

THIRD DIVISION

[G.R. No. 124140, November 25, 1999]

**BERNARDO B. RESOSO, PETITIONER, VS. SANDIGANBAYAN,
RESPONDENT.**

D E C I S I O N

GONZAGA-REYES, J.:

In this petition for certiorari, prohibition and mandamus with preliminary injunction, Bernardo Resoso seeks to set aside respondent's Resolution dated February 2, 1996 denying his Demurrer to Evidence in Civil Cases Nos. 19773-19779 entitled "People vs. Bernardo B. Resoso", and Resolution dated March 12, 1996, denying his Motion for Reconsideration of the earlier Resolution.

Under date of September 29, 1993, seven (7) informations for falsification of public document under Article 171, paragraph 6 of the Revised Penal Code were filed with respondent court against the petitioner, for allegedly making alterations/changes in the quality, quantity and country of origin of the items sought and approved to be imported under certain Veterinary Quarantine Clearances to Import, taking advantage of his public position as Executive Officer, National Meat Inspection Commission (NMIC), which alterations or intercalations in the documents changed their meaning and/or made the documents speak something false, to the damage and prejudice of public interest.

Petitioner entered a plea of not guilty upon arraignment. During the trial, the prosecution presented four (4) witnesses, namely, (1) Rosario Agustin, the Records Officer of the NMIC; (2) Dr. Romeo N. Alcasid, Director, Bureau of Animal Industry, Department of Agriculture; (3) Delia Ang, Public Relations Officer and Clerk, NMIC and (4) Senen C. Bacani, former Secretary, Department of Agriculture. The Special Prosecutor made a written offer of exhibits, which were admitted by the court. With leave of court, petitioner filed a Demurrer to Evidence alleging that by the evidence presented by the prosecution itself the guilt of the accused has not been established beyond reasonable doubt, and he is entitled to an acquittal.

The Demurrer to Evidence was denied in the assailed order of February 2, 1996, as follows:

"The `DEMURRER TO EVIDENCE' dated November 20, 1995 of the accused is Denied.

At this stage, the issue raised by the accused in his defense, i. e. good faith, is not yet apparent. There is no question of making the documents speak of the truth since this is not a narration of facts where errors are corrected or altered because they are incorrect. Rather the cases herein refer to alterations which authorize acts which were not theretofore authorized, i.e., importation of one quantity of meat instead of another,

from countries of origin not originally authorized therein.

Among the other issues in falsification such as those charged herein is the integrity of public documents and the need for purposes of public order not to alter their tenor. In this case the documents appear to have been altered to authorize something distinct from what the person charged therewith had authorized and for which the officer who altered the same does not appear to have been authorized."^[1]

Petitioner filed a Motion for Reconsideration submitting that the evidence of the prosecution showed that (1) the alterations or changes in the Veterinary Quarantine Clearances in question were authorized and the good faith of the accused is already clear at this stage of the case in light of the testimony of Adelia P. Ang. Dr. Romeo Alcasid and former Secretary of Agriculture Senen C. Bacani.

Motion for Reconsideration was denied. The respondent court stated in its Resolution of March 5, 1996, as follows:

"The `MOTION FOR RECONSIDERATION' dated February 12, 1996, of the accused, is Denied.

What are apparent from the testimony of prosecution's evidence on record are that:

1. while the changes as to the meat that could be imported were not of concern to then Secretary Senen C. Bacani, Sec. Bacani categorically denied that he authorized the alterations;
2. while he stated how the changes could be made, Sec. Bacani was merely establishing a procedure, he was not saying that this had actually happened.

The basis for the Motion for Reconsideration does not exist in the record to justify an acquittal of the accused at this time."^[2]

The instant petition raises the following grounds for the issuance of the writs prayed for:

"Respondent court gravely abused its discretion, amounting to lack of jurisdiction, when it denied petitioner's `DEMURRER to EVIDENCE' on the ground that `good faith, is not yet apparent' and `the officer who altered the same does not appear to have been authorized'.^[3]

Petitioner claims that the prosecution evidence clearly shows the good faith of the petitioner, as the alterations/changes in the VOC's in question were duly authorized by then Undersecretary Conrado Gozon, who had direct supervision over the National Meat Inspection Commission (NMIC) at that time, and were made in accordance with the then prevailing practice in the NMIC. The prosecution having failed to establish the guilt of the petitioner beyond reasonable doubt, he is entitled to an acquittal.

Respondent People filed Comment. It disagreed with petitioner's argument that the alterations and changes in the VOC's were authorized and/or cleared through the