

## THIRD DIVISION

[ G.R. Nos. 166086-92, February 13, 2009 ]

**ELENO T. REGIDOR, JR. AND CAMILO B. ZAPATOS, PETITIONERS,  
VS. PEOPLE OF THE PHILIPPINES AND THE HONORABLE  
SANDIGANBAYAN (FIRST DIVISION), RESPONDENTS.**

**NACHURA, J.:**

Before this Court is a Petition<sup>[1]</sup> for Review on *Certiorari* under Rule 45 of the Rules of Civil Procedure seeking the reversal of the Sandiganbayan Decision<sup>[2]</sup> dated September 24, 2004, convicting petitioners Eleno T. Regidor, Jr. (Mayor Regidor), former City Mayor, and Camilo B. Zapatos (Zapatos), former member of the *Sangguniang Panglungsod* of Tangub City (petitioners), of the crime of falsification of public documents.

### ***The Facts***

Petitioners, along with Aniceto T. Siete, former Vice-Mayor, and one Marlene L. Mangao,<sup>[3]</sup> then Acting Secretary of the *Sangguniang Panglungsod* of Tangub City, were charged with the crime of falsification of public documents in the following Informations:<sup>[4]</sup>

### **Criminal Case No. 13689 filed on May 10, 1989**

That on or about the 23<sup>rd</sup> day of June, 1988, in the City of Tangub, Philippines, and within the jurisdiction of this Honorable Court, the accused **Eleno T. Regidor, Jr.**, Aniceto T. Siete, **Camilo B. Zapatos** and Marlene Mangao, all public officers being then the City Mayor, Vice Mayor and Presiding Officer of the Sangguniang Panglungsod, Temporary Presiding Officer, and Acting Sangguniang Panglungsod Secretary, respectively, of said City, and as such are authorized to attest and approve resolutions of the Sangguniang Panglungsod, and committing the crime herein charged in relation to their office, with grave abuse of confidence and taking advantage of their official/public positions, conspiring and confabulating with one another, did then and there willfully, unlawfully and feloniously falsify Resolution 50-A, of the Sangguniang Panglungsod of Tangub City, entitled: "A RESOLUTION GRANTING A SALARY INCREASE OF ALL EMPLOYEES EXCEPT CHIEFS, ASSISTANT CHIEF OF OFFICERS (sic) AND CITY OFFICIALS OF TANGUB CITY AT ONE HUNDRED PESOS (P100) A MONTH EFFECTIVE JULY 1, 1988," by then and there making it appear that the aforesaid Resolution was deliberated upon, passed and approved by the Sangguniang Panglungsod when in truth and in fact as accused well knew it was never taken up by said body, to the damage and prejudice of the Government.

Contrary to law.

**Criminal Case No. 13690 filed on May 10, 1989**

That on or about the 30<sup>th</sup> day [of] June, 1988, in Tangub City, Philippines, and within the jurisdiction of this Honorable Court, accused **Eleno T. Regidor, Jr.**, Aniceto T. Siete and Marlene L. Mangao, all public officers being the City Mayor, Vice-Mayor, and Presiding Officer of the Sangguniang Panglungsod and Acting Sangguniang Panglungsod Secretary, respectively, of the said City, and as such are authorized to attest and approve resolutions of the Sangguniang Panglungsod, and committing the crime herein charged in relation to their office, with grave abuse of confidence and taking advantage of their official/public positions, conspiring and confabulating with one another, did then and there willfully, unlawfully and feloniously falsify Resolution No. 56, of the Sangguniang Panglungsod of Tangub, entitled: RESOLUTION APPROVING SUPPLEMENTAL BUDGET NO. 2 OF THE SANGGUNIANG PANGLUNGSOD OF TANGUB CITY FOR THE CALENDAR YEAR 1988," by then and there making it appear that the aforesaid Resolution was deliberated upon, passed and approved by the Sangguniang Panglungsod when in truth and in fact as accused well knew it was never taken up by the said body, to the damage and prejudice of the government.

Contrary to law.

**Criminal Case No. 13691 filed on May 10, 1989**

That on or about the 30<sup>th</sup> day of June, 1988, in Tangub City, Philippines, and within the jurisdiction of this Honorable Court, accused **Eleno T. Regidor, Jr.**, Aniceto T. Siete, and Marlene L. Mangao, all public officers being the City Mayor, Vice-Mayor and Presiding Officer of the Sangguniang Panglungsod, and Acting Sangguniang Panglungsod Secretary, respectively, of said City, and as such are authorized to attest and approve resolutions of the Sangguniang Panglungsod, and committing the crime herein charged in relation to their office, with grave abuse of confidence and taking advantage of their official/public positions, conspiring and confabulating with one another, did then and there, willfully, unlawfully and feloniously falsify Resolution No. 56-A of the Sangguniang Panglungsod of Tangub entitled: "RESOLUTION APPROVING SUPPLEMENTAL BUDGET NO. 2 OF THE INFRA FUND OF TANGUB CITY FOR THE CALENDAR YEAR 1988," by then and there making it appear that the aforesaid Resolution was deliberated upon, passed and approved by the Sangguniang Panglungsod when in truth and in fact as accused well knew it was never taken up by said body, to the damage and prejudice of the government.

