

NINTH DIVISION

[CA-G.R. SP No. 129021, March 24, 2015]

**ROSALINDA C. BENITEZ, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

DECISION

PAREDES, J.:

THE CASE

THIS PETITION FOR REVIEW^[1], filed by petitioner Rosalinda C. Benitez (petitioner), seeks to annul and set aside the Decision^[2] dated February 22, 2013 issued by the Regional Trial Court, Branch 12, Manila (RTC), in Criminal Case No. 12-292375 which affirmed the Decision^[3] dated April 18, 2012 of the Metropolitan Trial Court, Branch 29, Manila (MeTC), in Criminal Case No. 455946-CR. The dispositive portion^[4] of the RTC Decision reads, as follows:

WHEREFORE, premised on the foregoing considerations, the Decision dated April 18, 2012, of the Metropolitan Trial Court, Branch 29, Manila, in Criminal Case No. 455946-CR is concerned (*sic*) is AFFIRMED. Consequently, instant Appeal is ordered DISMISSED for lack of merit.

SO ORDERED.

THE ANTECEDENTS

Two cases for *Perjury*, docketed as MeTC Criminal Case Nos. 455946 to 47, were filed against petitioner based on two Informations, reading thus:

Crim. Case No. 455946-CR^[5]

That in March 2005, or sometime prior or subsequent thereto, in the City of Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, a public officer, being the medical officer/medical specialist II of Dr. Jose Fabella Memorial Hospital, did then and there willfully, unlawfully, feloniously and knowingly make an untruthful statement under oath, by subscribing and swearing to the truth of the contents of her Statement of Assets, Liabilities and net worth (SALN) for the year ending December 2004, before an administering officer, which SALN she filed with Dr. Jose Fabella Memorial Hospital, is required by law, and wherein she stated that her NETWORTH (Total Assets less total liabilities) is Seventy Thousand Pesos (P70,000.00), when in truth and in fact, as the said accused well knew that the material allegation or statement in her SALN is false, the truth being that for the same year, she indicated in her SALN with the Manila Health Department,

of which she is also an employee, a NETWORTH of Two Hundred Eighty Thousand Pesos (P280,000.00), thereby making a willful and deliberate assertion of falsehood, to the damage and prejudice of public interest.

CONTRARY TO LAW.

Crim. Case No. 455947-CR^[6]

That in April 2004, or sometime prior or subsequent thereto, in the City of Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, a public officer, being the Medical Officer/Medical Specialist II of Dr. Jose Fabella Memorial Hospital, did then and there willfully, unlawfully, feloniously and knowingly make an untruthful statement under oath, by subscribing and swearing to the truth of the contents of her Statement of Assets, Liabilities and Net Worth (SALN) for the year ending December 2003, before an administering officer, which SALN she filed with the Dr. Jose Fabella Memorial Hospital, is required by law, and wherein she stated that her NETWORTH (Total Assets less total liabilities) is Two Hundred Seventy Thousand Pesos (P270,000.00), when in truth and in fact, as the said accused well knew that the material allegation or statement in her SALN is false, the truth being that in the same year, she indicated in her SALN with the Manila Health Department, of which she is also an employee, a NETWORTH of Two Hundred Thousand Pesos (P200,000.00), thereby making a willful and deliberate assertion of falsehood, to the damage and prejudice of public interest.

CONTRARY TO LAW.

Petitioner filed an Urgent Motion for Judicial Determination of Probable Cause and To Defer Issuance of Warrant of Arrest and Motion to Quash. The MeTC denied the motions in an Order dated April 5, 2010^[7]. Pre-trial was conducted and terminated^[8]. Thereafter, trial of the case proceeded.

The prosecution presented Ms. Corazon Natividad^[9], Administrative Officer II of Dr. Jose Fabella Memorial Hospital (FABELLA), and Ms. Liwayway Palor^[10], personnel officer of the Manila Health Department (MHD). After the testimony of the two witnesses, petitioner filed a Motion for Leave of Court to File Demurrer to Evidence^[11] on May 9, 2011. Hearing proceeded, and petitioner testified^[12] in her defense. On January 26, 2012, the Court issued an Order denying the presentation of the testimony of defense witness, Ms. Lalaine Tanoja, Administrative Officer V and head of personnel of Fabella and, instead, directed the defense to file its Formal Offer of Evidence^[13]. Thereafter, the parties submitted their respective memoranda.

