

THIRD DIVISION

[G.R. No. 136502, December 15, 2000]

**RUFINA GREFALDE, MANUEL DIAZ, LINDY TVS ENRIQUEZ AND
FELIX LAWRENCE SUELTO, PETITIONERS, VS. SANDIGANBAYAN
(THIRD DIVISION), AND THE PEOPLE OF THE PHILIPPINES,
RESPONDENTS.**

[G.R. No. 136505]

**MANUEL DIAZ, PETITIONER, VS. SANDIGANBAYAN AND THE
PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

D E C I S I O N

GONZAGA-REYES, J.:

Before us is the latest of a number of graft convictions appealed to this Court from the Sandiganbayan, involving transactions of the highway engineering districts of the then Ministry of Public Works and Highways ("MPWH" or "the Ministry")^[1] in Region VII (Central Visayas) during the late 1970s.^[2]

Petitioners are four of the fifty six (56) persons indicted for graft charges affecting transactions of the Negros Oriental Highways and Engineering District ("NOHED") in 1977 and 1978. For violation of Section 3(e) of the Anti-Graft and Corrupt Practices Act or Republic Act No. 3019 ("R.A. 3019")^[3], petitioners Rufina Grefalde and Lindy Enriquez were charged before the Sandiganbayan in fifty five (55) Informations in Criminal Case Nos. 1445-1499; petitioner F. Lawrence Suelto, Jr., in seventeen (17) Informations in Criminal Case Nos. 1448, 1458-1459, 1461, 1463, 1467-1468, 1470, 1474, 1458-1478, 1487-1489 and 1495-1496; and petitioner Manuel Diaz in three (3) Informations in Criminal Case Nos. 1475, 1481 and 1492.

All four petitioners are employees of the MPWH assigned at NOHED, Dumaguete City in 1977 to 1978. Petitioner Grefalde was the district accountant; petitioner Enriquez was the property custodian; petitioner Suelto a project engineer, and petitioner Diaz was a laborer/checker under the supervision of petitioner Enriquez.

The Informations in all these cases were worded similarly, except for the names of the persons charged, dates and places of commission of the offense, amounts involved, and supporting documents. For brevity, we adopt the method of the Sandiganbayan in its decision and reproduce only the Information in Criminal Case No. 1445, underlining and indexing with numbers the portions thereof which differ from those alleged in the other Informations. Thus:

That on or about August 2, 1977 up to and including September 9, 1977,
^[4] in the Cities of Cebu, Dumaguete and the Province of Negros Oriental

