

THIRD DIVISION

[G.R. No. 193236, September 17, 2018]

**FLORENCIA GARCIA-DIAZ PETITIONER, VS. SANDIGANBAYAN,
RESPONDENT.**

[G.R. Nos. 193248-49]

**JOSE G. SOLIS, PETITIONER, VS. SANDIGANBAYAN AND THE
PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

D E C I S I O N

LEONEN, J.:

Co-conspirators are liable collectively and equally for the common design of their criminal acts. When a contract that is grossly and manifestly disadvantageous to the government is entered into, the persons involved—whether public officers or private persons—may be charged for violating the Anti-Graft and Corrupt Practices Act and suffer the same penalty if found guilty beyond reasonable doubt.

This resolves two (2) Petitions for Review on Certiorari filed separately by Florencia L. Garcia-Diaz^[1] (Garcia-Diaz) and Jose G. Solis^[2] (Solis) assailing the Sandiganbayan March 3, 2010 Decision^[3] and July 29, 2010 Resolution^[4] that declared them guilty beyond reasonable doubt of violation of Section 3(g)^[5] of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act. Additionally, Solis was found guilty of falsification of public documents punished under Article 171, paragraph 4^[6] of the Revised Penal Code. The criminal cases were filed in connection with the execution of a Compromise Agreement involving 4,689 hectares of land located within Fort Magsaysay Military Reservation (Fort Magsaysay), a land of the public domain, but was almost registered under the name of Garcia-Diaz, a private person.

In 1976, Garcia-Diaz's predecessor-in-interest, Flora L. Garcia (Garcia), filed an application for registration of a 16,589.84-hectare property located in Laur and Palayan City, Nueva Ecija before the Court of First Instance of Nueva Ecija. Garcia based her application on the supposed title of her predecessor, Melecio Padilla (Padilla), as evidenced by Possessory Information Title No. 216 issued during the Spanish regime. The property was surveyed and its technical description provided in Bureau of Lands (BL) Plan II-6752.^[7] Garcia further alleged that she had been in possession of the property for 26 years, as of the filing of her application, in addition to the possession and enjoyment of her predecessors, which had lasted for more than 80 years.^[8]

The case was docketed as Land Registration Case No. 853, LRC-Record No. N-51127.^[9]

The Republic of the Philippines (the Republic) opposed Garcia's application mainly on the ground that the property sought to be registered formed part of Fort Magsaysay per Presidential Proclamation No. 237 dated December 19, 1955.^[10] The property, the Republic claimed, formed part of the public domain and was inalienable.^[11]

Despite the Republic's opposition, the Court of First Instance of Nueva Ecija granted Garcia's application for registration.^[12] This led to the Republic's filing of an appeal before the Court of Appeals, which was docketed as CA-G.R. CV No. 22217.^[13]

During the pendency of the appeal, Garcia died. She was substituted by her heirs, among them being Garcia-Diaz.^[14]

Meanwhile, in its February 26, 1992 Decision, the Court of Appeals reversed the decision of the Court of First Instance and dismissed Garcia's application for registration.^[15] It cited as basis the 1975 case of *Director of Lands v. Reyes*,^[16] which likewise involved an application for registration of the property covered by BL Plan II-6752, the same property Garcia was seeking to register. In *Director of Lands*, this Court found that no "Melecio Padilla" appeared in the list of holders of *información posesoria* titles in then Santos, now Laur, Nueva Ecija.^[17] The name "Melecio Padilla" appeared in the list for Peñaranda, Nueva Ecija but it only involved a land of smaller area.^[18] This Court in *Director of Lands* concluded that the possessory information title under the name of Padilla was unreliable; hence, it ordered the application for registration dismissed.^[19]

Garcia-Diaz's co-heirs then filed a motion for reconsideration, which was likewise denied by the Court of Appeals. They went on to file a Petition for Review on Certiorari before this Court, entitled *Flora L. Garcia v. Court of Appeals, et al.* and docketed as G.R. No. 104561, but it was likewise denied in this Court's April 8, 1992 Resolution for lack of reversible error in the challenged decision. The Motion for Reconsideration of the April 8, 1992 Resolution was denied with finality on June 15, 1992.^[20]

