



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

Seventh Division

PEOPLE OF THE PHILIPPINES, Criminal Case Nos. 26770 and
Plaintiff, 26826

-versus-

MEINRADO ENRIQUE A.
BELLO, MANUEL S. SATUITO,
MINVILUZ S. CAMIÑA,
JOELITA TRABUCO and
ABELIO JUANEZA,

Accused.

X ----- X
PEOPLE OF THE PHILIPPINES,
Plaintiff,

Criminal Case Nos. 26771 and
26827

-versus-

MEINRADO ENRIQUE A.
BELLO, MANUEL S. SATUITO,
MINVILUZ S. CAMIÑA,
JOELITA TRABUCO and
ROSALINDA D. TROPEL,

Accused.

X ----- X
PEOPLE OF THE PHILIPPINES,
Plaintiff,

Criminal Case Nos. 26772 and
26828

-versus-

MEINRADO ENRIQUE A.
BELLO, MANUEL S. SATUITO,
MINVILUZ S. CAMIÑA,
JOELITA TRABUCO and
FELIPE Y. VILLAROSA,

Accused.

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X -----X
PEOPLE OF THE PHILIPPINES,
Plaintiff,

Criminal Case Nos. **26773** and
26829

-versus-

**MEINRADO ENRIQUE A.
BELLO, MANUEL S. SATUITO,
MINVILUZ S. CAMIÑA,
JOELITA TRABUCO and RAUL
APOSAGA,¹**

Accused.

X -----X
PEOPLE OF THE PHILIPPINES,
Plaintiff,

Criminal Case Nos. **26774** and
26831

-versus-

**MEINRADO ENRIQUE A.
BELLO, MANUEL S. SATUITO,
MINVILUZ S. CAMIÑA,
JOELITA TRABUCO and
HERMIE BARBASA,²**

Accused.

X -----X
PEOPLE OF THE PHILIPPINES,
Plaintiff,

Criminal Case Nos. **26775** and
26830

-versus-

**MEINRADO ENRIQUE A.
BELLO, MANUEL S. SATUITO,
MINVILUZ S. CAMIÑA,
JOELITA TRABUCO and
ROSARIO BARBASA-PERLAS,**

Accused.

Present:

Gomez-Estoesta, J., *Chairperson*
Fernandez,* J. and
Jacinto,** J.

Promulgated:

May 25, 2018 ip

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* Sitting as Special Member of this Division per Administrative Order No. 224-2016 dated July 20, 2016

** Per Administrative Order No. 284-2017 dated August 18, 2017

¹ Deceased, per Certificate of Death Registry No. 2017-1297; Records, Volume 6, p. 240

² As corrected in the Information from "Barbosa"

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RESOLUTION

GOMEZ-ESTOESTA, J.:

The Court resolves:

- (a) Accused Manuel S. Satuito's "*Motion for Reconsideration (of the Decision dated 9 February 2018)*" dated February 21, 2018;
- (b) Accused Meinrado Enrique A. Bello's "*Motion for Reconsideration*" dated February 26, 2018;
- (c) Prosecution's "*Consolidated Opposition to the Separate Motions for Reconsideration filed by Accused Bello and Satuito*" dated March 7, 2018;
- (d) Accused Minviluz S. Camiña's "*Motion for Reconsideration (to Decision dated 09 February 2018)*" dated February 23, 2018;
- (e) Prosecution's "*Opposition to the Motion for Reconsideration filed by Accused Minviluz Camiña*" dated March 21, 2018; and
- (f) Accused Manuel S. Satuito's "*Reply*" dated April 5, 2018.

In common, the *Motions* pray that the assailed Decision be set aside and that a new one be entered acquitting the accused. The salient points respectively raised by Atty. Bello, Atty. Satuito, and accused Camiña in their separate *Motions*, are summed below:

Atty. Satuito's Motion for Reconsideration

The prosecution must rely on the strength of its own evidence, not on the weakness of the evidence of the accused.

