



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES, SB-18-CRM-0408
Plaintiff, For: Falsification of Public Document
(Art. 171, par. 4, RPC)

SB-18-CRM-0409 to 0411
For: Violation of Section 8 of
Republic Act No. 6713

- versus -

Present

PRUDENCIO M. REYES, JR.,
Accused.

FERNANDEZ, SJ, J.,
Chairperson
MIRANDA, J. and
CORPUS-MAÑALAC, J.*

Promulgated:

May 10, 2019 *[Signature]*

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DECISION

FERNANDEZ, SJ, J.

Accused Prudencio M. Reyes, Jr., then Deputy Commissioner assigned at the Bureau of Customs (BOC), Port Area, Manila, is charged with one (1) count of Falsification under Art. 171, par. 4 of the Revised Penal Code (RPC), for allegedly making a false statement in his Personal Data Sheet (PDS).¹ He is further charged with three (3) counts of violation of Sec. 8 of Republic Act No. 6713 (R.A. No. 6713),² for his alleged failure to make certain disclosures in his entry Statement of Assets, Liabilities and Net Worth (SALN), and in his SALNs for the years 2010 and 2011.³

* J. Corpus-Mañalac sits as Special Member of the Sixth Division in lieu of J. Vivero per A.O. No. 138-2019 dated April 29, 2019.

¹ SB-18-CRM-0408

² Code of Conduct and Ethical Standards for Public Officials and Employees

³ SB-18-CRM-0409 to 0411

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SB-18-CRM-0408
(Falsification under Art. 171, par. 4 of the RPC)

That on or about 26 October 2009, in the City of Makati Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, PRUDENCIO MELENDEZ REYES, JR., a high-ranking public official, being Deputy Commissioner assigned at the Bureau of Customs (BOC), Port Area, Manila, committing the offense in relation to office and being required by law to make truthful declarations in his Personal Data Sheet (PDS), did then and there willfully, unlawfully and criminally make false statements in a narration of facts, the truth of which he is legally bound to disclose, by stating in said PDS, under the section Civil Service Eligibility, that he is "CESO [Career Executive Service Officer], RANK I," when he knew for a fact that he is not a Career Executive Service (CES) eligible, since his request with the Career Executive Service Board (CESB) to note and record his CESO I appointment was denied in a Resolution dated 7 May 2001, to the prejudice of public interest.

CONTRARY TO LAW.

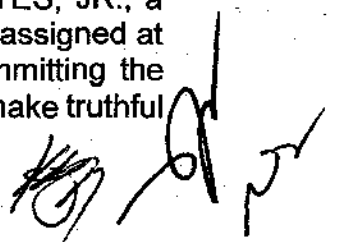
SB-18-CRM-0409
(Violation of Sec. 8 of R.A. No. 6713)

That on or about February 23, 2010, in the City of Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, PRUDENCIO MELENDEZ REYES, JR., a high-ranking public official, being Deputy Commissioner assigned at the Bureau of Customs (BOC), Port Area, Manila, committing the offense in relation to office and being required by law to make truthful declarations of his assets, among other things, in his Statement of Assets, Liabilities and Networth (SALN), did then and there willfully, unlawfully and criminally fail to disclose in his SALN of February 23, 2010 (entry SALN), the following: 1) his business interests and financial connections in All in One Entertainment Corp.; 2) his business interests in Prudence Group of Companies, Inc.; and 3) his 2005 Honda TMX125 motorcycle with Plate No. TO7291.

CONTRARY TO LAW.

SB-18-CRM-0410
(Violation of Sec. 8 of R.A. No. 6713)

That on or about April 30, 2011, in the City of Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, PRUDENCIO MELENDEZ REYES, JR., a high-ranking public official, being Deputy Commissioner assigned at the Bureau of Customs (BOC), Port Area, Manila, committing the offense in relation to office and being required by law to make truthful



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declarations of his assets, among other things, in his Statement of Assets, Liabilities and Networth (SALN), did then and there willfully, unlawfully and criminally fail to disclose in his SALN for the year 2010, the following: 1) his business interests and financial connections in All in One Entertainment Corp.; 2) his business interests in Prudence Group of Companies, Inc.; and 3) his 2005 Honda TMX125 motorcycle with Plate No. TO7291.

