

FIRST DIVISION

[G.R. No. 201917, December 01, 2016]

**ZENAIDA P. MAAMO AND JULIET O. SILOR, PETITIONERS, VS.
PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

DECISION

CAGUIOA, J:

The constitutional right to be presumed innocent until proven guilty can only be overthrown by proof beyond reasonable doubt, that is, that degree of proof that produces conviction in an unprejudiced mind. Hence, where the court entertains a reasonable doubt as to the guilt of the accused, it is not only the right of the accused to be freed; it is the court's constitutional duty to acquit them.^[1]

The Case

Before the Court is an Appeal by *Certiorari*^[2] under Rule 45 of the Rules of Court (Petition) of the Decision dated June 16, 2011^[3] (questioned Decision) rendered by the Sandiganbayan-Second Division (SB). The questioned Decision stems from nine (9) criminal cases initiated by the Office of the Ombudsman (OMB) against petitioner Zenaida P. Maamo (Maamo), former Mayor of the Municipality of Lilo-an, Southern Leyte and petitioner Juliet O. Silor (Silor), then Assistant Municipal Treasurer (collectively, Petitioners) for "Malversation thru Falsification of Public/Official Document" under Article 217, in relation to Article 171 of the Revised Penal Code.^[4]

The common issue in the consolidated cases is the alleged falsification of public documents consisting of Time Books and Payrolls representing different time periods. Allegedly, fictitious laborers were made to appear as laborers in the said documents, which enabled the Petitioners to collect sums of money and misappropriate them for their personal use.

The Facts

Petitioners herein were accused of Malversation through Falsification of Public Documents in a Letter-Complaint dated April 10, 2001^[5] (Complaint) filed with the OMB detailing a series of acts allegedly committed by them. Petitioner Maamo filed a Counter-Affidavit dated July 9, 2001,^[6] denying the allegations contained in the Complaint for being "false, imaginary, capricious, baseless, and politically motivated".^[7] Petitioner Maamo claimed that based on the evidence presented, her alleged involvement in the disputed transactions was not sufficiently proven.^[8] Petitioner Silor likewise denied the accusations in the Complaint on the ground that the questioned disbursements were done regularly and that the payees actually received their wages for services rendered.^[9]

In its Resolution dated September 26, 2001,^[10] the OMB found probable cause against the Petitioners for Malversation through Falsification of Public Documents and recommended the filing of the necessary informations against them with the SB. The OMB disposed in the following wise:

Appreciating all the documentary evidences (*sic*) presented by both parties[,], this Investigator finds sufficient legal basis to hold respondents liable for Malversation through Falsification of Public Documents.

As shown by the record, there were names of contracted laborers appearing on the payroll(s) purportedly working on the Ring Weeding of the Tree Park and Orchard Project of the municipality. However, two of these persons were found to have been dead on January 29, 1997 and on January 1, 1998. While, a certain Monico Marqueda, Jr. claiming to be the son of Monico Marqueda, who died on January 29, 1997, executed an affidavit on July 9, 2001 that it was he and not his father who had worked on the project, as after the death of his father, he applied as a municipal worker and was fortunately hired sometime in the middle of 1997 until the later part of 1998, and claiming further that he called the attention of the payroll maker regarding the correction of his name which should have been Monico Marqueda, Jr., however, this inadvertence was never acted upon maybe because the payroll maker thought that the mistake was only a minor thing[.] [T]his, however, could not be given credence as a comparison of the signatures appearing on the payroll(s) and the signature on the affidavit disclosed remarkable difference. With regards (*sic*) to the other questioned name appearing on the payroll, of Agaton Pastira Goltia who allegedly died on January 1, 1998, respondent Zenaida Pil Maamo defended herself by claiming that she had no knowledge about his death and that she trusted and relied so much of the people working for her as it would be impractical and impossible to keep tract (*sic*) of their lives as long as the papers were in order, and besides all the supporting documents were already prepared when presented to her for signature. This defense could not erase the fact that she certified that this person worked in their project and received payment. This Investigator took notice of the evidence of complainant denominated as Exh. "F" "Claim for Insurance Benefit of Agaton Pastira Goltia" (p. 15, record).

Anent respondent Maamo's defense that her signature appearing above the printed word "Foreman or Timekeeper" was within her capacity as the Mayor since the funds used for the projects were municipal funds allotted for barangay projects, this Investigator finds it unusual for respondent to act as one. Why of all people, will she act as foreman? A timekeeper or a foreman is supposedly in the field supervising the workers. For respondent, to act as such and, not perform its job is indeed a (*sic*) gross negligence.

