



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES, SB-17-CRM-1546 to 1555

Plaintiff,

For: Violation of Sec. 8 of R.A.
No. 6713

Present:

Quiroz, J., *Chairperson*

Lacap Pahimna, J.

Jacinto, J.

- versus -

Promulgated:

MA. FE VILLAR BRONDIAL,

Accused.

4 DECEMBER 2020

X-----X

DECISION

JACINTO, J.:

Accused **MA. FE VILLAR BRONDIAL** is charged with ten (10) counts of Violation of Section 8 of Republic Act (R.A.) No. 6713¹ for her alleged non-filing of her Statements of Assets Liabilities and Net Worth (SALN) for the years 1998 to 2007.

The accusatory portion of the *Information* for SB-17-CRM-1546 reads:

That on or about 30 April 1999, or sometime prior or subsequent thereto, in Socorro, Oriental Mindoro, Philippines, and within the jurisdiction of this Honorable Court, accused MA. FE V. BRONDIAL, a high-ranking public officer, being then the Municipal Mayor of Socorro, Oriental Mindoro, in such capacity, while in the performance of her official functions, committing the crime in relation to office and in utter disregard of her official obligation, did then and there willfully, unlawfully and criminally fail to file her Sworn Statement of Assets, Liabilities, and Net Worth with Disclosure of Business Interest and Financial Connections and Identification of Relatives in the Government Service (SALN) as of 31 December 1998 which the law requires to be filed, to the damage and prejudice of the public interest.

CONTRARY TO LAW.

¹ CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES.

The *Informations* in SB-17-CRM-1547 to 1555 are similarly worded, except for the following details:

SB-17-CRM	Date of Offense	SALN date
1547	30 April 2000	31 December 1999
1548	30 April 2001	31 December 2000
1549	30 April 2002	31 December 2001
1550	30 April 2003	31 December 2002
1551	30 April 2004	31 December 2003
1552	30 April 2005	31 December 2004
1553	30 April 2006	31 December 2005
1554	30 April 2007	31 December 2006
1555	30 April 2008	31 December 2007

PROCEEDINGS BEFORE THE COURT

All ten (10) *Informations* dated 7 July 2017 were filed with the Court on 14 August 2017. On 31 August 2017, accused posted a cash bond for her provisional liberty.²

On 15 January 2018, accused was arraigned and entered “Not Guilty” pleas to all charges.³

Proceeding to Pre-trial, the parties filed a *Joint Stipulation of Facts*⁴ (Joint Stipulations), the contents of which were incorporated in the Court’s Pre-trial Order dated 27 March 2019.⁵

During trial, the prosecution manifested that in view of the stipulations made by the parties, it was no longer presenting testimonial evidence,⁶ and, on 26 April 2019, proceeded to file its *Formal Offer of Evidence*.⁷ Per Resolution dated 17 July 2019,⁸ the Court admitted into evidence prosecution Exhibits “A” to “H.”

Accused thereafter filed a *Motion for Leave to File Demurrer to Evidence*,⁹ but the same was denied by the Court in its 11 September 2019 Resolution.¹⁰

² Resolution dated 31 August 2017, Records, Vol. I, p. 86.

³ Id., p. 203

⁴ Records, Vol. II, pp. 53-58.

⁵ Id., pp. 59-66.

⁶ Order dated 27 March 2019, id., p. 70.

⁷ Id., pp. 78-83.

⁸ Id., p. 145.

⁹ Dated 13 August 2019, id., pp. 151-155.

