



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
 Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
**Plaintiff,**

**SB-16-CRM-1264 to 1269**  
 For: Violations of Section 3(e),  
 Republic Act No. 3019

- versus -

**SB-16-CRM-1270 to 1275**  
 For: Violations of Article 315 in relation to  
 Article 172 of the Revised Penal  
 Code (Estafa thru Falsification)

**EDGARDO R. CASIMERO, ET AL.,**  
**Accused.**

*Present:*

**FERNANDEZ, SJ, J.**  
*Chairperson*  
**MIRANDA, J., and**  
**VIVERO, J.**

*Promulgated:*

**OCT 26 2018**

X-----X

**RESOLUTION**

**FERNANDEZ, SJ, J.**

This resolves the *Motion for Leave of Court to File Demurrer to Evidence*<sup>1</sup> filed on October 8, 2018 by accused Edgardo Casimero, together with the *Comment/Opposition*<sup>2</sup> filed on October 11, 2018 by the prosecution.

Accused Casimero claims that the evidence admitted by the Court against him are inherently weak, unsubstantiated and insufficient to warrant a finding of his guilt.<sup>3</sup> Accused Casimero contends:

<sup>1</sup> Dated October 8, 2018; Record, Vol. 4, p. 82.

<sup>2</sup> (Re: *Motion for Leave to File Demurrer to Evidence*) dated October 10, 2018; Record, Vol. 4, p. 86.

<sup>3</sup> Motion for Leave dated October 8, 2018; p. 1.

**RESOLUTION**

*People vs. Casimero, et al.*  
*Criminal Cases No. SB-16-CRM-1264 to 1275*

Page 2 of 5

X-----X

- a. None of the evidence submitted by the prosecution directly links him to the crimes charged.
- b. He did not benefit from the amount which has been taken from the public coffers.
- c. He was not the one who falsified the payroll. His signature thereon was forged.
- d. No direct and satisfactory evidence was presented by the prosecution to show his complicity to the crimes charged.
- e. The testimony of the prosecution witnesses are bereft of facts, circumstances, and situation that would show his involvement in the crimes charged. The same are not only insufficient, unsubstantiated, unfounded and baseless, but also replete with inconsistencies and improbabilities.<sup>4</sup>
- f. None of the prosecution witnesses implicated him in any of the acts complained of.<sup>5</sup>

On the other hand, the prosecution claims that it was able to establish the existence of all the elements of violation of Section 3(e) of Republic Act No. 3019, and, of Article 315 in relation to Article 172 of the Revised Penal Code.<sup>6</sup> Thus:

Violation of Article 315 in relation to Article 172, RPC

- a. It is not disputed that accused Casimero is a public official employed at the local government of Malabon City (Exhibits "A", "A-1", and "A-2"). Said accused, in conspiracy with the other accused, made fraudulent representations as to the credit (in the form of salaries) of accused Bernardo and De Jesus by tampering with the City's payroll for the period of January 16-30, February 1-14, September 16-30, November 1-15, December 1-15, and, December 16-31, 2013 (Exhibits "G" series, and "II-3", "JJ-3", "KK-3", "LL-3", "MM-3", and, "NN-3"). It was accused Casimero who prepared and certified the payrolls.
- b. As a result of the fraudulent tampering of the hard copy of the payroll register and the electronic copy of the FINDES system, the local government of Malabon City released excessive amounts to the payroll accounts of accused Bernardo and De Jesus, hence, causing damage to Malabon City.
- c. The actual amount transferred from the account of Malabon City Government (Account No. 0652-1019-92) to the

<sup>4</sup> Motion for Leave to of Court to File Demurrer to Evidence dated October 8, 2018, p. 2.

<sup>5</sup> Motion for Leave to of Court to File Demurrer to Evidence dated October 8, 2018, p. 3.

<sup>6</sup> Comment/Opposition dated October 10, 2018, p. 1.

**RESOLUTION**

People vs. Casimero, et al.  
Criminal Cases No. SB-16-CRM-1264 to 1275

Page 3 of 5

X-----X

respective accounts of accused Bernardo and De Jesus are as follows:

Payroll period	Amount transferred to accused Bernardo's account	Amount transferred to accused De Jesus' account	Total overpayments
Jan. 16-31, 2013	65,250.90	60,420.65	120,000.00
Feb. 1-14, 2013	65,896.00	63,039.50	120,000.00
Sept. 16-30, 2013	95,485.54	91,904.07	180,000.00
Nov. 1-15, 2013	95,211.00	90,544.50	180,000.00
Dec. 1-15, 2013	95,161.00	92,919.50	180,000.00
Dec. 16-31, 2013	185,016.93	181,002.16	360,000.00
<b>TOTAL:</b>			<b>1,140,000.00<sup>7</sup></b>

Thus, an overpayment of PhP60,000.00 each for the payroll periods January 16-31 and February 1-14, 2013; PhP90,000.00 for September 16-30, November 1-15, and December 1-15, 2013; and PhP570,000.00 (*sic*)<sup>8</sup> for the period December 16-31, 2013. Hence, a total of PhP570,000.00 was credited to each of the payroll accounts of accused Bernardo and De Jesus.<sup>9</sup>