Lastly, and the most important thing is that, this Investigator is fully convinced that there never was any Municipal Tree Park Project. The

pictures presented by respondent Mayor clearly showed that it was a reforestation project or a mini forest in the municipality. Convincingly, the Certifications issued by the CENR Officer of San Juan, Southern Leyte and the DENR Officer in Maasin City, refuted the claim of respondent Mayor of any existing Mini-Forest or Tree Park registered in their respective offices in the municipality of Lilo-an, Southern Leyte. As between respondent Maamo's allegations and that of the CENR and DENR Officers, Certifications, the latter are given more credence.^[11]

Accordingly, nine (9) separate informations were filed before the SB, which are summarized below:^[12]

<i>Criminal Case No.</i>	<i>Period Covered</i>	<i>Description</i>	<i>Person Paid</i>
27117	July 1-15, 1997	P880.00 for labor, clearing, and vegetation control at highway	No name on the Time Book and Payroll but with signature
27118	September 16-30, 1997	P1,760.00 for labor, ring weeding of Municipal Tree Park & Orchard	Unnamed person and Monico Marqueda (alleged to have died on January 29, 1997) and reflected in Nos. 8 and 1 of the Time Book and Payroll
27119	November 17-28, 1997	P3,520.00 for labor for the maintenance of the Municipal Tree Park	No names on the Payroll but with signatures (several laborers as reflected in Nos. 1, 2, 3, & 4, of the Time Book and Payroll)
27120	January 2-15, 1998	P800.00 for labor for the maintenance of the Municipal Tree Park	Monico Marqueda (alleged to have died on January 29, 1997)
27121	January 16-31, 1998	P800.00 for labor for the maintenance of the Municipal Tree Park	Monico Marqueda (alleged to have died on January 29, 1997)
27122	February 1-15, 1998	P800.00 for labor for the maintenance of the Municipal Tree Park	Monico Marqueda (alleged to have died on January 29, 1997)
27123	February 16-27, 1998	P800.00 for labor for the maintenance of the Municipal Tree Park	Monico Marqueda (alleged to have died on January 29, 1997)
27124	February 16-28, 1998	P1,600.00 for labor for the	Agaton Pastira Goltea (alleged to

		maintenance of Gud-an to Cagbungal Road and San Isidro to Gud-an	have died on January 1, 1998)
27125	March 1-13, 1998	P800.00 for labor for maintenance of Municipal Tree Park	Monico Marqueda (alleged to have died on January 29, 1997)

Aggrieved, Petitioners filed an Urgent Motion for Leave to Pursue Motion for Reconsideration Before the Office of the Ombudsman and to Defer Arraignment of Accused dated March 11, 2002,^[13] which was granted by the OMB in a Resolution dated June 25, 2002.^[14]

After conducting a reinvestigation, the OMB merely reaffirmed its

Resolution dated September 26, 2001,^[15] as follows:

CONCLUDING, the undersigned confirms the sufficiency of evidence to warrant the finding that herein accused are probably guilty of the crime of Malversation thru falsification of public documents.

WHEREFORE, finding no ground to reverse, modify or alter the previous resolution which found probable cause against herein accused for the commission of nine (9) counts of the crime of Malversation thru falsification of public document, it is recommended that all the instant nine (9) criminal cases be sustained, affirmed and prosecuted.^[16]

Proceedings before the SB

The prosecution of the nine (9) criminal cases thereafter ensued. The evidence for both parties, as summarized by the SB in the questioned Decision,^[17] are as follows:

I. EVIDENCE FOR THE PROSECUTION

The first witness to testify for the Prosecution was **Oscar D. Balompo**. His testimony is offered as proof that the *Municipal Tree Park* claimed to be maintained by the Municipality of Lilo-an does not exist. He avowed that:

He was still the Senior Management Officer of the Department of Environment and Natural Resources DENR, Provincial Office based in Maasin, Southern Leyte.

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After a reforestation project is completed, the supervision over the area is turned over to the DENR, at which point the DENR assesses the survival rate of the trees planted. The rate of survival should be at 80% minimum.

Technically, the Local Government Unit has no more participation after the turn over.

Based on record the Project in the Municipality of Lilo-an was completed in June 1993. He remembers that during the turn over the trees were at an average height of 2.27 meters with an 84% survival rate. The conclusion therefore is it would not be necessary to call for the maintenance of the area.

He last visited the area in 1993 and he had not seen this Municipal Tree Park alleged to have been converted from a reforestation project.

On 25 May 2001, he was designated as Officer-in-Charge of the Community Environment and Natural Resources (CENRO) under the DENR. In such capacity he issued a Certification to the effect that there exists no Municipal Tree Park or Mini-Park on record with their office, in the Municipality of Lilo-an.

During his cross-examination he clarified that after the completion of a reforestation project the DENR takes over and the Local Government surrenders all its functions on the area, that all contracts of any sort of activity concerning the area should be recorded with the DENR.

He denied having any knowledge of the existence of any contract on record that would support the claim that the DENR has shared the maintenance of the area allegedly converted by the Municipality of Lilo-an into a Municipal Tree Park or Mini Orchard. However, he confirms the possibility that the Municipality may have coordinated with some officers of the DENR regarding the maintenance of the area.

The second witness of the Prosecution was **Rodolfo M. Jaca** who testified on the procedure necessary to establish a Municipal Tree Park and to validate that no Municipal Tree Park exists in the Municipality of Lilo-an. He professed that:

In 1994 he began to serve as the Provincial Environment and Natural Resources Officer of the DENR stationed at Maasin, Southern Leyte, having jurisdiction over the Municipality of Lilo-an. As such he is tasked to administer, supervise and manage the effective implementation of the projects, plans and programs of the DENR.

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On cross-examination, he confirmed that the Municipality of Lilo-an undertook a reforestation project. That after its completion in 1993 it was turned over to the DENR for its maintenance and protection. At the time of turn over, the