

## THIRD DIVISION

**[ G.R. Nos. 212656-57, November 23, 2016 ]**

**MAYOR AMADO CORPUZ, JR., PETITIONER, VS. PEOPLE OF THE  
PHILIPPINES AND SANDIGANBAYAN, RESPONDENTS.**

### DECISION

**PEREZ, J.:**

This is a Petition for Review on Certiorari under Rule 45 of the Rules of Court assailing the Decision<sup>[1]</sup> and Resolution<sup>[2]</sup> of the Sandiganbayan (SB) in Criminal Case Nos. SB-12-CRM-0171 and SB-12-CRM-0172 dated 27 February 2014 and 23 May 2014, respectively, finding petitioner Mayor Amado. Corpuz, Jr. guilty beyond reasonable doubt of two (2) counts of Falsification of Public Document under Article 171, paragraph 4 of the Revised Penal Code (RPC).

#### *The Facts*

Petitioner, in his official capacity as the Municipal Mayor of Cuyapo, Nueva Ecija, was indicted for two (2) counts of the abovementioned criminal offense. The accusatory portions of the two (2) separate Informations filed against him before the SB are as follows:

#### CRIM. CASE NO. SB-12-CRM-0171

That on 28 October 2009 or sometime prior or subsequent thereto, in Cuyapo, Nueva Ecija, Philippines, and within the jurisdiction of this Honorable Court, the above-named [petitioner], a public officer, being the Municipal Mayor of Cuyapo, Nueva Ecija, acting in relation to his office and taking advantage of his official position, did there and then deliberately, willfully and feloniously, falsify the Certificate of Marriage of Manny Asuncion and Dina Lumanlan by certifying therein that it was he who solemnized their marriage when in truth and in fact, he was not the one who solemnized the same but rather Thelmo O. Corpuz, Sr., Local Civil Registrar (of) Cuyapo, Nueva Ecija, to the damage and prejudice of the said couple and of public interest.

#### CRIM. CASE NO. SB-12-CRM-0172

That on 18 December 2009 or sometime prior or subsequent thereto, in Cuyapo, Nueva Ecija, Philippines, and within the jurisdiction of this Honorable Court, the above-named [petitioner], a public officer, being the Municipal Mayor of Cuyapo, Nueva Ecija, acting in relation to his office and taking advantage of his official position, did there and then deliberately, willfully and feloniously, falsify the Certificate of Marriage of Alex Pascual and Esperanza Arizabal by certifying therein that it was he

who solemnized their marriage when in truth and in fact, he was not the one who solemnized the same but rather Thelmo O. Corpuz, Sr., Local Civil Registrar (of) Cuyapo, Nueva Ecija, to the damage and prejudice of the said couple and of public interest.<sup>[3]</sup>

As petitioner pleaded not guilty to both charges, trial ensued with the prosecution presenting five (5) witnesses, and the defense presenting three (3) witnesses, inclusive of documentary evidence admitted therein, in order to resolve the jointly proposed issue of "who among the parties the complainant on the one hand, [and] the married couples and the sponsors who attest to the fact that it was the accused who solemnized the said marriage is telling the truth?"

At the trial, the prosecution presented complainant Arsenio Flores, a retired government employee who testified that being one of the wedding sponsors of Alex Pascual and Esperanza Arizabal, he attended and witnessed the actual ceremony of their wedding which was solemnized by Thelmo Corpuz, Sr., the Municipal Registrar, and not petitioner, at the Municipal Registrar's Office where it was held; that with the knowledge that said Municipal Registrar was not authorized to solemnize marriage, he did not sign as a witness their marriage certificate, and thereafter searched for documents, including pictures and invitation cards, in order to establish such illegal acts; that based on the documents he gathered, it was made to appear that petitioner was the one who solemnized said marriages because of his signature appearing on the corresponding marriage certificates; and that he could not explain why the subject marriage certificate was already signed by petitioner when in fact he was not around during the ceremony, and was immediately given to them on the same day.<sup>[4]</sup> His testimony was corroborated by Honorato M. Tolentino, the brother-in-law of Alex Pascual, who testified that he rendered his services for free as a photographer during said wedding, and witnessed the actual ceremony, with the observation that it was Thelmo Corpuz, Sr. who solemnized the same.<sup>[5]</sup>

As to the marriage ceremony of Manny Asuncion and Dina Lumanlan, Jorge N. Lazaro, a freelance photographer and pilot, testified that the latter and her mother engaged his services as a photographer, and even requested his live-in partner, Tessie Atayde, to stand as one of the principal sponsors; that while taking photos for the event, he naturally witnessed the actual ceremony which was held at the Senior Citizen Building (now called Multi-Purpose Building); and that it was Thelmo Corpuz, Sr., the Municipal Registrar of Cuyapo, Nueva Ecija, who actually solemnized said marriage.<sup>[6]</sup>

