



Republic of the Philippines
SANDIGANBAYAN
Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,

Plaintiff,

SB-18-CRM-0398

For: Falsification of Public Document under Article 171, paragraph 4 of the Revised Penal Code (R.P.C.)

-versus-

ENRICO R. ECHIVERRI, ET AL.,
Accused,

PRESENT:

FERNANDEZ, SJ, J., *Chairperson*
MIRANDA, &
VIVERO, JJ.

Promulgated:

OCT 01 2019 *[Signature]*

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RESOLUTION


MIRANDA, J.:

This resolves the: 1) Motion for Leave to File Demurrer to Evidence dated August 19, 2019 filed by accused Edna V. Centeno (Centeno) and Jesusa C. Garcia (Garcia); 2) Manifestation dated August 20, 2019 filed by accused Centeno and Garcia; and 3) Comment/Opposition dated August 26, 2019 filed by the Prosecution.


[Signatures]

In their motion, accused Centeno and Garcia claimed that the evidence of the Prosecution is insufficient to support a conviction for the crime of Falsification of Public Document under Article 171, paragraph 4 of the R.P.C. Contrary to the allegations in the Information dated October 13, 2017, accused Centeno and Garcia averred that they did not make any untruthful statements in Allotment and Obligation Slip (AL OBS) No. 100-11-12-7212 dated December 23, 2011¹ because the Renovation and the Construction of the Additional 2nd floor of the Multi-Purpose Hall of Brgy. 124, 8th St. cor. C-3 Road were authorized and ratified by the Sangguniang Panlungsod of Caloocan City. In particular, they alleged that:

- 1) the Sangguniang Panlungsod of Caloocan City approved Annual Budget of Caloocan City for Fiscal Year (FY) 2011 in the amount of Php 3,300,000,000.00 to finance specific programs, projects, services and activities of the City Government, which includes the lump-sum appropriation for "Statutory and Contractual Obligations";²
- 2) the Sangguniang Panlungsod of Caloocan City approved Supplemental Budget No. 1 for FY 2011 in the amount of Php 53,112,030.00 for the payment of "Statutory and Contractual Obligations";³
- 3) the 20% Internal Revenue Allotment (IRA) for Development Projects was indicated as the "Object of Expenditure" in Supplemental Budget No. 1;
- 4) the Renovation and the Construction of the Additional 2nd floor of the Multi-Purpose Hall of Brgy. 124, 8th St. cor. C-3 Road, Caloocan City was one of the projects included in the 20% IRA for Development Projects;
- 5) the Sangguniang Panlungsod of Caloocan City ratified and confirmed all the contracts entered into by Caloocan City for the implementation of


¹ Exhibit "H".


² Exhibit "B" (Ordinance No. 0468, Series of 2010).


³ Exhibit "C" (Ordinance No. 0474, Series of 2011).

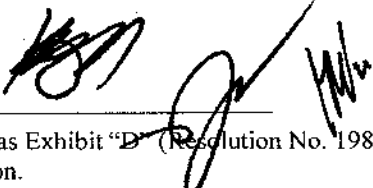
projects funded by the lump-sum appropriation for 20% IRA for Development Projects;⁴

- 6) there was nothing in the testimony of State Auditor III Sonia B. Denoso to support the allegations in the Information dated October 13, 2017;
- 7) accused Centeno and Garcia signed ALOBS No. 100-11-12-7212 dated December 23, 2011 in good faith and only in the performance of their official duties as City Accountant and Budget Officer, respectively;
- 8) the Prosecution failed to overcome the presumption of regularity in the performance of official duties of accused Centeno and Garcia; and
- 9) the Prosecution failed to prove the existence of conspiracy between accused Centeno and Garcia.

In their manifestation, accused Centeno and Garcia stated that they filed and served to the other parties the Motion for Leave to File Demurrer to Evidence through registered mail and licensed courier.

In its comment/opposition, the Prosecution, through the Office of the Special Prosecutor, claimed that the documentary and testimonial evidence it adduced are sufficient to sustain the indictment of accused Centeno and Garcia for the crime of Falsification of Public Document. In particular, the Prosecution alleged that:

- 1) the lump-sum appropriation in the Annual and Supplemental Budget for FY 2011 for the 20% IRA for Development Projects did not indicate the list of the projects to be undertaken by the City Government including the Renovation and the Construction of the Additional 2nd floor of the


⁴ Marked as Exhibit "D" (Resolution No. 1985, Series of 2012) but was not offered in evidence by the Prosecution.

Multi-Purpose Hall of Brgy. 124, 8th St. cor. C-3 Road;

- 2) accused Centeno and Garcia took advantage of their official duties as City Accountant and Budget Officer, respectively, when they signed ALOBS No. 100-11-12-7212 dated December 23, 2011 despite the lack of specific appropriation for the said project; and
- 3) contrary to the claim of accused Centeno and Garcia, the account code used in ALOBS No. 100-11-12-7212 dated December 23, 2011 was not the account code for the 20% IRA for Development Projects.

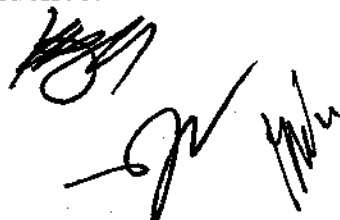
After a thorough review of the records of the case and the evidence submitted by the Prosecution, the Court finds that, if unrebutted, the same is sufficient to support a verdict of guilt for Falsification of Public Document. The Court hereby **DENIES** the Motion for Leave to File Demurrer to Evidence filed by accused Centeno and Garcia.

This is without prejudice to the filing by accused Centeno and Garcia of their 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, as amended, that they shall waive the right to present evidence and submit this case for judgment on the basis of the evidence adduced by the Prosecution.

WHEREFORE, the Motion for Leave to File Demurrer to Evidence dated August 19, 2019 of accused Edna V. Centeno and Jesusa C. Garcia is **DENIED**.

The Manifestation dated August 20, 2019 of accused Centeno and Garcia is **NOTED**.

Accused Centeno and Garcia are given a non-extendible period of five (5) days from receipt of this Resolution within which to file their Demurrer to Evidence without prior leave of court, if they so desire, or file a Manifestation informing the Court that they will no longer file a Demurrer to Evidence.

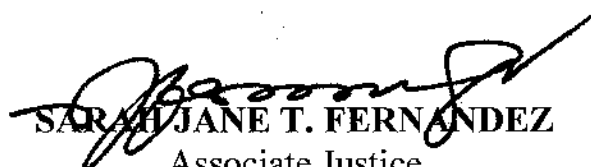


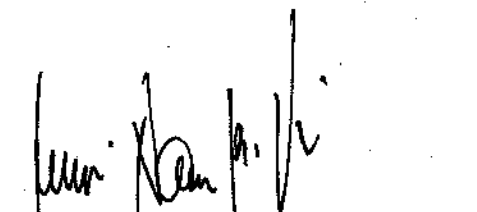
The hearings set on October 22 and 23, 2019, and all Tuesdays and Wednesdays thereafter, all at 1:30 in the afternoon for the presentation of the evidence for the Defense are maintained. The said scheduled dates will be considered automatically cancelled upon receipt by the Court of the Demurrer to Evidence of the accused.

SO ORDERED.


KARL B. MIRANDA
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KEVIN NARCE B. VIVERO
Associate Justice