

[ **G.R. Nos. 121047-57, August 16, 2000** ]

**PONCIANO LAYUG, PETITIONER, VS. SANDIGANBAYAN AND  
PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

**D E C I S I O N**

**PARDO, J.:**

Is petitioner guilty of falsification of public documents for filling up his daily time record as a teacher which reflected his actual teaching time and also those when he was within the school facilities?

THE CASE

What is before this Court is a petition for review on certiorari of the decision<sup>[1]</sup> of the Sandiganbayan finding petitioner Ponciano Layag y Medina guilty beyond reasonable doubt of eleven (11) counts of falsification of public document under Article 171, paragraph 4, of the Revised Penal Code. For each count of falsification, the Sandiganbayan meted on petitioner the indeterminate penalty of two (2) years, four (4) months and one (1) day of prision correccional as minimum, to eight (8) years and one (1) day of prision mayor, as maximum and to pay a fine of P1,000.00 plus costs of suit.

On March 13, 1990, the Special Prosecutor charged petitioner as follows:

Criminal Case No. 14444

“That on or about the month of June 1986, in Digos, Davao del Sur, and within the jurisdiction of this Honorable Court, accused Ponciano Layug being then a duly appointed Secondary Public School Teacher of the Davao del Sur National High School, hence, a public school teacher, and as such assigned to teach Science Class IV with the following schedule, to wit:

MONDAY	WEDNESDAY	FRIDAY
Science IV A	11:15	12:15 am
Science IV 0	1:30	2:30 pm
	TUESDAY	THURSDAY
Science IV- A	9:30	10:30 am
Science IV- K	3:30	4:00 pm
Science IV- 0	4:00	5:00 pm”

did then and there wilfully, unlawfully and feloniously, with grave abuse of confidence and by taking advantage of his official position prepare and submit his daily time record for June, 1986 by making it appear that he attended aforesaid classes during the said period of June 18 to 30, 1986 when in truth and in fact he failed to attend said classes to teach and for which he is legally bound to disclose the truth, to the damage and prejudice of the government.

Contrary to law.”<sup>[2]</sup>

In Criminal Case No. 14445, the information states thus:

“That on or about the month of July 1986, in Digos, Davao del Sur, and within the jurisdiction of this Honorable Court, accused Ponciano Layug, a duly appointed Secondary School Teacher of the Davao del Sur National High School, hence, a public school teacher and as such was assigned to teach Youth Development Training I scheduled on Monday, Wednesday and Friday between the hours of 7:15 in the morning to 9:15 in the morning and on Tuesday and Thursday between the hours of 7:30 in the morning to 9:30 in the morning, did then and there wilfully, unlawfully and feloniously and with grave abuse of confidence and taking advantage of his official position prepare and submit his daily time record for the month of July 1986 by making it appear that he attended the aforesaid classes from the 3rd day of July to the 31st day of July, 1986, when in truth and in fact he failed to attend and teach said subject and for which he is legally bound to disclose the truth, to the damage and prejudice of the government.

“Contrary to law.”<sup>[3]</sup>

In Criminal Cases Nos. 14446 to 14450, the informations filed are similarly worded as that in Criminal Case No. 14445, except for the particulars as to the month and year<sup>[4]</sup> indicated in each daily time record.

In Criminal Case No. 14451, the information alleged that petitioner made it appear in his daily time record for January 1987, that from the 13th to the 29th of that month, he reported to the Division Office in Digos, Davao del Sur by virtue of a directive of the Assistant Regional Director and Officer in Charge, although he was in truth absent. The information in Criminal Cases Nos. 14452 to 14454 pertain to the daily time records when petitioner was detailed with the Division Office during the months of February, March and April, 1987, wherein petitioner allegedly made it appear that he reported to said Office from the 3rd to the 27th of February, 1987, the 2nd to the 31st of March, 1987, and the 1st to the 3rd day of April, 1987, respectively.

On March 31, 1995, the Sandiganbayan,<sup>[5]</sup> rendered its decision, the dispositive portion of which reads:

“WHEREFORE, after trial on the merits, judgment is hereby rendered finding accused Ponciano Layug y Medina GUILTY beyond reasonable doubt as principal in all eleven (11) counts of Falsification of Public Documents charged in the above-numbered cases, as defined and penalized under Article 171, paragraph 4 of the Revised Penal Code and there being no modifying circumstance in attendance, after applying the

benefits of the Indeterminate Sentence Law, he is hereby sentenced as follows:

“(1) In Criminal Case No. 14444 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prison correccional, as minimum, to EIGHT (8) YEARS and ONE (1) DAY of prison mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(2) In Crim. Case No. 14445 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prison correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prison mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(3) In Crim. Case No. 14446 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prison correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prison mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(4) In Crim. Case No. 14447 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prison correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prison mayor as the maximum; to pay a fine of P1,000.00 and to pay the costs of said action.

“(5) In Crim. Case No. 14448 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prison correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prison mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(6) In Crim. Case No. 14449 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prison correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prison mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(7) In Crim. Case No. 14450 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prison correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prison mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(8) In Crim. Case No. 14451 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prison correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prison mayor as the maximum; to pay a fine of P1,000.00 an to pay the costs of said action.

“(9) In Crim. Case No. 14452 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prison correccional, as the minimum, to EIGHT (8) YEARS and ONE (1)

DAY of prison mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(10) In Crim. Case No. 14453 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prison correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prison mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“(11) In Crim. Case No. 14454 - to suffer an indeterminate penalty ranging from TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY of prison correccional, as the minimum, to EIGHT (8) YEARS and ONE (1) DAY of prison mayor as the maximum; to pay a fine of P 1,000.00 and to pay the costs of said action.

