

THIRD DIVISION

[G.R. Nos. 174730-37, February 09, 2011]

**ROSALIO S. GALEOS, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

[G.R. NOS. 174845-52]

**PAULINO S. ONG, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

D E C I S I O N

VILLARAMA, JR., J.:

The consolidated petitions at bar seek to reverse and set aside the Decision^[1] promulgated on August 18, 2005 by the Sandiganbayan convicting petitioners Paulino S. Ong (Ong) of eight counts and Rosalio S. Galeos (Galeos) of four counts of falsification of public documents under Article 171, paragraph 4 of the Revised Penal Code, as amended.

The facts are as follows:

Ong was appointed Officer-in-Charge (OIC)-Mayor of the Municipality of Naga, Cebu on April 16, 1986. He was elected Mayor of the same municipality in 1988 and served as such until 1998.^[2]

On June 1, 1994, Ong extended permanent appointments to Galeos and Federico T. Rivera (Rivera) for the positions of Construction and Maintenance Man and Plumber I, respectively, in the Office of the Municipal Engineer.^[3] Prior to their permanent appointment, Galeos and Rivera were casual employees of the municipal government.

In their individual Statement of Assets, Liabilities and Net Worth (SALN) for the year 1993, Galeos answered "No" to the question: "To the best of your knowledge, are you related within the fourth degree of consanguinity or of affinity to anyone working in the government?" while Rivera indicated "n/a" on the space for the list of the names of relatives referred to in the said query.^[4] The boxes for "Yes" and "No" to the said query were left in blank by Galeos in his 1994 and 1995 SALN.^[5] Rivera in his 1995 SALN answered "No" to the question on relatives in government.^[6] In their 1996 SALN, both Galeos and Rivera also did not fill up the boxes indicating their answers to the same query.^[7] Ong's signature appears in all the foregoing documents as the person who administered the oath when Galeos and Rivera executed the foregoing documents.

In a letter-certification dated June 1, 1994 addressed to Ms. Benita O. Santos,

Regional Director, Civil Service Commission (CSC), Regional Office 7, Cebu City, it was attested that:

This is to certify that pursuant to the provisions of R.A. 7160, otherwise known as the Local Government Code of 1991, all restrictions/requirements relative to creation of positions, hiring and issuance of appointments, Section 325 on the limitations for personal services in the total/supplemental appropriation of a local government unit; salary rates; abolition and creation of positions, etc.; Section 76, organizational structure and staffing pattern; **Section 79 on nepotism**; Section 80, posting of vacancy and personnel selection board; Section 81 on compensation, etc. have been duly complied with in the issuance of this appointment.

This is to certify further that the **faithful observance of these restrictions/requirements was made in accordance with the requirements of the Civil Service Commission** before the appointment was submitted for review and action.^[8] (Emphasis supplied.)

The above certification was signed by Ong and HR Officer-Designate Editha C. Garcia.

On October 1, 1998, the members of the *Sangguniang Bayan* of Naga, Cebu filed a letter-complaint^[9] before the Office of the Ombudsman (OMB)-Visayas against Ong (then incumbent Vice-Mayor of Naga), Galeos and Rivera for dishonesty, nepotism, violation of the Code of Conduct and Ethical Standards for Public Officials and Employees and Anti-Graft and Corrupt Practices Act, and for the crime of falsification of public documents.

On August 11, 2000, Ombudsman Aniano Desierto approved the recommendation of OIC-Deputy Ombudsman for the Visayas that criminal charges be filed against Ong, Galeos and Rivera for falsification of public documents under Article 171 of the Revised Penal Code, as amended, in connection with the Certification dated June 1, 1994 issued by Ong and the false statements in the 1993, 1995 and 1996 SALN of Rivera and the 1993, 1994, 1995 and 1996 SALN of Galeos.^[10]

On August 16, 2000, the following Informations^[11] were filed against the petitioners:

Criminal Case No. 26181

That on or about the 14th day of February, 1994, in the Municipality of Naga, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, above-named [Paulino S. Ong and Rosalio S. Galeos] accused, public officers, being the former Municipal Mayor and Construction and Maintenance Man of the Office of the Municipal Engineer, Municipality of Naga, Cebu, in such capacity and committing the offense in relation to office, conniving and confederating together and

mutually helping with each other, with deliberate intent, with intent to falsify, did then and there willfully, unlawfully and feloniously falsify a public document, consisting of a **Sworn Statement of Assets and Liabilities, Disclosure of Business Interests and Financial Connections and Identification of Relatives In the Government Service, as of December 31, 1993**, filed by accused **Rosalio S. Galeos** and subscribed and sworn to before accused **Paulino S. Ong**, wherein accused **made it appear therein that they are not related within the fourth degree of consanguinity or affinity thereby making untruthful statements in a narration of facts**, when in truth and in fact, accused very well knew that they are related with each other, since accused Rosalio S. Galeos is related to accused Paulino S. Ong within the fourth degree of consanguinity, **the mother of accused Rosalio S. Galeos [being] the sister of the mother of accused Paulino S. Ong.**

CONTRARY TO LAW. (Emphasis supplied.)

Criminal Case No. 26182

That on or about the 15th day of February 1994, in the Municipality of Naga, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, above-named [Paulino S. Ong and Federico T. Rivera] accused, public officers, being the former Municipal Mayor and Plumber I of the Office of the Municipal Engineer, Municipality of Naga, Cebu, in such capacity and committing the offense in relation to office, conniving and confederating together and mutually helping with each other, with deliberate intent, with intent to falsify, did then and there willfully, unlawfully and feloniously falsify a public document, consisting of a **Sworn Statement of Assets and Liabilities, Disclosure of Business Interests and Financial Connections and Identification of Relatives In the Government Service as of December 31, 1993**, filed by accused **Federico T. Rivera** and subscribed and sworn to before accused **Paulino S. Ong**, wherein accused Federico T. Rivera **made it appear therein that he has no relatives within the fourth degree of consanguinity or affinity working in the government, thereby making untruthful statements in a narration of facts**, when in truth and in fact, as accused very well knew that they are related with each other, since accused Federico T. Rivera is related to accused Paulino S. Ong within the fourth degree of affinity, **the mother of Federico T. Rivera's wife being the sister of the mother of Paulino S. Ong.**

CONTRARY TO LAW. (Emphasis supplied.)

