



Republic of the Philippines  
**Sandiganbayan**  
 Quezon City  
 \*\*\*

SPECIAL SEVENTH DIVISION

*MINUTES of the proceedings held on 6 September 2018.*

*Present:*

*Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA----- Chairperson*  
*Justice ZALDY V. TRESPESES----- Member*  
*Justice BAYANI H. JACINTO\* ----- Member*

*The following resolution was adopted:*

***Crim. Case No. SB-10-CRM-0108 - People vs. MARIA LOURDES R. MANLULU, ET AL.***

This resolves the following:

1. Accused Marilyn C. Ajesta, Luisa B. Young and Eufemia Balangue's "MOTION FOR RECONSIDERATION" dated August 13, 2018;<sup>1</sup>
2. The prosecution's "OPPOSITION [TO THE MOTION FOR RECONSIDERATION DATED 13 AUGUST 2018]" dated September 3, 2018.<sup>2</sup>

**TRESPESES, J.**

For resolution is accused Marilyn C. Ajesta, Luisa B. Young and Eufemia Balangue's Motion for Reconsideration of the Decision<sup>3</sup> promulgated on 27 July 2018, finding them guilty beyond reasonable doubt of the crime of Use of Falsified Documents defined and penalized under Paragraph 3, Art. 172 of the Revised Penal Code.

**ACCUSED'S MOTION**

Accused contend that the Court erred when it decided that all the elements of the offense charged were present in the instant case.

\*Sitting as Special Member per Administrative Order No. 284-2017 dated 18 August 2017.

<sup>1</sup> Rollo, Vol. 3, pp. 506-533.

<sup>2</sup> Rollo, Vol. 4, pp. 21-27.

<sup>3</sup> Rollo, Vol. 3, pp. 455-495.

*J.*  
*yy*

Accused maintain that they had no knowledge that the documents submitted to the Accounting Office of the City of Manila was for reimbursement. They insist that they never intended for a reimbursement as what the documents tend to show. Even the Barangay Resolution No. 005 never mentioned of a reimbursement. They admitted that while they signed the Request for Obligation Allotment (ROA), they did so for the release of funds for the implementation of a feeding program and not for a reimbursement.

Except for their signatures in the ROA, the other entries were not made by them but by the barangay contractor. There were erasures noted in the undated letter addressed to Manlulu particularly, the “snopaked”<sup>4</sup> words “cash advance” and the word reimbursement was superimposed and was handwritten on top. They claim that they never had a hand in the preparation and use of the falsified documents.

Accused further argue that the disbursement voucher cannot be made as basis in finding knowledge of the falsification of documents and use of falsified documents.

Accused likewise contend that the Court failed to consider facts, which could prove their innocence of the crime charged. None of the prosecution witnesses testified that they submitted the falsified documents to the Accounting Office. Prosecution witnesses also testified that they never knew who submitted the false documents. Although the transmittal of the check indicates accused Ajesta as the “payee,” no evidence was presented that she received and encashed the check.

#### **PROSECUTION’S OPPOSITION**

In its Opposition, the prosecution alleges that accused admitted having signed the ROA, despite knowledge that no feeding program had transpired. However, the ROA, as well as its supporting documents, show that the purpose was to seek reimbursement for an alleged feeding program. Therefore, they cannot deny that the documents submitted to the City Government of Manila were falsified.

With respect to the claim that it was Vivian Bautista and Estrella Manio who falsified the documents, the prosecution avers that this is in fact one of the elements of violation of use of falsified documents, that is, that the falsification was made by another person.

---

<sup>4</sup> *Rollo*, Vol. 3, page 509.

2  
1/2

On the claim that the prosecution failed to prove that Ajesta received and encashed the check, the prosecution argues that the elements of the offense merely require that the use of false document caused damage or at least with the intent to cause damage. In this case, the government approved the release of funds for a feeding program that never transpired; instead of the funds being utilized for a purpose that would benefit the city and its constituents.

### OUR RULING

We deny the motion for lack of merit.

In the Decision sought to be reconsidered, the Court held that the prosecution was able to establish the elements of the offense of Use of Falsified Documents defined and penalized under Art. 172 of the Revised Penal Code, to wit:

1. That the offender *knew* that a document was falsified by *another person*;
2. That the false document is embraced in Art. 171 or in any of subdivision No. 1 or 2 of Art. 172;
3. That he used such document (not in judicial proceedings);
4. That the use of false document *caused damage to another* or at least it was used *with intent to cause such damage*.

Accused assail the Court's findings by claiming that not all elements of the offense charged were established. In particular, accused were claiming that they were not aware that the documents submitted to the Accounting Office of the City of Manila were falsified.

It is undisputed that the subject documents were falsified by another person. Accused Ajesta, Young and Balangue testified that Vivian Bautista and Estrella Manio were the ones who falsified the subject documents. This was corroborated by defense' witness, Atty. Analyn T. Marcelo-Buan, when she testified that Bautista and Manio admitted that they prepared the documents for the release of the fund for the feeding program during the investigation conducted by the Manila Barangay Bureau.

