

Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

**FOURTH DIVISION**


**PEOPLE OF THE PHILIPPINES,**     **CRIM. CASE NO. SB-18-CRM-0543**  
*Plaintiff, For: Violation of Section 3(e) of Republic*  
*Act (R.A.) No. 3019, as amended*

-versus-

**Present:**  
**Quiroz, J. Chairperson**  
**Pahimna, J. &**  
**Trespeses, J.**

**CELSO OLIVIER TIAMSON**  
**DATOR,**

*Accused.* Promulgated:

FEB 05 2021 

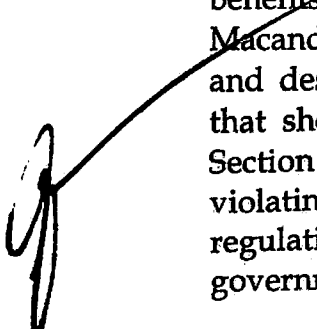
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**DECISION**

**PAHIMNA, J.:**

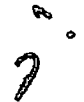
Before this Court is a criminal case against accused **Celso Olivier Tiamson Dator** ("Dator") for violation of Section 3, paragraph (e) of Republic Act (R.A.) No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, under an *Information*<sup>1</sup> dated 19 June 2018, the accusatory portion of which reads:

"That on or before March 1, 2014, or sometime prior or subsequent thereto, in Lucban, Quezon, Philippines, and within the jurisdiction of this Honorable Court, accused **CELSO OLIVIER TIAMSON DATOR**, a public officer, being the Mayor of Lucban, Quezon, while in the performance of his official functions, committing the offense in relation to his office, and taking advantage of his official position, acting with manifest partiality, evident bad faith or gross inexcusable negligence, did then and there willfully, unlawfully and criminally give unwarranted benefits, advantage, and preference to Maria Lyncelle D. Macandile, his sister, by hiring her as Chief Administrative Officer and designating her as Municipal Administrator despite the fact that she failed to meet the qualifications for the position under Section 480, Article X of the Local Government Code, thereby violating the said statute, the Civil Service Law, rules and regulations, to the damage and prejudice of public interest and the government as a whole.



**CONTRARY TO LAW."** 

<sup>1</sup> Records, Vol. 1, pp. 01-02



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**ANTECEDENT FACTS**

On 19 October 2018, this Court directed the Bureau of Immigration to bar or prohibit accused Dator from leaving the Philippines for any destination abroad, either by air or sea transportation, except by prior written permission duly secured from and granted by this Court.<sup>2</sup>

On 25 October 2018, accused Dator posted the necessary cash bail bond for his provisional liberty in the amount of Thirty Thousand Pesos (P30,000.00), as evidenced by Official Receipt No. 5497569 V.<sup>3</sup> In view of the bail posted by the accused, the actual issuance of the Warrant of Arrest was dispensed with.<sup>4</sup>

Upon arraignment on 09 January 2019, accused entered a plea of "Not Guilty" to the charge.<sup>5</sup> In a *Resolution*<sup>6</sup> dated 18 February 2019, this Court ordered the suspension *pendente lite* of accused Dator as Municipal Mayor of Lucban, Quezon for a period of ninety (90) days. Accused's preventive suspension *pendente lite* was affirmed in a *Resolution*<sup>7</sup> dated 10 May 2019.

Thereafter, the prosecution<sup>8</sup> and accused Dator<sup>9</sup> filed their *Pre-Trial Briefs* on 07 November 2018 and 22 January 2019, respectively. Based on the *Joint Stipulations*<sup>10</sup> submitted by the parties on 12 February 2019, and pursuant to Rule 118, Section 1 of the Revised Rules of Criminal Procedure, the Court issued the *Pre-Trial Order*<sup>11</sup> dated 18 February 2019 with the following stipulation of facts, *viz*:

**II STIPULATED FACTS:**

The Prosecution and the Accused stipulated on the following facts:

1. There is a Supreme Court Decision in the administrative aspect of the present criminal case. The case was docketed as G.R. No. 237742 entitled *Celso Olivier Tiamson Dator v. Hon. Conchita Carpio Morales, et. al.* and the decision was promulgated on October 8, 2018;

<sup>2</sup> Ibid, p. 52

<sup>3</sup> Ibid, pp. 54-59

<sup>4</sup> Minute Resolution dated 25 October 2018 (Records, Vol. 1, p. 62)

<sup>5</sup> Records, Vol. 1, pp. 171-172

<sup>6</sup> Ibid, pp. 260-262

<sup>7</sup> Ibid, pp. 565-568

<sup>8</sup> Ibid, pp. 70-79

<sup>9</sup> Ibid, pp. 197-199

<sup>10</sup> Ibid, pp. 236-257

<sup>11</sup> Ibid, pp. 268-287

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2. That at the time material to the allegation in the *Information* accused Celso Olivier Tiamson Dator is a public officer, he being the incumbent Municipal Mayor of the Municipality of Lucban, Province of Quezon;
3. Whenever referred to orally or in writing by this Honorable Court, the Prosecution, and/or its witnesses, accused admits that he is the same person being referred to in this case;
4. That Maria Lyncelle Dator-Macandile is the full-blood sister of accused;
5. That accused issued Special Order No. 2 series of 2014 appointing his sister, Maria Lyncelle Dator-Macandile as Municipal Administrator of the Municipality of Lucban, Province of Quezon;
6. That prior to Macandile's tour of duty as Municipal Administrator, Dr. Palermo Salvacion (the previous occupant) for the said position received a daily wage of PhP973.00 per day; and
7. That as a consequence of her position starting 1 March 2014 until the present, Maria Lyncelle Dator Macandile received government funds in the form of "salaries and/or emoluments" for the position of Chief Administrative Officer and Municipal Administrator.

