



REPUBLIC OF THE PHILIPPINES

*Sandiganbayan*

Quezon City

SPECIAL THIRD DIVISION

PEOPLE OF THE PHILIPPINES,      Crim. Cases No. 28062, 28064-  
Plaintiff,      28067

For: Estafa thru Falsification of  
Public Document

Crim. Cases No. 28237-23238,  
28240-28242

For: Violation of Sec. 3(e) of  
R.A. No. 3019, as amended

*Present*

- versus -

**CABOTAJE-TANG, P.J.,**

Chairperson

**FERNANDEZ, B, J. and**

**FERNANDEZ, SJ,\* J.**

**FRANCISCO S. SENOT, ET AL.**  
Accused.

*Promulgated:*

July 17, 2019

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## RESOLUTION

**FERNANDEZ, SJ, J. :**

This resolves accused Francisco S. Senot's *Respectful Urgent Motion for Reconsideration*;<sup>1</sup> and the *Motion for Reconsideration*<sup>2</sup> filed by accused Florante M. Cruz.

In his Motion, accused Senot prays that this Court reconsider and set aside the Decision dated June 29, 2017,<sup>3</sup> and a new one acquitting him be issued. He avers:

\* Revised Internal Rules of the Sandiganbayan, Rule IX, Sec. 2(a)

<sup>1</sup> Dated July 10, 2017; pp. 437-454, Record, Vol. IV

<sup>2</sup> Dated July 14, 2017; pp. 455-585, Record, Vol. IV

<sup>3</sup> pp. 321-406, Record, Vol. IV

## RESOLUTION

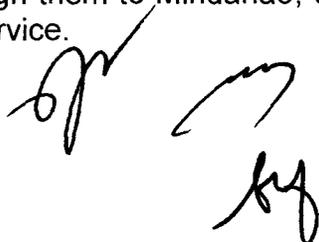
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1. The prosecution's evidence failed to prove beyond reasonable doubt that he committed Estafa thru Falsification of Public Document.
  - a. Aside from the testimony of witness Molina, there was no evidence showing that no repairs were made on the Besta van and the Elf truck.
  - b. The documents were signed by the concerned public officers.
  - c. The Report of Waste Materials (Exhibit P) was signed by Aniceto Herrera, Renato Molina and Jeroul Lingao-Lingao. Herrera and Lingao-Lingao did not file a case against the accused. If there were in fact no waste materials, Molina would have also filed a case against Herrera and Lingao-Lingao, who consented to report the existence of waste materials.
  - d. Even assuming that there were lapses in procedure, he, as Chief of the Bureau of Fire Protection (BFP), had no participation in such irregularities.
  - e. The Certificates of Warranty and Certificates of Acceptance pertaining to the subject transactions show that repairs were actually performed on the Besta van and the Elf truck. These documents were attached to the respective Disbursement Vouchers.
  - f. The procedures for the repair requests were duly followed. The requirements therefor were likewise duly complied with.
  - g. The prosecution witnesses admitted the genuineness of their signatures in the pertinent documents.
    - i. If, indeed, there were irregularities in the subject transactions, said witnesses could have easily filed, with the Department of Interior and Local Government (DILG), a complaint against him and accused Cruz. That they had not done so belies their claim of having been forced to sign such documents.
    - ii. They failed to present any substantial evidence to prove their claim that upon their refusal to sign said documents, he and accused Cruz threatened to reassign them to Mindanao, or to dismiss them from the service.



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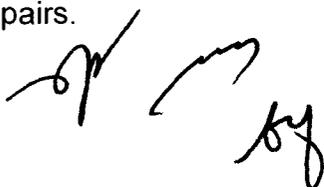
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- iii. Absent any proof that they were forced to sign said documents, it is conclusive that they freely and voluntarily executed the same, and fully understood the contents and import thereof.
2. The prosecution likewise failed to prove that he committed violation of Sec. 3(e) of Republic Act No. 3019 (R.A. No. 3019).
  - a. The Besta van and Elf truck were repaired, as evidenced by the supporting documents attached to the respective Disbursement Vouchers.
  - b. The Land Bank checks were issued in favor of the motor shops that performed the repair work on the two (2) vehicles. Said motor shops issued official receipts to acknowledge the receipt of payment therefor.
3. In Crim. Cases No. 28063 and 28239, the Fourth Division of the Sandiganbayan acquitted him and accused Cruz for the prosecution's failure to prove that its witnesses, who acknowledged the genuineness of their signatures in the documents, were forced to sign such documents. Considering that there were no irregularities in the repair of the subject vehicle, the Government could not have suffered any undue injury.
4. The Decision of the Fourth Division was elevated to the Supreme Court, docketed as G.R. Nos. 198198 and 198199. The Supreme Court found no grave abuse of discretion on the part of the Fourth Division.