Lastly, the prosecution presented as rebuttal witness, Thelmo O. Corpuz, Sr., who testified that complainant Arsenio Flores filed a case for usurpation of official functions against him before the Municipal Trial Court (MTC) in connection with the marriages of the couples, which he allegedly solemnized; that he changed his plea of NOT GUILTY to that of GUILTY, in order to have a peace of mind and to reveal the truth that it was actually him who solemnized said marriages; that it was actually him who was standing in front of both couples as shown by the pictures presented as evidence; that after pleading guilty, he immediately filed a Petition for Probation before the same court; that he did not execute any affidavit of desistance to that effect; and that his son Thelmo Corpuz III was already separated from the government service, and that in the recent local elections, the latter sided with the political rival of petitioner.<sup>[7]</sup> The above narration was corroborated and attested to

by witness Felicisima D. Almonte, Clerk of Court of the MTC, with the stipulation of the parties on the authenticity and due execution of its 15 July 2013 Decision. On cross-examination, she affirmed that as part of the records of the case, that there was a counter-affidavit attached therewith by Thelmo O. Corpuz, Sr., but without an affidavit of recantation against his previous counter-affidavit denying such accusations against him; and that during the last local election, both Thelmo O. Corpuz, Sr., and his son, Thelmo Corpuz, Jr., persuaded her to vote for petitioner's opponent.<sup>[8]</sup>

In his defense, petitioner himself testified. He insisted that he actually solemnized at his office the marriage of spouses Pascual and that of spouses Asuncion; that spouses Asuncion executed a joint affidavit of cohabitation based on Article 34 of the Family Code making them exempted from securing a marriage license as appearing in their marriage contract; that complainant Arsenio Flores was not present at the mayor's office when the wedding of spouses Pascual took place; that in the subject weddings, all signatures appearing on the marriage certificates were actually signed in his presence; that as a mayor for eighteen ( 18) years, he knew that the power to solemnize marriage cannot be delegated; and that he is aware that a case for usurpation of official function was filed against Thelmo O. Corpuz, Sr., but has no knowledge about his change of plea. The above testimonies were further bolstered by no other than the parties themselves of said marriage ceremonies. Both Alex Y. Pascual and Manny M. Asuncion appeared and testified that petitioner was indeed the one who solemnized their respective marriage; that their respective marriage is valid and legal; that both ceremonies were held at the mayor's office; and that, as reflected in the pictures shown by the prosecution, they appeared before Thelmo O. Corpuz, Sr. only to receive marriage counseling and to be taught on how to act during the actual ceremony, before they went to the mayor's office for the actual solemnization by petitioner.<sup>[9]</sup>

From the foregoing testimonial and documentary evidence, including the stipulations between the parties, the facts, as taken and appreciated by the SB, are presented as follows:

At the time material to the Informations, the [petitioner] was the incumbent Mayor of the Municipality of Cuyapo, Nueva Ecija, while Thelmo O. Corpuz, Sr. was the Municipal Civil Registrar until his retirement from the service in 2011.

As set forth on the invitation for the Asuncion-Lumanlan Nuptials, the couple was united in matrimony on October 28, 2009 at around 9:30 in the morning at Cuyapo Town Hall, Cuyapo, Nueva Ecija. Jorge N. Lazaro attended the occasion along with his live-in partner Tessie Atayde, who was one of the principal sponsors. Lazaro was hired as photographer for the event and was able to capture the actual ceremony. A marriage certificate was then issued to Spouses Asuncion, duly signed by the [petitioner] as the solemnizing officer.

Another wedding which took place at the Municipal Hall of Cuyapo, Nueva Ecija on December 18, 2009 at around 9:00 o'clock in the morning was that of Alex Pascual and Esperanza Arizabal. Among those present was Arsenio Flores who stood as one of the principal sponsors. The ceremony was similarly witnessed by Honorato M. Tolentino, a brother-in-law of the

groom who was also hired as photographer for the said wedding. As proof of the wedding, a marriage certificate bearing the signature of the [petitioner] as solemnizing officer was thereafter issued to spouses Pascual.

Displeased with what transpired during the wedding ceremony of Alez and Esperanza, Arsenio Flores came up with a complaint-affidavit, dated February 8, 2010, setting forth the violations committed by the [petitioner] and that of Thelmo O. Corpuz, Sr., the former as mere signatory of the marriage certificates, and the latter acting as the solemnizing officer on behalf of the mayor. Flores' declaration with respect to the Pascual-Arizabal nuptial was corroborated by the affidavit, dated March 22, 2010, of Honorato M. Tolentino, Sr., who covered the said wedding. Flores included in his affidavit other nuptials specifically that of Manny and Dina which was held on October 28, 2009 and which was also solemnized by Thelma Corpuz, Sr. His statement was supported by Jorge Lazaro's affidavit, dated March 22, 2010, inclusive of snapshots he personally took on that day. In view of Thelma O. Corpuz's entry of plea of guilty for two (2) counts of usurpation of official functions filed against him before the Municipal Trial Court of Cuyapo, Nueva Ecija, the court, in its Decision dated July 15, 2013, duly considered his plea of guilty as a mitigating circumstance, and imposed on him the straight penalty of one (1) year imprisonment for each case.

