



Republic of the Philippines

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-14-CRM-0333

For: Violation of Section 3(e) of
Republic Act No. 3019, as
amended

- versus -

Present

FERNANDEZ, SJ, J.

Chairperson

MIRANDA, J. and

VIVERO, J.

PEDRO M. TRINIDAD, JR., and
LEONIDAS T. CONIABEROS,
Accused.

Promulgated:

April 29, 2019 /mj

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DECISION

VIVERO, J.:

THE CHARGE

In a Joint Resolution dated December 10, 2013, the Office of the Ombudsman found probable cause to indict accused Pedro M. Trinidad, Jr. (Trinidad, Jr.) and Leonidas T. Coniaberros, Municipal Mayor and Municipal Accountant respectively, of Cortes, Surigao del Sur for violation of Section 3(e) of Republic Act No. 3019, as amended, otherwise known as The Anti-Graft and Corrupt Practices Act. The accusatory portion of the information is couched in the following language, to wit:

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“That on May 4, 2009 or sometime prior or subsequent thereto, in Cortes, Surigao del Sur, Philippines and within the jurisdiction of this Honorable Court, the above-named accused **PEDRO TRINIDAD, JR. y MAQUILING**, a high ranking public officer, then the Mayor of the Municipality of Cortes, committing the offense in the discharge of his official functions, and in grave abuse thereof, taking advantage of his official position, conspiring, confederating, and mutually aiding with accused **LEONIDAS CONIABEROS y TRINIDAD**, then the Accountant of said municipality, acting with manifest partiality, evident bad faith and gross inexcusable negligence, did then and there willfully, unlawfully, and criminally cause the disbursement of the amount of Three Hundred Eighty-Five Thousand Pesos (Php 385,000.00), from the funds of the said municipality, for the construction of a piggery building on a private land owned by accused **PEDRO TRINIDAD, JR. y MAQUILING** and his siblings, thereby giving unwarranted benefits, advantage or preference to accused **PEDRO TRINIDAD JR. y MAQUILING** and his siblings, and likewise causing undue injury to the municipality of Cortes in the aforestated amount.

“CONTRARY TO LAW.

“Quezon City, Philippines, 10 December 2013.”¹

THE CASE

On November 27, 2009, Julio A. Javier, *Punong Barangay*² of Poblacion, Cortes, Surigao del Sur, and *ex officio* member of the *Sangguniang Bayan* of Cortes, Surigao del Sur,³ filed a complaint against Municipal Mayor Pedro M. Trinidad, Jr., Municipal Accountant Leonidas T. Coniaberros and Municipal Treasurer Isidro F. Angos. Said complaint, which was embodied in Resolution No. 104, Series of 2008,⁴ of the *Sangguniang Bayan* of Cortes, Surigao del Sur, alleged that the three local officials erred for implementing a municipal project and concomitantly releasing government funds

¹ Records, Vol. 1, page 1 of 2.

² EXHIBIT “2”.

³ Joint Stipulation of Facts and Issues dated September 18, 2015, p. 2 of 17 (Records, Vol. 489); Pre-trial Order dated October 15, 2015, p. 12 of 14 (Records, Vol. 1, p. 520).

⁴ EXHIBIT “B”, “109”: Resolution No. 104 dated November 23, 2009, of the *Sangguniang Bayan* of Cortes, Surigao del Sur, pp. 1 – 2 (Records, Vol. 3, pp. 618 -619).

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therefor sans approval of said local legislative body. Specifically, it questioned the following:

1. Construction of a piggery in private land owned by Mayor Pedro M. Trinidad, Jr. at Tigao, Cortes without the approval of the *Sangguniang Bayan*;
2. Construction of a water reservoir in private land owned by Municipal Treasurer Angos at Poblacion, Cortes without the approval of the *Sangguniang Bayan*; and
3. Construction of the Department of Public Works and Highways (DPWH) Field Office on land belonging to the municipality without the approval of the *Sangguniang Bayan*.⁵

Mayor Trinidad, Jr. vehemently denied the accusations against him. His Counter-affidavit⁶ reads, *inter alia*:

"4. x x x

On the first allegation

'for approving and appropriating sums of money without the corresponding approved resolution of the Sangguniang Bayan Members for the Construction of [the] Piggery Building'

"a) x x x

"x x x

"d) . . . [T]he Appropriation Ordinance No. 05 (Series of 2008) approving the Supplemental Budget No. 04 which authorizes the Municipal Mayor to implement the programs and projects embodied therein is more than enough authority for me to implement the project, x x x

⁵ EXHIBIT "A": "110": 1st Indorsement dated November 26, 2009, by Office of the Municipal Council of Cortes, Surigao del Sur of the complaint against Mayor P. M. Trinidad, Jr. and L. T. Coniaberros, Municipal Accountant, p. 1 (Records, Vol. 3, p. 620).

⁶ EXHIBIT "1": Counter-affidavit dated January 27, 2010, of Mayor Pedro. M. Trinidad, Jr., pp. 1- 7 (Records, Vol. 3, pp. 37 - 43).

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"e) In fact, Section 7 of said Appropriation Ordinance No. 05, (Series of 2008) provides:

'Section 7. Budget Execution. Execution of the budget shall be the responsibility of the Municipal Mayor and shall comply with the requirements and guidelines prescribed by the Local Government Code of 1991 and related issuances.'

"f) On the basis of Section 7 of said Ordinance, I caused the implementation of the Hog Raising Project or the Livelihood Project contemplated by the same Ordinance through the concerned departments of the Municipality of Cortes;

"x x x

"i) [I]n order to maximize the scarce budget to complete the project, I caused to negotiate [with] the family of the late Maria Maquiling who happens to be my brother and sister to donate unconditionally the lot suitable for [the] Hog Raising Project of the Municipality, to which they ultimately executed the Extra-judicial Settlement with Deed of Donation, Special Power of Attorney and Tax Declaration

x x x

"x x x

On the second allegation

'Construction of a Water Reservoir in the land of the Municipal Treasurer Isidro Angos at Poblacion, Cortes, Surigao del Sur'

"n) x x x

"o) x x x

"p) For technical justifications made by the Municipal Engineer who caused the implementation of the same reservoir, she stated in her affidavit . . . :

'3. That in particular, the said LGU-owned potable water system has been operating since 1974 which serves the whole Poblacion area of Cortes, . . . ;

'4. That sometime in 2004, the said lot was sold to spouses Isidro F. Angos and Dominga M. Angos x x x

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'5. That based on my technical study as an Engineer, there is a need to construct a new reservoir because the original reservoir has been existing for about forty (40) years, hence beyond economic repair and inappropriate for purposes of continued services as potable water system by reason of health, and due for condemnation; hence, the Municipality of Cortes allocated funds in the amount of P500,000.00 for [the] improvement of [the] LGU-owned potable water system as contained in the Annual Investment Plan (AIP) for Calendar Year 2008;

"6. That for which reason, I caused the construction of [a] new reservoir at the same area adjacent to the original reservoir currently owned by Spouses Angos with permission from the latter, x x x

"x x x

On the third allegation

'DPWH Field Office was established without SB authority'

"t) Complainant's allegation is refuted by his own act when he himself, together with the rest [of the] Sangguniang Bayan Members adopted Resolution No. 22, Series of 2009 entitled: "AUTHORITY TO THE MUNICIPAL MAYOR, THIS MUNICIPALITY, TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE DPWH AND WEEING CONSTRUCTION FOR THE CONSTRUCTION OF A FIELD OFFICE ON A MUNICIPAL PROPERTY AT CROSSING, CORTES, THIS MUNICIPALITY."
x x x.