As for Garcia-Diaz, she did not join her co-heirs in appealing before this Court. Instead, during the pendency of her own motion for reconsideration before the Court of Appeals, she chose to amicably settle with the Republic. Through her counsel, then Atty. Fernando A. Santiago (Atty. Santiago), who later retired as a Court of Appeals Justice, Garcia-Diaz submitted a draft Compromise Agreement dated May 16, 1997 to then Solicitor General Silvestre H. Bello III (Solicitor General Bello).^[21]

In relation to the compromise being negotiated, representatives from the Department of Environment and Natural Resources, and Armed Forces of the Philippines on the one hand; and Garcia-Diaz and then Atty. Santiago as her counsel on the other, entered into an Agreement dated October 22, 1997.^[22] Under the Compromise Agreement, the National Mapping and Resource Information Authority (NAMRIA)^[23] was authorized to conduct the final preliminary evaluation survey and to clarify the technical description of the reservation in Proclamation No. 237, specifically, to determine which portion of the property described in BL Plan II-6752

coincided with the actual ground location of Fort Magsaysay.^[24] Salvador V. Bonnevie (Bonnevie), Executive Assistant to then NAMRIA Administrator Solis, chaired the meeting with Virgilio I. Fabian, Jr. (Fabian), Assistant Director of NAMRIA's Remote Sensing and Resource Data Analysis Department, serving as co-chair.^[25]

Solis then issued a Travel Order dated January 29, 2018, directing Senior Remote Sensing Technologists Ireneo T. Valencia (Valencia) and Arthur J. Viernes (Viernes) to proceed to Laur, Nueva Ecija and "relocate the tie points and corners 6 and 7 of Fort Magsaysay Military Reservation."^[26] Valencia and Viernes were to survey the area from January 30 to February 3, 1998 and were given transportation allowance and per diems. They were likewise allowed to hire emergency laborers for the survey.^[27]

As directed by Solis and with the assistance of some personnel from the City Environment and Natural Resources Office of Cabanatuan City, Nueva Ecija, Valencia and Viernes proceeded to Laur and conducted the survey. In their Summary Report, they confirmed that they were able to relocate the actual ground positions of corners 6 and 7 of Fort Magsaysay. They found that the Bureau of Lands Location Monuments remained in the position as earlier computed and plotted in the topographic map referred to in Presidential Proclamation No. 237. Attached to the Summary Report were the sketch map of Fort Magsaysay, and Valencia and Viernes' Field Notes or Traverse Computations.^[28]

Solis then wrote Solicitor General Ricardo P. Galvez (Solicitor General Galvez), who by then had replaced Solicitor General Bello. In his February 12, 1998 Letter, Solis essentially stated that the actual ground location of Fort Magsaysay did not match with the technical description as provided in Presidential Proclamation No. 237. Specifically, the team that surveyed the military reservation, headed by Valencia and Viernes, supposedly found corner points 6 and 7 in the technical description "misleading" and that "the [tie point] cannot be located, hence comparison with BL Plan II-6752 cannot be effected." Solis then recommended that Presidential Proclamation No. 237 be amended accordingly. The February 12, 1998 Letter more comprehensively stated:

This refers to CA-G.R. No. 22217 (LRC Case No. 853, LRC Rec. 511-27) regarding evaluation of the technical description of Proclamation No. 237 establishing Fort Magsaysay Military Reservation containing an approximate area of 73,000 hectares more or less.

In an agreement signed among the parties concerned (AFP, LMB, Applicant and NAMRIA), this office was tasked and authorized to replot and check the technical description of Proclamation No. 237 in reference to BL Plan II-6752, (Possessory Title Reg. No. 216).

Finding[s] disclose that the military reservation is not located in the topographic map sheets referred to in the technical description in Proclamation No. 237, that the description of corner points 6 and 7 are misleading and that the [tie point] cannot be located, hence comparison with BL Plan II-6752 cannot be effected.

The existence of the tie point of BL Plan II-6752 was verified by a team dispatched to relocate BLLM No. 1 and 2 and BBM 41 and 42 of Laur and Barangay San Isidro. It confirmed that the plottings made by this Office is geographically and accurately located in the ground.

The technical description of the portion of BL Plan II-6752 located outside the Fort Magsaysay Military Reservation is hereto attached as Annex "A". Points 6 and 7 of the Military Reservation were plotted in relation to BL Plan II-6752 in the survey plan attached hereto as Annex "B".