Contrary to law.

**Criminal Case No. 13692 filed on May 11, 1989**

That on or about the 14<sup>th</sup> day of July, 1988, in Tangub City, Philippines,

and within the jurisdiction of this Honorable Court, accused **Eleno T. Regidor, Jr.**, Aniceto T. Siete, and Marlene L. Mangao, all public officers, being the City Mayor, Vice-Mayor and Presiding Officer of the Sangguniang Panglungsod and Acting Sangguniang Panglungsod Secretary, respectively of said City, and as such, are authorized to attest and approve resolutions of the Sangguniang Panglungsod, and committing the crime herein charged in relation to their office, with grave abuse of confidence and taking advantage of their official/public positions, conspiring and confabulating with one another, did then and there willfully, unlawfully and feloniously falsify Resolution No. 63 of the Sangguniang Panglungsod of Tangub, entitled: "A RESOLUTION EARNESTLY REQUESTING HONORABLE ALFREDO BENGZON, SECRETARY, DEPARTMENT OF HEALTH, MANILA, THRU THE REGIONAL DIRECTOR, CANDIDO TAN, DEPARTMENT OF HEALTH, REGION X, CAGAYAN DE ORO CITY, TO APPOINT DR. SINFORIANA DEL CASTILLO AS CITY HEALTH OFFICER IN TANGUB CITY HEALTH OFFICE," by then and there making it appear that the aforesaid Resolution was deliberated upon, passed and approved by the Sangguniang Panglungsod when in truth and in fact as accused well knew it was never taken up by said body, to the damage and prejudice of the government.

Contrary to law.

#### **Criminal Case No. 13693 filed on May 10, 1989**

That on or about the 14<sup>th</sup> day of July, 1988, in Tangub City, Philippines, and within the jurisdiction of this Honorable Court, accused **Eleno T. Regidor, Jr.**, Aniceto T. Siete and Marlene L. Mangao, all public officers being the City Mayor, Vice-Mayor and Presiding Officer of the Sangguniang Panglungsod and Acting Sangguniang Panglungsod Secretary, respectively, of said City, and as such, are authorized to attest and approve resolutions of the Sangguniang Panglungsod, and committing the crime herein charged in relation to their office, with grave abuse of confidence and taking advantage of their official/public positions, conspiring and confabulating with one another, did then and there willfully, unlawfully and feloniously falsify Resolution No. 61 of the Sangguniang Panglungsod of Tangub, entitled: "A RESOLUTION REVERTING THE AMOUNT OF ONE HUNDRED THOUSAND PESOS (P100,000) FROM THE CONSTRUCTION OF SPORT CENTER TO COVER UP DEFICIENCIES OF APPROPRIATION IN THE INFRASTRUCTURE FUND," by then and there making it appear that the aforesaid Resolution was deliberated upon, passed and approved by the Sangguniang Panglungsod when in truth and in fact as accused well knew it was never taken up by the said body, to the damage and prejudice of the government.

Contrary to law.

#### **Criminal Case No. 13694 filed on May 10, 1989**

That on or about the 21<sup>st</sup> day of July, 1988, in the City of Tangub, Philippines, and within the jurisdiction of this Honorable Court, accused

**Eleno T. Regidor, Jr., Camilo B. Zapatos** and Marlene Mangao, all public officers being the City Mayor, Temporary Presiding Officer of the Sangguniang Panglungsod and Acting Sangguniang Panglungsod Secretary, respectively, and as such, are authorized to attest and approve resolutions of the Sangguniang Panglungsod, and committing the crime herein charged on relation to their office, with grave abuse of confidence and taking advantage of their official/public positions, conspiring and confabulating with one another, did then and there willfully, unlawfully and feloniously falsify Resolution No. 64, of the Sangguniang Panglungsod entitled: "A RESOLUTION ADOPTING A POSITION PAPER REGARDING THE CONTINUED EXISTENCE AND OPERATION OF TANGUB CITY AND REQUESTING HONORABLE LOURDES R. QUISUMBING FOR A RECONSIDERATION OF HER MEMORANDA," by then and there making it appear that the aforesaid resolution was deliberated upon, passed and approved by the Sangguniang Panglungsod when in truth and in fact as accused well knew it was never taken up by the said body, to the damage and prejudice of the government.

Contrary to law.

