



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-16-CRM-0507

For: Violation of Sec. 3(e) of
R.A. 3019

- versus -

ROGELIO N. QUINO, CECILIA
QUINO-REJAS, and ANTONIO
QUINO, JR.,

Accused.

Present:

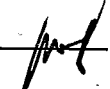
FERNANDEZ, SJ, J.

Chairperson

MIRANDA, J. and

VIVERO, J.


Promulgated:

October 28, 2019 

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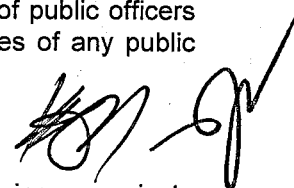
DECISION

VIVERO, J.

For decision is the charge for violation of Section 3(e) of Republic Act No. 3019 (R.A. No. 3019)¹ or the Anti-Graft and Corrupt Practices Act, as amended, against Rogelio Narvasa Quino (Mayor Quino), then Municipal Mayor of Manolo Fortich, Bukidnon, Cecilia Quino-Rejas (Quino-Rejas), then Municipal Budget Officer of the same municipality, and Antonio Narvasa Quino (Antonio), Municipal Shop Foreman of the same municipality, for allegedly giving unwarranted benefit, advantage, or preference to Antonio Narvasa 

¹Section 3. *Corrupt practices of public officers.* In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions. 

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Quino, Jr. in the form of salary increases, by approving and certifying several appointments of the latter which effectively upgraded his Salary Grade (SG) as Municipal Shop Foreman from SG11 to SG15 and thereafter to SG18, without legal basis and in violation of Republic Act No. 6758 or the Compensation and Classification Act of 1989 and Republic Act No. 7160 or the 1991 Local Government Code of the Philippines to the damage and prejudice of the government.

The Facts

From the record, as well as the stipulations of the parties, the following relevant facts are deemed admitted:

Accused Antonio was a casual employee of the Local Government Unit of Manolo Fortich, Bukidnon since June 1, 2008.² Antonio started working as a Mechanical Shop Foreman in the Motorpool Division with a Salary Grade of SG11 with a daily rate pay of PHP474.09.³ Then for the period of July 1, 2008 to December 31, 2008, Antonio's casual employment was renewed and his Salary Grade was upgraded to SG13 with a daily rate pay of PHP591.86.⁴ For the period of January 1, 2009 to September 30, 2010, his employment as Mechanical Shop Foreman was again renewed and his Salary Grade was upgraded to SG15 with a daily rate of pay of PHP731.50.⁵ Antonio continued to receive such daily rate of pay as Mechanical Shop Foreman until December 24, 2010.⁶ From January 1, 2011 until April 11, 2012, Antonio's Salary Grade remained at SG15 but his daily rate of pay was increased to PHP838.22.⁷

Based on the Plantilla of Casual Appointments for January 12, 2012 to April 11, 2012,⁸ Antonio's salary per day was PHP838.22. However, the payroll for the period March 26, 2012 to April 11, 2012 will show that Antonio received the amount of PHP1,157.90 per day – a compensation equivalent to SG18.⁹ Then on April 12, 2012 until October 11, 2012, Antonio's appointment as Mechanical Shop Foreman was again renewed and his Salary Grade was again upgraded to SG18 with a daily rate of pay of PHP1,157.90.¹⁰

²Exhibits "H," "V," to "V-48" for the prosecution.

³*Ibid*

⁴Exhibits "I," "V-49" to "V-93" for the prosecution.

⁵Exhibits "A," "J," "C," and "B."

⁶Exhibits "V-94" to "V-263" for the prosecution.

⁷Exhibits "F," "E," "K," "D," "L," "V-264" to "V-384" for the prosecution.

⁸Exhibit "L" for the prosecution.

⁹Exhibits "V-385" to "V-387" for the prosecution.

¹⁰Exhibits "V-388" to "V-430"

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The appointment of Antonio and its renewals were certified by Quino-Rejas as to the existence of appropriation, as then Municipal Budget Officer of Manolo Fortich, Bukidnon. Mayor Quino also signed the appointment of Antonio and its renewals as the approving authority, being the then Mayor of the same municipality.

On June 12, 2012, Diosdado Ditona filed a Complaint-Affidavit against Rogelio N. Quino, Mayor (SG 27), Cecilia Quino-Rejas, Budget Officer (SG 24), and Antonio Quino, Jr., Mechanical Shop Foreman (SG 11) alleging (a) violation of the rule on nepotism, (b) falsification of Antonio's personal data sheet, and (c) falsification by Mayor Quino and Quino-Rejas of Antonio's appointment by making it appear that the Salary Grade of a mechanical shop foreman is 18 when it is in fact only 11, thus allowing Antonio to receive a higher salary than what is provided by law to the damage and prejudice of the government and in violation of Section 3(e) of RA No. 3019.