### DISCUSSION

In his memorandum, the [petitioner] maintains his innocence as he questions the trustworthiness and reliability of the prosecution's witnesses. According to him, the presumption of authenticity of public documents, the marriage certificates in these cases, should prevail over the inconsistent testimonies of the witnesses for the prosecution that it was not him who officiated these ceremonies. According to him also, the couples themselves through Alex and Manny, who are definitely in the best position to attest that it was the [petitioner] himself who solemnized their marriage, did so in open court and expressed such fact in their Joint Affidavits. Further, the rebuttal evidence of the prosecution *sans* the affidavit of recantation of Thelmo O. Corpuz, Sr., did not alter his previous declaration that he did not solemnize the subject weddings but the herein [petitioner] who rightfully certified his deed in the marriage certificates. With these, the defense avers that the prosecution failed to establish the guilt of the [petitioner] beyond reasonable doubt and, therefore, the [petitioner] should be acquitted.

On the other hand, in its memorandum, the prosecution asserts that from the pieces of evidence presented and the testimonies of its witnesses, it has proven all the elements of the offense charged based on the quantum of evidence required by law. The accused clearly committed falsification of public documents by making untruthful statements in a narration of facts when, by taking advantage of his official function, he certified in the marriage certificates of spouses Asuncion and spouses Pascual that as the Municipal Mayor, he personally solemnized their marriage when it was Thelmo O. Corpuz, Sr., the Municipal Civil Registrar,

who did so on his behalf. Thus, for this false declaration, the [petitioner] should be held criminally liable.<sup>[10]</sup>

### ***The Ruling of the Sandiganhayan***

In the assailed Decision dated 27 February 2014, the SB found petitioner guilty beyond reasonable doubt for the said crimes, the dispositive portion of which is stated hereunder for ready reference, to wit:

**WHEREFORE**, in light of all the foregoing, the Court finds [petitioner] **Amado R. Corpuz, Jr. GUILTY** beyond reasonable doubt for two (2) counts of Falsification of Public Document, defined and penalized under Article 171, paragraph 4 of the Revised Penal Code and, applying the Indeterminate Sentence Law, is hereby sentenced to suffer imprisonment of four (4) years and one (1) day of *prision correccional*, as minimum, to eight (8) years of *prision mayor*, as maximum, for each count, and to pay a fine of P5,000.00 for each case, with subsidiary imprisonment in case of insolvency.<sup>[11]</sup>

It ruled that with the prosecution's pieces of evidence taken together, all the elements of the crime of falsification of public documents, by making untruthful statements in a narration of facts, were adequately established. The SB further explained that being a local chief executive and duly authorized officer to solemnize marriage, petitioner was duty-bound to observe his solemn affirmation on the marriage certificates. More so, by taking advantage of his official position, petitioner certified the particulars of an event, the subject marriages, despite full knowledge that he did not personally solemnize the exchange of marital vows of spouses Pascual and spouses Asuncion. In other words, what he certified was absolutely false and for such reason, petitioner's guilt was established beyond reasonable doubt. By way of conclusion, the court stressed that in falsification of public or official documents, it is not necessary that there be present the idea of gain or intent to injure a third person because in the falsification of public document, what is being punished is the violation of the public faith and the destruction of the truth as therein solemnly proclaimed.<sup>[12]</sup>

Petitioner's motion for reconsideration thereof and his supplemental thereto were likewise denied for lack of merit in the 23 May 2014 Resolution.

Aggrieved, petitioner elevated the matter through a petition for review on *certiorari* before this Court asserting the following errors, grounds or arguments:

1. THE SANDIGANBAYAN (RESPONDENT COURT FOR BREVITY) COMMITTED SERIOUS REVERSIBLE ERROR OF LAW AND MATTERS OF SUBSTANCE NOT IN ACCORD WITH JURISPRUDENCE WHEN WITHOUT ANY JUSTIFICATION IT ADMITTED MERE PHOTOCOPIES OF PROSECUTION'S EVIDENCE, I.E., (1) INVITATION CARDS AND (2) PICTURES OVER THE OBJECTION OF THE DEFENSE -

1.1 WORSENERD BY THE ALLOWANCE OF SECONDARY EVIDENCE (AS A NECESSARY CONSEQUENCE IN ITS ADMISSION) WITHOUT COMPLIANCE WITH THE RUDIMENTS ON SECONDARY EVIDENCE; AND

1.2 SERIOUS MISAPPRECIATION OF FACT UPON ITS FAILURE