“SO ORDERED.”<sup>[6]</sup>

## THE FACTS

On June 7, 1971, petitioner applied with the Division Office of Davao del Sur for a permanent teaching position in the Digos Provincial High School. He stated in his application letter<sup>[7]</sup> that he obtained the degrees of Associate in Arts and Bachelor of Arts in Psychology from the University of Sto. Tomas, in 1960, and the academic aspect of the course in Master of Arts in Psychology from the Lyceum of the Philippines. A civil service eligible for secondary teachers, petitioner claimed having taught for seven (7) years English, Mathematics, Social Sciences, Biology, General Science and History in the high school level, and Education, Philosophy, Psychology, Zoology, Botany, Statistics and Health in the college level.

At the Davao del Sur National High School (DSNHS), petitioner taught English, Literature and Social Studies. In school year 1986-1987, he was assigned to teach two loads of English IV and four loads of Science IV (Physics). Ramon Presto, the principal of DSNHS, authorized the head of the Science Department to assign any science course to petitioner.<sup>[8]</sup> Thus, on June 17, 1986, Lourdes E. Magbanua of the Science Department, issued a memorandum addressed to petitioner detailing his schedule for Science IV classes.<sup>[9]</sup> Jovencio Tablang, the assistant principal in charge of academic affairs, noted the memorandum. However, because petitioner refused to receive the memorandum,<sup>[10]</sup> on June 23, 1986, Magbanua informed Presto through a letter that petitioner refused to teach three (3) Science IV classes assigned to him for the reason that he was "inexperienced and incompetent to teach the subject."<sup>[11]</sup> Magbanua mentioned in that letter that petitioner's science load had been unattended to for one week already and thus she referred the matter to Jovencio Tablang. Nevertheless, Magbanua would see petitioner in campus, talking with friends or with the security guards in the guardhouse.<sup>[12]</sup>

In the month of June 1986, petitioner filed a daily time record showing that he reported for work within his daily official working hours of 8:30 to 11:30 a.m. and 1:30 to 4:30 p.m. from June 16 to June 30, 1986.<sup>[13]</sup> Petitioner signed the June 1986 daily time record but the principal did not sign it. Petitioner submitted similarly filled up daily time records from July 1986 to April 1987.<sup>[14]</sup> Notably, the daily time records for those months showed that, except for reasons of court appearances in

certain mornings and afternoons, petitioner regularly reported for work within his official time of 8:30 to 11:30 a.m. and 1:30 to 4:30 p.m.

On June 4, 1986, Presto filed with the Tanodbayan (Ombudsman) TBP Case No. 86-01001,<sup>[15]</sup> a complaint for estafa through falsification of public documents against petitioner. Presto alleged that petitioner made it appear that he had completed the required number, of hours of work in his daily time records (hereinafter DTR) for the months of January to April 1986, notwithstanding that he only worked for a short period of time.<sup>[16]</sup> After his arraignment, petitioner learned that he was charged with eleven (11) more counts of falsification of public document pertaining to his daily time records for June 1986 to April 1987, that were docketed as TBP Case No. 87-02474.

On June 30, 1986, petitioner sent a handwritten letter to Presto reiterating his request for the subjects that he could handle and apologizing for his inability to handle the Physics subject that Magbanua was asking him to teach.<sup>[17]</sup> In his reply dated July 2, 1986 to that letter, Presto noted that as a result of petitioner's refusal to attend to the science subjects assigned to him petitioner was serving for only six (6) hours a week teaching two loads of English. Hence, he was short of fifteen (15) hours per week from June 16-30, 1986. Presto stated that since there were no more subject load that could be assigned to petitioner except science and YDT, petitioner was instructed to report to Ruperto H. Escarcha of the Youth Development Training (YDT) Department for assignment effective immediately and to see Presto for further instructions.<sup>[18]</sup>

Petitioner did not report to Ruperto H. Escarcha to teach subjects in YDT and CAT-1.<sup>[19]</sup> Hence, on July 16, 1986, Presto issued a memorandum calling petitioner's attention to his failure to follow instructions from his superiors. Presto warned him that should he fail to explain his side within five (5) days, he would be constrained to recommend petitioner's preventive suspension or summary dismissal to higher authorities.<sup>[20]</sup>

On August 6, 1986, Escarcha informed Presto that he had scheduled petitioner's working load for YDT/CAT-1 but petitioner failed to report to his assigned classes. Escarcha reminded Presto that with the YDT load, petitioner would have a teacher's total maximum load of twenty-one (21) hours per week with his two CAE (Communication Arts English) load.<sup>[21]</sup>

On December 17, 1986, Presto issued a memorandum to petitioner instructing him to report immediately to the Guidance Office during his CAE IV periods, MWF, pending instruction from higher authorities, because the Guidance Coordinator would give him assignment in guidance services in lieu of his English subject load. Petitioner was also informed that Mrs. Farcolina Badilles would be assigned temporarily to CAE IV of Section Garcia while CAE IV of Section Luna would be handled by Mrs. Celestina Hipe until a qualified teacher assumes the two subject load. Petitioner would, however, remain assigned to the YDT/CAT Department. Presto clarified that the shifting of teachers' assignment/load was made in the interest and welfare of the students "as requested by them and their parents, and for the good of the service."<sup>[22]</sup> On that same day, Presto issued a memorandum to Mrs. Hipe and Mrs. Badilles informing them of their temporary subject load assignment in addition to their duties in the Guidance Department.<sup>[23]</sup>