On November 21, 2014, the Office of the Ombudsman found probable cause to indict Mayor Quino, Quino-Rejas, and Antonio for violation of Section 3(e) of RA No. 3019. The Ombudsman also found the presence of conspiracy among respondents Mayor Quino, Quino-Rejas, and Antonio.

Information

The Information¹¹ filed with this Court on May 10, 2016 reads:

The undersigned Assistant Special Prosecutor I, Office of the Special Prosecutor, hereby accuses ROGELIO NARVASA QUINO, CECILIA QUINO-REJAS, and ANTONIO NARVASA QUINO, JR. of violation of Section 3(e) of Republic Act (R.A.) 3019, otherwise known as the "Anti Graft and Corrupt Practices Act," committed as follows:

That from the period of January 1, 2009 to July 11, 2012 or sometime prior or subsequent thereto, in the municipality of Manolo Fortich, Province of Bukidnon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused ROGELIO NARVASA QUINO, being then the Municipal Mayor of the said municipality, and CECILIA QUINO-REJAS, being then the Municipal Budget Officer, while in the performance of their official functions and committing the offense in relation to their respective offices, conniving and confederating with each other and with ANTONIO NARVASA QUINO, JR., Municipal Shop Foreman of

¹¹Rollo, Vol. I. at pp.1-3.

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the same municipality, with manifest partiality, evident bad faith or gross inexcusable negligence, did then and there willfully, unlawfully, and feloniously give unwarranted benefit, advantage or preference to ANTONIO NARVASA QUINO, JR., in the form of salary increases, by approving and certifying several appointments of the latter which effectively upgraded his salary grade (SG) as Municipal Shop Foreman from SG 11 to SG 15 and thereafter to SG 18, without legal basis and in violation of Republic Act No. 6758 or the Compensation and Position Classification Act of 1989 and Republic Act No. 7160 or the 1991 Local Government Code of the Philippines to the damage and prejudice of the government.

CONTRARY TO LAW.

Proceedings before the Sandiganbayan

In its August 15, 2016 Minute Resolution¹², this Court found the existence of probable cause and consequently ordered the issuance of warrants of arrest against accused Mayor Quino, Quino-Rejas, and Antonio. Hold Departure Orders¹³ were also issued against the accused on the same date.

Accused Mayor Quino voluntarily surrendered and posted cash bail bond for his provisional liberty on August 22, 2016.¹⁴ On August 23, 2016, Quino-Rejas¹⁵ and Antonio¹⁶ voluntarily surrendered and posted their respective cash bail bonds for their provisional liberty.

On September 6, 2016, accused Mayor Quino, Quino-Rejas, and Antonio filed a Motion to Quash Information¹⁷ alleging that (a) the facts charged in the information failed to allege specific acts and circumstances showing the presence of all the essential elements of violation of Section 3(e) of RA 3019; and (b) the admitted facts on record show uncontroverted facts which negate the "prima facie truth" of the allegations in the information. On September 27, 2016, the prosecution filed its Opposition.¹⁸ On October 7, 2016, accused filed their Reply¹⁹ to the prosecution's Opposition.

¹²*Id.* at p. 80.

¹³*Id.* at p. 79.

¹⁴*Id.* at p. 83.

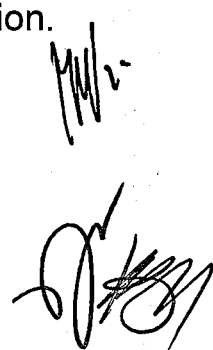
¹⁵*Id.* at p. 87.

¹⁶*Id.* at p. 90.

¹⁷*Id.* at 113 - 211.

¹⁸*Id.* at 223 - 231.

¹⁹*Id.* at 242 - 251.



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In its Resolution dated November 14, 2016²⁰, this Court denied the Motion for lack of merit. The accused filed a Motion for Reconsideration²¹ on November 21, 2016 alleging that this Court committed error when it ruled that (a) accused are charged only for the unwarranted benefits, advantage, or preference, and not for causing undue injury to any party, including the government, and (b) even hypothetically admitting the facts alleged in the information, no crime can be ascribed on the accused. On November 25, 2016, the prosecution filed their Opposition.²² On December 6, 2016, accused filed their Reply to the prosecution's Opposition.²³

This Court resolved to deny accused's Motion for Reconsideration in a Resolution dated January 12, 2017²⁴ as the issues and arguments posed by accused in support of their motion for reconsideration are but a rehash and repetition of the same issues and arguments raised in their motion to quash.