and within the jurisdiction of the Honorable Sandiganbayan, the accused NORBERTO BERNAD, District Engineer, NOHED, Dumaguete City; MANUEL DE VEYRA, Director, MPH, Region VII, Cebu City; ADVENTOR FERNANDEZ, Highway Regional Director, MPH, Region VII, Cebu City; RUFINA GREFALDE, District Accountant, NOHED, Dumaguete City; NAPOLEON CLAVANO, Supervising Civil Engineer I, NOHED, Dumaguete City; ROLANDO MANGUBAT, Regional Accountant, MPH, Region VII, Cebu City; ANGELINA ESCAÑO, Finance Officer, MPH, Region VII, Cebu City; LINDY TVS ENRIQUEZ, Property Officer/Custodian, NOHED, Dumaguete City; EFREN COYOCA, District Auditor, NOHED, Dumaguete City; HERACLEO FAELNAR, Acting Assistant Regional Director, MPH, Region VII, Cebu City; JAIME OBSEQUIO, Assistant District Engineer III, NOHED, Dumaguete City; TEODORICO QUILNET, Materials Testing Engineer, NOHED, Dumaguete City; BLAS BALDEBRIN, Administrative Officer, NOHED, Dumaguete City; GLORIA RENACIA, Auditing Aide II, District Auditor's Office, NOHED, Dumaguete City; DELIA PREAGIDO, Assistant Regional Accountant, MPH, Region VII, Cebu City; ORLANDO RAMIREZ, Employee, NOHED, Dumaguete City; JESUS PEDROZA, JR., Laborer, NOHED, Dumaguete City; and OTHERS whose identities are not yet known in conspiracy with each other, all taking advantage of their official positions, with the indispensable cooperation and/or direct participation of CLODUALDO GOMILLA, Private Contractor, with evident bad faith, manifest partiality and/or gross inexcusable negligence did there and then willfully, knowingly and unlawfully cause undue injury to the Republic of the Philippines in the amount of THIRTY THOUSAND FOUR HUNDRED AND SEVENTY PESOS (P30,470.00)^[5], Philippine Currency, by falsifying Negros Oriental Highway Engineering District General Voucher No. 1033^[6] dated September 8, 1977 and Treasury Check No. 2887422^[7] dated September 9, 1977 in the amount of P30,470.00 and its supporting documents, such as, the Request for Obligation of Allotment ("ROA"), Request for Supplies and Equipment ("RSE"), Purchase Order ("PO"), Report of Inspection ("ROI"), Daily Tally Sheets and Delivery Receipts ("DR"), simulating them to appear regular as payment for 1,000 cubic meters^[8] of Item 200 and charging this General Voucher 1033 to Letter of Advice of Allotment No. 107-703-038-77; 107-703-038-77; 107-703-037-77 and 107-703-037-77^[9], when in truth and in fact as all the accused knew there were no actual deliveries and receipts of the said Item 200, the foregoing documents were simulated, falsified and incorrect and that the LAA No. 107-703-038-77; 107-703-038-77; 107-703-037-77 and 107-703-037-77 are without budgetary basis and not covered by any Sub-Advice of Allotment from the Ministry of Public Highways, Manila, and further by manipulating the books of accounts of the MPH, Region VII, all for the purpose of covering their criminal act, and finally, upon receipt of the said amount of THIRTY THOUSAND FOUR HUNDRED AND SEVENTY PESOS (P30,470.00), Philippine Currency, the said accused misappropriated, converted and misapplied the same for their personal gain and profit.

CONTRARY TO LAW.^[10]

The following tabulation supplies the data corresponding to the particulars alleged in each of the Informations for which petitioners are charged:

Crim. Case No.	Date of Commission	Amount	Gen. Voucher No.	Treasury Check No.	Quantity of Item 200	LAA No.
1446	8-2-77 to 9-9-77	P25,630.00	1034	2887423	1,000 cu. m.	107-703-037-77
1447	8-2-77 to 9-14-77	P21,816.52	1043	2887432	716 cu. m.	107-703-038-77
1448	8-31-77 to 9-30-77	P46,018.19	1219	2887590	1800 cu. m.	107-703-033-77
1449	11-10-77 to 11-25-77	P37,800.00	1413	4215382	1050 cu. m.	107-703-039-77
1450	11-10-77 to 11-28-77	P36,000.00	1414	4215383	1000 cu. m.	107-703-039-77
1451	11-10-77 to 11-29-77	P38,800.00	1418	4215387	1000 cu. m.	107-703-039-77
1452	11-10-77 to 12-7-77	P38,000.00	1474	4215437	1000 cu. m.	107-703-038-77; 107-703-039-77
1453	11-10-77 to 12-8-77	P37,800.00	1481	4215444	1050 cu. m.	107-703-038-77
1454	11-10-77 to 12-8-77	P36,000.00	1483	4251448	1000 cu. m.	107-703-038-77
1455	11-10-77 to 12-12-77	P19,982.00	1550	-	515 cu. m.	107-703-039-77
1456	11-10-77 to 12-19-77	P19,361.20	1566	4788695	499 cu. m.	107-703-039-77
1457	10-6-77 to 12-29-77	P33,734.54	1626	4788753	961.75 cu.m.	107-703-58-77
1458	10-6-77 to 12-29-77	P46,608.40	1627	4788754	1400 cu. m.	107-703-58-77
1459	10-6-77 to 12-29-77	P13,553.10	1691	4788801	420 cu. m.	107-703-58-77