- d. These amounts are excessive and anomalous because accused De Jesus is entitled to receive only a net pay of more or less PhP2,919.50 for the first 15 days, and, PhP1,002.16 for 15 days thereafter. On the other hand, accused Bernardo's net pay for 15 days is more or less PhP5,161.00 and PhP5,016.93 for the following 15 days.
- e. The above-mentioned evidence validates the findings of the Commission on Audit in their Audit Observation Memorandum dated February 28, 2014 (Exhibit "V"), disclosing the overpayments in the total amount of PhP1,140,000.00.
- f. Thus, accused, conspiring with one another, tampered and padded the payroll in favor of accused Bernardo and De Jesus, as can be gathered from the following circumstances:

By tampering the payroll register and/or electronic copy stored in the FINDES systems of Malabon City for the periods January 1-15; February 1-15; September 16-30; November 1-15; December 1-15; and, December 16-31, all in 2013, the accused took advantage of their official position to (i) counterfeit or imitate any handwriting, signature or rubric; and/or (ii) make any alteration or intercalation in a genuine document which changes its meaning; and/or (iii) issue an authenticated form of a document purporting to be a copy of an original document when no such original exists, or, including in such copy a statement contrary to, or different from that of the genuine original.

- g. The prosecution proved that it was accused Casimero who ordered the re-installation of the FINDES system causing the permanent deletion of the electronic copy of the Payroll

<sup>7</sup> Exhibits "Y", "AA", "CC" to "HH" series.  
<sup>8</sup> Should be PhP180,000.00  
<sup>9</sup> Comment/Opposition dated October 10, 2018, pp. 3-4.



**RESOLUTION**

People vs. Casimero, et al.  
Criminal Cases No. SB-16-CRM-1264 to 1275

Page 4 of 5

x-----x

Register stored in the said system. Thus, not only did accused Casimero participate in the *estafa* and *falsification of public document*, he also deleted whatever electronic evidence that FINDES system holds against his co-accused.<sup>10</sup>

Violation of Section 3(e), R.A. No. 3019

- a. The prosecution established a *prima facie*, if not indubitable evidence, against the accused.
- b. All the elements of violation of Sec. 3(e), R.A. No. 3019, are present. All the accused are public officers, who, in the discharge of their official functions, acted with manifest partiality and evident bad faith in giving unwarranted benefit and advantage to accused Bernardo and De Jesus in the form of sums added to their payroll account through the alteration of the Malabon City's ATM payroll account for the periods January 16-31; February 1-15; September 16-30; November 1-15; December 1-15; and December 16-31, 2013, thereby causing undue injury to the City Government of Malabon, by causing it to appear that accused Bernardo and De Jesus are entitled to the same, as follows:

Payroll period	Accused Bernardo		Accused De Jesus	
	Amount credited	Net amount due	Amount credited	Net amount due
Jan. 16-31, 2013	65,250.90	5,250.90	60,420.65	420.65
Feb. 1-15, 2013	65,896.00	5,896.00	63,039.50	3,039.50
Sept. 16-30, 2013	95,485.54	5,485.54	91,904.07	1,904.07
Nov. 1-15, 2013	95,211.00	5,211.00	90,544.50	544.50
Dec. 1-15, 2013	95,161.00	5,161.00	92,919.50	2,919.50
Dec. 16-31, 2013	185,016.93	5,016.93	181,002.16	1,002.16

- c. The allegation that the signature of accused Casimero was "forged" is evidentiary in nature. Thus, it requires a full blown trial before the Honorable Court can appreciate such allegation.<sup>11</sup>

**RULING**

After a careful study of the documentary and testimonial evidence presented by the prosecution, the Court finds that, if unrebutted, the same is sufficient to support a verdict of guilt with respect to accused Edgardo R. Casimero, for: (i) violations of Section 3(e) of Republic Act No. 3019; and, (ii) Article 315 in relation to Article 172 of the Revised Penal Code. The Court hereby **DENIES** the *Motion for Leave of Court to File Demurrer to Evidence* filed by accused Casimero

<sup>10</sup> Comment/Opposition dated October 10, 2018, pp. 4-5.

<sup>11</sup> Comment/Opposition dated October 10, 2018, pp. 5-7.

**RESOLUTION**

*People vs. Casimero, et al.*  
*Criminal Cases No. SB-16-CRM-1264 to 1275*

Page 5 of 5

X-----X

This is without prejudice to the filing by accused Casimero of a *Demurrer to Evidence* without prior leave of court, but subject to the legal consequence provided under *Section 23, Rule 119 of the Revised Rules of Criminal Procedure*, that is, he shall waive his right to present evidence and is submitting this case for judgment on the basis of the evidence adduced by the prosecution.

The accused is given a period of five (5) days from receipt of this Resolution within which to file, by personal filing and service, or through courier, his *Manifestation to inform this Court whether he will file a Demurrer to Evidence*, without leave of court.

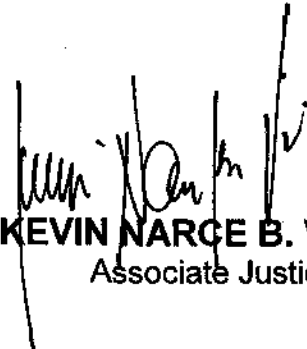
The hearings set for the accused to present their evidence on November 28 and 29, 2018, both at 1:30 in the afternoon, are maintained. The said scheduled dates will be considered automatically cancelled, as to accused Casimero, upon receipt by the Court of his *Demurrer to Evidence*.<sup>12</sup>

**SO ORDERED.**

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

**WE CONCUR:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**KEVIN NARGE B. VIVERO**  
Associate Justice

<sup>12</sup> Pursuant to A.M. No. 15-06-10-SC, Revised Guidelines for Continuous Trial of Criminal Cases