On February 10, 2017, accused filed a Petition for Certiorari²⁵ before the Supreme Court alleging grave abuse of discretion amounting to lack or excess of jurisdiction when the Court issued Resolution dated November 14, 2016 denying their Motion to Quash Information and the subsequent Resolution dated January 12, 2017 denying their Motion for Reconsideration. The Petition was denied by the Supreme Court in a Resolution dated March 6, 2017.²⁶ Accused filed a Motion for Reconsideration on May 3, 2017²⁷ which was likewise denied by the Supreme Court in its Resolution dated June 19, 2017.²⁸

Upon their arraignment on February 23, 2017, accused Mayor Quino, Quino-Rejas, and Antonio pleaded not guilty to the charge.²⁹

The prosecution filed its Pre-Trial Brief on February 28, 2017.³⁰ Accused filed their Pre-Trial Brief on March 3, 2017.³¹ On April 10, 2017, the prosecution filed an Amended Pre-Trial Brief.³²

²⁰*Id* at 261 – 266.

²¹*Id* at 268 – 277.

²²*Id* at 283 – 287.

²³*Id* at 288 – 295.

²⁴*Id* at 297 – 300.

²⁵*Id* at 306 – 496.

²⁶Rollo Vol. II, pp. 46 – 47.

²⁷*Id* at pp. 57 – 95.

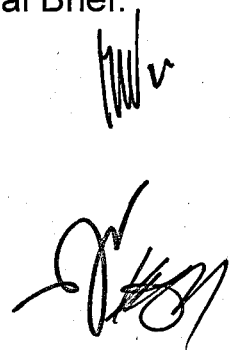
²⁸*Id* at pp. 105 - 106.

²⁹*Id.* at p. 497.

³⁰*Id* at 504 – 509.

³¹*Id* at 517 – 521.

³²Rollo Vol. II, pp. 30 - 36



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At the preliminary conference held on March 3, 2017, April 7, 2017, June 4, 2017, and July 25, 2017, the parties stipulated on the following:³³

1. The identities of the accused in the present case;³⁴
2. Accused Rogelio N. Quino was the Municipal Mayor of Manolo Fortich during the relevant period;³⁵ and
3. Accused Cecilia Quino-Rejas was the Municipal Budget Officer during the relevant period.³⁶

During the preliminary conference and in the course of the trial, the parties stipulated on the existence and due execution of the following documents:

1. Plantilla of Casual Appointment RE: Appointment of Antonio Quino, Jr., as Mechanical Shop Foreman for the period January 1, 2009 to June 30, 2009;³⁷
2. Plantilla of Casual Appointment RE: Appointment of Antonio Quino, Jr., as Mechanical Shop Foreman for the period July 1, 2010 to September 30, 2010;³⁸
3. Plantilla of Casual Appointment RE: Appointment of Antonio Quino, Jr., as Mechanical Shop Foreman for the period January 1, 2010 to June 30, 2010;³⁹
4. Plantilla of Casual Appointment RE: Appointment of Antonio Quino, Jr., as Mechanical Shop Foreman for the period October 12, 2011 to January 11, 2012;⁴⁰
5. Plantilla of Casual Appointment RE: Appointment of Antonio Quino, Jr., as Mechanical Shop Foreman for the period April 1, 2011 to July 11, 2011;⁴¹
6. Plantilla of Casual Appointment RE: Appointment of Antonio Quino, Jr., as Mechanical Shop Foreman for the period January 1, 2011 to March 31, 2011;⁴²
7. Plantilla of Casual Appointment RE: Appointment of Antonio Quino, Jr., as Mechanical Shop Foreman for the period April 12, 2012 to July 11, 2012;⁴³

³³Rollo, Vol. II pp. 112 - 123 (Pre-Trial Order dated August 10, 2017)

³⁴*Ibid.*

³⁵*Ibid.*

³⁶*Ibid.*

³⁷Formal Offer of Evidence with Motion to Change Markings dated January 16, 2018 at p. 1 (Exhibit "A" for the prosecution).

³⁸*Id* at p. 2 (Exhibit "B" for the prosecution)

³⁹*Id.* at p. 3 (Exhibit "C" for the prosecution)

⁴⁰*Id* at pp. 3 to 4 (Exhibit "D" for the prosecution).

⁴¹*Id* at p. 4 (Exhibit "E" for the prosecution).

⁴²*Id* at p. 5 (Exhibit "F" for the prosecution).

⁴³*Id* at p. 6 (Exhibit "G" for the prosecution).