1460	10-6-77 to 12-29-77	P45,055.00	1705	4788814	1250 cu. .m.	107- 703-58- 77
1461	10-6-77 to 12-29-77	P45,542.50	1708	4788817	1250 cu. m.	107- 703-58- 77
1462	8-31-77 to 12-29-77	P47,138.00	1709	4788818	1300 cu. m.	107- 703-58- 77
1463	10-6-77 to 12-29-77	P16,345.09	1710	4788819	471.04 cu.m.	107- 703-58- 77
1464	10-6-77 to 12-29-77	P46,592.50	1712	4788821	1250 cu. m.	107- 703-58- 77
1465	10-4-77 to 1-19-78	P46,225.00	13	4788839	1200 cu. m.	107- 703-58- 77
1466	8-31-77 to 1-20-78	P46,163.75	16	4788841	1250 cu. m.	107- 703-58- 77
1467	8-31-77 to 1-26-78	P29,968.40	38	-	880 cu. m.	107- 703-58- 77
1468	8-31-77 to 1-26-78	P13,302.40	39	4788861	400 cu. m.	107- 703-58- 77
1469	8-31-77 to 1-20-78	P46,551.25	40	4788863	1250 cu. m.	107- 703-58- 77
1470	8-31-77 to 1-27-78	P17,237.82	43	4788865	528.96 cu.m.	107- 703-58- 77
1471	8-31-77 to 2-1-78	P46,163.00	81	4788892	1300 cu. m.	107- 703-58- 77
1472	8-31-77 to 2-6-78	P12,880.96	89	4788900	388.25 cu.m.	107- 703-58- 77
1473	8-31-77 to 3-2-78	P46,163.00	194	4789778	1300 cu. m.	107- 703-58- 77
1474	3-8-78 to 3-31-78	P45,612.50	383		1,250 cu. m.	107- 703- 014-78
1475	3-8-78 to 3-28-78	P46,163.00	335	6380472	1300 cu. m.	107- 703- 014-78
1476	3-8-78 to 4-11-78	P45,292.00	391	4789948	1350 cu. m.	107- 703- 014-78
1477	3-8-78 to 4-11-78	P45,612.50	392	4789949	1250 cu. m.	107- 703-

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1478	3-8-78 to 4-11-78	P45,292.50	393	4789950	1350 cu. m.	107- 703- 014-78
1479	3-8-78 to 4-21-78	P12,570.54	454	789994	354 cu. m.	107- 703- 014-78
1480	3-8-78 to 4-26-78	P45,598.00	497	7057656	1400 cu. m.	107- 703- 014-78
1481	3-8-78 to 4-24-78	P45,612.50	480	7057642	1250 cu. m.	107- 703- 014-78
1482	3-8-78 to 4-28-78	P33,500.00	537	7057687	1000 cu. m.	107- 703- 014-78
1483	3-8-78 to 5-5-78	P10,563.00	574	7057723	350 cu. m.	107- 703- 014-78
1484	3-8-78 to 5-5-78	P10,653.00	575	7057723	300 cu. m.	107- 703- 014-78
1485	3-8-78 to 6-20-78	P22,939.46	879	7058619	646 cu. m.	107- 703- 014-78
1486	3-30-78 to 8-8-77	P45,822.00	1132	7059717	1400 cu. m.	107- 703- 134-78
1487	3-30-78 to 8-7-78	P37,602.00	1102	7059696	1000 cu. m.	107- 703- 134-78
1488	3-31-78 to 8-7-78	P38,587.50	1103	7059697	1250 cu. m.	107- 704- 158-78
1489	3-31-78 to 8-7-78	P38,587.50	1104	7059697	1250 cu. m.	107- 704- 158-78
1490	Info. not available					
1491	3-30-78 to 8-8-78	P34,812.00	1114	7059708	1200 cu. m.	107- 703- 134-78
1492	3-30-78 to 8-8-78	P35,370.00	1115	7059709	1200 cu. m.	107- 703- 134-78
1493	3-30-78 to 8-9-78	P32,934.00	1136	7059721	1100 cu. m.	107- 703- 134-78
1494	3-30-78 to 8-11-78	P19,305.91	1147	7059738	593 cu. m.	107- 703- 134-78
1495	3-30-78 to 8-22-78	P37,602.00	1199	8646252	1200 cu. m.	107- 703-