

## FIRST DIVISION

**[ G.R. Nos. 147578-85, January 28, 2008 ]**

**ROLANDO L. BALDERAMA, Petitioner, vs. PEOPLE OF THE PHILIPPINES and JUAN S. ARMAMENTO, Respondents.**

**[G.R. Nos. 147598-605]**

**ROLANDO D. NAGAL, Petitioner, vs. JUAN S. ARMAMENTO, Private Respondent, and THE SPECIAL PROSECUTOR, Public Respondent.**

### DECISION

**SANDOVAL-GUTIERREZ, J.:**

Before us are two consolidated petitions for review on *certiorari* under Rule 45 of the 1997 Rules of Civil Procedure, as amended, seeking to reverse the Joint Decision<sup>[1]</sup> of the Sandiganbayan dated November 17, 2000 in Criminal Cases Nos. 20669, 20670, 20672, 20674, 20675, 20676, 20677, and 20678; and its Resolution dated March 20, 2001.

Rolando L. Balderama, petitioner in G.R. Nos. 147578-85, and Rolando D. Nagal, petitioner in G.R. Nos. 147598-605, were employed with the Land Transportation Commission (LTO) assigned to the Field Enforcement Division, Law Enforcement Services. Juan S. Armamento, respondent in both cases, operates a taxi business with a fleet of ten (10) taxi units.

Acting on complaints that taxi drivers in the Ninoy Aquino International Airport discriminate against passengers and would transport them to their destinations only on a "contract" basis, the LTO created a team to look into the veracity of the complaints. Petitioners in these cases were members of the team, popularly known as "Flying Squad," together with Cipriano L. Lubrica and Cresencio de Jesus.

On July 14, 1992, the team flagged down for inspection an "SJ Taxi" owned by respondent. The team impounded the taxi on the ground that its meter was defective. However, upon inspection and testing by the LTO Inspection Division, the results showed that contrary to the report of the team, the meter waiting time mechanism of the vehicle was not defective and was functioning normally. The vehicle was released to respondent.

On December 2, 1992, respondent, feeling aggrieved of the malicious impounding of his vehicle, filed with the Office of the Ombudsman a complaint for bribery and violation of Section 3(e) of Republic Act (R.A.) No. 3019, as amended,<sup>[2]</sup> against herein petitioners as well as Lubrica and de Jesus. He alleged that prior to the impounding of his taxi, the four LTO officers had been collecting "protection money" from him. On February 15, 1992, they went to his office and proposed they would

not apprehend his drivers and impound his vehicles for violations of LTO rules, provided he gives them the amount of P400.00 every 15<sup>th</sup> and 30<sup>th</sup> day of the month. They agreed to the reduced amount of P300.00. On the same day, he started giving them P300.00 and from then on, every 15<sup>th</sup> and 30<sup>th</sup> day of the month until June 15, 1992. Thereafter, he failed to give them the agreed amount because his business was not doing well.

Eventually, the Office of the Ombudsman filed with the Sandiganbayan nine (9) Informations for violations of Article 210 of the Revised Penal Code<sup>[3]</sup> against petitioners and the other members of the team, docketed as Criminal Cases Nos. 20669-20677. All the Informations were identically worded, except the date of the commission of the crimes. For brevity, we reproduce the Information in Criminal Case No. 20669 as sample, thus:

#### Criminal Case No. 20669

That on or about February 15, 1992 or for sometime prior thereto in Makati, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused all public officers, being all employees of the Land transportation Office assigned with the Field Enforcement Division, Law Enforcement Services, committing the offense in relation to their office and taking advantage of their position, did then and there willfully, unlawfully and feloniously solicit, demand and receive from Juan Armamento, a taxicab operator, the amount of P300.00 in consideration for the said accused refraining from performing their official duty of conducting inspections on the taxicab units being operated by said Juan Armamento to determine any possible violation of LTO rules and regulations, thereby causing Juan Armamento and the public service damage and prejudice.