Atty. Satuito is adamant that he never participated in the preparation, execution, and payment on the deeds of sale subject of these cases. There is a lack of direct evidence showing his hand in the commission of the crimes charged. His name and signature does not appear in any of the documentary exhibits of the prosecution; neither did any of the prosecution's witnesses testify against him nor mention his name. In fact, Atty. Satuito never set foot in Iloilo. The sale of properties thereat (including negotiating with the vendors, preparing documents for registration, payment of the properties, and payment of taxes) was handled by the Iloilo Project Team, which was headed by Lt. Col. Hormillosa and Lt. Col. Almazan. This fact was affirmed by prosecution witness Josina Evite Parcon. Even his co-accused, accused



Camiaña, averred that all documents were under the control of the Iloilo Project Team. Moreover, accused Barbasa (one of the vendors of the subject lots) stated that he never met with the lawyers of AFP-RSBS.

Conspiracy must be proven beyond reasonable doubt; suppositions based on presumptions does not constitute such proof. Atty. Satuito disputes the Court's findings for being based on deductions and/or speculations, specifically that he participated in the alleged conspiracy to defraud the State just because he was the former Head of the Documentation Division of AFP-RSBS. The mere presence of Atty. Kahulugan during the payment of the subject parcels of land is not tantamount to participation.

Atty. Bello's Motion for Reconsideration

Atty. Bello contends that there is insufficient evidence, direct and circumstantial, to prove his guilt and the existence of conspiracy, beyond reasonable doubt. On this basis, he highlights that:

None of the prosecution's witnesses pointed to Atty. Bello or his co-accused as the ones who committed the acts constituting the crimes charged, which are: causing the execution or notarization of deeds of sale subject of these cases; allowing the registration of the unilateral deeds of sale by presenting documents of sale before the register of deeds; and filing the capital gains tax return and paying the taxes due in connection with the sales of real property.

Neither were Atty. Bello and Atty. Satuito officers of the Real Estate Department or members of the Iloilo Project Team which handled the acquisition of properties in Iloilo. The person identified by prosecution witnesses was a certain Lt. Col. Hormillosa, who was one of the project officers.

No evidence pointed to the Legal Department as the entity which was responsible for the payment of the capital gains tax and in the processing and registration of the documents, nor were the bilateral deeds of sale in its custody. Said deeds of sale remained with the Records Department as testified by witness Parcon. As it stands, the un rebutted testimony of accused Bello shows that the duty to pay the capital gains tax and the processing of documents for registration lie with the Iloilo Project Team.

As to the charges for violation of Section 3 (e) of *R.A. 3019*, there was no injury or damage to the government as AFP-RSBS withheld taxes from the purchase price paid to the vendors. The taxes were eventually fully paid. For the same reason, neither was there any unwarranted benefit, advantage, or preference in favor of any private party. Atty. Bello denies that he and Atty. Satuito pocketed the tax withheld.

With regard to the charges of falsification of public documents, Atty. Bello disagrees with the Court's findings that he and Atty. Satuito consented, through inaction, to the use of the unilateral deeds of sale in the payment of

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capital gains tax, when it is the bilateral deeds of sale which governed the transactions. That there was inaction on the part of Atty. Bello and Atty. Satuito is contrary to the allegation in the Informations that said accused caused the execution, notarization, and subsequent registration of the unilateral deeds of sale. This is because "inaction" is inconsistent with the physical act of causing the execution, notarization, and subsequent registration of the unilateral deeds of sale.

Accused Camiña's Motion for Reconsideration

The Court's ruling on the existence of conspiracy and participation on the part of accused Camiña was based on conjectures, not on prosecution evidence.

It was not stated by the prosecution witnesses that accused Camiña was tasked to fully settle the capital gains tax, or that she accompanied AFP-RSBS officials to effect the transfer of the subject properties. Accused Camiña had known of the existence of the bilateral deeds of sale, but she had averred that she had no access and control over the same.

No direct evidence linked the employees of Grand Manor Iloilo Realty Corporation ("**Grand Manor**") to the execution and transfer of the unilateral deeds of sale. The prosecution did not show that Joelita Trabuco or Honey Grace Sonza³ affixed their signatures on the unilateral agreements, nor that the former was the one who registered the transfer of the properties.

Even assuming that Grand Manor's employees were responsible, it was not established that she was aware of her subordinates' actions. The taxes that were withheld stayed in the possession and control of AFP-RSBS; neither she nor Grand Manor benefitted from the illegal transactions. In the end, it was Col. Salvador Mison III and Marzan who issued a check to settle the deficient taxes. Accused Camiña never received payment from AFP-RSBS.