Accused then presented herself¹¹ and three other witnesses - (i) **Elisa O. Paala**, Provincial Human Resource Management Officer of the Provincial Government of Oriental Mindoro;¹² (ii) **Lowelyn D. Ylagan**, Municipal General Services Officer / Personnel Officer Designate;¹³ and (iii) **Sonia L. Laparan**, Administrative Officer II¹⁴ - in her defense. And, on 31 October 2019, she filed her *Formal Offer of Evidence*.¹⁵ Per Resolution dated 16 December 2019, accused's Exhibits "1" to "8-a" and "11" to "11-i-1" were admitted for the purposes for which they were offered.¹⁶

Finally, in compliance with the Court's 16 December 2019 Resolution, the accused and the prosecution filed their memoranda on 11 February 2020 and 13 February 2020, respectively.¹⁷

EVIDENCE FOR THE PROSECUTION

The prosecution's evidence, as culled from the joint stipulations and its documentary evidence, establish the following: (i) at the time material to the allegations in the *Informations*, accused was a public officer, being the Municipal Mayor of Socorro, Oriental Mindoro;¹⁸ (ii) on 8 September 2010 and 4 May 2015, Lowelyn D. Ylagan, Municipal General Services Officer/Personnel Officer Designate of the Municipality of Socorro, issued two Certifications stating as follows:

(1) Certification dated 8 September 2010 (Exh. "C") -

This is to certify the non-availability of Personnel Data Sheet and Statement of Assets & Liabilities of former Mayor Ma. Fe V. Brondial in the Personnel Department of the Municipality of Socorro.

Further certify that pertinent documents pertaining thereto were not maintained on this office due to the non-submission of the concerned party.

¹⁰ Id., pp. 162-165.

¹¹ Her direct testimony on 17 October 2019 was made by way of her Judicial Affidavit dated 15 September 2019, id., pp. 209-212.

¹² Her direct testimony on 19 September 2019 was made by way of her Judicial affidavit dated 15 September 201, id., pp. 183-188

¹³ Her direct testimony on 19 September 2019 was made by way of her Judicial Affidavit dated 15 September 2019, id., pp. 189-194.

¹⁴ Her direct testimony on 17 October 2019 was made by way of her Judicial Affidavit dated 15 September 2019, id., pp. 213-217.

¹⁵ *Formal Offer of Evidence for the Accused* dated 30 October 2019, id., pp. 225-229.

¹⁶ Id., p. 258.

¹⁷ See *Memorandum for the Accused Maria Fe Villar Brondial* dated 10 February 2020, id., pp. 261-263, and *Memorandum for the Prosecution* dated 13 February 2020, id., pp. 264-274.

¹⁸ Exh. "D."

(2) Certification dated 4 May 2015 (Exh. "E") -

This is to certify that as per records of this office, Former Mayor Ma. Fe V. Brondial has not filed SWORN STATEMENT OF ASSETS, LIABILITIES AND NET WORTH (SALN) from July 1998 – June 2007.

Issued upon request this 4th May 2015 for whatever legal purpose this may serve.

(iii) On 29 July 2009, Arnel P. Larrobis, Administrative Assistant II/SALN-In-Charge of the Office of the Deputy Ombudsman for Luzon informed Graft Investigation Officer I Joseph Marion P. Navarrete that his office did not have copies of accused's SALNs for the years 2000 to 2007;¹⁹ and (iv) Mr. Larrobis also issued a Certification dated 6 May 2015 (Exh. "G"), which states in part:

This is to certify that, despite diligent search by the undersigned, no copies of the Statement of Assets, Liabilities and Net Worth (SALN) for the years 1999 to 2007 of **ALL OFFICIALS AND EMPLOYEES OF LGU-SOCORRO, ORIENTAL MINDORO**, was found in our records. (emphasis in the original)


XXXXX XXXXX XXXXX XXXXX

EVIDENCE FOR THE ACCUSED:

Accused maintains that she faithfully filed her SALNs for the years 1998 to 2007, and has not violated Sec. 8 of R.A. No, 6718.²⁰

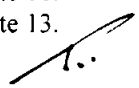
Lowelyn D. Ylagan, Municipal General Services Officer/Personnel Officer Designate of the Municipality of Socorro, testified²¹ that the Certifications dated 8 September 2010 (Exh. "C") and 4 May 2015 (Exh. "D") stating that no SALNS were filed by accused, were erroneously issued because when her office updated its records sometime in 2016, they found accused's 2002 to 2005 SALNs on file. Hence, she issued the Certification dated 27 March 2018 (Exh. "8") stating as follows –

This is to certify that this office had located the Statement of Assets, Liabilities and Networth (SALN) of MARIA FE V. BRONDIAL for the period covered 2002-2005 during the time of updating of office records and files on (sic) October 2016.