"x x x." ⁷

For his part, Leonidas T. Coniaberros asserted that the complaint was politically motivated and bereft of factual and legal bases. His Counter-affidavit ⁸ alleged, *inter alia*:

"7. x x x All the funds disbursed were all supported by [an] Appropriation Ordinance and Resolutions approved by

⁷ Supra, pp. 2 – 6.

⁸ EXHIBIT "14": Counter-affidavit dated January 27, 2010, Leonidas T. Coniaberros, pp. 1 – 7 (Records, Vol. 3, pp. 71 – 77).

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the Sangguniang Bayan and Municipal Mayor; reviewed by the Municipal Budget Officer and paid by the Municipal Treasurer; and the technical documents for the above-mentioned projects were also supported by the Project Proposal and Program of Work made and signed by the Municipal Agriculturist and Municipal Engineer;

"8. More significantly, the subject projects are (sic) implemented being (sic) part of the program of the Municipality for the benefit and welfare of the people;

"x x x." ⁹

After a thorough investigation, the Office of the Ombudsman found probable cause to indict the three respondents. ¹⁰ However, the alleged irregularities were circumscribed to: (1) the construction of the piggery; and (2) the construction of the water reservoir. In so far as the DPWH Field Office is concerned, the Office of the Ombudsman found that:

". . . [T]here is insufficient evidence to support the charge of violation of Section 3(e), RA 3019 since no municipal funds were spent for this project." ¹¹

Accordingly, the respondents were formally charged with violation of Section 3(e) of Republic Act No. 3019:

- Pedro M. Trinidad, Jr. – Two counts;
- Leonidas T. Coniaberros – Two counts; and
- Isidro F. Angos – One count. ¹²

Dissatisfied, respondents Trinidad, Jr. and Coniaberros moved for a reconsideration of the assailed resolution. ¹³ On May 29, 2014, the Office of the Ombudsman recommended that:

"1) the Motions for Reconsideration of PEDRO TRINIDAD, JR. and LEONIDAS T. CONIABEROS with respect to Resolution dated

⁹ Supra, p. 6.

¹⁰ **EXHIBIT "19"**: Resolution dated December 10, 2013, of the Office of the Ombudsman, pp. 1-9 (Records, Vol. 1, pp. 6 - 14).

¹¹ Supra, p. 6 of 9.

¹² Supra, p. 7 of 9.

¹³ **EXHIBIT "20"**: Motion for Reconsideration dated February 6, 2014, of Pedro M. Trinidad, Jr., pp. 1 - 27 (Records, Vol. 3, pp. 100 - 127); **EXHIBIT "38"**: Motion for Reconsideration dated February 6, 2014, of L. T. Coniaberros, pp. 1 - 27 (Records, Vol. 3, pp. 153 - 179).

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December 10, 2013 be partially granted. Thus, **PEDRO M. TRINIDAD, JR. and LEONIDAS T. CONIABEROS** are recommended to be criminally charged only for **ONE (1) COUNT OF VIOLATION OF SECTION 3(e) RA 3019**; 2) the complaint against **ISIDRO F. ANGOS** be dismissed; and 3) the suspension of **LEONIDAS T. CONIABEROS** as ruled in the Decision dated December 10, 2013 be affirmed."¹⁴ (Emphasis and Capitalization Supplied.)

On August 12, 2014, the Information¹⁵ for violation of Section 3(e) of Republic Act No. 3019 was filed before this Court against Pedro M. Trinidad, Jr. and Leonidas T. Coniaberros.

On August 20, 2014, this Court issued a Hold Departure Order against both accused.¹⁶

On November 21, 2014, warrants of arrests were issued against the accused.¹⁷ On December 16, 2014, they posted the requisite bail bond for their temporary liberty.¹⁸

On May 4, 2015, accused were arraigned and they entered separate pleas of "Not Guilty".¹⁹

On July 6, 2015, the prosecution filed a *Motion to Suspend Pendente Lite Accused Leonidas T. Coniaberros*,²⁰ citing as legal basis the apposite provision of Republic Act No. 3019, as amended, which is quoted verbatim below, viz:

"Sec. 13. Suspension and loss of benefits. – Any incumbent public officer against whom any criminal prosecution under a valid information under this Act or under Title 7, Book II of the Revised Penal Code or for any offense involving fraud under government or public funds or property whether as a simple or as a complex offense and in whatever stage

¹⁴ **EXHIBIT "94"**: Joint Order dated May 29, 2014, of the Office of the Ombudsman in Julio A. Javier v. Pedro Trinidad, y Maquiling, et. al., OMB-M-C-09-0491-L, page 6 of 7 (Records, Vol. 1, pp. 15 - 21).

¹⁵ Information dated December 10, 2013, pp. 1 – 2 (Records, Vol. 1, pp. 1 – 2).

¹⁶ Hold Departure Order dated August 20, 2014 (Records, Vol. 1, pp. 221 – 224).

¹⁷ Records, Vol. 1, pp. 363 -364.

¹⁸ Records, Vol. 1, p. 366 – 392.

¹⁹ Records, Vol. 1, pp. 401 – 405.

²⁰ *Motion to Suspend Pendente Lite* of (sic) Accused Leonidas T. Coniaberros dated July 1, 2015, pp. 1 – 4 (Records, Vol. 1, pp. 412 – 416).

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of execution and mode of participation, **is pending in court, shall be suspended from office.** Should he be convicted by final judgment, he shall lose all retirement and gratuity benefits under any law, but if he is acquitted, he shall be entitled to reinstatement and to the salaries and benefits which he failed to receive during suspension, unless in the meantime administrative proceedings have been filed against him.

"In the event that such convicted officer, who may have already been separated from the service, has already received such benefits he shall be liable to retribute the same to the Government."²¹ (Emphasis and Underscoring Supplied.)

On September 8, 2015, this Court resolved to grant the foregoing motion, and directed the Department of Interior and Local Government (DILG) to preventively suspend accused Coniaberros for a period of ninety (90) days from receipt of its resolution.²² However, the DILG expressed reservations in taking immediate action, citing the guidelines set by this Court in *People v. Milagrosa Tee Tan, et. al.*,²³ which state *inter alia*:

"[1] The Court's Resolution x x x cannot yet be implemented at this time since it appears that some of the accused still have time to file a motion for reconsideration, as in fact, two of them had already done so. Pending consideration and resolution by this Court of said motion for reconsideration, the suspension order issued against the accused should yet not be implemented.

"[2] If this Court resolves said motion for reconsideration adversely against the accused, then the suspension order becomes ripe for immediate execution, except only when there is an injunctive writ or restraining order issued against it by the Supreme Court. It is emphasized here that mere filing of a petition for certiorari before the Supreme Court challenging the validity of the suspension order, in the absence of an injunctive writ or restraining order duly issued by the Supreme Court, will not warrant the deferral of its implementation.

"[3] The officials tasked by the Court to implement the suspension order x x x will be notified in due course of the Court's action on the motions for reconsideration x x x. Thereafter, the officials concerned are expected to proceed in accordance with the clarification set forth in this resolution."²⁴

²¹ *Ibid.*

²² Records, Vol. 1, pp. 475 – 478.

²³ SB-06-CRM-0457 – 0464, July 25, 2008.

²⁴ Records, Vol. 1, p. 482.

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On August 17, 2015, the preliminary conference commenced wherein the voluminous exhibits of the parties were pre-marked.²⁵

On October 6, 2015, the parties filed their *Joint Stipulation of Facts and Issues*,²⁶ which this Court admitted *in toto*.²⁷ Subsequently, this Court terminated the pre-trial,²⁸ and pursuant thereto issued the Pre-Trial Order dated 15 October 2018.

Trial commenced on February 15, 2016.²⁹ For the purpose of laying the basis for the malfeasance imputed against the alleged co-conspirators, the prosecution presented four (4) witnesses.

