

REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
Quezon City

**Second Division**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff,

**SB-12-CRM-0214-215**

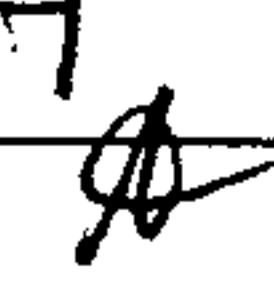
For Violation of Section 3 (g)  
of Republic Act No. 3019, as  
amended and Estafa thru  
Falsification of Public  
Documents,

-versus-

**JUANITO B. BAÑAL, ET AL.,**  
Accused.

Present:

**Herrera, J., Chairperson**  
**Musngi, J.**  
**Pahimna, J.**

October 23, 2017  
Promulgated 

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**RESOLUTION**



Pahimna, J:

This resolves the *Motion For Leave to File Demurrer to Evidence* filed by the accused Juanito Bañal,<sup>1</sup> through counsel, Atty. Ronald Galvan on September 13, 2016 and the *Motion For Leave to File and to Admit the attached Demurrer to Evidence* filed by accused Susana P. Ladlad and Susan Christine C. Villanueva through their counsel, Atty. Pilarita T. Lapital filed on September 19, 2016.<sup>2</sup>

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<sup>1</sup> Sandiganbayan records, Vol. 3, pages 1167-1170

<sup>2</sup> Ibid., pages 1171-1174

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The prosecution filed a *Comment to the Motion for Leave to file Demurrer to Evidence* of accused Bañal<sup>3</sup> on September 19, 2016. On September 30, 2016, the prosecution filed a *Manifestation [Comment on Accused Ladlad and Villanueva's Motion for Leave to File and to admit Attached Demurrer to Evidence]*<sup>4</sup> adopting the Comment to the Motion for Leave to file Demurrer to Evidence of accused Bañal where the prosecution has already addressed the arguments similarly advanced by accused Ladlad and Villanueva.

Accused Juanito Bañal posited that the evidence of the prosecution is too insufficient to justify a finding of conspiracy between and among respondents. The evidence of the prosecution, both testimonial and documentary, are likewise not enough to support a finding of guilt beyond reasonable ground

Furthermore, accused contended that none of the twenty-five (25) complainant who executed the *Sinumpaang Salaysay* dated November 30, 2015 was presented by the prosecution. Instead, Atty. Julieta Omana, the Notary Public who notarized the said *Sinumpaang Salaysay* was presented which the accused considered hearsay that cannot be relied upon as evidence.

Accused Juanito Bañal likewise questioned the admissibility of Exhibit "A" to "M" of the prosecution purportedly secured from the Land Transportation Office (L.T.O.) when there was no evidence of when and how the same were secured. He added that admitting for argument's sake, that the documents emanated from L.T.O, it provided no evidence that the accused had a hand in the submission of the same to the L.T.O. Further, accused mused that Exhibit "N" to "Y" were mere photocopies, thus have no probative value.

In the same vein, Accused Ladlad and Villanueva propounded in relation to SB-12-CRM-0214 that the prosecution has not established through their documentary evidence the elements of violation of Section 3(g) of R.A. No. 3019 other than that the accused Ladlad and Villanueva were public officials during the period stated in the Information, thereby making it improbable for the prosecution to support the required quantum of evidence to sustain their conviction as other elements of the crime were sorely missing. Citing the case of *Gonzaludo v. People*<sup>5</sup> "*(F)or an accused to be convicted of the complex crime of estafa and falsification of public document, all*

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<sup>3</sup> Ibid., page 1204-1218

<sup>4</sup> Ibid., pages 1244-1247

<sup>5</sup> G.R. No. 150910, Feb. 06, 2006

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*the elements of the two crimes of estafa and falsification of public evidence must exist.*

As to SB-12-CRM-0215, the testimonial and documentary evidence failed to confirm other elements of the crime of Estafa thru Falsification of Public Documents as defined under Article 315 in relation to Article 171 of the Revised Penal Code aside from the fact that accused Ladlad and Villanueva were public officials at the time material to the case.

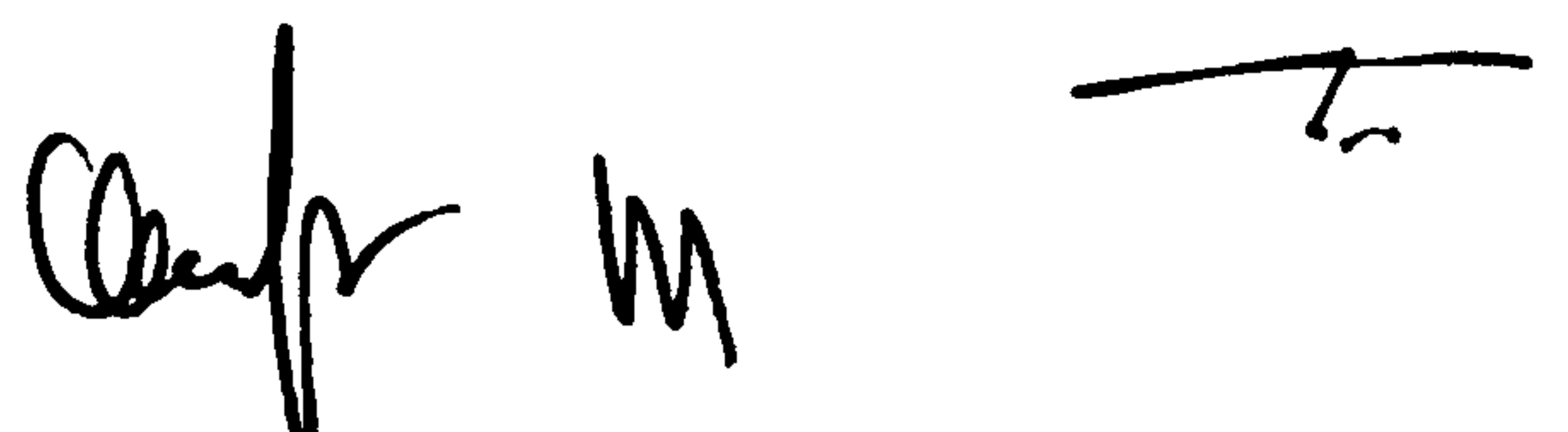
Also being scrutinized is the Deed of Sale. The prosecution had not presented the signatories to the Deed of Sale or the notary public who notarized the same thereby casting doubt on its genuineness and due execution.