CONTRARY TO LAW.

SB-18-CRM-0411
(Violation of Sec. 8 of R.A. No. 6713)

That on or about April 30, 2012, in the City of Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, PRUDENCIO MELENDEZ REYES, JR., a high-ranking public official, being Deputy Commissioner assigned at the Bureau of Customs (BOC), Port Area, Manila, committing the offense in relation to office and being required by law to make truthful declarations of his assets, among other things, in his Statement of Assets, Liabilities and Networth (SALN), did then and there willfully, unlawfully and criminally fail to disclose in his SALN for the year 2011, his business interests and financial connections in All in One Entertainment Corp.

CONTRARY TO LAW.

On March 5, 2019, the prosecution filed its *Motion to Withdraw Information*,⁴ wherein it prayed for the withdrawal of the Information in SB-18-CRM-0409. According to the prosecution, the handling prosecutor recommended to the Ombudsman the withdrawal of the Information in said case, considering that there is a possibility that the third element of Falsification under Art. 171, par. 4 of the Revised Penal Code will not be proven under the circumstances of said case; and, pursuant to the accused' offer of plea bargaining, on the condition that the accused will enter a plea of guilty in SB-18-CRM-0409 to 0411.⁵ The Ombudsman approved said recommendation on February 15, 2019.⁶

The Department of Finance-Revenue Integrity Protection Service (DOF-RIPS), which filed with the Office of the Ombudsman the

⁴ Dated February 22, 2019; Record, pp. 347-354

⁵ Memorandum dated January 30, 2019 (Annex A of the prosecution's *Motion to Withdraw Information*), p. 2; Record, p. 351

⁶ Memorandum dated January 30, 2019 (Annex A of the prosecution's *Motion to Withdraw Information*), p. 5; Record, p. 354

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Joint Complaint-Affidavit⁷ from which the present cases arose, interposed no objection to the withdrawal of said Information.⁸

On May 10, 2019, upon motion of the accused, after personal examination, and after explaining to him, in English, a language known and understood by him, the consequences of his waiver, the Court allowed a waiver of the reading of the Information in SB-18-CRM-0410 and 0411. Thereafter, the accused, assisted by counsel, expressed his full understanding and consent to the said waiver in writing. The accused also confirmed that his counsel explained to him the nature and cause of the accusations against him in said cases.

Upon arraignment and reading of the Information in SB-18-CRM-0409 in English, a language known and understood by him, the accused entered a plea of "Guilty." He likewise entered a plea of "Guilty" in SB-18-CRM-0410 and 0411.⁹ When queried, the accused and his counsel informed the Court that the accused fully understood the nature and consequences of his entering a plea of guilty to the crimes charged in the Informations.

THE COURT'S RULING

SB-18-CRM-0408

Once an Information is filed in court, any disposition of the case, whether it be dismissal or the conviction or the acquittal of the accused, rests in the sound discretion of the court. The only qualification to this exercise of the judicial prerogative is that the substantial rights of the accused must not be impaired nor the People be deprived of the right to due process.¹⁰ This also applies to a motion to withdraw the Information or to dismiss the case before or after the arraignment of the accused.¹¹

In *Fuentes v. Sandiganbayan*,¹² the Supreme Court clarified that such exercise of judicial discretion involves the court's own

⁷ Dated December 16, 2015; Record, pp. 16-36

⁸ Comment (to the Motion to Withdraw Information dated 22 February 2019) dated May 3, 2019 and filed on May 6, 2019

⁹ Order dated May 10, 2019

¹⁰ *Fuentes v. Sandiganbayan*, G.R. No. 139618, July 11, 2006

¹¹ *Lanier v. People*, G.R. No. 189176, March 19, 2014

¹² *Supra*. Note 10

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assessment of the evidence in the possession of the prosecution. To wit:

We hold that the exercise of judicial discretion, with respect to a motion to withdraw the Information filed by the prosecution, is not limited to the mere approval or disapproval of the stand taken by the prosecution. The court must itself be convinced that there is indeed no sufficient evidence against the accused and this conclusion can only be reached after an assessment of the evidence in the possession of the prosecution. What is required is the court's own assessment of such evidence.