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8. Plantilla of Casual Appointment RE: Appointment of Antonio Quino, Jr., as Mechanical Shop Foreman for the period January 1, 2008 to June 30, 2008;⁴⁴
9. Plantilla of Casual Appointment RE: Appointment of Antonio Quino, Jr., as Mechanical Shop Foreman for the period July 1, 2008 to December 31, 2008;⁴⁵
10. Plantilla of Casual Appointment RE: Appointment of Antonio Quino, Jr., as Mechanical Shop Foreman for the period July 1, 2009 to December 31, 2009;⁴⁶
11. Plantilla of Casual Appointment RE: Appointment of Antonio Quino, Jr., as Mechanical Shop Foreman for the period July 12, 2011 to October 11, 2011;⁴⁷
12. Plantilla of Casual Appointment RE: Appointment of Antonio Quino, Jr., as Mechanical Shop Foreman for the period January 12, 2012 to April 11, 2012;⁴⁸
13. Plantilla of Casual Appointment RE: Appointment of Antonio Quino, Jr., as Mechanical Shop Foreman for the period July 12, 2012 to October 11, 2012;⁴⁹
14. Personal Data Sheet of Antonio Narvasa Quino, Jr.;⁵⁰
15. Ordinance No. 2000-151 of Manolo Fortich, Bukidnon;⁵¹
16. Ordinance No. 2001-157 of Manolo Fortich, Bukidnon;⁵²
17. Payroll of the Municipality of Manolo Fortich, Bukidnon from 2008 to 2012;⁵³
18. Audit Certificate issued by the Commission on Audit through Wilfredo G. Galacio – State Auditor III;⁵⁴
19. Matrix of salary adjustments of the three division heads of the economic enterprise of Manolo Fortich, Bukidnon, namely: Antonio Quino, Ruben Javien, and Alain Pausanos;⁵⁵
20. Job descriptions in the form of Inter-Office Memoranda issued to Antonio N. Quino enumerating his duties and responsibilities as head of the Motorpool and Heavy Equipment Division;⁵⁶

⁴⁴*Id* at pp. 6 - 7. (Exhibit "H" for the prosecution).

⁴⁵*Id* at p. 7 (Exhibit "I" for the prosecution).

⁴⁶*Id* at p. 8 (Exhibit "J" for the prosecution).

⁴⁷*Id* at pp. 8 – 9 (Exhibit "K" for the prosecution).

⁴⁸*Id* at p. 9 (Exhibit "L" for the prosecution).

⁴⁹*Id* at p. 10 (Exhibit "M" for the prosecution).

⁵⁰*Id* at p. 11 (Exhibit "N" for the prosecution).

⁵¹*Id* at p. 11 (Exhibit "O" for the prosecution).

⁵²*Id* at p. 11 (Exhibit "P" for the prosecution).

⁵³*Id* at p. 11 (Exhibits "V" to "V-537" for the prosecution)

⁵⁴Formal Offer of Documentary Evidence dated January 22, 2019 at p. 1 (Exhibit "2" for the defense)

⁵⁵*Id* at pp. 1 to 2 (Exhibit "3" for the defense)

⁵⁶*Id* at p. 2 (Exhibit "4" for the defense)

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21. Plaque of commendation issued by the Department of Interior and Local Government (DILG) to the Municipality of Manolo Fortich, Bukidnon;⁵⁷
22. Seal of Good Housekeeping issued by the Department of Interior and Local Government to the Municipality of Manolo Fortich, Bukidnon;⁵⁸
23. Certification issued by the Office of the Municipal Accountant through Nestor M. Tabaco pertaining to the Gross Annual Receipts of the Heavy Equipment Division of the Economic Enterprise of the LGU of Manolo Fortich, Bukidnon;⁵⁹
24. Gross Collection report of the Economic Enterprise of the LGU of Manolo Fortich, Bukidnon issued by the Municipal Accountant Nestor M. Tabaco;⁶⁰
25. Bar chart gross collection report of the Economic Enterprise of the LGU of Manolo Fortich, Bukidnon;⁶¹
26. Graphical presentation of the actual income of the Economic Enterprise of the LGU of Manolo Fortich, Bukidnon issued by the Municipal Accountant Nestor M. Tabaco covering the period prior to and during the administration of Mayor Rogelio N. Quino;⁶²
27. Appropriation Ordinances of the LGU of Manolo Fortich, Bukidnon for the calendar years 2009, 2010, 2011 2012 for the economic enterprise;⁶³
28. Graphical presentation of the appropriation ordinances specific for Motorpool and Heavy Equipment under the Economic Enterprise of the LGU of Manolo Fortich, Bukidnon during the relevant period for 2009 to 2012;⁶⁴
29. Comparative data of the appointments of the three division heads under the Economic Enterprise of the LGU of Manolo Fortich, namely: Antonio Quino, Ruben Javien, and Alain Pausanos;⁶⁵
30. Plantilla of Casual Appointments of Antonio N. Quino for the period 2008 – 2012;⁶⁶
31. Plantilla of Casual Appointments of Alain S. Pausanos for the period 2008 – 2012;⁶⁷ and

⁵⁷/d at p. 2 (Exhibit "5" for the defense)