On August 17, 2016, the prosecution filed its *Formal Offer of Documentary Evidence with Motion to Remark Exhibits*.³⁰ Six minutes later,³¹ accused filed their *Motion for Leave to File Demurrer to Evidence*.³² Following a judicious scrutiny of said motion *vis a vis* the *Comment/ Opposition*³³ thereto, this Court denied said motion for being premature since the prosecution had not yet rested its case.³⁴

On January 30, 2017, hearings for the presentation of defense evidence were underway.³⁵ Accused Trinidad, Jr. took the witness stand on May 15, 2017,³⁶ and accused Coniaberros followed,

²⁵ Records, Vol. 1, p. 467. The pre-marking of exhibits continued on August 18, 2015; TSN dated August 17, 2018, pp. 1 – 13; . TSN dated, August 18, 2018, pp. 1 – 14.

²⁶ Joint Stipulation of Facts and Issues dated September 18, 2015, pp. 1 – 17 (Records, Vol. 1, pp. 488 – 502).

²⁷ Resolution dated October 7, 2015, p. 1 (Records, Vol. 1, p. 503).

²⁸ Order dated October 8, 2015, p. 1 (Records, Vol. 1, pp. 504, 507).

²⁹ Records, Vol. 1, pp. 550 – 551.

³⁰ Formal Offer of Documentary Evidence with Motion to Remark Exhibits dated August 16, 2016, pp. 1 – 24 (Records, Vol. 2, pp. 9 – 32).

³¹ While the Prosecution filed its Formal Offer of Documentary Evidence on August 17, 2016 at 2:02 P.M., the accused filed their Motion for Leave to File Demurrer to Evidence on the same date at 2:08 P.M..

³² Motion for Leave to File Demurrer to Evidence dated August 5, 2016, pp. 1 – 6 (Records, Vol. 2, pp. 161 – 166).

³³ Comment /Opposition to the Motion for Leave to File Demurrer to Evidence dated August 5, 2016 of Accused Trinidad, Jr. and Coniaberros dated August 24, 2016, pp. 1 – 8 (Records, Vol. 2, pp. 169 – 175).

³⁴ Resolution dated October 26, 2016, pp. 1 – 2 (Records, Vol. 2, pp. 215 – 217). To be sure, the Prosecution rested its case on July 12, 2018 (Resolution dated July 12, 2018 [Records, Vol. 4, pp. 229 – 230]).

³⁵ Records, Vol. 2, pp. 232 – 233.

³⁶ Records, Vol. 2, pp. 247 – 250

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suit.³⁷ Three (3) other witnesses testified for the defense before resting its case on January 23, 2018.³⁸ Accordingly, accused were ordered to file their formal offer of evidence.³⁹ The prosecution was not through yet, and it informed this Court that it will present rebuttal evidence.⁴⁰

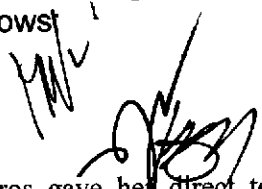
On March 6, 2018, accused filed jointly their *Formal Offer of Exhibits*.⁴¹ After the prosecution filed its comment thereto,⁴² this Court resolved to admit almost all their documentary evidence.⁴³ Meanwhile, hearings for the presentation of rebuttal evidence proceeded on May 7 and 8, 2018.⁴⁴ Jay Anthony M. Bantugan, State Auditing Examiner II of the COA, Surigao del Sur, was the prosecution's lone rebuttal witness.⁴⁵ While he was on the witness stand, the parties stipulated on the following:

- "1. Mr. Bantugan can identify the documents marked as Exhibits 'XX' to "JJJ".
- "2. All the documents, except for Exhibits 'FFF-3" to 'FFF-9' are faithful reproductions of the originals brought by the said witness.
- "3. Exhibits 'FFF-3' to 'FFF-9' are faithful reproductions of the certified true copies brought by the witness.
- "4. The witness can identify as his, the signature above his name in the stamp mark certified true copy from file.

"x x x

"The prosecution proffered the excluded testimonial and documentary exhibits as follows:

- "1. The witness prepared the schedules for the hog-raising project of the Municipality of Cortes, Surigao del Sur, for the period 2011 to 2015 as follows:



³⁷ Records, Vol. 2, pp. 280 – 285; 538 - 544; Coniaberros gave her direct testimony on November 27, 28, 2017, and January 22, 23, 2018.

³⁸ Records, Vol. 2, p. 542.

³⁹ Order dated January 23, 2018, p. 1 (Records, Vol. 2, p. 544).

⁴⁰ *Ibid.*

⁴¹ Formal Offer of Exhibits dated February 5, 2018, pp. 1 – 33 (Records, Vol. 3, pp. 4 – 36).

⁴² Comment/ Opposition to the Formal Offer of Documentary Evidence of Accused Pedro Trinidad, Jr. and Leonidas Coniaberros dated March 5, 2018, pp. 1 - 9 (Records, Vol. 3, pp. 624 - 632

⁴³ Order dated April 3, 2018, pp. 1 -2 (Records, Vol. 4, pp. 3 – 4).

⁴⁴ Resolution dated April 10, 2018, p. 1 (Records, Vol. 4, p. 5).

⁴⁵ Judicial Affidavit dated April 20, 2018, of J. A. M. Bantugan, pp. 1 - 25 (Records, Vol. 4, pp. 11 – 35; Order dated May 7, 2018, p. 1 (Records, Vol. 4, p. 123).

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- Statement of Operation Hog Raising Project for the period 2011 – 2015;
- The Revenue for Hog Raising Project;
- The Schedule of Receipt of Payments for 2011 consisting of 3 pages;
- Another Schedule of Receipt of Payments for 2012 consisting of 3 pages;
- Schedule of Receipt of Payment for 2013 consisting of 5 pages;
- Schedule of Payment of Hog Feeds in 2011;
- Schedule of Payment of Hog Feeds in 2012;
- Schedule of Payment of Hog Feeds in 2013;
- Schedule for Payment of Caretakers Salary in 2011;
- Schedule for Payment of Caretakers Salary in 2012; and
- Schedule for Payment of Caretakers Salary in 2013.

"2. The schedules were prepared by the witness based on the permanent records of the Municipality of Cortes such as subsidiary ledgers, reports of cash disbursement, reports of check issued and daily wage payrolls for the said period; and

"3. The witness made an analysis of the said documents and came up with the findings that **the Municipality of Cortes suffered loss in the hog raising project** as follows:

"For 2011 P 46,824.74;
2012 P 192,093.62;
2013 P 35,837.52; and
2014 P 84,999.02

"x x x." ⁴⁶ (Emphasis and Underscoring Supplied.)

After the completion of Bantugan's oral testimony, this Court ordered the prosecution to file its formal offer of evidence, while the accused was directed to comment thereon.⁴⁷ On May 15, 2018, the prosecution filed its *Formal Offer of Rebuttal Evidence with Motion to Submark Exhibits*.⁴⁸ On June 20, 2018, the accused filed their objections thereto.⁴⁹

⁴⁶ Order dated May 8, 2018, pp. 1 - 2 (Records, Vol. 4, pp. 126 - 127).

⁴⁷ *Ibid.*

⁴⁸ Formal Offer of Rebuttal Evidence with Motion to Submark Exhibits dated May 14, 2018, pp. 1 - 21 (Records, Vol. 4, pp. 132 - 152).

⁴⁹ Comment with Objections to [the] Formal Offer of [the] Prosecution Rebuttal Evidence dated June 6, 2018, pp. 1 - 9 (Records, Vol. 4, pp. 219 - 227).