Criminal Case No. 26183

That on or about the 1st day of February, 1996, in the Municipality of Naga, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, above-named [Paulino S. Ong and Rosalio S. Galeos] accused, public officers, being the former Municipal Mayor and Construction and Maintenance Man of the Office of the Municipal

Engineer, Municipality of Naga, Cebu, in such capacity and committing the offense in relation to office, conniving and confederating together and mutually helping with each other, with deliberate intent, with intent to falsify, did then and there willfully, unlawfully and feloniously falsify a public document, consisting of a **Sworn Statement of Assets and Liabilities, Disclosure of Business Interests and Financial Connections and Identification of Relatives In the Government Service, as of December 31, 1995**, filed by accused **Rosalio S. Galeos** and subscribed and sworn to before accused **Paulino S. Ong**, wherein accused made it appear therein that they are not related within the fourth degree of consanguinity or affinity thereby making false statements in a narration of facts, when in truth and in fact, as accused very well knew that they are related with each other, since accused Rosalio S. Galeos is related to accused Paulino S. Ong within the fourth degree of consanguinity, **the mother of accused Rosalio S. Galeos being the sister of the mother of accused Paulino S. Ong.**

CONTRARY TO LAW. (Emphasis supplied.)

Criminal Case No. 26184

That on or about the 1st day of February 1996, in the Municipality of Naga, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, above-named [Paulino S. Ong and Federico T. Rivera] accused, public officers, being the former Municipal Mayor and Plumber I of the Office of the Municipal Engineer, Municipality of Naga, Cebu, in such capacity and committing the offense in relation to office, conniving and confederating together and mutually helping with each other, with deliberate intent, with intent to falsify, did then and there willfully, unlawfully and feloniously falsify a public document, consisting of a **Sworn Statement of Assets and Liabilities, Disclosure of Business Interests and Financial Connections and Identification of Relatives In The Government Service, [a]s of December 31, 1995**, filed by accused **Federico T. Rivera** and subscribed and sworn to before accused **Paulino S. Ong**, wherein accused **Federico T. Rivera** made it appear therein that he has no relatives within the fourth degree of consanguinity or affinity working in the government, thereby making untruthful statements in a narration of facts, when in truth and in fact, as accused very well knew that they are related with each other, since accused Federico T. Rivera is related to accused Paulino S. Ong within the fourth degree of affinity, **the mother of Federico T. Rivera's wife being the sister of the mother of Paulino S. Ong.**

CONTRARY TO LAW. (Emphasis supplied.)

Criminal Case No. 26185

That on or about the 5th day of February 1997, in the Municipality of Naga, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, above-named [Paulino S. Ong and Federico T. Rivera]

accused, public officers, being the former Municipal Mayor and Plumber I of the Office of the Municipal Engineer, Municipality of Naga, Cebu, in such capacity and committing the offense in relation to office, conniving and confederating together and mutually helping with each other, with deliberate intent, with intent to falsify, did then and there willfully, unlawfully and feloniously falsify a public document, consisting of a **Sworn Statement of Assets and Liabilities, Disclosure of Business Interests and Financial Connections and Identification of Relatives In The Government Service, [a]s of December 31, 1996**, filed by accused **Federico T. Rivera** and subscribed and sworn to before accused **Paulino S. Ong**, wherein accused **Federico T. Rivera made it appear therein that he has no relatives within the fourth degree of consanguinity or affinity working in the government, thereby making untruthful statements in a narration of facts**, when in truth and in fact, as accused very well knew that they are related with each other, since accused Federico T. Rivera is related to accused Paulino S. Ong **within the fourth degree of affinity, the mother of Federico T. Rivera's wife being the sister of the mother of Paulino S. Ong.**

CONTRARY TO LAW. (Emphasis supplied.)

Criminal Case No. 26186

That on or about the 3rd day of March, 1995, in the Municipality of Naga, Province of Cebu, Philippines, and within the jurisdiction of this Honorable Court, above-named [Paulino S. Ong and Rosalio S. Galeos] accused, public officers, being the former Municipal Mayor and Construction and Maintenance Man of the Office of the Municipal Engineer, Municipality of Naga, Cebu, in such capacity and committing the offense in relation to office, conniving and confederating together and mutually helping with each other, with deliberate intent, with intent to falsify, did then and there willfully, unlawfully and feloniously falsify a public document, consisting of a **Sworn Statement of Assets and Liabilities, Disclosure of Business Interests and Financial Connections and Identification of Relatives In the Government Services, as of December 31, 1994**, filed by accused **Rosalio S. Galeos** and subscribed and sworn to before accused **Paulino S. Ong**, wherein accused **made it appear therein that they are not related within the fourth degree of consanguinity or affinity thereby making untruthful statements in a narration of facts**, when in truth and in fact, as accused very well knew that they are related with each other, since accused Rosalio S. Galeos is related to accused Paulino S. Ong, within the fourth degree of consanguinity, **the mother of accused Rosalio S. Galeos being the sister of the mother of accused Paulino S. Ong.**

CONTRARY TO LAW. (Emphasis supplied.)

Criminal Case No. 26187

That on or about the 11th day of March, 1997, in the Municipality of