**Criminal Case No. 13695 filed on May 11, 1989**

That on or about the 21<sup>st</sup> day of July, 1988, in Tangub City, Philippines, and within the jurisdiction of this Honorable Court, accused **Eleno T. Regidor, Jr., Camilo B. Zapatos** and Marlene L. Mangao, all being public officers being City Mayor, Sangguniang Panlalawigan Member and concurrently Temporary Presiding Officer and Sangguniang Panlalawigan Secretary, respectively, of said City and as such, are authorized to attest and approve resolutions of the Sangguniang Panglungsod, and committing the crime herein charged in relation to their office, with grave abuse of confidence and taking advantage of their official/public positions, conspiring and confabulating with one another, did then and there, willfully, unlawfully and feloniously falsify Resolution No. 68, of the Sangguniang Panglungsod of Tangub, entitled: "RESOLUTION REQUESTING THE HONORABLE SECRETARY, DEPARTMENT OF BUDGET AND MANAGEMENT, MALACANANG, MANILA FOR AUTHORITY TO PURCHASE TEN (10) UNITS OF MOTORCAB, ONE (1) DOZEN MICROSCOPE COMPOUND, ONE (1) SET ENCYCLOPEDIA TEXTBOOKS, ONE (1) SET BRITANICA DICTIONARY, SEVEN (7) UNITS ELECTRIC TYPEWRITER (20" CARRIAGE), ONE (1) UNIT ELECTRIC FAN AND ONE (1) UNIT LOMBARDINI DIESEL ENGINE 4ID 820 FOR USE OF VARIOUS OFFICES OF TANGUB CITY," by then and there making it appear that the aforesaid Resolution was deliberated upon, passed and approved by the Sangguniang Panglungsod when in truth and in fact as accused well knew it was never taken up by the said body, to the damage and prejudice of the government.

Contrary to law.

Upon their arraignment on July 8, 1991, petitioners entered a plea of not guilty to all the charges. Marlene L. Mangao was not arraigned as the Sandiganbayan did not acquire jurisdiction over her person. Hence, an order for her arrest was issued which

remains unserved up to the present. On the other hand, Aniceto T. Siete passed away on March 12, 1991 before he could be arraigned.<sup>[5]</sup> Upon agreement of the parties, no pre-trial conference was conducted. Thereafter, trial on the merits ensued. In the course of trial, two varying versions arose and, as found by the Sandiganbayan, are culled as follows:

### **Evidence for the Prosecution**

The accused are all public officers in the City Government of Tangub City. Accused Eleno T. Regidor, Jr. was then the incumbent Mayor who assumed office on May 5, 1988, while accused Aniceto T. Siete as the incumbent Vice-Mayor and Presiding Officer of the Sangguniang Panglungsod. Accused Camilo B. Zapatos was the Acting Presiding Officer of the Sangguniang Panglungsod, while accused Marlene L. Mangao, who was a clerk in the Office of the Mayor, was designated as Acting Secretary of the City Council during the period corresponding to the alleged commission of the crimes charged against the accused.

When accused Eleno T. Regidor, Jr. assumed the mayoral post on May 5, 1988, it has been the practice that the proposals for resolutions and ordinances originated from him or his office. Often, when a proposal is put in the agenda of the Sangguniang Panglungsod, a prepared resolution is already available so that it will be easier for the City Council to just accept or adopt the resolutions.

During the session of the Sangguniang Panglungsod on July 27, 1988, the Council was presented with the Minutes for the sessions held on June 23, 30, July 14 and 21, respectively. The minutes of said sessions reflected resolutions and ordinances allegedly taken up, deliberated and passed upon by the Sangguniang Panglungsod namely: Resolution 50-A on June 23, 1988, Resolution 56 and 56-A on June 30, Resolution No. 63 and 61 on July 14, Resolution 64 and 68 on July 21. The actual copies of the Resolutions, Appropriations and Ordinances all contained the signatures of the four (4) accused and approving the same.

However, some of the Council Members questioned the validity of the said Resolutions and Ordinances. They alleged that the Resolutions and Ordinances were neither taken up, deliberated nor passed upon during the above-mentioned dates. Roberto O. [Taclob],<sup>[6]</sup> [private complainant] a former council member, testified that the questioned Resolutions were not taken up and thus could not have been deliberated nor passed upon. His testimony was corroborated by prosecution witnesses, Estrelita M. Pastrano, Elizabeth L. Duroy Albarico and Agustin L. Opay, all former members of the Sangguniang Panglungsod of Tangub City [private complainants]. Although the questioned resolutions were subsequently ratified by the Sanggunian through Resolution 94 by a vote of five (5) to four (4), with the four (4) complaining witnesses abstaining, dated October 15, 1988, the Council Members still filed a complaint with the Department of the Interior and Local Government (DILG) an administrative case against the four (4) accused for misconduct in office and neglect of duty. The councilors claim that they were prevented from [attending] the sessions of the Sanggunian for seven (7) months because