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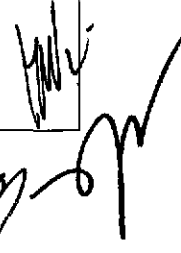
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No sur-rebuttal was made by the defense. Thence, the case was submitted for decision. In the interim, both parties were directed to file their respective memoranda.⁵⁰ On August 24, 2018, the prosecution filed its memorandum.⁵¹ On the other hand, the accused filed its memorandum on October 1, 2018.⁵²

THE FACTS

The chronology of events which led to this case are summarized below, viz:

DATE	SIGNIFICANT EVENT
July 16, 2007	<ul style="list-style-type: none">• The project proposal for a hog-raising project in Cortes was prepared by Gil Q. Escalante, the Municipal Agriculturist.⁵³ This proposal, including the need to purchase a suitable site for such livelihood project, was presented to the Municipal Development Council (MDC) of Cortes by Municipal Planning and Development Coordinator (MPDC) Grace C. Grado;⁵⁴• Mayor Pedro M. Trinidad, Jr. approved the project proposal;⁵⁵ 

⁵⁰ Resolution dated July 12, 2018, pp. 1 – 2 (Records, Vol. 4, pp. 229 - 230).

⁵¹ Memorandum dated August 23, 2018, of the Office of the Special Prosecutor, pp. 1 – 13 (Records, Vol. 4, pp. 233 – 245).

⁵² Memorandum (For both Accused) dated September 20, 2018, pp. 1 – 37 (Records, Vol. 4, pp. 246 – 282).

⁵³ **EXHIBIT “6”**; TSN dated January 30, 2017, pp. 8 – 14, 17. TSN dated October 30, 2017, pp. 9, 34 - 35.

⁵⁴ TSN dated October 30, 2017, pp. 5 – 9.

⁵⁵ **EXHIBIT “6”**; TSN dated May 16, 2017, pp. 10 – 13; TSN dated January 30, 2017, p. 17.

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	<ul style="list-style-type: none"> • Gil Q. Escalante, the Municipal Agriculturist, started looking for a suitable site for the piggery.
September 8, 2008	Appropriation Ordinance No. 05, Series of 2008, Supplemental Budget No. 04, for the "livelihood project" (i.e. piggery) was passed by the <i>Sangguniang Bayan</i> of Cortes, Surigao del Sur ⁵⁶
October 28, 2008	Resolution No. 804, Series of 2008, <i>approving Appropriation Ordinance No. 05 of the Municipality of Cortes, this province dated September 8, 2008 and declaring General Fund Supplemental Budget No. 04 FY 2008 of the Municipality Operative</i> ⁵⁷ was passed by the <i>Sangguniang Bayan</i> of Cortes, Surigao del Sur.
March 2009	<ul style="list-style-type: none"> • Municipal Engineer Tranquilan prepared the program of work;⁵⁸ • Turn-over of actual possession over the property from the heirs of Maria Maquiling-Trinidad to the municipality;⁵⁹ • The implementation of the piggery project began.⁶⁰
April 15, 2009	<ul style="list-style-type: none"> • Meeting of the Municipal Development Council⁶¹ (MDC) of Cortes wherein <i>Punong Barangay Restituta Tubo</i>⁶² was querulous about dormancy of the piggery project despite its inclusion in the 2008

⁵⁶ **EXHIBIT "18"** (Records, Vol. 1, pp. 127 – 130); TSN dated May 16, 2017, p. 15; **EXHIBIT "13"**: Affidavit dated January 27, 2010, Rodelito O. Silagan, formerly the Presiding Officer of the *Sangguniang Bayan* of Cortes, Surigao del Sur.

⁵⁷ **EXHIBIT "21"**.

⁵⁸ TSN dated March 1, 2017, p. 20.

⁵⁹ Direct testimony of Grace C. Grado (TSN dated October 30, 2017, pp. 39 – 40).

⁶⁰ Direct testimony of L. T. Coniaberros (TSN dated November 27, 2017, pp. 9 – 10).

⁶¹ **EXHIBIT "15"**.

⁶² **EXHIBIT "15-D", "KK-1"**: Paragraphs 9 & 10 of the Minutes of the meeting of the Municipal Development Council of Cortes on April 15, 2009.

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	<p>Annual Investment Plan and the legislative fiat of the <i>Sangguniang Bayan</i> through Appropriation Ordinance 2008 under Supplemental Budget No. 4, Series of 2008;⁶³</p> <ul style="list-style-type: none"> • Mayor Trinidad, Jr. told the MDC that his family will donate a land in Tigao for the piggery project.⁶⁴ Accordingly, he instructed the Municipal Engineer to implement the piggery project.⁶⁵ • Bidding for the purchase of construction materials for the piggery began.⁶⁶
May 2009	Start of construction of piggery ⁶⁷
July 2009	Completion of construction of the piggery ⁶⁸
September 28, 2009	Execution of <i>Special Power of Attorney</i> by Regulo M. Trinidad authorizing "Mayor Pete Trinidad" to act on his behalf for the purpose of donating his undivided share over inherited land to the municipality of Cortes, Surigao del Sur. ⁶⁹
November 12, 2009	Execution of <i>Special Power of Attorney</i> by Lydia Trinidad-Cunanan authorizing her brother, Mayor Trinidad, Jr. "[t]o let the

⁶³ Direct testimony of Grace C. Grado (TSN dated August 3, 2017, p. 19); Direct testimony of Leonidas T. Coniaberos (TSN dated November 28, 2017, pp. 5 – 6).

⁶⁴ Direct testimony of Grace C. Grado (TSN dated October 30, 2017, pp. 11 – 13); **EXHIBITS "15", "KK-Rebuttal"; "KK-1-Rebuttal"**.

⁶⁵ TSN dated March 1, 2017, pp. 21 – 23.

⁶⁶ Direct testimony of Grace C. Grado (TSN dated October 30, 2017, pp. 24 – 25).

⁶⁷ Direct testimony of Engr. B. Tranquilan (TSN dated March 1, 2017, p. 23); Direct testimony of MPDC G. C. Grado (TSN dated August 8, 2017, pp. 19 – 20); TSN dated May 15, 2017, p. 21; TSN dated May 16, 2017, p. 5; TSN dated January 30, 2017, p. 33.

⁶⁸ TSN dated March 1, 2017, pp. 23, 26; TSN dated August 2, 2017, p. 20.

⁶⁹ **EXHIBIT "8", "8-A", "8-B"**.

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	<i>municipality of Cortes use our land in Anas as Piggery and Resort, ...”⁷⁰</i>
November 23, 2009	The <i>Sangguniang Bayan</i> of Cortes, Surigao del Sur passed a resolution denouncing the construction of the municipality’s piggery in private land. ⁷¹
November 26, 2009	Indorsement of the complaint of Julio A. Javier, President of the Association of Barangay Captains (ABC) of Cortes, to the Office of the Ombudsman – Mindanao. ⁷²
December 4, 2009	Ownership over the site of the piggery was transferred to the municipality of Cortes from the Heirs of Maria Maquiling <i>via</i> donation ⁷³
January 27, 2010	Payment of the donor’s tax ⁷⁴
March 9, 16, 23, 2010	Publication in the Gold Star Daily, a newspaper of general circulation, of the donation of the property of the Heirs of Maria Maquiling to the municipality of Cortes, Surigao del Sur ⁷⁵
July 2013	The term of office of Mayor P. M. Trinidad, Jr. ends; yet, the piggery’s operations continued. ⁷⁶

⁷⁰ EXHIBIT “9”, “9-A”, “9-B”.

⁷¹ Direct testimony of Grace C. Grado (TSN dated October 30, 2017, p. 18.

⁷² *Id.*, p. 19.