⁵⁸/d at p. 3 (Exhibit "6" for the defense)

⁵⁹/d at p. 3 (Exhibit "7" for the defense)

⁶⁰/d at p. 3 (Exhibit "8" for the defense)

⁶¹/d at p. 4 (Exhibit "9" for the defense)

⁶²/d at p. 4 (Exhibit "10" for the defense)

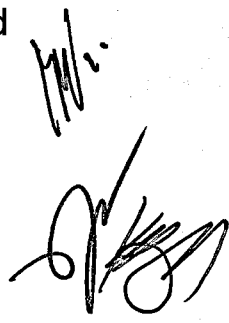
⁶³/d at p. 4 (Exhibit "12" to "12-AA" of the defense)

⁶⁴/d at p. 5 (Exhibit "13" of the defense)

⁶⁵/d at p. 5 (Exhibit "14" of the defense)

⁶⁶/d at p. 5 (Exhibit "15" to "15-K" of the defense)

⁶⁷/d at p. 7 (Exhibits "16" to "16-J" of the defense)



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32. Plantilla of Casual Appointments of Ruben I. Javien for the period 2008 – 2012.⁶⁸

The parties proposed several issues for resolution by the court, which, however, may be deemed subsumed under the following issues of (a) whether or not the accused are guilty beyond reasonable doubt for violation of Section 3(e) of R.A. No. 3019, and (b) whether or not they acted in conspiracy with one another in the commission of the offense charged.

Accused Mayor Quino informed this Court during his arraignment on February 23, 2017 that he was the incumbent Vice Governor of the Province of Bukidnon.⁶⁹ On March 2, 2017, the prosecution filed a Motion to Suspend Accused Pendente Lite⁷⁰ arguing that Section 13 of RA 3019 provides that any public officer against whom any criminal prosecution under a valid information for violation of that law is pending in court shall be suspended from office. The accused was given 15 days to file their comment to the Motion of the prosecution.⁷¹

On March 16, 2017, accused Mayor Quino filed a Compliance stating that as of February 22, 2017, Alex P. Calingasan has been sworn in as the new Vice Governor of the Province of Bukidnon thus rendering the Motion to Suspend the Accused Pendente Lite of the Prosecution moot.⁷² On April 18, 2017, the Court denied the prosecution's Motion to Suspend Accused Pendente Lite for being moot and academic.⁷³

On March 30, 2017, the prosecution filed a Motion to Amend Information to change the designation of Antonio in the information from Municipal Shop Foreman to Mechanical Shop Foreman.⁷⁴ On April 11, 2017, accused filed their Comment/Opposition.⁷⁵ The Court granted the Motion in its Resolution dated May 15, 2017.⁷⁶

Thereafter, trial on the merits ensued.

Evidence for the Prosecution

⁶⁸*Id* at p. 8 (Exhibits "17" to "17-G" of the defense)

⁶⁹*Rollo*, Vol. I. at pp.510 – 513

⁷⁰*Ibid*.

⁷¹*Rollo* Vol. II, pg. 7

⁷²*Id* at pp. 10 – 13.

⁷³*Id* at 43 – 44.

⁷⁴*Id* at pp. 16 – 22.

⁷⁵*Id* at pp. 37 – 42.

⁷⁶*Id* at pp. 52 – 55.

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The prosecution presented the following witnesses: (a) Leonida L. Paca; (b) Catherine Gatchalian; (c) Loida R. Alamban; (d) Lydia O. Lastimosa; (e) Annie B. Francisco; and (f) Ofelia Sibayan Salvador.

a) *Leonida L. Paca*

The parties agreed to stipulate on the following facts:⁷⁷

- i. Ms. Paca is the cashier of the LGU of Manolo Fortich, Bukidnon from 2005 to present;⁷⁸
- ii. One of her functions is the disbursement of salaries of employees of the said LGU;⁷⁹
- iii. She personally handed to Antonio Narvasa Quino, Jr., or his representatives, the salaries for the period 2008 to 2012;⁸⁰
- iv. Accused Rogelio Narvasa Quino or his duly authorized representative certified and approved the payroll of the said LGU for the years 2008 to 2012;⁸¹
- v. Accused Antonio Quino, Jr. or his duly authorized representative received the salaries in the amounts stated in the payroll for the years 2008 to 2012;
- vi. The witness can identify Exhs. "V" to "V-537," the signatures of accused Antonio Quino, Jr. or his representative, the signatures of accused Rogelio Quino or his representative, and her own signature as found in the said exhibits.⁸² The payroll mentioned in stipulations 4 and 5 pertain to Exhs. "V" to "V-537,"⁸³ and
- vii. Accused Antonio Quino, Jr. is a casual employee of Manolo Fortich, Bukidnon for the years 2008-2012.⁸⁴

The prosecution conducted additional direct examination and established that the name of Antonio Quino, Jr. appears in the payroll from January 1 - 15, 2008, January 16 - 31, 2008, and February 1 - 15, 2008, as a casual employee. The defense stipulated that the nature of the employment of Antonio is that of a casual employee.⁸⁵

According to Ms. Paca, the payrolls consist of both regular and casual employees.⁸⁶ Ms. Paca also testified that Allain Pausanos

⁷⁷*Id* at pp. 134 – 135; Transcript of Stenographic Notes dated September 25, 2017, pp. 1 – 13.