On 26 October 2019, the Court issued an *Amended Pre-Trial Order*<sup>12</sup> on the basis of the *Joint Stipulations* submitted by the parties, the *Manifestation and Compliance*<sup>13</sup> submitted on 03 October 2019 by the accused, the proceeding in open court on 28 October 2019,<sup>14</sup> and pursuant to the Court's *Resolution*<sup>15</sup> dated 02 September 2019.

**EVIDENCE FOR THE PROSECUTION**

In view of the parties' stipulations and admissions embodied in the *Joint Stipulations*, the prosecution manifested that it will no longer present any testimonial evidence.<sup>16</sup>

<sup>12</sup> Ibid, Vol. 2, pp. 346-368

<sup>13</sup> Ibid, pp. 332-334

<sup>14</sup> By agreement of the parties, the Court allowed the defense to present two (2) witnesses in the person of Maria Lyncelle D. Macandile and the accused himself, Celso Olivier Tiamson Dator, with the undertaking by the defense that it shall personally serve the Judicial Affidavits of Macandile and Dator within five (5) days before the hearing and that failure to do so shall be deemed a waiver on its part to present said witnesses (Transcript of Stenographic Notes dated 28 October 2019, p. 17)

<sup>15</sup> The Court allowed accused Dator to present his witnesses limited to those mentioned in the Pre-Trial Order (Records, Vol. 2, pp. 282-286)

<sup>16</sup> Order dated 20 May 2019 (Records, Vol. 2, p. 5)

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On 25 June 2019, this Court resolved to admit into evidence the following documents for the purposes for which they were offered but subject to the Court's proper appreciation of their respective probative values<sup>17</sup>:

<b>Exhibits</b>	<b>Description</b>
<b>A</b>	Special Order No. 2, series of 2014 dated 1 March 2014
<b>B</b>	Certification dated 12 August 2016 issued by Geronima A. Bustos, Officer-in-Charge, Human Resource Management Office, Municipality of Lucban, Quezon
<b>C</b>	Memorandum Circular No. 32, s. 2014 dated 25 September 2014 issued by Maria Lyncelle Dator
<b>D</b>	Certificate of Live Birth of Celso Olivier Tiamson Dator
<b>E</b>	Certificate of Live Birth of Maria Lyncelle Tiamson Dator
<b>F</b>	Certificate of Marriage between Nolan P. Macandile and Maria Lyncelle Tiamson Dator
<b>G</b>	Personal Data Sheet of Maria Lyncelle Dator Macandile
<b>H</b>	Job Order with entry showing the name of Maria Lyncelle D. Macandile, her designation as Chief Administrative Officer, and her salary received at the rate of P1408.00 per day
<b>I</b>	Certification from the Sanggunian Bayan of Lucban, Quezon
<b>J</b>	Complaint-Affidavit of Moises B. Villaseñor
<b>K and series</b>	Various Disbursement Vouchers, Journal Entry Vouchers, and Daily Wage Payroll Ledgers for the years 2014 to 2017, together with a showing of the daily rate and amount paid by the Municipality of Lucban, Quezon to Maria Lyncelle D. Macandile, coursed through the Municipal Treasurer
<b>L</b>	CSC Memorandum Circular No. 40, series of 1998

**EVIDENCE FOR THE DEFENSE**

By agreement of the parties, this Court allowed the accused to present his witnesses,<sup>18</sup> and admitted the Judicial Affidavit<sup>19</sup> and

<sup>17</sup> Records, Vol. 2, p. 237. Said exhibits are stipulated documents per Pre-Trial Order promulgated on 18 February 2019.

<sup>18</sup> Order dated 28 October 2019 (Records, Vol. 2, p. 371)

<sup>19</sup> Records, Vol. 2, pp. 375-381

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Supplemental Judicial Affidavit<sup>20</sup> of the accused to serve as his direct testimony.<sup>21</sup>

Thus, accused Dator testified that he is the incumbent Municipal Mayor of Lucban, Quezon. The coterminous position of Municipal Administrator was created by virtue of *Sangguniang Bayan* Resolution No. 2019-02 and *Sangguniang Panlalawigan* of Quezon Resolution No. 2019-303.