Accused insist that from the beginning, their intention was really to request for a cash advance for a feeding program and not to seek reimbursement. Accused point out that the name of payee in the ROA<sup>5</sup> was "snopaked" and the name of Ajesta was handwritten on top. Likewise, in the undated letter addressed to Manlulu,<sup>6</sup> the original purpose was erased and the

---

<sup>5</sup> Exh. D.

<sup>6</sup> Exh. C.

word "reimbursement" was placed over. With the foregoing, accused try to imply lack of knowledge of the falsification made as they further claim that they came to know only of it when the falsified documents were attached to the Complaint filed with the Ombudsman.

Accused's defense was basically denial which, in jurisprudence, is a negative and self-serving evidence that has no weight in law, and therefore, cannot be given greater evidentiary value over convincing, straightforward and probable testimony on affirmative matters.<sup>7</sup> To merit credibility, the denial must be supported by strong evidence of non-culpability, which does not exist in this case.<sup>8</sup>

Based on the established facts, the ROA or the request for funds were admittedly signed by accused Ajesta, Young and Balangue. It indicates Ajesta as the "payee," which signifies a completed or consummated transaction. Hence, it is a claim for reimbursement. The three accused failed to substantiate their contention that when they signed the ROA, the name of Ajesta was not yet written in the box intended for the "payee."

Moreover, it bears to emphasize that the disbursement voucher<sup>9</sup> clearly shows that the payment was for reimbursement of the amount expended for a nutrition program, which never took place. It described the particulars of payment as follows:

To **reimburse** the Nutrition program 2007 under the account of MOOE '07 in the amount of -- --.<sup>10</sup> (emphasis supplied)

The documents supporting the disbursement voucher includes the falsified documents. The said voucher bears the signature of accused Ajesta and Balangue, which they failed to dispute in the presentation of their evidence. Thus, accused cannot disclaim knowledge and insist that their intention was to seek for a cash advance, considering the clear provision in the voucher which they signed, indicating it is for reimbursement.

The fact that there was no direct evidence that accused personally submitted the falsified documents to the Accounting Office is of no moment. What is clear is that the falsified documents were used by accused to achieve their objective of securing reimbursement for an activity that never happened as in fact, accused successfully received the amount they requested.

<sup>7</sup> *People v. Mendoza y Potolin*, G.R. No. 220759, 24 July 2017.

<sup>8</sup> *People v. Aguirre y Arididon*, G.R. No. 219952, 20 November 2017.

<sup>9</sup> Exh. N.

<sup>10</sup> Exh. N.

7  
18

Accused take issue on the failure of the prosecution to present evidence that Ajesta actually received and encashed the check. It should be noted that the disbursement voucher<sup>11</sup> shows that the check was received by Ajesta evidenced by her signature on the portion "Printed Name and Signature of Claimant/Representative."

As against the mere testimonial evidence relied upon by accused, the documentary evidence showing accused Ajesta's receipt of check must prevail. Testimonial evidence is easy of fabrication and there is very little room for choice between testimonial evidence and documentary evidence.<sup>12</sup> Thus, in the weighing of evidence, documentary evidence prevails over testimonial evidence.<sup>13</sup>

Further, accused claim that in the log book<sup>14</sup> of the Accounting Office on the persons receiving the check being released, it was clear that Manio received the check on 09 February 2008. However, this page from an alleged log book, which was provisionally marked as Exh. 1-a for Ajesta was not offered in evidence. As such, it cannot be taken into consideration in disposing the issue of the case.

Under the Rules, the Court cannot consider any evidence not formally offered. Thus, any document or object that was marked for identification is not evidence unless it was formally offered and the opposing counsel was given an opportunity to object to it or cross-examine the witness called upon to prove or identify it.<sup>15</sup>

Accordingly, the Court finds no cogent reason to justify the reconsideration of the assailed Decision.

**WHEREFORE**, premises considered, the Motion for Reconsideration filed by accused Marilyn C. Ajesta, Luisa B. Young and Eufemia Balangue is hereby **DENIED** for lack of merit.

**SO ORDERED.**

Quezon City, Philippines.

---

<sup>11</sup> Exh. N.

<sup>12</sup> *GSIS vs. Court of Appeals, et al.*, G.R. No. 52080, May 28, 1993 citing the case of *Marvel Building Corporation vs. David*, 94 Phil. 376 [1954]

<sup>13</sup> *Go v. Court of Appeals*, 403 Phil. 883-900 (2001).

<sup>14</sup> *Rollo*, Vol. 3, p. 514, Attached to accused's Motion for Reconsideration.

<sup>15</sup> *Republic v. Sps. Gimenez*, G.R. No. 174673, 11 January 2016.

7.  
14

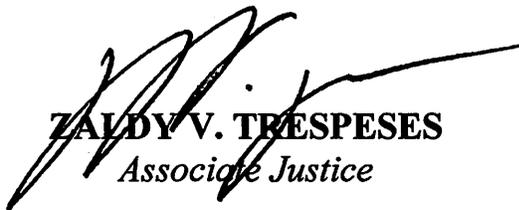
**Minute Resolution**

*People v. Maria Lourdes R. Manlulu, et al.*

SB-10-CRM-0108

Page 6 of 6

X-----X



**ZALDY V. TRESPESES**  
*Associate Justice*

WE CONCUR:



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



**BAYANI H. JACINTO**  
*Associate Justice*