⁷⁸*Ibid*

⁷⁹*Ibid*

⁸⁰*Ibid*

⁸¹*Ibid*

⁸²*Ibid*

⁸³*Ibid*

⁸⁴*Ibid*

⁸⁵TSN dated September 25, 2017, pp. 1 – 13.

⁸⁶*Id* at p. 26.

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(Pausanos), Edgar Aparece (Aparece), and Ruben Javien (Javien) are casual employees stated in the payroll.⁸⁷

b) Catherine Gatchalian

Ms. Gatchalian testified that she is currently the Supervising Administrative Officer, Human Resource Management Officer IV (HRMO IV) of the LGU of Manolo Fortich.⁸⁸ She stated that she was merely designated as the Supervising Officer of the Office of the Human Resource on November 2013 and was only appointed on permanent status as HRMO IV on March 25, 2014.⁸⁹ She testified that her duties and responsibilities as HRMO IV are, as follows:

- i. She is in charge of the recruitment and selection of employees;
- ii. She plans the programs for learning and development, including performance evaluation and the rewards and incentive programs of the LGU; and
- iii. She issues certifications upon request of concerned persons.⁹⁰

Ms. Gatchalian identified the Personal Data Sheet of Antonio,⁹¹ and the Plantilla of Casual Appointments for the years 2008 to 2012 of Manolo Fortich, Province of Bukidnon.⁹² Lastly, she testified that Mayor Quino, Quino-Rejas, and Antonio are siblings.⁹³

On cross-examination, Ms. Gatchalian testified that she was a para-legal in 2011 and was not yet the HRMO IV officer during the period of January 2009 to 2012 or the period relevant to the subject case. Ms. Gatchalian testified that she assumed the position of HRMO IV around the last quarter of 2013.

Ms. Gatchalian testified that the Mayor, as the appointing authority, provides for the function and duties to be performed by a particular LGU employee.⁹⁴ She also testified that it was the HRMO Office who provided the title Mechanical Shop Foreman for Antonio Quino and who designated the salary to the position.⁹⁵ Ms.

⁸⁷*Id* at p. 27.

⁸⁸TSN dated September 26, 2017, p. 5.

⁸⁹*Id* at p. 7.

⁹⁰*Id* at pp. 7 – 8.

⁹¹*Id* at p. 8. See also Order dated February 5, 2018, Rollo Vol. III, p. 22 -23 (Exhibits "N" to "N-2" for the prosecution).

⁹²*Id* at p. 9. See also Order dated February 5, 2018, Rollo Vol. III, p. 22 -23 (Exhibits "A" to "M" for the prosecution).

⁹³*Id* at p. 11.

⁹⁴*Id* at p. 14.

⁹⁵*Id* at pp. 14 – 15.

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Gatchalian testified that in the LGU of Manolo, Fortich, Mechanical Shop Foremen may be assigned to managerial positions and can receive a salary of a person with a managerial position.⁹⁶

Ms. Gatchalian outlined the process of the preparation of the Plantilla of Casual Appointment as follows:⁹⁷

- i. The Human Resource Office (HRO) will receive an order from the Mayor for the issuance of appointment;
- ii. HRO will then prepare the Plantilla of Casual Appointment which will indicate the name of the appointee, the proposed position, the corresponding Salary Grade and salary, the period of appointment, indicate whether it is an initial appointment, movement, or re-appointment, indicate the department and source of salary;
- iii. HR will then sign the document and forward the document to the Office of the Budget Officer for the determination of whether there is an appropriation;
- iv. The document will then be forwarded to the Office of the Municipal Accountant for the determination of the obligation;
- v. The document will then be forwarded to the Office of the Municipal Treasurer;
- vi. The document will then be forwarded to the Office of the Mayor for his signature.