⁷³ EXHIBIT “7”; TSN dated May 15, 2017, p. 25; TSN dated May 16, 2017, p. 6; TSN dated January 30, 2017, p. 33 – 34; TSN dated August 2, 2017, p. 20.

⁷⁴ EXHIBITS “42”, “43”.

⁷⁵ EXHIBITS “64”, “65” “66”

⁷⁶ Direct testimony of L. T. Coniaberos (TSN dated January 22, 2018, pp. 20 – 24); EXHIBITS “32”, “33”, “34”, “34-A”, “34-B”, “34-C”.

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August 4, 2014	Resolution No. 143, Series of 2014 (<i>“Resolution Affirming and Ratifying the Acceptance of Donation as Contained in [the] Extra-judicial Settlement with Deed of Donation Made and Entered into by the Heirs of the Late Maria Maquiling and the Municipality of Cortes, this Province [Surigao del Sur], dated December 4, 2009 on the Lot where the Piggery Project of the Municipality was Established and Operated, Located at Tigao, Cortes, Surigao del Sur.”</i> ⁷⁷)
September 24, 2014	Recording of the <i>“Extrajudicial Settlement of the Estate of Maria Maquiling with Deed of Donation”</i> in the Land Registration Authority, per EPEB No. 2014000474 under Act 3344 (Unregistered Land) ⁷⁸
September 25, 2014	The tax declaration for the subject property was transferred to the Municipality of Cortes ⁷⁹

ISSUES

The issues, as stated in the parties' *Joint Stipulation of Facts and Issues*⁸⁰ and embodied in this Court's Pre-trial Order,⁸¹ read:

"A.) The PROSECUTION proposes the following issue:

- "1) Whether accused Trinidad, Jr. and Coniaberros violated Section 3(e) [of] RA [No.] 3019 when they caused the disbursement of P385,000.00 for the construction of a piggery building in the land owned by accused Trinidad, Jr. and his siblings being legal heirs of Maria Maquiling.

⁷⁷ EXHIBIT "95", "95-A", "95-B", "95-C": Records Vol. 1, pp. 331 – 333.

⁷⁸ EXHIBIT "96".

⁷⁹ EXHIBIT "67"; TSN dated May 16, 2017, p. 17; TSN dated August 2, 2017, pp. 28, 36.

⁸⁰ Joint Stipulation of Facts and Issues dated September 18, 2015, p. 13 of 17 (Records, Vol. 1, p. 498).

⁸¹ Pre-trial Order dated October 15, 2015, pp. 1 – 14 (Records, Vol. 1, pp. 509 – 522).

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"B.) Both Accused propose the following issues:

- "1) Whether the acts of both accused allowing the release of funds for [the] piggery project while waiting for the authority to execute a deed of donation in favor of the Municipality of Cortes constitutes manifest partiality, evident bad faith, or gross inexcusable negligence.
- "2) Whether the Deed of Donation executed by [the] accused Trinidad, Jr. and his siblings in favor of the Municipality of Cortes is absolute or [a] mere usufruct.
- "3) Whether the Municipality of Cortes was prejudiced with (sic) the existence and operation of [the] piggery project situated at the questioned site.
- "4) Whether both accused gained [any] direct or indirect benefit arising from the operation of [the] piggery project of the Municipality.
- "5) Whether the Donation of the questioned lot to the Municipality of Cortes was valid.
- "6) Whether both accused violated Section 3(e) [of] RA [No.] 3019 when they caused the disbursement of funds for the construction of a piggery building in the land owned by accused Trinidad, Jr. and his siblings without waiting for the document of donation in favor of the Municipality of Cortes."⁸²

EVIDENCE FOR THE PROSECUTION

A. Testimonial evidence

A.1 The Office of the Special Prosecutor presented five (5) witnesses, namely:

1. Julio A. Javier (President of the Association of Barangay Captains [ABC] in the municipality of Cortes, Surigao del

⁸² Supra, pp. 12 – 13 (Records, Vol. 1, pp. 520 – 521).

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- Sur, and as such, an *ex-officio* member of the *Sangguniang Bayan* therein);⁸³
2. Glen B. Cambray (State Auditor IV, Commission on Audit and Team Leader of Audit Team 2, which included the municipality of Cortes, Surigao del Sur);⁸⁴
 3. Percival C. Cañete (Officer-in-Charge, Office of the Register of Deeds, Province of Surigao del Sur);
 4. William Yparraguirre (Provincial Assessor of Surigao del Sur); and
 5. State Examining Auditor II Jay Anthony M. Bantugan.⁸⁵

A.2 The direct testimony of the witnesses for the Prosecution are summarized below, viz:

1. JULIO A. JAVIER

Julio A. Javier sponsored the passage of Resolution No. 104, Series of 2008,⁸⁶ which was approved by the *Sangguniang Bayan* of Cortes, Surigao del Sur on November 23, 2009.⁸⁷ Said Resolution is captioned as "A Resolution of Complaint Against Our Municipal Mayor for Implementing Projects Without the Approval of the Sangguniang Bayan of this Municipality Without even Presenting the Project, against the Municipal Accountant for Releasing Amount Without the Approval of the Sangguniang Bayan".⁸⁸ This was endorsed to the Office of the Ombudsman on November 26, 2009.⁸⁹ Following the preliminary investigation, Mayor Pedro M. Trinidad, Jr. and Leonidas T. Coniaberros, the Municipal Accountant, were sued for graft and corruption.⁹⁰

⁸³ TSN dated April 5, 2016, pp. 7, 10, 32 – 33.

⁸⁴ TSN dated February 15, 2016, pp. 8 – 10.

⁸⁵ State Examining Auditor II Jay Anthony M. Bantugan was a rebuttal witness for the plaintiff.

⁸⁶ EXHIBIT "B", "109".

⁸⁷ EXHIBIT "109-A"; TSN dated April 5, 2016, p. 50.

⁸⁸ *Ibid.*

⁸⁹ EXHIBIT "A", "110", "110-A", "110-B"; TSN dated April 5, 2016, pp. 24 – 25, 38.

⁹⁰ *Supra*, p. 31.

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The alleged malfeasance arose from the construction of a piggery building in a private, albeit untitled,⁹¹ land while using public funds. Javier pointed to the Disbursement Vouchers⁹² as proof of said allegation.

Julio A. Javier run for Mayor of Cortes, Surigao del Sur during the May 2010 elections.⁹³ In fact, he filed his Certificate of Candidacy with the Commission on Elections (COMELEC) on November 28, 2009.⁹⁴

2. WILLIAM YPARRAGUIRRE

The Provincial Assessor of Surigao del Sur appeared before this Court. Nonetheless, His testimony was dispensed with, and was not asked to confirm the authenticity of:

- a. Tax Declaration No. 08-07-0010-01078 of Maria Maquiling,⁹⁵ the deceased owner of the land where the piggery building was constructed,⁹⁶ and
- b. Tax Declaration No. 08-07-0010-0136 under the name of the Municipality of Cortes.⁹⁷

Both parties stipulated that the two documents are faithful reproductions of the originals.⁹⁸

3. GLEN B. CAMBRAY

State Auditor IV Glen B. Cambray was the leader of the Audit Team that reviewed the transactions entered into by the municipality of Cortes.⁹⁹ Also, he was the custodian of the disbursement vouchers, official receipts and

⁹¹ TSN dated April 5, 2016, p. 52.

⁹² EXHIBITS "D" to "DD-23".

⁹³ TSN dated April 5, 2016, pp. 39 - 40.

⁹⁴ EXHIBIT "2".

⁹⁵ EXHIBIT "Z", "112".

⁹⁶ TSN dated April 5, 2016, p. 61.

⁹⁷ EXHIBIT "AA", "111"; Records, Vol. 1, p. 334

⁹⁸ TSN dated April 5, 2016, p. 56.