Accused Camiña further disputes her alleged motive to profit on the sales by increasing the buying price per square meter. She avers that she asked for a higher selling price on behalf of vendors Spouses Barbasa so that the latter would obtain a higher profit. While this led to a higher commission as broker, it does not change the fact that Spouses Barbasa were the ones who primarily benefited.

The foregoing circumstances, coupled with the lack of prosecution evidence linking her to the alleged conspiracy, negate the existence of the elements of the crimes charged.

Prosecution's Opposition

The prosecution argues that the Court correctly found Atty. Bello, Atty. Satuito, and accused Camiña guilty beyond reasonable doubt, and the

³ Also referred to as Hannah Grace Sonza



existence of conspiracy, which were based on the evidence submitted by all the accused and the prosecution.

It was the inaction of Atty. Bello and Atty. Satuito which became indispensable to consummate the conspiracy to defraud the government of millions in taxes. Their silence enabled accused Camiña to register the unilateral deeds of sale. The acquiescence of both lawyers points to them as authors of the idea to have two deeds of sale per transaction. Although Atty. Bello and Atty. Satuito disclaim participation by reason of their official functions, they should have actively rendered guidance and supervision to the Real Estate Department, to the landowners, to the real estate broker, to the Finance Department, and to the Iloilo Project Team.

With respect to accused Camiña, it was evident that she had overt and active participation as a broker in the registration of the unilateral deeds of sale and eventually, in the payment of the deficiency taxes under the bilateral deeds of sale. There is a clear concurrence of design and purpose to defraud the government when accused Camiña quickly responded to the demand for payment of deficiency taxes, without any protest despite knowing that the amount was already withheld by AFP-RSBS. More, accused Camiña could have cooperated with the Government in going after the AFP-RSBS officials responsible for the under-payment of taxes.

The prosecution thus prays for the denial of the *Motions for Reconsideration*.

Accused Satuito's Reply

Essentially, Atty. Satuito amplified and reiterated the grounds he raised in his *Motion for Reconsideration*, that: there is no direct evidence linking him to the acts comprising the crimes; he did not participate in the purchase of the Iloilo properties; the prosecution must rely on the strength of its evidence, not on the weakness of the evidence of the accused; and all doubts must be resolved in favor of the accused in consonance with the presumption of innocence.

The Court's Ruling

To recap, the prosecution evidence proved the guilt of the accused, beyond reasonable doubt, by strong circumstantial evidence. The Court's judgment, which the accused now assails, found that the execution of two deeds of absolute sale of the subject lands in Iloilo, which contained variances as to the acquisition cost or gross selling price of the other, underpinned the existence of a grand scheme bolstered by a conspiracy, involving Atty. Bello, Atty. Satuito, and accused Camiña, to defraud the government in the payment of a lower capital gains tax and to pocket the difference for selfish advantage.

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While the accused cavil on the lack of direct evidence supporting the existence of conspiracy, it must be stressed that:⁴

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[Conspiracy] from its essential features of secrecy and concealment, it need not be proved by direct evidence. Instead, it is sufficient for conspiracy to be inferred from the conduct of the accused before, during, and after the commission of the felony, showing they had acted with a common purpose and design. Stated differently, the rule is that conviction is proper upon proof that the accused acted in concert, each of them doing his part to fulfill the common unlawful design, each doing a part so that their combined acts, though apparently independent of each other, were, in fact, connected and cooperative, indicating a closeness of personal association and a concurrence of sentiment. In such a case, **the act of one becomes the act of all and each of the accused will be deemed equally guilty of the crime committed.** (Emphasis supplied)

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Accused's convictions, therefore, were trailed not from direct overt acts which visibly exposed their participation to the crimes charged, as none can verily be singled out by the prosecution witnesses, but by indirect evidence which provides a clear and strong inference to link their knowledge and participation to the same.

From the circumstances present, it was deduced that there existed a conspiracy involving accused Atty. Bello and accused Atty. Satuito of the Legal Department of AFP-RSBS whose roles were to ensure that the necessary documentation for the sale transaction would pass muster and be eventually approved for payment by AFP-RSBS; and accused Camiña, then Vice-President of Grand Manor, who brokered the transactions.