Ms. Gatchalian testified that based on the payroll at the time relevant to the case, Annie B. Francisco was the HRMO IV, Cecilia Quino-Rejas was the Municipal Budget Officer, Nestor M. Tabaco was the Municipal Accountant, Nancy Lompon was the Municipal Treasurer, and Mayor Quino was the appointing authority.⁹⁸

Ms. Gatchalian also testified that the sequence of signing the Plantilla of Casual Appointment is, as follows: (a) HRMO IV, (b) Budget Officer, (c) Municipal Accountant, (d) Municipal Treasurer, and (e) Mayor.⁹⁹

On redirect examination, Ms. Gatchalian testified that she was not yet connected with the HR of Manolo Fortich, Bukidnon at the time relevant to the subject transaction and consequently she does not have any knowledge on whether or not the procedures then

⁹⁶*Id* at pp. 18 – 19.

⁹⁷*Id* at pp. 20 – 21.

⁹⁸*Id* at pp. 21 – 22.

⁹⁹*Id* at p. 22.

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existing at that time were being followed by the persons who signed the documents.¹⁰⁰

According to Ms. Gatchalian, when a Mechanical Shop Foreman performs managerial positions, the LGU of Manolo, Fortich allows the Mechanical Shop Foreman to receive the corresponding salaries thereof.¹⁰¹ Ms. Gatchalian stated that in case there is an increase in duties and responsibilities in cases of casual appointments, they issue re-appointments which is tantamount to a promotion but of a casual employee.¹⁰² She testified that there should be a change in the position upon the re-appointment and the corresponding increase in salary.¹⁰³ She also stated that it is the duty of the HR to inform the Mayor, especially when there is an increase in duties and responsibilities, what the appropriate position titles and the corresponding Salary Grades are.¹⁰⁴

c) Loida R. Alamban

On October 2, 2017, the prosecution presented Loida R. Alamban, a Commission on Audit employee assigned to Bukidnon, Region 10.¹⁰⁵

The parties agreed to enter into the following stipulations and dispense with her testimony:¹⁰⁶

- i. Ms. Loida R. Alamban is an employee of Commission on Audit as the incumbent acting Audit Team Leader of Manolo Fortich, Bukidnon;
- ii. She became the resident Auditor of Manolo, Fortich in the year 2015;
- iii. Part of her functions is that she is in charge of the custody and safekeeping of all the records of the Commission on Audit, including payrolls, of the Municipality of Fortich, Bukidnon;
- iv. She issued certified true copies of the payrolls for the period 2008 to 2012 which are marked as Exhibits "V" to "V-357" for the prosecution;
- v. She has in her custody the originals of the said payrolls; and

¹⁰⁰*Id* at pp. 28 – 29.

¹⁰¹*Id* at p. 33.

¹⁰²*Id* at p. 34.

¹⁰³*Id* at p. 34.

¹⁰⁴*Ibid.*

¹⁰⁵TSN dated October 2, 2017, p. 4.

¹⁰⁶*Id* at p. 7 – 8. See also Order dated October 2, 2017, Rollo Vol. II, pp. 149 - 150.

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- vi. She is not aware of any COA report or disallowance determining or finding that the salary granted to Antonio Quino, Jr. as Mechanical Shop Foreman is irregular or illegal.

d) Lydia O. Lastimososa

On October 4, 2017, the prosecution presented Lydia O. Lastimososa, the Sangguniang Bayan Secretary of Manolo Fortich, Bukidnon.¹⁰⁷

The parties stipulated that she is the Sangguniang Bayan Secretary of Manolo Fortich, Bukidnon and that she issued certified true copies of Ordinance No. 2000-151¹⁰⁸ and Ordinance No. 2001-157.¹⁰⁹

On direct examination, Ms. Lastimososa testified that she was appointed as Secretary to the Sangguniang Bayan of Manolo Fortich on September 12, 1990 and she is still holding the position to date.¹¹⁰ She further testified that in her 27 year stint in the Office of the Sangguniang Bayan, she is not aware of any amendment or repeal of Ordinance Nos. 2001-151 and 2001-157.¹¹¹

On cross examination, Atty. Diaz attempted to have the witness identify some of their documentary evidence. However, the prosecution objected to the presentation of these as it goes beyond the testimony of the witness which was sustained by the Court.¹¹²

e) Annie B. Francisco

Annie B. Francisco is a retired HRMO of Manolo Fortich, Bukidnon from February 16, 2004 to July 31, 2012.¹¹³

On direct examination, Ms. Francisco testified that she prepared the Plantilla of Casual Employments for the period of January 2008 until October 2012.¹¹⁴ She identified her signatures and the signatures of accused Quino-Rejas and Mayor Quino in the Plantillas of Casual Appointment.¹¹⁵

¹⁰⁷TSN dated October 4, 2017, p. 3.

¹⁰⁸Exhibit O

¹⁰⁹Exhibit P

¹¹⁰*d* at pp.8 – 9.

¹¹¹*d* at p. 9.

¹¹²*d* at pp. 18 – 20. Exhibits A to M.

¹¹³TSN dated November 6, 2017 at pp. 9 – 11.

¹¹⁴*d* at p. 12.