The elements of Falsification under Art. 171, par. 4 of the RPC are as follows:¹³

- (1) The offender makes in a public document untruthful statements in a narration of facts;
- (2) The offender has a legal obligation to disclose the truth of the facts narrated; and
- (3) The facts narrated are absolutely false.

In SB-18-CRM-0408, after examining the evidence attached to the Office of the Ombudsman's Resolution,¹⁴ this Court agrees with the prosecution that there is no sufficient evidence to establish the third element of Falsification under Art. 171, par. 4 of the RPC. From the evidence attached to the Office of the Ombudsman's Resolution, it would appear that the accused, in stating that he was a CESO Rank 1 in his PDS, relied—whether rightly or wrongly—on the appointment made by the Office of the President.¹⁵ Thus, it cannot be said that such statement is absolutely false.

SB-18-CRM-0409 to 0411

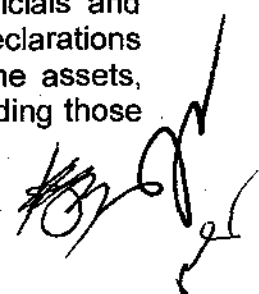
Sec. 8 of R.A. No. 6713 requires public officials and employees to disclose certain information in their SALNs. The provision reads:

Sec. 8. Statements and Disclosure. – Public officials and employees have an obligation to accomplish and submit declarations under oath of, and the public has the right to know, the assets, liabilities, net worth and financial business interests including those

¹³ Please see *People v. Sandiganbayan*, G.R. No. 197953, August 5, 2015

¹⁴ Dated August 10, 2017; Record, pp. 205-221

¹⁵ Record, p. 185



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of their spouses and of unmarried children under eighteen (18) years of age living in their households.

(A) *Statement of Assets and Liabilities and Financial Disclosure.* – All public officials and employees, except those who serve in an honorary capacity, laborers and casual or temporary workers, shall file under oath their Statement of Assets, Liabilities and Net Worth and a Disclosure of Business Interests and Financial Connections and those of their spouses and unmarried children under eighteen (18) years of age living in their households.

The two documents shall contain information on the following:

- (a) x x x
- (b) personal property and acquisition cost;
- (c) x x x
- (d) x x x
- (e) all business interests and financial connections.

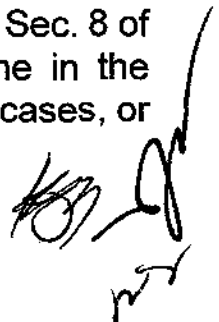
x x x

In SB-18-CRM-0409 to 0411, having pleaded guilty to the charges in the Informations, the accused is deemed to have admitted all the material facts alleged therein.

WHEREFORE, in SB-18-CRM-0408, it appearing that there will be no prejudice to the rights of the parties, and since there is no objection on the part of complainant DOF-RIPS, this Court hereby **GRANTS** the prosecution's *Motion to Withdraw Information*. As prayed for, the Information in said case is hereby **WITHDRAWN**.

The Court **NOTES** the Comment filed by the DOF-RIPS.

In SB-18-CRM-0409 to 0411, accused PRUDENCIO M. REYES, JR. is found **GUILTY** beyond reasonable doubt of violation of Sec. 8 of R.A. No. 6713, and is accordingly sentenced to pay a fine in the amount of Five Thousand Pesos (₱5,000.00) for each of the cases, or

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the total amount of Fifteen Thousand Pesos (P15,000.00) for all three (3) charges, with subsidiary imprisonment in case of insolvency.¹⁶


There being no civil liability involved, no award of damages is made in these cases.

SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


MARYANN E. CORPUS-MAÑALAC
Associate Justice

¹⁶ The Supreme Court has, on several occasions, imposed subsidiary imprisonment in case of insolvency to pay the fine for violation of special laws, notwithstanding the absence of such provision in said laws; Please see *Diongzon v. Court of Appeals*, G.R. No. 114823, December 23, 1999.

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ATTESTATION

I attest that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13, of the Constitution, and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


AMPARO M. CABOTAJE-TANG
Presiding Justice

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