Specifically, it was through accused Camiña's participation as broker which revealed that she was part of the conspiracy to defraud the government. Apart from her apparent evasiveness when she was probed in open court as to her knowledge of the bilateral deeds of sale, accused Camiña, denied having known of the existence of the unilateral deeds of sale. But her denial is difficult to believe in view of the fact that it was her employees, Trabuco and Sonza, who had affixed their signatures as witnesses to the deeds of sale, and even presented the documents for the transfer of registration of the properties from the landowners to AFP-RSBS using the undervalued purchase price reflected in the unilateral deed of sale. Then, after the tax deficiencies had been discovered and had been a subject of investigation by the Senate Blue Ribbon Committee, accused Camiña tried to shield herself from liability by attempting to settle the same. If her allegations were indeed true that the payment of withholding tax was the sole province or responsibility of AFP-RSBS, it is highly suspicious for accused Camiña to make efforts to settle the same if she had no participation therein. On top of it all, there was even a point of contention between landowners Spouses Barbasa and accused Camiña over the acquisition cost per square meter, which casts further suspicion on the

⁴ *People v. Abes y Yambot*, G.R. No. 138937, January 20, 2004

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latter's motives as she would have surely derived more commission from an increased selling price.

Accused Camiña further raises the defense that it is normal for brokers to seek profit in the course of business. However, based on the circumstances in these cases, it bears emphasizing that it is one thing to derive profit from realty commission, and it is another to gain profit from under-valued declarations of property acquisition for purposes of payment of capital gains tax, when government funds are used.

In the same vein, contrary to the assertion of Atty. Bello and Atty. Satuito that they played no part in the acquisition of lands, it is evident that they had the duty to take an active, not passive, part in the purchase of properties through the following: the review of documents relative to the purchase of properties; the gathering of all the important data and preparation of all the necessary documents material in the acquisition process; and ascertaining the valuation of the properties that AFP-RSBS would eventually pay, which amount would be used in the computation of the capital gains tax. Once said tax is paid, a Certificate Authorizing Registration should be obtained to effect the eventual transfer of registration. In particular, as Head of the Legal Department, Atty. Bello reviewed material documents subject of the sales, including the bilateral deeds of sale. For his part, Atty. Satuito, as Head of the Documentation Division, admitted that the Iloilo Project Team was assisted by Atty. Maricel Capa-Kahulugan, a member of the said Division, to assist in legal matters. **In fact, no payment was made without Atty. Kahulugan's presence.**⁵ Consequently, Atty. Bello and Atty. Satuito cannot successfully deny their participation in the Iloilo Project. Being lawyers and head officials of the Legal Department, the very nature of the real estate transactions cannot be downplayed by either of them as it was plain to see that the legal aspect of the sales, which should have covered the payment of the capital gains tax for purposes of transfer of registration, is their area of responsibility. This is the reality the Court cannot close its eyes to.

To reiterate, the Court appreciated the presence of the following circumstances which disclosed a common design shared by the accused, viz:

The supposed vigilance of the Legal Department in reviewing and/or passing upon the documents and transactions pertaining to the purchase of subject lots would not have allowed a loophole. The only credible explanation for these glaring irregularities is that Atty. Bello and Atty. Satuito, as public officers, were all part of the conspiracy with accused Camiña in the under-valued tax payment of the Iloilo properties. This is reflected in the following:

1. The bilateral deeds of sale which were the ones "*passed upon*" by the Legal Department headed by Atty. Bello were the same documents that were actually signed by the landowners, having been affirmed to have been executed by accused Barbasa (for TCT No. T-112090 and TCT No. T-

⁵ Judicial Affidavit of Meinrado Enrique A. Bello (Records, Volume 5, p. 190); Judicial Affidavit of Manuel Se Satuito (Records, Volume 5, p. 319)

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112089 in the amount of ₱5,360,400.00) and accused Barbasa-Perlas (for TCT No. T-81806 in the amount of ₱5,360,400.00).