¹¹⁵*d* at pp. 14 – 15.

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Ms. Francisco testified that it is the Municipal Mayor who sends a letter or endorsement stating therein the name of the casual employees with their corresponding Salary Grade. As a mere HRMO, the witness will just prepare the appointment pursuant to the instructions she receives.¹¹⁶ She further stated that it is the Municipal Mayor, Mayor Quino, and the Budget Officer, Quino-Rejas, who determines the position of the casual appointees.¹¹⁷

Ms. Francisco identified Local Budget Circular 61¹¹⁸ where it is stated that the Salary Grade allocated to a Municipal Shop Foreman is SG11.¹¹⁹ Ms. Francisco also testified that while she knew that a Mechanical Shop Foreman is only assigned a Salary Grade of SG11, she was instructed by the Municipal Mayor to upgrade the Salary Grade of the Mechanical Shop Foreman. She stated that she even called the attention of the Municipal Administrator, Engineer Mike Quino - brother of the Municipal Mayor - and explained that it could not be done as it is against the law but the latter just said "*tignan nalang natin.*"¹²⁰ Lastly, she stated that she knew a Municipal Shop Foreman's job is to fix machines and trucks.¹²¹

On cross-examination, Ms. Francisco testified that Antonio Quino is also supervising as a foreman.¹²² The parties stipulated that the Salary Grade of Antonio for the period January 1, 2008 to July 30, 2008 is SG11, from July 1, 2008 to December 31, 2008 the same was upgraded to SG13, from January 1, 2009 to April 11, 2012 the same was further increased to SG15, from April 12, 2012 to October 11, 2012 it was adjusted to SG18.

Ms. Francisco identified that Pausanos' position as Slaughter in Charge was not changed despite the adjustments made on his salary grade from SG8 to SG11 to SG15 and then to SG18.¹²³ She also confirmed that Javien and Pausanos also received a Salary Grade adjustment based on the Plantilla of Casual Appointments which she prepared.¹²⁴

On re-direct examination, Ms. Francisco further testified that the Municipal Mayor sent a letter endorsed to the Human Resource,

¹¹⁶*Id* at p. 25.

¹¹⁷*Id* at p. 26.

¹¹⁸The Court took judicial notice of this document as shown by TSN dated November 6, 2017 at pp. 28 – 29.

¹¹⁹TSN dated November 6, 2017 at pp. 26 – 27.

¹²⁰*Id* at pp. 30 – 31.

¹²¹*Id* at p. 32.

¹²²*Id* at p. 38.

¹²³*Id* at p. 64.

¹²⁴*Id* at pp. 73 - 74.

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detailing the appointment of Javien and Pausanos.¹²⁵ Further, Ms. Francisco stated that without the endorsement of the Mayor, the appointment and the increase in the Salary Grades of these employees would not have materialized.¹²⁶

f) Ofelia Sibayan Salvador

Witness Ofelia Sibayan Salvador was the Director II of the Civil Service Commission, Field Office of Bukidnon, from the period 2009 to 2012.¹²⁷

On direct examination, Ms. Salvador testified that one of her duties and responsibilities is to approve appointments for regulated agencies and validate appointments.¹²⁸ She elaborated that she merely validates for accredited and deregulated agencies while she approves appointments for regulated agencies. Accredited agencies are given authority by the Civil Service Commission through a resolution that the appointing authority is authorized to approve appointments of employees and it is only validated by the Field Office.¹²⁹ Ms. Salvador also testified that Manolo Fortich is an accredited agency of the Civil Service Commission since 2005 pursuant to Resolution 51033.¹³⁰

Ms. Salvador testified that she validated casual employments for the period January 2009 to August 2012 of the Municipality of Manolo Fortich, Bukidnon.¹³¹ However, she stated that she invalidated the Plantilla of Casual Appointment for the period July 12, 2012 to October 11, 2012¹³² due to nepotism.¹³³ She further testified that she merely relied on the signatures appearing on the Plantilla of Casual Appointments when she validated the appointments.¹³⁴

Ms. Salvador stated that the Civil Service Commission is not concerned as to the Salary Grades of appointees in the plantilla for as long as it is certified by the Budget Officer, who is actually in charge when it comes to Salary Grades.¹³⁵ The Municipal Accountant

¹²⁵*Id* at pp. 79 – 80.

¹²⁶*Id* at p. 80.

¹²⁷TSN dated November 8, 2017 at p. 7.

¹²⁸*Id* at p. 8.

¹²⁹*Ibid.*

¹³⁰*Ibid.*

¹³¹*Ibid.*

¹³²Exhibit M

¹³³TSN dated November 8, 2017 at pp. 18 - 19.

¹³⁴*Id* at p. 20.

¹³⁵*Ibid.*

