house which his wife had purchased from Pelagio and that there was nothing wrong in charging against the city the time spent by Castro in rebuilding that house, just as there was nothing wrong in charging against the city the time spent by the other carpenters in rebuilding the other houses removed under the same circumstances.

In the instant case, as in the Arceo case, it cannot be said that the accused perverted the truth in including Aninipo in the payroll in order to attain any felonious objective. Their honest motive was to enable Cagais to receive his compensation which he needed very badly.

The judgment of conviction is reversed and set aside. The accused are acquitted with costs de oficio. A copy of this decision should be furnished the Minister of Public Works and Highways for the purpose of taking administrative action against the accused should the facts warrant such action.

SO ORDERED.

Concepcion, Jr., Abad Santos, Escolin, Relova, Gutierrez, Jr., De La Fuente, and Alampay, JJ., concur.

Teehankee, J., see separate concurring opinion.

Makasiar, C.J., Melencio-Herrera, and Cuevas, JJ., reserve their votes.

Plana, J., no part.

CONCURRING OPINION

TEEHANKEE, J.:

I concur with the judgment of acquittal. It is a judgment reached with the mind and the heart that the five accused had no criminal intent in making in good faith an admittedly false entry in the payroll that enabled one of them, Alfredo Cagais, to be paid promptly his just wages for ten days work (a total of P130.00 at P13.00 per day), which he needed very badly for his family.

It reaffirms that the doctrine of deference and non-disturbance on appeal of the trial court's conclusions on matters of fact and credibility of witnesses cannot rise above the constitutional presumption of innocence which can only be overcome if the proof of guilt is beyond reasonable doubt. The Court has stressed time and again that "while the Court on appeal would normally not disturb the findings of the trial court on the credibility of witnesses in view of the latter's advantage of observing at first hand their demeanor in giving their testimony, the Court has consistently held that this rule of appreciation of evidence 'must bow to the superior and immutable rule that the guilt of the accused must be proved beyond reasonable doubt, because the law presumes that a defendant is innocent and this pre-sumption must prevail unless overturned by competent and credible proof.'"[1]

The now Chief Justice thus defined in an early ponencia the scope of the constitutional presumption of innocence: "That is a right safeguarded [the] appellants. Accusation is not, according to the fundamental law, synonymous with guilt. It is incumbent on the prosecution to demonstrate that culpability lies. Appellants were not even called upon then to offer evidence on their behalf. Their freedom is forfeit only if the requisite quantum of proof necessary for conviction be in existence. Their guilt must be shown beyond reasonable doubt. To such a standard, this Court has always been committed. There is need, therefore, for the most careful scrutiny of the testimony of the state, both oral and documentary, independently of whatever defense is offered by the accused. Only if the judge below and the appellate tribunal could arrive at a conclusion that the crime had been committed precisely by

the person on trial under such an exacting test should the sentence be one of conviction. It is thus required that every circumstance favoring his innocence be duly taken into account. The proof against him must survive the test of reason; the strongest suspicion must not be permitted to sway judgment. The conscience must be satisfied that on the defendant could be laid the responsibility for the offense charged; that not only did he perpetrate the act but that it amounted to a crime. What is required then is moral certainty.”[2]

The Court's judgment justly sets aside respondent court's judgment which, for the "munificent" sum of P130.00 duly earned by and paid to the accused laborer Cagais thru a "stand-in" because of various technical and bureaucratic requirements in government projects, would have sentenced all five accused (three engineers and two laborers), notwithstanding "their honest motive" and non-defraudation of the government of a single centavo[3], to serve an indeterminate penalty of 2 years, 4 months and 1 day of prision correctional as minimum to 8 years and 1, day of prision mayor as minimum and to pay a fine of P2,000. 00. To paraphrase the late President Manuel A. Roxas when he granted political amnesty after the last World War II, their error was one of the heart and not of the mind that would render them criminally liable.

[1] People vs. Pagkaliwagan, 36 SCRA 113, 124 (1970).

[2] People vs. Dramayo, 42 SCRA 59 (1971); see People vs. Macaraeg, 53 SCRA 285 and cases cited. Emphasis supplied.

[3] See decision, at pages 4, 5.

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.