⁹⁹ TSN dated February 15, 2016, p. 24.

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supporting documents relevant to the transaction in question.¹⁰⁰ His testimony was offered to prove that –

- a. Accused Trinidad, Jr. gave unwarranted benefits to himself when he caused the disbursement of ₱ 385,000.00 for the construction of a piggery building in the land owned by his family; and
- b. Accused Coniaberros conspired with accused Trinidad, Jr. by processing the disbursement of the said fund when she signed Box A of the disbursement vouchers despite the illegality of said transaction.¹⁰¹

State Auditor IV Cambray affirmed the genuineness of the following documents:

- a. Disbursement Vouchers (DV), including supporting documents and signatures affixed thereon;¹⁰²
- b. Invoices;¹⁰³
- c. Checks;¹⁰⁴ and
- d. Official receipts.¹⁰⁵

4. PERCIVAL C. CAÑETE

Percival C. Cañete, the Officer-in-Charge of the Office of the Register of Deeds of Surigao del Sur,¹⁰⁶ certified that

¹⁰⁰ *Id.*, p. 9

¹⁰¹ *Id.*, p. 6.

¹⁰² EXHIBITS “D” to D-23”, “E to E-1”, “F” to “F-1”, “G” to “G-16”, “J” to “J-11”, “M” to “M-13”, “O” to “O-7”, “R” to “R-2”, “U” to “U-2”; TSN dated February 15, 2016, pp. 11 – 23.

¹⁰³ EXHIBITS “I”, “L”, “Q”; TSN dated February 15, 2016, pp. 18, 21 – 22.

¹⁰⁴ EXHIBITS “E”, “H”, “K”, “N”, “P”, “S”, “V”; TSN dated February 15, 2016, pp. 17, 20 – 23.

¹⁰⁵ EXHIBITS “F”, “T”, “W”; TSN dated February 15, 2016, pp. 15, 23.

¹⁰⁶ TSN dated February 16, 2016, p. 6, 20.

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an *Extrajudicial Settlement of the Estate of Maria Maquiling with Deed of Donation*¹⁰⁷ was recorded in the Registry of Property of Surigao del Sur on September 24, 2014.¹⁰⁸

Cañete's testimony was offered primarily to prove that the land on which the piggery building was constructed in the municipality of Cortes through the use of public funds (P385,000.00) was privately owned by the family of accused Trinidad, Jr..¹⁰⁹

5. JAY ANTHONY M. BANTUGAN

Jay Anthony M. Bantugan, State Auditing Examiner II of the Commission on Audit, became a member of the team that audited the municipality of Cortes on February 13, 2017.¹¹⁰ This prompted the accused to interpose objections that:

1. Mr. Bantugan is ***incompetent*** to testify about evidentiary facts that took place from 2009 to 2015, that is, prior to his assumption of duty (2017);¹¹¹
2. Mr. Bantugan's purported testimony is ***irrelevant*** because the crux of the controversy relates to the disbursement of public funds for the construction of the piggery in private land, not about the results of the operations of the piggery.¹¹²

This Court laid a clear-cut guideline, to wit:

"The Court will ALLOW the presentation of this Mr. Bantugan as a witness and it will **ALLOW Mr. Bantugan to identify and authenticate the documents that are in his possession**, but the Court will **NOT ALLOW the presentation of the Schedules of Statement of Operations, Revenue, Expense, etc.** because those were prepared after

¹⁰⁷ EXHIBITS "Y" to "Y-3", including submarkings; TSN dated February 16, 2016, pp. 14 – 19.

¹⁰⁸ TSN dated February 16, 2016, pp. 16 – 18.

¹⁰⁹ *Id.*, p. 7.

¹¹⁰ TSN dated May 8, 2018, p. 5.

¹¹¹ TSN dated May 7, 2018, pp. 8, 11.

¹¹² *Id.*, p. 8.

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the fact and those were conclusions made by this witness. In fact, this witness could not even explain to the Court his authority to do so except that he was ordered by his superior to do the same.”¹¹³ (Emphasis and Capitalization Supplied.)

The foregoing notwithstanding, the Court made this significant finding, to wit:

“3 The witness made an analysis of the said documents and came up with the findings that the Municipality of Cortes suffered loss in the hog raising project as follows:

“For 2011 P 46,824.74;
2012 P 192,093.62;
2013 P 35,837.52; and
2014 P 84,999.02

“x x x.”¹¹⁴ (Emphasis and Underscoring Ours.)

B. Documentary evidence

The documentary evidence which were formally offered¹¹⁵ by the Prosecution, and admitted¹¹⁶ by this Court are as follows:

EXHIBIT	DESCRIPTION
A	Indorsement signed by Julio A. Javier, <i>ex officio</i> member, <i>Sangguniang Bayan</i> of Cortes, Surigao del Sur
A-1	Signature of Julio A. Javier
B ¹¹⁷	Resolution No. 104, Series of 2008, of the <i>Sangguniang</i>

¹¹³ TSN dated May 7, 2018, p. 13; See also pp. 19 – 20.

¹¹⁴ TSN dated May 8, 2018, p. 37.

¹¹⁵ Formal Offer of Documentary Evidence with Motion to Remark Exhibits dated August 16, 2016, of the Office of the Special Prosecutor, pp. 1 - 24

¹¹⁶ Pre-trial Order dated October 15, 2015, pp. 3 – 5 (Records, Vol. 1, pp. 511 – 513).

¹¹⁷ See Order dated August 1, 2016, p. 1 (Records, Vol. 2, p. 7).

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	<i>Bayan</i> of Cortes, Surigao del Sur (2 pages)
C	Certification from Marlyn P. Historia, Municipal Secretary, Office of the Municipal Council of Cortes, Surigao del Sur
D to D-20	Certified true copy of Disbursement Voucher (DV) No. 101-0904-590 in the amount of ₱182,797.29 and its attachments (30 pages)
D-1	Signature of State Auditor IV Glen B. Cambray which appears over the stamp marked "Certified True Copy" of DV No. 101-0904-590
D-2	Obligation Request No. 101-0204-142 dated 04/20/2009
D-2-a	Signature of State Auditor IV Glen B. Cambray which appears within the stamp marked "Certified True Copy" of Obligation Request No. 101-0204-142 dated 04/20/2009
D-3	Document entitled "Construction of Piggery" dated March 13, 2009, which is attached in the DV marked as Exhibit "D"
D-3-a	Signature of State Auditor IV Glen B. Cambray appearing over the stamp marked "Certified True Copy" of the document entitled "Construction of Piggery" dated March 13, 2009
D-3-b	Signature of Glen B. Cambray appearing in page 2 of the attachment to the DV marked as Exhibit "D"
D-4-a	Signature of Glen B. Cambray appearing over the stamp marked "Certified True Copy" of the Purchase Request marked as Exhibit "D-4", an attachment to the DV
D-5-a	Signature of Glen B. Cambray appearing in the Request for Quotation which is marked as Exhibit "D-5", an attachment to the DV
D-6-a	Signature of Glen B. Cambray appearing in the Request for Quotation which is marked as Exhibit "D-6", an attachment to the DV
D-7-a	Signature of Glen B. Cambray appearing in the Request for Quotation which is marked as Exhibit "D-7", an attachment to the DV
D-8-a	Signature of Glen B. Cambray appearing in the Request for Quotation which is marked as Exhibit "D-8", an attachment to the DV
D-9-a	Signature of Glen B. Cambray appearing in the Request for Quotation which is marked as Exhibit "D-9", an attachment to the DV
D-10-a	Signature of Glen B. Cambray appearing in the Request for Quotation which is marked as Exhibit "D-10", an attachment to the DV