Accused Cruz, in his Motion, similarly prays that this Court reconsider, set aside and reverse the Decision dated June 29, 2017, and an order acquitting him be issued. He avers:

1. The presumption of innocence in favor of the accused is overthrown only by proof beyond reasonable doubt.
2. The prosecution failed to prove the guilt of the accused beyond reasonable doubt. Therefore, they should be acquitted.
3. The prosecution witnesses duly signed the documents pertaining to the repairs of the Besta van and Elf truck.
4. The Court erroneously disregarded the importance of the Complete Staff Work (CSW) done on certain internal memoranda—initiatory requirements for facilitating the subject transactions. These internal memoranda show that the subject vehicles needed repairs.

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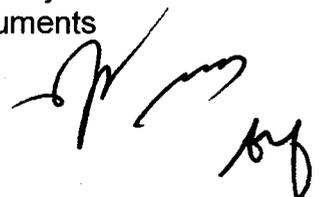
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5. The Elf truck driven by witness Dizon was assigned to the Logistics Office of the BFP. It was Sr. Supt. Manuel S. Badura who actually made the requests for repairs.
6. Witness Dizon's claim that the Elf truck did not need repairs is unbelievable. Said Elf truck was a second-hand vehicle, which was, at the time of the subject repairs, already more ten (10) years old. Repairs were needed due to sheer wear and tear of the vehicle.
7. As for the Besta van, he was in the better position to determine if repairs were needed. Considering that the Besta van was more or less ten (10) years old at the time, it was already due for repairs.
8. The testimony of Crispin Niaga Santos should have been given credence.
  - a. He gave a spontaneous and personal account of how he performed the repairs on both the Elf truck and the Besta van.
  - b. The Court should have considered that witness Santos barely finished secondary school. He took the witness stand simply to tell the truth. He had no personal interest in the matter.
  - c. That witness Santos worked for the two (2) motor shops that performed the repairs on the subject vehicles is not improbable. It is not uncommon for workers to be transferred from one shop to another.
  - d. During cross-examination, he was able to give a vivid description of how he performed the repairs.
  - e. In contrast, witness Dizon could not even ascertain the year model and the plate number of the vehicle he supposedly maintained for a long period of time.
9. The Court should not have given much weight to the testimony of prosecution witness Ramilo.
  - a. While she harped on about the irregularities she observed in the documents pertaining to the subject transactions, she did not disclose that she in fact signed some of said documents.
  - b. When she affixed her signature in the subject documents, she, in effect, admitted that the documents



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complied with the requirements of government procurement and auditing laws.

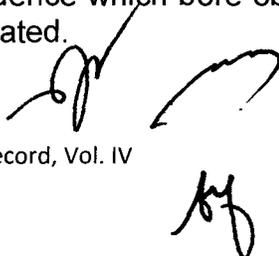
10. After the subject documents were passed upon and approved by the different heads of the BFP's departments and divisions, the issuance of the corresponding checks was ministerial on his part.
11. The Fourth Division of the Sandiganbayan, in its Decision acquitting the accused in Crim. Case No. 28063, correctly disregarded witness Molina's claim of having been forced to sign the subject documents.

In its *Consolidated Comment/Opposition to the: 1. Motion for Reconsideration dated July 10, 2017 filed by accused Francisco S. Senot and 2. Motion for Reconsideration dated July 14, 2017 filed by accused Florante M. Cruz,*<sup>4</sup> the prosecution counters:

1. It was able to prove the following:
  - a. Accused Senot and Cruz were public officers, being the BFP Chief and BFP Finance Service Unit (FSU) Head, respectively.
  - b. They took advantage of their respective official positions to falsify the Disbursement Vouchers and attached supporting documents pertaining to the subject transactions by making it appear that the subject Besta van and Elf truck were repaired, when no repairs were in fact made.
  - c. By falsifying said documents, they caused the issuance of Land Bank Checks No. 279316 (Exhibit R), 309736 (Exhibit PP), 85586 (Exhibit FFF), 87196 (Exhibit SSS) and 87601 (Exhibit FFFF).
2. Accused Senot and Cruz, as Chief and FSU Head of the BFP, respectively, were primarily accountable for the funds and property of the BFP. Accused Senot was the final approving authority for the disbursement of funds, while accused Cruz was responsible for supervising the release of BFP funds.
3. The fact that no repairs were performed on the subject vehicles was proved not only by its witnesses, but also by documentary evidence which bore obvious indications that the same were fabricated.