¹⁹ Letter dated 29 July 2009, Exh. "B." 

²⁰ Supra at note 11.

²¹ Supra at note 13.



Ylagan further testified²² that based on the certification²³ issued by Felicidad D. Ilagan, Clerk of Court II, some notarial records and subscribed affidavits, including some SALNs, which were either kept or stored with other public records in a wooden cabinet, were unfortunately burned by a utility aide because of a serious termite infestation. Other certifications²⁴ were likewise issued by other officials of the Municipality stating that their offices had custody of accused's SALNs for the years 1998 to 2006.

Finally, Elisa O. Paala, Provincial Human Resource Management Officer of the Provincial Government of Oriental Mindoro, testified that accused furnished her office with copies of her SALNs for the years 1998 to 2007, which she identified in Court.²⁵

RULING

Paragraph A, Sec. 8 of R.A. No. 6713, which mandates all covered public officials to submit their SALNs, provides:

Section 8. Statements and Disclosure. - Public officials and employees have an obligation to accomplish and submit declarations under oath of, and the public has the right to know, their assets, liabilities, net worth and financial and business interests including those of their spouses and of unmarried children under eighteen (18) years of age living in their households.

(A) Statements of Assets and Liabilities and Financial Disclosure. - All public officials and employees, except those who serve in an honorary capacity, laborers and casual or temporary workers, shall file under oath their Statement of Assets, Liabilities and Net Worth and a Disclosure of Business Interests and Financial Connections and those of their spouses and unmarried children under eighteen (18) years of age living in their households.

XXXXX

XXXXX

XXXXX

XXXXX

XXXXX

There is no dispute that accused was a public official at the time relevant to the charges, and as such was required to file her SALNs under R.A. No. 6713. The other evidence presented by the prosecution and the accused, however, are diametrically opposed.

²² Id., p. 192.

²³ Exh. "5."

²⁴ Exhs. "6" and "7."

²⁵ Supra at note 12.

At first glance, the prosecution's evidence tends to show that accused did not file her SALNs for the period 1998 to 2007, as shown by the Certifications (Exhs. "B," "C," "E," and "G") issued by the Office of the Ombudsman (OMB) and the General Services Officer of the Municipality of Socorro. However, the accused's evidence controverts the prosecution's evidence.

As testified to by witness Ylagan, accused's SALNs for 2002 to 2005 were found on file after her office updated its records. Her testimony negates the effect of prosecution's Exhs. "C" and "E," which the witness claims to have been erroneously issued in the first place. Ms. Ylagan further testified that copies of accused's earlier SALNs may have been destroyed when the cabinet storing notarized and other official documents were burned due to a termite infestation - thus explaining the impossibility of presenting notarized copies of the subject SALNs. Nevertheless, while the Municipality did not have the complete file of accused's SALNs, the Provincial Human Resource Management Office had them. Specifically, witness Paala identified copies of accused's SALNs, which she claims were furnished to her office.

In this connection, the Court notes that witness Paala only identified accused's SALNs from 1998 to 2006. She testified that she issued a Certification dated 21 May 2018 attesting to the fact that her office was furnished with copies of accused's SALNs for the years 1998 to 2006, and proceeded to identify the said SALNs, thus²⁶ –

XXXXX XXXXX XXXXX XXXXX XXXXX

6. Q: Why are you familiar with the case?

A: Because I was asked by Mayor Brondial before if I have a copy of her SALNs and after verifying, I issued a certification dated May 21, 2018 attesting to the fact that Mayor, Ma. Fe Villar Brondial, Mayor of Municipality of Socorro, had furnished our office as reference her SALNs for the years 1998 to 2006.