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D-11-a	Signature of Glen B. Cambray appearing in the Abstract of Bids as Read which is marked as
D-12-a	Signature of Glen B. Cambray appearing in the Minutes of the Bids and Awards Committee (BAC), which is marked as Exhibit "D-12", an attachment to the DV
D-13-a	Signature of Glen B. Cambray appearing in BAC Resolution No. 02, Series of 2009, which is marked as Exhibit "D-13", an attachment to the DV
D-14-a	Signature of Glen B. Cambray appearing in the Purchase Order which is marked as Exhibit "D-14", an attachment to the DV
D-15-a	Signature of Glen B. Cambray appearing in Ultra Star Delivery Receipt No. 3047 which is marked as Exhibit "D-15", an attachment to the DV
D-16-a	Signature of Glen B. Cambray appearing in Ultra Star Delivery Receipt No. 3048 which is marked as Exhibit "D-16", an attachment to the DV
D-17-a	Signature of Glen B. Cambray appearing in Ultra Star Delivery Receipt No. 3049 which is marked as Exhibit "D-17", an attachment to the DV
D-18-a	Signature of Glen B. Cambray appearing in Ultra Star Delivery Receipt No. 3050 which is marked as Exhibit "D-18", an attachment to the DV
D-19-a	Signature of Glen B. Cambray appearing in Ultra Star Delivery Receipt No. 3101 which is marked as Exhibit "D-19", an attachment to the DV
D-20-a	Signature of Glen B. Cambray in the Inspection and Acceptance Report marked as Exhibit "D-20", an attachment to the DV
D-22	The date (05/04/2009) appearing in Box D of DV No. 101-0904-590
D-23	The entry appearing in DV No. 101-0904-590 in the column pertaining to the amount ₱182,797.29
E	Landbank of the Philippines Check No. 958585 dated May 4, 2009, in the amount of ₱182,797.29, signed by Pedro M. Trinidad, Jr. and Isidro Angos, with Ultra Star Marketing as payee
E-1	Signature of State Auditor IV Glen B. Cambray
F	Ultra Star Marketing Official Receipt No. 3545
F-1	Signature of Glen B. Cambray
G to G-15	Disbursement Voucher (DV) No. 101-0905-709 dated May 19, 2009 in the amount of P 5,344.70 and its attachments

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	(24 pages)
G-1	Signature of Glen B. Cambray which appears in DV No. 101-0905-709
G-2	Obligation Request No. 101-0905-709
G-2-a	Signature of Glen B. Cambray in the Obligation Request marked as Exhibit "G-2", an attachment to the DV
G-3-a	Signature of Glen B. Cambray in the document attached to the DV and marked as Exhibit "G-3"
G-4-a	Signature of Glen B. Cambray in the Purchase Request which is attached to the DV and marked as Exhibit "G-4"
G-5-a	Signature of Glen B. Cambray in the Request for Quotation which is attached to the DV and marked as Exhibit "G-5"
G-6-a	Signature of Glen B. Cambray in the Request for Quotation which is attached to the DV and marked as Exhibit "G-6"
G-7-a	Signature of Glen B. Cambray in the Request for Quotation which is attached to the DV and marked as Exhibit "G-7"
G-9-a	Signature of Glen B. Cambray in the Request for Quotation which is attached to the DV and marked as Exhibit "G-9"
G-10-a	Signature of Glen B. Cambray in the Request for Quotation which is attached to the DV and marked as Exhibit "G-10"
G-11-a	Signature of Glen B. Cambray in the Abstract of Bids as Read which is attached to the DV and marked as Exhibit "G-11"
G-12-a	Signature of Glen B. Cambray appearing in the Minutes of the Bids and Awards Committee (BAC), which is marked as Exhibit "G-12", an attachment to the DV
G-13-a	Signature of Glen B. Cambray appearing in BAC Resolution No. 02, Series of 2009, which is marked as Exhibit "G-13", an attachment to the DV
G-14-a	Signature of Glen B. Cambray appearing in the Purchase Order which is marked as Exhibit "G-14", an attachment to the DV
G-15-a	Signature of Glen B. Cambray appearing in the Inspection and Acceptance Report marked as Exhibit "G-15", an attachment to the DV
G-16	The date (5/4/09) appearing in Box D of DV No. 101-0905-709
H	Landbank of the Philippines Check No. 958712 dated May 21, 2009 in the amount of P 5,344.70 signed by accused Pedro M. Trinidad, Jr. and Isidro Angos with Phil Maurice Store as payee

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I	Phil Maurice Store Sales Invoice No. 31867
I-1	Signature of Glen B. Cambray
J to J-11	Disbursement Voucher No. 101-0905-766 dated May 27, 2009, in the amount of ₱ 17,381.55, and its attachments (12 pages)
K	Landbank of the Philippines Check No. 958749 dated May 27, 2009, in the amount of ₱ 17,381.55 signed by accused Trinidad, Jr. and Isidro Angos with A. Robillos Caltex Station as payee
L	Cash Invoice No. 10598 dated May 30, 2009, A. Robillos Caltex Station
M – M-13	Disbursement Voucher No. 101-0905-763 dated May 27, 2009, in the amount of ₱ 2,700.00 and its attachments (13 pages)
N	Landbank of the Philippines Check No. 958744 dated May 27, 2009, in the amount of ₱ 2,700.00 signed by accused Trinidad, Jr. with William Masuhay as payee
O to O-7	Disbursement Voucher No. 101-0905-765 dated May 27, 2009, in the amount of ₱ 1,948.20 and its attachments (8 pages)
P	Landbank of the Philippines Check No. 958752 dated May 27, 2009, in the amount of ₱ 1,948.00 signed by accused Trinidad, Jr. with Bella Tranquilan as payee
Q	Robillos Caltex Filling Station Cash Invoice No. 10376
R to R-2	Disbursement Voucher No. 101-0909-1322 in the amount of ₱ 39,644.93 and its attachments (2 pages)
S	Landbank of the Philippines Check No. 1027688 dated September 9, 2009, in the amount of ₱ 39,644.93 signed by accused Trinidad, Jr. with Ultra Star Marketing as payee
T	Ultra Star Marketing Official Receipt No. 3919 acknowledging receipt of the amount of ₱ 39,644.93 from the municipality fo Cortes, Surigao del Sur
U to U-2	Disbursement Voucher No. 101-0906-838 in the amount of ₱ 37,747.37 and its attachments (2 pages)
V	Landbank of the Philippines Check No. 958839 dated June 11, 2009, in the amount of ₱ 37,747.37 signed by accused Trinidad, Jr. with Viva Machinery Sales as payee
W	Viva Machinery Sales Official Receipt No. 06763, acknowledging receipt of the amount of ₱ 37,747.37 from the Municipality of Cortes
X	Certification dated December 10, 2014, issued by Percival C. Cañete, OIC Registrar of Deeds