The facts as found by the MeTC^[14] are:

Version of the Prosecution

According to the Prosecution, accused was employed as Medical Specialist II in Dr. Jose Fabella Memorial Hospital (FABELLA) on March 1, 2002. After a year, or on March 1, 2003, she accepted an appointment as

Medical Officer IV with another government hospital, Manila Health Department ("MHD").

The State, however, claims that accused executed under oath two inconsistent STATEMENTS OF ASSETS, LIABILITIES AND NETWORTH [SALNs] knowing the allegations therein to be false.

On August 1, 2003, accused filed a sworn SALN (Exhibit "A") for her MHD employment declaring a Net Worth of P200,000.00. But on April 30, 2004 she executed a sworn SALN (Exhibit "C") for her position in Fabella reflecting a Net Worth of P270,000.00.

Likewise, on January 19, 2005, accused submitted the required sworn SALN (Exhibit "B") as Medical Officer IV at MHD with a Net Worth of P280,000.00. Nevertheless, on March 28, 2005, she submitted a sworn SALN (Exhibit "D") as Medical Specialist II at Fabella with a Net Worth of P70,000.00.

In submitting her SALN with the MHD for the year 2003, accused led the public to believe that her networth is P200,000.00. Prosecution, thus, contends that when she executed and filed another SALN with Fabella reflecting a Net Worth of P270,000.00, she concealed the salaries obtained from other employment with the government.

Similarly, by filing a SALN with MHD for 2004, accused led the government to believe that her Net worth is P280,000.00. Accused, therefore, deliberately failed to declare in her subsequent SALN with the Fabella her income from other employment because her Net Worth depreciated to P70,000.00.

Version of the Defense

Accused, on the other hand, claims that she executed the subject 2003 and 2004 SALNs for MHD and Fabella in good faith. She claims that the inconsistency in her declared Net Worth in 2003 SALN is not indicative of any falsehood because they were prepared and were reckoned from different dates.

Also, in the absence of evidence showing that the amounts declared in the Fabella SALNs are false or that the amounts stated in the MHD SALNs are true, she cannot be held liable for Perjury.

Invoking Section 10 of Republic Act No. 6713, accused maintains that she was never given an opportunity to correct the irregularities she may have declared in her SALNs.

Decision of the MeTC

The MeTC acquitted petitioner in Criminal Case No. 455947 ruling that the prosecution failed to establish that the petitioner made a willful and deliberate assertion of falsehood in her 2003 SALN, finding that the SALN filed with the MHD, reflecting a networth of P200,000.00 was executed when she first assumed office on

August 1, 2003; that petitioner would not be in a position to know her assets and liabilities until December 2003; and, that she could not be faulted for declaring a networth different in amount (P270,000.00) with FABELLA on April 30, 2004, as the increase in value could be explained by the possible augmentation of her assets from August 1, 2003, when petitioner first assumed office, until the execution of the second SALN on April 30, 2004.

On the other hand, the MeTC convicted petitioner in Criminal Case No. 455946, reasoning out that petitioner failed to offer a plausible explanation as to why her networth as of December 2004, filed at the MHD, is different in value from her declared networth as of December 2004, filed at FABELLA. The MeTC concluded that petitioner's admission that the amounts she provided were based on mere estimates and did not consider her salaries as part of her assets constituted willful and deliberate assertion of falsehood.

The MeTC disposed^[15] of the cases in the following manner:

WHEREFORE, the Court rules to:

a) ACQUIT Rosalinda Benitez y Cosmas in Criminal Case No. 455947 for failure of the prosecution to prove her guilt beyond reasonable doubt;

b) CONVICT Rosalinda Benitez y Cosmas in Criminal Case No. 455946.

Finding her guilty beyond reasonable doubt of perjury as defined under Article 183 of the Revised Penal Code, the Court hereby sentences accused to suffer an indeterminate prison term of one (1) month and one (1) day of arresto mayor minimum and medium, as minimum, to one (1) year and one (1) day of the medium period of arresto mayor maximum and prison correccional minimum, as maximum, there being no aggravating nor mitigating circumstance present.

