

SECOND DIVISION

[G.R. No. 168437, January 08, 2009]

**LAURINIO GOMA AND NATALIO UMALE, PETITIONERS, VS. THE
COURT OF APPEALS, PEOPLE OF THE PHILIPPINES, AND
SANGGUNIAN MEMBER MANUEL G. TORRALBA, RESPONDENTS.**

D E C I S I O N

VELASCO JR., J.:

The Case

Appealed, via this Petition for Review on Certiorari under Rule 45, is the Decision^[1] dated June 6, 2005 of the Court of Appeals (CA) in CA-G.R. CR No. 27963, affirming the July 28, 2003 Decision^[2] of the Regional Trial Court (RTC), Branch 26 in Santa Cruz, Laguna in Criminal Case No. SC-6712. The RTC convicted petitioners of the crime of falsification of public document under Article 171 of the Revised Penal Code (RPC).

The Facts

On the basis of the affidavit-complaint of Manuel Torralba and two other members of the *Sangguniang Barangay* of Brgy. Cabanbanan, Pagsanjan, Laguna, the Office of the Ombudsman for Luzon filed with the RTC in Sta. Cruz, Laguna an Information for falsification of public document under Art. 171(2) of the RPC against petitioners Laurinio Goma and Natalio Umale.^[3] Specifically, the complaint alleged that Laurinio and Natalio, as *barangay* chairperson and secretary, respectively, falsified a *barangay* resolution dated September 24, 1995, allocating the amount of Php 18,000 as disbursement for a seminar for the two officials. The indicting information, docketed as Crim. Case No. SC-6712 and raffled to Branch 26 of the Sta. Cruz RTC, alleged as follows:

That on or about September 24, 1995 in Barangay Cabanban [sic], Pagsanjan, Laguna, Philippines and within the jurisdiction of this Honorable Court, the above-named accused LAURINIO GOMA and NATALIO A. UMALI, both public officials, being the Barangay Chairman and Barangay Secretary, respectively, taking advantage of their official positions and committing the offense in relation to their office, in connivance and conspiracy with each other, did then and there, willfully, unlawfully and feloniously falsify a Resolution dated September 24, 1995, an official document, by indicating therein that aforesaid Resolution was passed on motion of Kagawad Renato Dizon, seconded by Kagawad Recaredo C. Dela Cruz and unanimously approved by those present in the meeting held on September 24, 1995 at 2:00 P.M., when in truth and in fact no meeting was held as no quorum was mustered, to the damage and prejudice of public interest.

CONTRARY TO LAW.^[4]

When arraigned, both Laurinio and Natalio, assisted by counsel, pleaded not guilty to the above charge. Pre-trial and trial then ensued.

The prosecution presented the three complaining witnesses,^[5] who testified that, for lack of quorum, no actual session of the *sanggunian* of Brgy. Cabanbanan took place on September 24, 1995, the day the disputed resolution was allegedly passed. On that day, according to the three, they went to the *barangay* health center to attend a pre-scheduled session which, however, did not push through as, apart from them, only one other member, i.e., Laurinio, came. But they later got wind of the existence of subject Resolution No. T-95 (Res. T-95) dated September 24, 1995, in which it was made to appear that all the *sanggunian* members attended the session of September 24, 1995 and unanimously approved, upon motion of *kagawad* Renato Dizon, duly seconded by *kagawad* Ricaredo dela Cruz, the allocation of PhP 18,000 to defray the expenses of two officials who would attend a seminar in Zamboanga. On the face of the resolution appears the signature of Natalio and Laurinio, in their respective capacities as *barangay* secretary and chairperson. It also bore the official seal of the *barangay*.

On October 15, 1995, the *sanggunian* held a special session during which it passed a resolution therein stating that no session was held on September 24, 1995.^[6]

In their defense, Natalio and Laurinio, while admitting having affixed their signatures on the adverted falsified resolution, alleged that said resolution was nothing more than a mere proposal or a draft which Natalio, as was the practice, prepared and signed a week before the scheduled September 24, 1995. They also alleged that the same resolution was not the enabling instrument for the release of the seminar funds.

The Ruling of the RTC

After trial, the RTC rendered on July 28, 2003 judgment, finding both Laurinio and Natalio guilty as charged and, accordingly, sentenced them, thus:

WHEREFORE, this Court finds both accused Laurinio Goma and Natalio A. Umali guilty beyond reasonable doubt as principals in the felony of falsification of public document punishable under Section [sic] 171 of the Revised Penal Code and there being neither aggravating nor mitigating circumstance, hereby imposes upon each of said accused the penalty of four (4) years and two (2) months of prision correccional, as minimum, to eight (8) years, and two (2) months of prision mayor, as maximum.