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<sup>4</sup> Dated July 26, 2017; pp. 598-615, Record, Vol. IV



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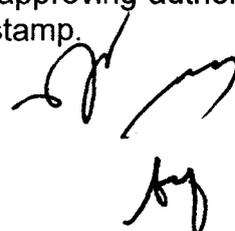
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4. Accused Cruz cannot validly claim that he merely relied on his subordinates when he affixed his signature on the documents despite the irregularities. As the end-user of the Besta van, he had direct participation in making the requests for repairs and in issuing the necessary certifications.
5. Indeed, the accused could rely to a reasonable extent on their subordinates. However, they should have been more circumspect in examining the documents in view of the glaring irregularities therein.
6. The accused committed falsification by public officers when they made it appear that persons participated in an act or a proceeding when they in fact did not. They took advantage of their official positions when they forced witnesses Dizon, Molina and Hilay to sign the supporting documents attached to the Disbursement Vouchers to make it appear that the repairs on the Elf truck and Besta van were authorized and that said vehicles underwent repairs.
7. It was also able to prove that the accused committed violation of Sec. 3(e) of R.A. No. 3019.
  - a. Accused Senot and Cruz were public officers discharging administrative or official functions.
  - b. They acted with evident bad faith, or at the very least, gross inexcusable negligence when they forced witnesses Dizon, Molina and Hilay to sign certain documents to make it appear that the subject Elf truck and Besta van underwent repairs when said vehicles in fact did not.
  - c. Witnesses Dizon, Molina and Hilay categorically testified that accused Senot and Cruz intimidated and threatened to transfer them to Mindanao if they refused to sign the subject documents.
  - d. The testimonies of witnesses Dizon, Molina and Hilay are corroborated by the documents riddled with glaring discrepancies.
  - e. Accused Senot and Cruz cannot claim that they merely relied on their subordinates who prepared the disbursement vouchers and attached supporting documents, as it would reduce their approving authority to nothing more than a mere rubber stamp.

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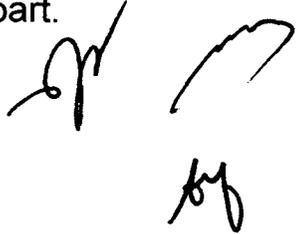
- f. The actions of the accused caused undue injury to the government in the amount of the checks issued for the purported repairs.
  
- 8. This Court is not bound by the Fourth Division's Decision acquitting the accused.

THE COURT'S RULING

In their respective Motions, accused Senot and Cruz argue that the prosecution failed to prove that no repairs were performed on the Besta van and the Elf truck. In particular, they claim that the procedures and documentary requirements for the subject repairs of said vehicles were duly complied with. According to them, the prosecution's witnesses, who claimed that they were forced to sign the pertinent documents against their will, admitted the genuineness of the signatures appearing in said documents. Moreover, said witnesses failed to substantiate their claim that the accused threatened to reassign them to Mindanao or dismiss them from the service.

Accused Senot further argues that assuming there were irregularities in the documents, he had no participation in the preparation thereof. He merely relied on the signatures of his subordinates and assumed that everything was in order.

For his part, accused Cruz further contends that this Court should have given credence to the testimony of Crispin Niaga Santos, who performed the actual repairs of the subject vehicles. Santos gave spontaneous responses to the questions propounded to him. In contrast, prosecution witness Danilo Dizon, who supposedly maintained the Elf truck for a long period of time, could perfectly remember the engine and chassis numbers of the subject Elf truck, but inexplicably forgot the plate number of said vehicle and dates he was allegedly approached by Aniceto Herrera. The Court similarly should not have given credence to the testimony of Francisca N. Ramilo, who harped on about the irregularities in the subject documents, but failed to disclose her direct participation therein. Finally, considering that the other BFP department heads approved the transactions, the issuance of the checks was ministerial on his part.



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This Court is not persuaded. The respective motions for reconsideration filed by accused Senot and Cruz should be denied.

At the outset, this Court must emphasize that it is not bound by the Decision rendered by the Fourth Division of the Sandiganbayan, acquitting herein accused. Although it appears that the vehicle subject of that case is the same as the Elf truck subject of the present cases, the transaction involved in that case is different from the transactions in the present cases.

Both accused Senot and Cruz contend that the testimonies of witnesses Molina and Dizon should not be given credence because they are uncorroborated. This Court finds their contention untenable. In the assailed Decision, it was concluded that, on the basis of the testimonies of the prosecution's witnesses, coupled with the lapses in procedure,<sup>5</sup> no repairs were actually performed on the subject Besta van and Elf truck.

In *People v. Tulop*,<sup>6</sup> the Supreme Court held that corroborative evidence is deemed necessary only when there are reasons to warrant the suspicion that the witness falsified the truth or that the observation of said witness had been inaccurate. In the assailed Decision, this Court found no reason to suspect that witnesses Molina and Dizon were motivated by ill-will or malice.<sup>7</sup> Thus, even without considering the lapses in procedure, the testimonies of the witnesses sufficiently proved that no repairs were in fact performed on the subject vehicles.