It is the recommendation of this authority to amend Proclamation No. 237 and to complete and finalize the plotting of the Military Reservation with corner points 6 and 7, which were located in relation to land monuments in Laur and Barangay San Isidro, N.E. in the attached plan, as the bases for the amendments.^[29]

However, it appears that three (3) drafts of the February 12, 1998 Letter were prepared. Two (2) of the drafts, both signed by Solis, explicitly provided that "the military reservation is not located in the topographic map sheets referred to in the technical description in Proclamation No. 237." Attached to the drafts was a survey plan, which plotted corner points 6 and 7 bounding Fort Magsaysay and showed the technical description of a portion of the property covered by BL Plan II-6752 that was located outside the military reservation. Thus, Solis recommended in those two (2) drafts that Presidential Proclamation No. 237 be amended and that the plotting of the military reservation with corner points 6 and 7 be completed and finalized. The third draft was not signed by Solis but was initialed by Fabian. It did not state that the existence of the tie point was verified by a survey team. This draft had no attachments.^[30]

The draft that reached Solicitor General Galvez was one of the two drafts declaring that the actual ground location of Fort Magsaysay did not conform with the technical description in Presidential Proclamation No. 237. This draft was signed by Solis but did not reflect Fabian's initials.^[31]

Based on the findings stated in the February 12, 1998 Letter, the Republic, through Solicitor General Galvez, and Garcia-Diaz, through her counsel, then Atty. Santiago, signed and jointly filed a Motion for Approval of Amicable Settlement dated May 18, 1999. In the Compromise Agreement, Garcia-Diaz agreed to withdraw her application for registration of the property covered by BL Plan II-6752 that was within Fort Magsaysay in exchange for the Republic's withdrawal of its opposition to the registration of the portion outside the reservation, a portion which was supposedly comprised of 4,689 hectares. Gaudencio A. Mendoza, Assistant Executive for Legal Affairs, and Bonnevie served as witnesses.^[32] The Compromise Agreement particularly provided:

1. The First Party [Garcia-Diaz] hereby withdraws her application for registration of title for the portion of the land described in BL Plan II-6752 which is situated within the military reservation described under

Presidential Proclamation No. 237;

2. The First Party [Garcia-Diaz] undertakes to set aside and donate to the government five hundred (500) hectares for development as housing project;

3. The Second Party [the Republic] hereby withdraws its opposition to the registration in the name of the First Party FLORENCIA GARCIA DIAZ, Filipino, of legal age, widow, of the portion of BL Plan II[-]6752 with an area of 4,689 hectares more or less (Annex "B") which is situated outside the Fort Magsaysay military reservation;

4. Both parties agree to submit this Compromise Agreement for approval and for judgment in accordance therewith by the Court of Appeals.^[33]

In its June 30, 1999 Resolution, the Court of Appeals granted the Motion for Approval of Amicable Settlement and rendered judgment based on the compromise.^[34]

On January 12, 2000, Solicitor General Galvez filed a Manifestation and Motion before the Court of Appeals. Thereafter, in its March 9, 2000 Resolution, the Court of Appeals *motu proprio* ordered and directed the Land Registration Authority to hold in abeyance the processing and issuance of the registration decree and certificate of title covering the 4,689-hectare property until Garcia-Diaz commented on the January 12, 2000 Manifestation and Motion filed by the Office of the Solicitor General.^[35]

In the meantime, Secretary of Environment and Natural Resources Antonio Cerilles directed the new NAMRIA Administrator, Isidro S. Fajardo, to form a team to investigate the alleged anomaly involving the Compromise Agreement.^[36] The Investigating Committee then submitted a Memorandum to the Administrator dated April 12, 2000, where they declared inaccurate the statement of then Administrator Solis in his February 12, 1998 Letter that a portion of the property described in BL Plan II-6752 was outside the technical description of Fort Magsaysay as provided in Presidential Proclamation No. 237.^[37] The Investigating Committee based its findings, among others, on Map SP 203, a plotting of technical description provided in Presidential Proclamation No. 237, which showed that the entire property described in BL Plan II-6752 was within the actual ground location of Fort Magsaysay.^[38]

A Motion to Set Aside Compromise Settlement dated June 5, 2001 was then filed before the Court of Appeals.^[39]

In the Information dated March 17, 2004,^[40] public officers Solicitor General Galvez, NAMRIA officials Solis, Fabian, Bonnevie, Valencia, and Viernes, and private person Garcia-Diaz were charged for violating Section 3(g)^[41] of the Anti-Graft and Corrupt Practices Act before the Sandiganbayan. The accusatory portion of the