2. At this time, accused Barbasa and accused Barbasa-Perlas disclaimed any knowledge of unilateral deeds of sale. The disparity in the signatures of the landowners/vendors have already been considered by this Court.

3. The bilateral deeds of sale, however, remained in the coffers of AFP-RSBS, but were never notarized. This only meant that they did not go beyond the "pre-registration" process. Hence, the same were never intended to be presented to the Bureau of Internal Revenue for purposes of transfer of registration. Why this was so can only be deflected by the unilateral deeds of sale which later surfaced.

4. All this time, the taxes corresponding to the payment of capital gains tax and documentary stamps have been withheld by AFP-RSBS, which fact remains undisputed by the accused themselves. This only meant that the basis of the amount withheld could only be taken from the purchase price appearing in the bilateral deeds of sale. The amount withheld, made on the basis of the higher consideration, has been with AFP-RSBS all along. Reference to AFP-RSBS should be with the Legal Department, not the Real Estate Department supposedly responsible in the acquisition of the Iloilo properties. The Legal Department is imbued with the inherent function of reviewing the validity of the transaction and assisting in the transfer of registration of the properties. It cannot, therefore, feign ignorance in the ultimate payment of capital gains tax. It may be true that the processing of the payment may have been made by the Real Estate Department but the legal angle should have covered the actual computation of capital gains tax on the basis of the actual purchase price.

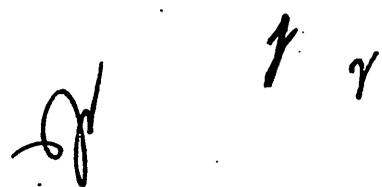
5. In effecting a transfer of registration, however, it was apparent that unilateral deeds of sale were presented which contained lower considerations, as shown in:

5.1 the Certificate Authorizing Registration (CAR) for the real property transaction of **Rosalinda D. Tropel** and AFP-RSBS issued on **June 11, 1997**, where the declared selling price was only **₱2,729,920.00** compared to the actual selling price of **₱10,919,680.00** found in the bilateral deed of sale.

5.2 the Certificate Authorizing Registration for **Felipe Y. Villarosa** issued also on **June 11, 1997** which declared the selling price as **₱8,000,000.00** compared to the selling price of **₱32,000,000.00** found in the bilateral deed of sale.

5.3 a certified copy of the Primary Entry Book of the Registry of Deeds of Iloilo which showed that on **September 3, 1997**, what was entered as the contract value for the sale of real property in the name of "**Raul Aposaga & Adelfa**" was **₱450,000.00** compared to its purchase price of **₱1,912,750.00** in the bilateral deed of sale.

5.4 the same Primary Entry Book for the entry made for "**Hermie R. Barbasa & Olivia**" which was only **₱1,000,000.00** compared to its purchase price in the bilateral deed of sale at **₱5,360,640.00**.



5.5 a certified copy of the Primary Entry Book of the Registry of Deeds of Iloilo which showed that *on September 4, 1997*, what was entered as the contract value for the sale in the name of "**Rosario R. Barbasa and Vicente Perlas**" was only **₱1,000,000.00** compared to its purchase price in the bilateral deed of sale at **P5,360,640.00**.

No similar evidence was presented for the contract of sale entered with Efren P. Juaneza.

6. Since a transfer of registration was effected on the basis of the unilateral deeds of sale, a lower tax payment on capital gains was made. Accused Camiña was the first one to even admit that per Senate Blue Ribbon Committee hearing, "*there was an undervaluation of ₱42,373,550.00 for which the tax deficiency should be collected by the BIR. Our tentative computation of the tax deficiency is ₱2,754,280.70*" which could be found in her letter dated January 26, 1999. A tax deficiency was thus immediately acknowledged by reason of which a *Proposal for Compromise Settlement of Tax Deficiency* was made by accused Camina to the BIR.

7. With the proposal, it was only on *May 12, 1999* when capital gains tax on the basis of the *actual purchase price* was paid. A Certificate Authorizing Registration was thus issued anew, as shown from the documentary exhibits which accused Camiña herself provided. By this time, however, the conspiracy already unfolded. Transfers of registration have already been effected. The latter payment of the tax deficiency for the capital gains tax could no longer efface the anomaly committed.

