



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-17-CRM-1765

For: Falsification of Public Document

- versus -

EDNA V. CENTENO, ET AL.,
Accused.

Present

FERNANDEZ, SJ, J.,

Chairperson

MIRANDA, J. and

VIVERO, J.

Promulgated:

SEP 02 2019

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RESOLUTION

FERNANDEZ, SJ, J.

This resolves the *Partial Motion for Reconsideration*¹ filed by accused Edna V. Centeno and Jesusa C. Garcia.

In their Motion, accused Centeno and Garcia pray that this Court reverse and set aside the Resolution dated July 17, 2019,² as to SB-17-CRM-1765, and issue a new one granting their *Demurrer to Evidence*. They aver:

1. Commission on Audit (COA) Circular No. 2004-008 dated September 20, 2004 defines the account codes "260" and "665" as follows:

Account title	Other Public Infrastructures
Account Number	260
Normal Balance	Debit
Description	Cost/Appraised value of other public infrastructures constructed/acquired which cannot be classified under any specific type of public infrastructure

¹ Dated July 22, 2019; Record, Vol. 4, pp. 517-524

² Record, Vol. 4, pp. 480-512

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Account Title	Internal Revenue Allotment
Account Number	665
Normal Balance	Credit
Description	Share of the province/city/municipality from the national taxes collected

2. "665" is an income code, which indicates the source of the budget, while "260" is an expense code, which indicates where the budget will be spent.
3. The 20% IRA is a lump sum for development projects. Thus, the Annual Executive Budget will not indicate where said budget will be appropriated for.
4. The appropriations for the 20% IRA are indicated in Resolution No. 1985, s. 2012, which states infrastructure projects as a program/project approved by the Sangguniang Panlungsod under the lump sum appropriations for Special Activities Fund, Statutory and Contractual Obligations for 20% development projects, maintenance and other operating expenses.
5. Under current accounting procedures, what is to be indicated in the ALOBS and disbursement vouchers is the expense code, not the income code.
6. In *Malabanan v. Sandiganbayan*,³ it was held that intent must be shown in felonies committed by means of *dolo*.
7. The prosecution failed to show that they had criminal intent to pervert the truth when they made their respective certifications in the ALOBS.
8. They did not benefit from the alleged falsification. More importantly, no damage was caused either to the government or to a third person.
9. Taking the foregoing circumstances into consideration, it is clear that the element of absolute falsity can no longer be proven to the point of moral certainty.
10. The ALOBS was prepared by Rolando Eduria, Head of the City Engineering Department—an equally accountable officer.
11. The counter-signatures in the ALOBS also show that the document went through prior verification procedure by the city staff who are presumed to have performed their duties in a regular manner.

³ G.R. Nos. 186329, 186584-86 and 198598, August 2, 2017

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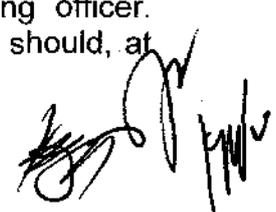
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12. The disbursement voucher shows that Eduria also signed Box A thereof before accused Centeno affixed her signature in Box B. It is presumed that Eduria checked the supporting documents before the ALOBS and DV reached the respective offices of accused Centeno and Garcia.

In its *Comment/Opposition (Re: Accused's Partial Motion for Reconsideration)*,⁴ the prosecution counters:

1. The account code "260" does not appear in the Annual Executive Budget of Caloocan City attached to Ordinance No. 0468 s. 2010.
2. That such account code appears in COA Circular No. 2004-008 is of no moment. The account codes are listed in the Annual Executive Budget to serve as basis for checking where the allotted funds are actually spent, and to bar the illegal disbursement of funds.
3. The absence of the account code "260" in the Annual Executive Budget simply proves that there was no appropriation for the subject project.
4. Accused Centeno and Garcia's reliance on *Malabanan v. Sandiganbayan* is misplaced. Said case involved a commercial document, i.e., PAL ticket, and not a public document. The accused even quoted in their favor the portion of said Decision stating that in falsification of public or official documents, the principal thing punished is the violation of the solemnly proclaimed, and that the change in the public document must be such as to affect the integrity of the same or to change the effects which it would otherwise produce.
5. In Falsification of Public Document, there is no need to prove that the accused benefited therefrom, or that damage was caused to the government or to a third person.
6. In the instant case, stating in the ALOBS the account code "260" when the same does not appear in the Annual Executive Budget affects the integrity of the document by making it appear that there is an appropriation for the subject project when in truth and in fact, there was none.
7. The very issue in the instant case is the respective certifications in the ALOBS made by accused Centeno and Garcia. Rolando Eduria signed said ALOBS only as the requesting officer. Moreover, the fact that Eduria, indeed, signed first, should, at

⁴ Dated December 4, 2018 and filed on July 31, 2019



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the very least, be proven by the accused by presenting their evidence in open court.

THE COURT'S RULING

The Court resolves to deny accused Centeno and Garcia's Motion for Reconsideration.