CONTRARY TO LAW.

They were also charged with violation of Section 3(e) of R.A. No. 3019, as amended. The Information, docketed as Criminal Case No. 20678, reads:

That on or about July 14, 1992 or for sometime prior or subsequent thereto, in Metro Manila, Philippines and within the jurisdiction of this Honorable Court, all accused public officers, being employees of the Land transportation Office, assigned with the Field Enforcement Division, Law Enforcement Services, while in the discharge of their official administrative functions, did then and there willfully, unlawfully and criminally cause undue injury to Juan Armamento, a taxicab operator, through evident bad faith by apprehending and impounding one (1) unit of his taxicab with Plate No. PKD-726 for alleged violation of LTO rules and regulations, in that, its meter is defective (waiting time not functioning), which was later on established to be not true, thereby depriving said Juan Armamento of the use of his taxicab unit for about three (3) days and to realize income thereon for the same period, as well as incur unnecessary expenses in effecting the release of his impounded unit from the impounding area of the LTO.

CONTRARY TO LAW.

Upon arraignment on June 30, 1994, the accused, assisted by counsel, pleaded not guilty. The cases were consolidated and tried jointly. Prior thereto, they were suspended *pendente lite* from the service for a period of ninety (90) days.

On March 5, 1999, accused de Jesus died. The cases against him were dismissed. The hearing proceeded against petitioners and Lubrica.

In a Decision dated November 17, 2000, the Sandiganbayan found petitioners and Lubrica guilty of direct bribery in seven (7) of the nine (9) Informations filed against them and were sentenced in each count "to suffer the indeterminate penalty of imprisonment of 4 years and 2 months, as minimum, to 5 years, 4 months and 20 days, as maximum, within the range of *prision correccional*, and to suffer the penalty of special temporary disqualification." They were further ordered to pay a fine of P300.00 without subsidiary imprisonment in case of insolvency and "to restitute the amount of P300.00 as alleged in the Informations." They were acquitted in Criminal Cases Nos. 20671 and 20673 for failure of the prosecution to establish their guilt beyond reasonable doubt.

Petitioners and Lubrica were also convicted in Criminal Case No. 20678 for violation of Section 3(e) of R.A. No. 3019, as amended, and were sentenced to suffer imprisonment of six (6) years and one (1) month, as minimum, to ten (10) years and one (1) day, as maximum. They were also disqualified perpetually from holding public office and were ordered to indemnify the respondent the amount of P1,500.00, representing his lost income for the 3-day period that the taxi cab remained in the LTO impounding unit.

Petitioners and Lubrica filed separate motions for reconsideration arguing that they were not yet grouped as a team on February 15, 1992, hence, there could be no conspiracy. While the motion was pending resolution, both petitioners filed separate motions for new trial based on an affidavit dated December 22, 2000 executed by respondent recanting his previous testimony and pointing to Lubrica and de Jesus as the only culprits.

On March 20, 2001, the Sandiganbayan denied the motions for reconsideration and the motions for new trial. In denying the motions for reconsideration, the Sandiganbayan ruled:

Anent the second argument, the Supreme Court has made these pronouncements:

Direct proof is not essential to prove conspiracy, as it may be shown by acts and circumstances from which may logically be inferred the existence of a common design, or may be deduced from the mode and manner in which the offense was perpetuated. (see *People v. Cabiling*, 74 SCRA 785; *People v. Tingson*, 47 SCRA 243; *People v. Alonso*, 73 SCRA 484).

Thus, for failure of the accused to controvert prosecution's evidence that all four of them went to the office of the private complainant on February 15, 1992 and offered him to refrain from subjecting his taxi units to apprehension for notation of LTO rules, provided that he comes across with the amount of P400.00 (later reduced to P300.00) to be delivered twice a month and it was accused Nagal who received the P300.00 on