7. Q: If this certification will be shown to you, will you be able to recognize it?

A: Yes, Sir.

8. Q: I am showing to you a copy of a certification dated 21 May 2018. please tell this Honorable Court, if this is the certification you said you have executed?

A: This is the certification, Sir.

²⁶ Supra at note 12. See pages 2-3 of Paala's Judicial Affidavit. *y*

A.

XXXXX XXXXX XXXXX XXXXX

9. Q: In this certification, you also attached copies of the SALNs of Mayor Brondial for the years 1998 to 2006, if these are shown to you, would you be able to recognize them?

A: Yes, Sir.

10. Q. I am showing to you copies of the SALNs of Mayor Brondial from 1998 to 2006, please tell this Honorable Court, if these are the SALNs you said were submitted by Mayor Brondial?

A: These are the SALNs, Sir.

XXXXX XXXXX XXXXX XXXXX

Paala's 21 May 2018 Certification, which was marked as Exh. "K," was not offered in evidence. In addition, while it appears that she only identified accused's SALNs from 1998 to 2006, accused's counsel's succeeding manifestation indicates that Paala also identified accused's 2007 SALN, marked as Exh. "11-j," as shown by the following:²⁷

XXXXX XXXXX XXXXX XXXXX XXXXX

Atty. Malaya: Your Honors, we have previously marked these documents as our **Exhibits 11-a to 11-j**. May we request that the notarial portion of each exhibits as well as the dates when these are notarized be bracketed and sub-marked as follows:

XXXXX XXXXX XXXXX XXXXX
XXXXX XXXXX XXXXX XXXXX

Exhibit 11-j-1 – Notarial portion of 2007 SALN marked as Exhibit 11-j

Exhibit 11-j-1-a – The date, April 16, 2008, when the 2007 SALN was notarized.

Further, the Court notes that while accused's Formal Offer of Evidence does not mention Exh. "11-j," the same is actually attached thereto. In addition, accused's Exh. "4" is also accused 2007 SALN, and is likewise attached to her Formal Offer of Evidence.

Under the foregoing circumstances, the Court may still consider Exh. "11-j" for having been effectively identified by the said witness and in light

²⁷ Id., page 3 of Paala's Judicial Affidavit. *q*

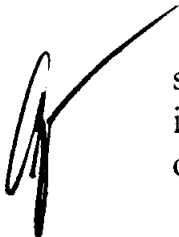
q

of the fact that it already forms part of the Court's record. Specifically on this point, *Heirs of Maborrang v. Maborrang*²⁸ instructs -

Section 34, Rule 132 of the Rules of Court provides that "the court shall consider no evidence which has not been formally offered." This is to enable the trial judge to know the purpose or purposes for which the proponent is presenting the evidence. Also, it allows opposing parties to examine the evidence and object to its admissibility. A formal offer is necessary because judges are mandated to rest their findings of facts and judgment strictly and only upon the evidence offered by the parties at trial. Consequently, review by the appellate court is facilitated for it will not be required to review documents not previously scrutinized by the trial court. Hence, strict adherence to this basic procedural rule is required, lest evidence cannot be assigned any evidentiary weight or value:


Thus, the trial court is bound to consider only the testimonial evidence presented and exclude the documents not offered. Documents which may have been identified and marked as exhibits during pre-trial or trial but which were not formally offered in evidence cannot in any manner be treated as evidence. Neither can such unrecognized proof be assigned any evidentiary weight and value. It must be stressed that there is a significant distinction between identification of documentary evidence and its formal offer. The former is done in the course of the pre-trial, and trial is accompanied by the marking of the evidence as an exhibit; while the latter is done only when the party rests its case. The mere fact that a particular document is identified and marked as an exhibit does not mean that it has already been offered as part of the evidence. It must be emphasized that any evidence which a party desires to submit for the consideration of the court must formally be offered by the party; otherwise, it is excluded and rejected.