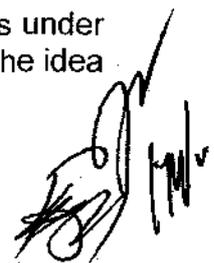
Accused Centeno and Garcia argue that the prosecution failed to prove the element of absolute falsity. According to them, the account code "260" was indicated in the subject ALOBS because under the prevailing accounting rules, what should be indicated therein is an expense code. "665," which pertains to the Internal Revenue Allotment, is an income code, and as such, was properly not indicated in the subject ALOBS. Furthermore, there was no criminal intent on their part because they did not benefit from the alleged falsification, nor was there any damage caused to the government or to a third person. Their contentions are untenable.

The Annual Executive Budget, which formed part of Ordinance No. 0468 s. 2010 provided for the objects of expenditure, or the items for which the City's funds may be spent. As pointed out by the prosecution, nowhere does the account code "260" appear in the Annual Executive Budget. Thus, if unrebutted, the evidence would show that there was no appropriation for the subject project, contrary to accused Garcia's certification in the subject ALOBS. Considering that an allotment is defined as "the authorization issued by the Local Chief Executive (LCE) to a department/office of the LGU, which allows it to incur obligations, for specified amounts, **within the appropriation ordinance,**" there could have been no obligation of the allotment, contrary to the certification made by accused Centeno.

Indeed, in *Malabanan v. Sandiganbayan*,⁵ cited by the accused, the Supreme Court held that "the criminal intent to pervert the truth is lacking in cases showing that (1) the accused did not benefit from the falsification; **and** (2) no damage was caused either to the government or to a third person," but it was thereafter held:

The Court is well aware that falsification of documents under paragraph 1 of Article 172, like Article 171, does not require the idea

⁵ *Supra.* Note 3



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of gain or the intent to injure a third person as an element of conviction. But as early as *People v. Pacana*, we have said:

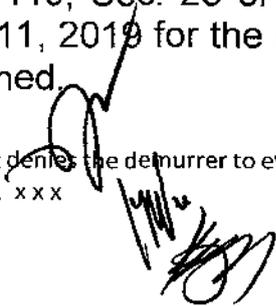
Considering that even though in the falsification of public or official documents, whether by public officials or by private persons, it is unnecessary that there be present the idea of gain or the intent to injure a third person, for the reason that, in contradistinction to private documents, the principal thing punished is the violation of the solemnly proclaimed, it must nevertheless, be borne in mind that **the change in the public document must be such as to affect the integrity of the same or to change the effects which it would otherwise produce**; for unless that happens, there could not exist the essential element of the intention to commit the crime which is required by article 1 [now Article 3] of the Penal Code.

Sec. 344 of Republic Act No. 7160 (R.A. No. 7160) provides that no money shall be disbursed unless the local budget officer certifies to the existence of appropriation that has been legally made for the purpose, and the local accountant has obligated said appropriation. In the present case, if left unrebutted, the prosecution's evidence would prove that accused Garcia certified the existence of an appropriation in the subject ALOBS when there was in fact none, and that accused Centeno obligated a non-existent allotment, thereby improperly allowing the disbursement of local funds.

As for accused Centeno and Garcia's claim that Rolando Eduria checked the supporting documents attached to the ALOBS and the Disbursement Vouchers before said documents reached their respective offices, the Court finds that there is no proof of such claim. Moreover, an examination of the subject ALOBS would show that Eduria signed the same as the mere requesting officer. It is unnecessary to discuss whether he checked the Disbursement Vouchers and its supporting documents because the only document subject of the present case is ALOBS No. 100-11-10-5649 dated October 20, 2011. The Disbursement Vouchers are irrelevant, being in-existent at the time accused Centeno and Garcia made their respective certifications in the subject ALOBS.

WHEREFORE, accused Centeno and Garcia's *Partial Motion for Reconsideration* is hereby DENIED. They may present evidence in their defense pursuant to Rule 119, Sec. 23 of the Rules of Court.⁶ The hearing set on September 11, 2019 for the initial presentation of the defense evidence is maintained.

⁶ Sec. 23. *Demurrer to evidence.* - x x x If the court denies the demurrer to evidence filed with leave of court, the accused may adduce evidence in his defense. x x x



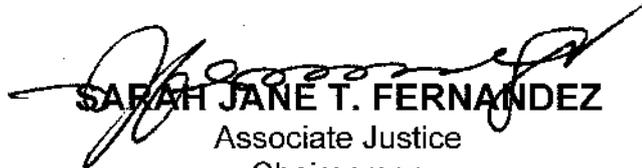
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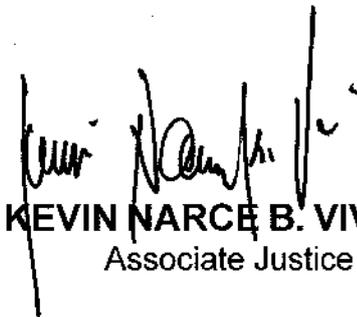
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SO ORDERED.


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson

We Concur:


KARL B. MIRANDA
Associate Justice


KEVIN NARCE B. VIVERO
Associate Justice