On the other hand, this Court did not give credence to the testimony of witness Crispin Niaga Santos because the defense did not even attempt to prove that he was an employee, or that he worked for Alchit and/or Card Motor during the dates material to the present cases.<sup>8</sup>

The matters of accused Senot merely relying on his subordinates, and accused Cruz' act of issuing the checks, were already passed upon in the assailed Decision. For convenience, the pertinent portion<sup>9</sup> thereof is hereunder quoted:

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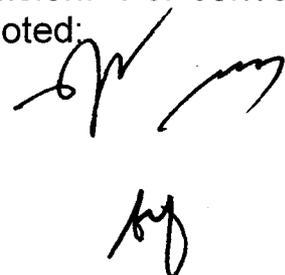
<sup>5</sup> p. 68, Decision; p. 388, Record, Vol. IV

<sup>6</sup> G.R. No. 124829, April 21, 1998

<sup>7</sup> pp. 68-69, Decision; pp. 388-389, Record, Vol. IV

<sup>8</sup> p. 70, Decision; p. 390, Record, Vol. IV

<sup>9</sup> pp. 78-80, Decision; pp. 398-400, Record, Vol. IV

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Accused Senot testified that he did not thoroughly examine the supporting documents because the same already underwent CSW. But his reliance on the so-called CSW is misplaced because the only documents that underwent CSW were the Memorandum of request for repairs, along with the pre-inspection report and canvass proposals attached thereto. Furthermore, he was responsible for certifying that the repair services were rendered in accordance with the contract, yet he did not ensure that the said certification was attached to the disbursement vouchers before approving them.

He also invokes the Supreme Court's ruling in *Arias v. Sandiganbayan*, arguing that as head of agency, he could rely on his subordinates. But his reliance on that case is likewise misplaced. There, the Supreme Court held that heads of offices, to a reasonable extent, rely on their subordinates, and are not expected to examine each and every detail in the supporting documents before approving a voucher, unless there are added reasons for doing so. *Viz.:*

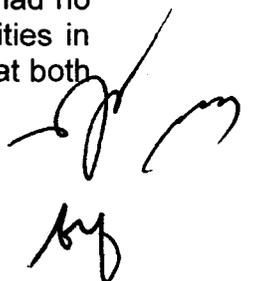
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Indeed, heads of offices may rely, to a reasonable extent, on their subordinates. Accused Senot, as head of agency, was not expected to examine the minutiae of each and every document attached to the disbursement vouchers, but it must be stressed that he was not completely relieved of the responsibility of conducting, at the very least, a cursory examination of the attached supporting documents. Completely entrusting the checking of the supporting documents to his subordinates goes beyond what is considered relying on his subordinates "to a reasonable extent."

If he had bothered to check the supporting documents, he would have noticed that the supporting documents were clearly incomplete. Moreover, he would have noticed that some of the documents had glaring alterations, which should have prompted him to examine the details thereof.

As previously discussed, the prosecution was able to establish beyond reasonable doubt that no repairs were made on the BFP-owned vehicles. More importantly, it proved that accused Senot and Cruz knew that no repairs were made, and that despite knowledge of the same, still caused the issuance of the checks.

Verily, the act of causing the issuance of checks, by itself, cannot be said to be attended with evident bad faith or gross inexcusable negligence if it can be shown that the accused had no knowledge of, or could not have known about, the irregularities in the transactions. However, in the cases at bar, it appears that both

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accused Senot and Cruz knew of such irregularities in the transactions.

Moreover, it must be recalled that the disbursement vouchers and the supporting documents attached thereto pertaining to the repairs allegedly made on the Elf truck state that the person making the claim for reimbursement was Danilo Dizon, the driver of the Elf truck. If accused Senot and Cruz, indeed, merely relied on the documents presented to them and found them to be in order, as they claimed, then upon Dizon's refusal to sign the said documents, they should have made further inquiries as to why the person who was supposedly making the claims for reimbursement refused to sign some documents. Instead, they forced Dizon to sign the said documents to make it appear that the supporting documents were in order. Dizon's refusal to sign should have alerted them to possible irregularities in the transactions. Having been alerted to the irregularities in the transactions and still proceeding with the issuance of the checks, it can be said that both accused Senot and Cruz acted with evident bad faith or gross inexcusable negligence in making it appear that repairs were made on the Elf truck when there were actually none.

In fine, this Court finds no valid reason to overturn the Decision dated June 29, 2017.

**WHEREFORE**, the Court rules as follows:

1. Accused Senot's Motion for Reconsideration is hereby DENIED for lack of merit.
2. The Motion for Reconsideration of accused Cruz is hereby DENIED for lack of merit.

SO ORDERED.



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**SARAH JANE T. FERNANDEZ**  
Associate Justice

**We Concur:**

  
**AMPARO M. CABOTAJE-TANG**  
Presiding Justice  
Chairperson

  
**BERNELITO R. FERNANDEZ**  
Associate Justice