Costs against both accused.

SO ORDERED.^[7]

The RTC found Res. T-95 to have all the appearance of a complete and "true and genuine document," sealed and signed by the *Sanggunian* secretary.^[8] And for reasons set out in its decision, the trial court dismissed, as incredulous, the defense's theory, and the arguments propping it, about the subject resolution being

just a mere proposal.

The Ruling of the CA

From the RTC decision, Laurinio and Natalio appealed to the CA, their recourse docketed as CA-G.R. CR No. 27963, raising three issues, to wit: (a) whether Res. T-95 is a public document; (b) whether they violated Art. 171(2) of the RPC; and (c) whether the penalty imposed is proper. Answering all three issues in the affirmative, the CA, by its Decision dated June 6, 2005, affirmed that of the trial court, disposing as follows:

WHEREFORE, the 28 July 2003 Decision of Branch 26, Regional Trial Court of Santa Cruz, Laguna finding accused-appellants Laurinio Goma and Natalio A. Umali guilty beyond reasonable doubt of the crime of falsification of public document under Article 171(2) of the Revised Penal Code and sentencing them to suffer the penalty of four (4) years and two (2) months of *prision correctional* [sic], as minimum, to eight (8) years, and two (2) months of *prision mayor*, as maximum, is AFFIRMED. Costs against appellants.

SO ORDERED.^[9]

Petitioners are now before this Court raising the very same issues they earlier invoked before the CA, the first two of which may be reduced into the following proposition: Whether Res. T-95 may be characterized as a public document to bring the case, and render petitioners liable on the basis of the evidence adduced, under Art. 171(2) of the RPC.

The Court's Ruling

The petition is bereft of merit.

As a preliminary consideration, petitioners, in this recourse, merely highlight and discuss their defense that the subject resolution is a mere draft or proposed resolution not acted upon by the *sanggunian* for lack of quorum on September 24, 1995, and that they never had any criminal intent when they signed such proposed resolution. They deny having affixed the *barangay* official seal on the subject resolution.

Subject Resolution a Public Document

Under Sec. 19(a) of Rule 132, Revised Rules on Evidence, public documents include "[t]he written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country." Verily, resolutions and ordinances of *sanggunians*, be they of the *sanggunian panlalawigan*, *panlungsod*, *bayan*, or *barangay*, come within the pale of the above provision, such issuances being their written official acts in the exercise of their legislative authority. As a matter of common practice, an action appropriating money for some public purpose or creating liability takes the form of an ordinance or resolution.

Black defines a *public document* as "a document of public interest issued or

published by a political body or otherwise connected with public business."^[10] The term is also described as a document in the execution of which a person in authority or notary public takes part.^[11] There can be no denying that the public money-disbursing and seemingly genuine Res. T-95, in the preparation of which petitioners, in their official capacity, had a hand, is, in context, a public document in a criminal prosecution for falsification of public document. And it bears to stress that in falsification under Art. 171(2) of the RPC, it is not necessary that there be a genuine document; it is enough that the document fabricated or simulated has the appearance of a true and genuine document or of apparent legal efficacy.^[12]

Petitioners Guilty of Falsification

At the outset, it must be emphasized that the Court usually defers to factual findings of the trial court, more so when such findings receive a confirmatory nod from the appellate court. We explained in one case:

The rule is that the findings of fact of the trial court, its calibration of the testimonies of the witnesses and its assessment of the probative weight thereof, as well as its conclusions anchored on said findings, are accorded high respect if not conclusive effect. This is more true if such findings were affirmed by the appellate court. When the trial court's findings have been affirmed by the appellate court, said findings are generally binding upon this Court.^[13]

And this factual determination, as a matter of long and sound appellate practice, deserves great weight and shall not be disturbed on appeal, except only for the most convincing reasons,^[14] such as when that determination is clearly without evidentiary support on record^[15] or when the judgment is based on misapprehension of facts or overlooked certain relevant facts which, if properly considered, would justify a different conclusion.^[16] This is as it should be since it is not the function of the Court under Rule 45 of the Rules of Court to evaluate and weigh all over again the evidence presented or the premises supportive of the factual holdings of lower courts.^[17]

The case disposition of the CA and the factual and logical premises holding it together commend themselves for concurrence. Its inculpatory findings on the guilt of petitioners for falsification under Art. 171(2) of the RPC, confirmatory of those of the trial court, are amply supported by the evidence on record, consisting mainly of the testimony of the complaining witnesses and a copy of the subject resolution.

Art. 171(2) of the RPC provides as follows:

ART. 171. *Falsification by public officer, employee; or notary or ecclesiastical minister.*--The penalty of *prision mayor* and a fine not to exceed 5,000 pesos shall be imposed upon any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:

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