The prosecution through its Comment countered that the evidence presented proved the elements of violation of Section 3(g) of R. A. No. 3019 and estafa thru falsification of public documents.

Accused admitted their respective public positions during the pre-trial. Consequently, accused Bañal as municipal mayor, accused Ladlad as acting municipal accountant/BAC member and accused Villanueva as municipal treasurer/BAC member. It represented the first element of violation of Section 3(g) of R.A. No. 3019 and falsification of public documents.

In view of their respective positions and functions, the accused prepared, falsified and signed Disbursement Voucher no. 2348 dated 22 September 2003 with supporting documents including Bids and Awards Committee (BAC) documents and entered into a Deed of Sale Transaction on behalf of the Municipality of Gumaca, Quezon. They took advantage of their official position and employed false pretense, fraudulent act or fraudulent means prior to or simultaneous with the purchase of one (1) AUV with 4BE1 engine 10-seater semi stainless painted with registration and execution of Deed of Sale proving the first and second element of estafa and second element of violation of section 3(g) of R.A. No. 3019 and falsification of public documents.

As a result, the Municipality of Gumaca, Quezon, was induced to release P380,000.00 when in truth and in fact the said vehicle was purchased from Lipa Trading Center for only P100,000.00 as evidenced by Deed of Sale dated 15 October 2003 entered into by accused Bañal, or an overprice of P280,000.00 to the damage and prejudice of the municipality. It corresponded to third and fourth

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elements of estafa and third element of violation of section 3(g) of R.A.

To lend credence to the accusation, the prosecution presented the testimonies of Atty. Julieta Omaña, Valentina M. Ramos, Auditor Nerma Dela Rosa, Auditor Nancy Cortez, Auditor Estela Manzano and Cristine A. Waje. In their testimonies, they presented various documentary evidence to prove all the elements of violation of Sec. 3(g) of R.A. No. 3019 and estafa thru falsification of public documents.

Contrary to the asseveration of accused Bañal that Atty. Julieta Omaña’s testimony were hearsay, the witness testified that she received copies of the disbursement voucher and supporting documents for the purchase of the said AUV. She likewise prepared the *Sinumpaang Salaysay* and confirmed the said transaction from various agencies and obtained the certified true copies of the documents marked as Exhibit “A” to “M”. Exhibit “N” to “Y” were the subject of the prosecution’s *Motion for Production of Documents* that was favorably acted upon by the Court. However, until now the original or certified true copies of the documents were not produced by any of the accused to comply with the resolution of the Court dated 09 October 2013. Thus, the prosecution resorted to presentation of secondary evidence.

**THE COURT’S RULING**

The Court is not persuaded by the aforementioned motions.

A demurer to evidence is an objection by one of the parties in an action, to the effect that the evidence which his adversary produced is insufficient in point of law, whether true or not, to make out a case or sustain the issue. The party demurring challenges the sufficiency of the whole evidence to sustain a verdict. The Court in passing upon the sufficiency of evidence raised in a demurrer, is merely required to ascertain whether there is competent or sufficient evidence to sustain the indictment or to support a verdict of guilt. <sup>6</sup>

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<sup>6</sup> Gutib v. CA, 312 SCRA365, as cited in Soriquez v. Sandiganbayan, G.R. No. 153526, Oct. 25, 2006

The determination of sufficiency or insufficiency of the evidence presented by the prosecution as to establish a prima case against an accused is left to the exercise of sound judicial discretion. Unless there is a clear showing of a grave abuse of discretion amounting to lack or excess of jurisdiction, the trial courts denial of a motion to dismiss or a demurrer to evidence may not be disturbed.<sup>7</sup>

Extant in the record of the case that the prosecution presented the testimonies of Atty. Julieta Anascion Omaña, Valentina Marqueses Ramos, Auditor Nerma Caballero Dela Rosa, Auditor Nancy Aguilar Cortez, Auditor Estela Morgia Manzano and Cristine A. Waje. In the course of their testimonies, the witnesses presented various documentary evidence marked as Exhibit "A" to "EEE" which the Court in its Resolution dated August 16, 2016 were all admitted.

After thorough assessment of arguments and evidence presented thus far, the court appreciates the probative values of the evidence, testimonial and documentary and find the same to be *prima facie* sufficient to sustain the indictment of the accused unless successfully controverted by competent defense evidence.

WHEREFORE, the Court resolves to **DENY** the Motion For Leave to File Demurrer to Evidence filed by the accused Juanito Bañal, as well as the Motion For Leave to File and to Admit the attached Demurrer to Evidence filed by accused Susana P. Ladlad and Susan Christine C. Villanueva.

SO ORDERED.

  
**LORIFEL L. PAHIMNA**  
Associate Justice

WE CONCUR:

  
**OSCAR O. HERRERA, JR**  
Associate Justice  
Chairperson

  
**MICHAEL FREDERICK L. MUSNGI**  
Associate Justice

<sup>7</sup> Ibid.