Petitioner moved for reconsideration of the afore-quoted Decision finding her guilty of perjury, which motion was denied by the MeTC on the ground that her arguments were a mere rehash^[16].

Decision of the RTC

Petitioner appealed to the RTC arguing that the prosecution failed to prove that the statement of her networth in the 2004 FABELLA-SALN is false and made willfully and deliberately. After the parties submitted their respective memorandum, the RTC issued the assailed Decision.

Aggrieved, petitioner filed this petition for review assigning the following errors^[17] to the RTC, as follows:

A) THE REGIONAL TRIAL COURT OF MANILA BRANCH 12 GRAVELY ERRED IN AFFIRMING THE CONVICTION OF PETITIONER BY CONCLUDING THAT THE PRONOUNCEMENTS OF THE SUPREME COURT IN THE MASANGKAY, CAPISTRANO AND OTHER CITED CASES DO NOT APPLY TO THE INSTANT CASE.

B) THE REGIONAL TRIAL COURT OF MANILA BRANCH 12 GRAVELY ERRED IN AFFIRMING THE CONVICTION OF PETITIONER BY SHIFTING THE BURDEN OF EXPLAINING THE DISCREPANCY BETWEEN THE SWORN STATEMENTS IN THE 2004 SALNS TO PETITIONER.

C) THE REGIONAL TRIAL COURT OF MANILA BRANCH 12 GRAVELY ERRED IN AFFIRMING THE CONVICTION OF PETITIONER BY NOT FINDING THAT THE PROSECUTION FAILED TO PROVE THAT THE STATEMENT OF NET WORTH IN PETITIONER'S 2004 DJMFH SALN IS FALSE.

D) THE REGIONAL TRIAL COURT OF MANILA BRANCH 12 GRAVELY ERRED IN AFFIRMING THE CONVICTION OF PETITIONER TO HER SUPPOSED ADMISSION THAT THE ENTRIES IN HER SALNS WERE MERE ESTIMATES AND THAT SHE DID NOT DECLARE ALL HER INCOME AND EARNINGS FROM SUPPOSED OTHER UNDECLARED EMPLOYMENTS.

E) THE REGIONAL TRIAL COURT OF MANILA BRANCH 12 GRAVELY ERRED IN AFFIRMING THE CONVICTION OF PETITIONER BY FINDING THAT PETITIONER WILLFULLY AND DELIBERATELY FALSIFIED THE DJFMH SALN.

F) THE REGIONAL TRIAL COURT OF MANILA BRANCH 12 GRAVELY ERRED IN AFFIRMING THE CONVICTION OF PETITIONER BY FINDING THAT CRIMINAL PROCEEDINGS FOR PERJURY MAY BE INSTITUTED NOTWITHSTANDING THE LACK OF OPPORTUNITY FOR PETITIONER TO CORRECT THE SUBJECT SALNS, AND BY BARRING THE TESTIMONY OF MS. LALAIN T. TANOJA.

F) THE REGIONAL TRIAL COURT OF MANILA BRANCH 12 GRAVELY ERRED IN AFFIRMING METC MANILA – BR. 29'S DENIAL OF PETITIONER'S MOTION FOR RECONSIDERATION ON THE HAPHAZARD REASONING THAT IT FAILED TO PRESENT NEW ARGUMENTS.

THE ISSUE

The core issue to be resolved is whether or not the Regional Trial Court is correct when it affirmed the ruling of the MeTC finding petitioner guilty beyond reasonable doubt of the crime of perjury.

THE COURT'S RULING

The petition is meritorious.

Perjury is prosecuted under *Article 183^[18] of the Revised Penal Code*. It is settled that to convict an accused of perjury, the elements of the crime has to be proven; the elements of perjury being: (a) that the accused made a statement under oath or executed an affidavit upon a material matter; (b) that the statement or affidavit was made before a competent officer, authorized to receive and administer oath; (c) that in that statement or affidavit, the accused made a willful and deliberate assertion of a falsehood; and, (d) that the sworn statement or affidavit containing the falsity is required by law or made for a legal purpose^[19].