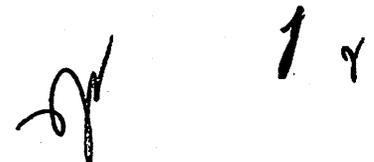
8. The one who processed the initial transfer of registration in *1997* for landowners Hermie Barbasa, Raul Aposaga, and Rosario Barbasa-Perlas, per Primary Entry Book, can only be traced to accused Joelita Trabuco, an employee of Grand Manor Iloilo Realty Corporation. One simply has to pierce through the defenses made as the hand of accused Camina could be linked in all of these. (Citations omitted)

From here, the prosecution was able to establish the elements of violation of Section 3 (e) of *R.A. 3019*, which are:⁶

- (a) the offender must be a public officer discharging administrative, judicial, or official functions (or a private individual acting in conspiracy with such public officers);
- (b) he or she must have acted with manifest partiality, evident bad faith or gross inexcusable negligence; and
- (c) his or her action caused undue injury to any party, including the government, or gave any private party unwarranted benefits, advantage or preference in the discharge of his or her functions.

Atty. Bello and Atty. Satuito were public officers being then officials of the Legal Department of AFP-RSBS. Said accused, along with accused Camiña, acted with evident bad faith when unilateral deeds of sale were utilized to arrive at the computation of capital gains tax instead of the bilateral deeds of sale that were signed by the landowners. The submission of the

⁶ *Lim v. Deputy Ombudsman for the Military and Other Law Enforcement Offices*, G.R. No. 201320, September 14, 2016; *Fuentes v. People*, G.R. No. 186421, April 17, 2017



undervalued unilateral deeds of sale to the Bureau of Internal Revenue led to the improper declaration of the amount subject to capital gains tax, which ultimately resulted in unwarranted benefit to favor those behind it.

That the deficiency taxes had been eventually settled has no bearing. As correctly underscored by the prosecution, there are two (2) modes of committing violation of Section 3 (e) of *R.A. 3019*: (i) by causing undue injury to any party, including the government, or (ii) by giving any private party any unwarranted benefit, advantage or preference. The use of the disjunctive "or" connotes that the two modes need not be present at the same time. The existence of unwarranted benefit thus satisfied the third element.

Likewise, the elements of Article 171 of the *Revised Penal Code* obtained, which are:⁷

- (1) the offender is a public officer, employee, or notary public;
- (2) he or she takes advantage of his or her official position; and
- (3) that he or she falsifies a document by committing any of the ways it is done.

Paragraph 4 of Article 171, *supra*, further requires that:⁸

- (a) the offender makes in a public document untruthful statements in a narration of facts;
- (b) the offender has a legal obligation to disclose the truth of the facts narrated by him; and
- (c) the facts narrated by the offender are absolutely false.

Atty. Bello and Atty. Satuito were public officers who took advantage of their positions by consenting, through inaction, to the use of unilateral deeds of sale, through the maneuverings of accused Camiña, in the payment of capital gains tax, relative to the Iloilo Project, when it is the bilateral deeds of sale which governed the sale transactions. The accused were obligated to disclose the true valuations set in the bilateral deeds of sale, but failed to do so; the underdeclared purchase prices indicated in the unilateral deeds of sale were absolutely false.

In fine, the presence of all the elements of the crimes charged justifies the conviction of the accused. As no meritorious or cogent reasons were given by them, the modification, much less reversal, of the challenged Decision is not warranted.

WHEREFORE, the following are **DENIED** for lack of merit:

⁷ *Corpuz, Jr. v. People*, G.R. Nos. 212656-57, November 23, 2016

⁸ *Ibid.*

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- (a) Accused Manuel S. Satuito's "*Motion for Reconsideration (of the Decision dated 9 February 2018)*" dated February 21, 2018;
- (b) Accused Meinrado Enrique A. Bello's "*Motion for Reconsideration*" dated February 26, 2018; and
- (c) Accused Minviluz S. Camiña's "*Motion for Reconsideration (to Decision dated 09 February 2018)*" dated February 23, 2018.

SO ORDERED.


MA. THERESA DOLORES C. GOMEZ-ESTOESTA
Associate Justice
Chairperson

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice


BAYANI H. JACINTO
Associate Justice