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X-1	Signature of Percival C. Cañete, OIC Registrar of Deeds
Y	Extrajudicial Settlement of the Estate of Maria Maquiling with Deed of Donation dated December 4, 2009 (3 pages)
Y-1	Signature of Percival C. Cañete, OIC Registrar of Deeds
Y-2	Page 2 of the Extrajudicial Settlement of the Estate of Maria Maquiling with Deed of Donation dated December 4, 2009
Y-2-a	Signature of Percival C. Cañete, OIC Registrar of Deeds, on page 2 of the Extrajudicial Settlement of the Estate of Maria Maquiling with Deed of Donation dated December 4, 2009
Y-3	Page 3 of the Extrajudicial Settlement of the Estate of Maria Maquiling with Deed of Donation dated December 4, 2009
Y-3-a	Signature of Percival C. Cañete, OIC Registrar of Deeds, on page 3 of the Extrajudicial Settlement of the Estate of Maria Maquiling with Deed of Donation dated December 4, 2009
Z	Tax Declaration of Real Property No. 08-07-0010-01078
AA	Tax Declaration of Real Property No. 08-07-0010-01362
BB	Photograph of piggery building
CC	Service record of Pedro M. Trinidad, Jr.
DD	Personal Data Sheet (PDS) accomplished by Pedro M. Trinidad, Jr. on January 28, 2013
EE	Service record of Leonidas T. Coniaberros
FF	<i>Panunumpa sa Katungkulan</i> (Oath of Office) of Leonidas T. Coniaberros
GG	Position Description Form of Municipal Accountant, Leonidas T. Coniaberros
HH	Birth certificate of Pedro M. Trinidad, Jr.
II	Obligation Request No. 101-0905-194 dated May 28, 2009, with payee's name, Geronima Agua
JJ	Special Power of Attorney (SPA) of Lydia T. Cunanan
KK¹¹⁸	Minutes of the regular meeting of the Municipal Development Council (MDC) of Cortes on April 15, 2009
KK-1	Paragraph 10 of the Minutes of MDC meeting on April 15, 2009

¹¹⁸ TSN dated January 23, 2018, p. 11.

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In addition to the above documentary exhibits, the prosecution formally offered rebuttal evidence¹¹⁹ which were germane to the direct testimony of State Auditing Examiner II Jay Anthony M. Bantugan.¹²⁰ This Court admitted¹²¹ the following exhibits offered by the prosecution, to wit:

EXHIBIT	DESCRIPTION
XX to XX-2	Certified true copy of the subsidiary ledger of sales of piglets for the year 2011 (3 pages)
XX-3, XX-1-d, XX-2-b	Signature of Jay Anthony M. Bantugan, appearing on Exhibit "XX"
XX-4 to XX-6	Name of "Pedro M. Trinidad, Jr.", appearing on item nos. 6, 8, and 15, appearing on Exhibit "XX"
XX-7 to XX-9	Name of Leonidas Coniaberros appearing on item nos. 23, 30, and 31, appearing on Exhibit "XX"
YY	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period May 1 – 30, 2011
YY-1	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period August 1 – 30, 2011
YY-2	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period September 1 – 30, 2011
YY-3	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period October 1 – 30, 2011
YY-4	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period November 1 – 30,

¹¹⁹ Formal Offer of Rebuttal Evidence with Motion to Submark Exhibits dated May 14, 2018, of the Office of Special Prosecutor, pp. 1 – 21 (Records, Vol. 4, pp. 132 – 152.).

¹²⁰ Jay Anthony M. Bantugan, member of Team 2, Local Government Sector, of the Commission on Audit (COA), Tandag, Surigao del Sur, testified before the Sandiganbayan, Sixth Division on May 8, 2018 (Records, Vol. 4, pp. 124 – 127).

¹²¹ Resolution dated July 12, 2018, of the Sandiganbayan, Sixth Division, pp. 1 – 2 (Records, Vol. 4, pp. 229 – 230).

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	2011
YY-5	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period December 1 – 30, 2011
YY-6	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period December 1 – 30, 2011
YY-7	Highlighted entries Perfect Milling Corporation / payment of feeds/ ₱ 31,298.95
YY-8	Signature of Jay Anthony M. Bantugan, appearing on Exhibit "YY"
ZZ	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages</i>) for the period January 1 – 15, 2011, LGU of Cortes
ZZ-1	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages</i>) for the period February 16 – 28, 2011, LGU of Cortes
ZZ-2	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages/ RATA</i>) for the period March 1 – 15, 2011, LGU of Cortes
ZZ-3	Certified true copy of Report of Cash Disbursement (<i>Wages</i>) for the period April 1 - 15, 2011, LGU of Cortes
ZZ-4	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages</i>) for the period April 16 – 30, 2011, LGU of Cortes
ZZ-5	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages</i>) for the period May 1 - 31, 2011, LGU of Cortes
ZZ-6	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages/ ACA/ PERA/ RATA/ Honorarium</i>) for the period June 1 – 15, 2011, LGU of Cortes
ZZ-7	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages/ Subsistence Allowance</i>) for the period June 15 - 30, 2011, LGU of Cortes
ZZ-8	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages/ ACA/ PERA/ RATA</i>) for the period July 1 - 15, 2011, LGU of Cortes
ZZ-9	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages/ ACA/ PERA/ RATA/ Honorarium/ Year-end Bonus & Cash Gift</i>) for the period November 1 – 15, 2011, LGU of Cortes
ZZ-10	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages/ ACA/ PERA/ RATA/ Honorarium</i>)

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	dated December 15, 2011, LGU of Cortes
ZZ-11	Encircled entry " Gorgonio T. Madronial " appearing on Exhibit "ZZ"
ZZ-12	Signature of Jay Anthony M. Bantugan, appearing on Exhibit "ZZ"
AAA to AAA-2	Certified true copy of subsidiary ledger of payment of piglets for 2012 (3 pages)
AAA-3 to AAA-6	The entry " L. Coniaberros " appearing four (4) times on Exhibit "AAA"
AAA-7	Signature of Jay Anthony M. Bantugan, appearing on Exhibit "AAA"
BBB to BBB-3	Certified true copy of subsidiary ledger of payment of piglets for 2013 (4 pages)
BBB-4	Signature of Jay Anthony M. Bantugan, appearing on Exhibit "BBB"
CCC to CCC-1	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period March 1 - 31, 2012
CCC-2 to CCC-3	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period May 1 - 31, 2012
CCC-4	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period September 1 - 30, 2012
CCC-5 to CCC-6	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period December 1 - 31, 2012
CCC-7	Highlighted entries Perfect Milling Corporation/ Payment of purchased materials/ P 22,730.40
CCC-8	Signature of Jay Anthony M. Bantugan appearing on Exhibit "CCC"
DDD	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period January 1 - 31, 2013
DDD-1	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period May

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	1 – 31, 2013
DDD-2	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period June 1 – 30, 2013
DDD-3	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur (no period / no date)
DDD-4	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period September 1 – 30, 2013
DDD-5	Certified true copy of Report of Check issued by the LGU of Cortes, Surigao del Sur for the period October 1 – 31, 2013
DDD-5-A, DDD-5-B	Encircled entry "Perfect Milling Corporation" appearing twice on Exhibit "DDD-5"
DDD-5-C	Signature of Jay Anthony M. Bantugan appearing on Exhibit "DDD-5"
EEE	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages/ Midyear Bonus/ Cash/ ACA/ PERA/ RATA</i>) for the period May 1 – 15, 2012, LGU of Cortes
EEE-1	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages/ ACA/ PERA/ RATA/ Honorarium</i>) for the period June 1 – 15, 2012, LGU of Cortes
EEE-2	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages/ Subsistence Allowance</i>) for the period June 16 – 31, 2012, LGU of Cortes
EEE-3	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages/ ACA/ PERA/ RATA/ Honorarium</i>) for the period July 1 – 15, 2012, LGU of Cortes
EEE-4	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages/ RATA/ ACA/ PERA/ Honorarium</i>) for the period August 1 - 15, 2012, LGU of Cortes
EEE-5	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages/ Subsistence Allowance</i>) dated August 24, 2012, LGU of Cortes
EEE-6	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages/ RATA/ ACA/ PERA/ Honorarium</i>) for the period September 1 - 15, 2012, LGU of Cortes
EEE-7	Certified true copy of Report of Cash Disbursement (<i>Salaries and Wages/ Subsistence Allowance</i>) dated September 15 - 30, 2012, LGU of Cortes