In certain instances, however, this Court has relaxed the procedural rule and allowed the trial court to consider evidence not formally offered on the condition that the following requisites are present: (1) the evidence must have been duly identified by testimony duly recorded; and (2) the same must have been incorporated in the records of the case. (citations omitted, emphasis supplied)



Hence, while the Court acknowledges accused's failure to properly submit the said document into evidence, the fact that it was previously identified by her witness, and as such was duly incorporated in the records of the case, merits the Court's consideration of its probative value.

²⁸ G.R. No. 182805, 22 April 2015.



All told, while questions on the credibility of the testimonies rendered by accused's witnesses may be raised, they are sufficient to cast doubt on the prosecution's case, especially considering that the prosecution failed to rebut accused's evidence. In addition, while it has been established that no copies of accused's SALNs were submitted to the OMB, the Court notes that the duty to do so does not fall upon the accused. Such responsibility falls elsewhere.


In view of the foregoing circumstances, and in light of the constitutional presumption of innocence, accused's acquittal is in order. In this connection, *People v. Ramos*²⁹ instructs that -

In all criminal cases, all doubts should be resolved in favor of the accused on the principle that it is better to free a guilty man than to unjustly keep in prison one whose guilt has not been proved by the required quantum of evidence. It is only when the conscience is satisfied that the crime has been committed by the person on trial that the judgment must be for conviction. For only when there is proof beyond any shadow of doubt that those responsible should be made answerable.

WHEREFORE, in view of the foregoing, judgment is rendered as follows:

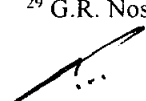
Accused **MA. FE VILLAR BRONDIAL** is hereby **ACQUITTED** of the charge of violation of Section 8 of R.A. No. 6713 in SB-17-CRM-1546 to 1555, for failure of the prosecution to prove her guilt beyond reasonable doubt. The cash bond posted by accused for her provisional liberty is ordered **RELEASED**, subject to the usual accounting and auditing procedures, and the Hold Departure Order issued against her is hereby **LIFTED**.

SO ORDERED.



BAYANI H. JACINTO
Associate Justice

²⁹ G.R. Nos. 135068-72, 20 September 2001.



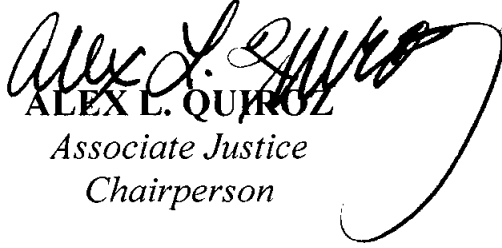
DECISION

People v. Ma. Fe Villar Brondial

SB-17-CRM-1546 to 1555

Page 10 of 11

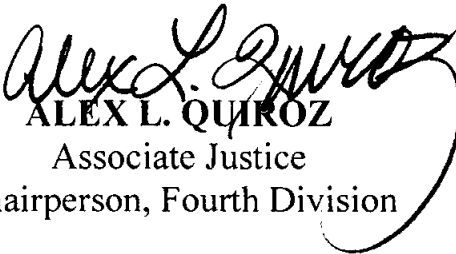
WE CONCUR:


ALEX L. QUIROZ
Associate Justice
Chairperson


LORIFEL LACAP PAHIMNA
Associate Justice

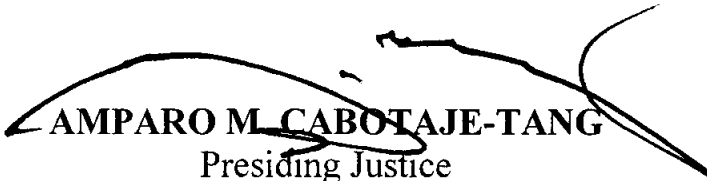
ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation with the Justices of the Court's Division.


ALEX L. QUIROZ
Associate Justice
Chairperson, Fourth Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


AMPARO M. CABOTAJE-TANG
Presiding Justice