Based on the evaluation of duly designated officers, subordinates at the Human Resource Office of the local government unit, as well as the recommendations of the Labor Committee of the *Sangguniang Panlalawigan* of Quezon and the Provincial Attorney, Maria Lyncelle Macandile ("Macandile") possessed all the qualifications, and none of the disqualifications, to assume her position as Municipal Administrator of Lucban, Quezon. Moreover, the documents from the Human Resource Management Office show that Macandile is a Filipino Citizen; a resident of Lucban, Quezon; of good moral character; and holder of a bachelor's degree in Nursing from a prominent college. She also passed the Philippine Nursing Licensure Examination conducted by the Professional Regulation Commission and is, thus, covered by the civil service eligibility granted under Republic Act No. 1080. Accused further testified that Macandile's profession, work experience, and learnings from various seminars and trainings make her qualified and equipped to perform her duties and functions as Municipal Administrator.

Relative to the appointment of Macandile, an administrative case for grave misconduct was filed against the accused. The Office of the Ombudsman rendered a decision dated 20 March 2017 finding accused administratively liable for simple misconduct. Accused maintained that the appointment of Macandile as Chief Administrative Officer through a job order was not tainted with malice, and was in fact done in good faith. He merely relied on the nature of the repeated appointments made by the previous local government administration.<sup>22</sup>

No cross-examination was conducted by the prosecution on the witness.<sup>23</sup>

On 20 January 2020, accused formally offered his documentary exhibits,<sup>24</sup> which were all denied admission by this Court.<sup>25</sup>

<sup>20</sup> Ibid, pp. 470-477

<sup>21</sup> Resolution dated 28 January 2020 (Records, Vol. 3, pp. 3-9)

<sup>22</sup> Judicial Affidavit of Celso Olivier Tiamson Dator, Witness dated November 5, 2019 (Records, Vol. 2, pp. 375-381); Supplemental Judicial Affidavit of Celso Olivier T. Dator dated 18 November 2019 (Records, Vol. 2, pp. 470-477)

<sup>23</sup> Order dated 20 November 2019 (Records, Vol. 2, p. 521); TSN dated 20 November 2019, p. 8

<sup>24</sup> Records, Vol. 2, pp. 575-592

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**ISSUE**

This Court is tasked to determine whether the accused violated Section 3(e) of R.A. No. 3019, as amended.<sup>26</sup>

**MEMORANDUM OF THE PROSECUTION**

The prosecution posits that it has successfully proved the guilt of the accused beyond reasonable doubt based on the undisputed facts and stipulated documents of both parties. Accused acted with manifest partiality, evident bad faith, or gross inexcusable negligence in hiring his sister, Macandile, as Chief Administrative Officer of the Municipality of Lucban, Quezon and in designating her as Municipal Administrator despite her lack of qualifications for the position. According to the prosecution, accused Dator acted with manifest partiality when he proceeded to appoint Macandile through a job order instead of the regular appointment process. Also, Macandile's appointment to a non-existing position of Municipal Administrator constitutes evident bad faith on the part of the accused. The prosecution points out that the position of Municipal Administrator was created by the Sangguniang Bayan only sometime in 2019, way after the questioned appointment of Macandile in the instant case. Finally, accused Dator's patently fraudulent and dishonest purpose to circumvent what the law requires was affirmed by the Supreme Court in *Celso Olivier T. Dator vs. Hon. Conchita Carpio-Morales, et.al.*<sup>27</sup>

**MEMORANDUM OF THE ACCUSED**

In his *Memorandum*<sup>28</sup> dated 12 January 2021, accused chiefly argues that: 1) the pieces of evidence adduced by the prosecution have no probative and evidentiary value as the same are all considered hearsay for failure of the prosecution to present any witness to identify and substantiate the allegations against the accused; 2) the pronouncement of the Supreme Court in *Celso Olivier T. Dator vs. Hon. Conchita Carpio-Morales* that herein accused acted in good faith must be appreciated in the instant case and taken judicial notice of by this Court; 3) the said finding of good faith on the part of the accused has attained conclusiveness of judgment and negates the element of manifest partiality and gross negligence.

<sup>25</sup> Resolution dated 12 February 2020 (Records, Vol. 3, pp. 38-39)

<sup>26</sup> Pre-Trial Order dated 26 October 2019 (Records, Vol. 2, p. 366)

<sup>27</sup> Memorandum dated 25 January 2021 (Records, Vol. 3, pp. 414-428)

<sup>28</sup> Records, Vol. 3, pp. 359-381

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In his *Supplemental Memorandum*<sup>29</sup> dated 25 January 2021, accused further carps that he was deprived of his constitutional right to confront the witness of the prosecution, private complainant Moises B. Villaseñor ("Villaseñor"), when he was not afforded the right to cross-examine said witness. Thus, the Complaint-Affidavit of Villaseñor and all its derivatives are hearsay and have no probative value. For failure of the prosecution to present any of its witnesses, accused must be acquitted of the charge against him.

**COURT'S RULING**

Before delving into the merits of the case, the Court deems it necessary to address the collateral issues raised by the accused in his *Memorandum* and *Supplemental Memorandum*, particularly the alleged irregularity in not presenting any witness in a criminal proceeding as well as the admission of documentary exhibits not identified by any witness.

It is settled that stipulations are conclusive when made before the court and will not be set aside unless for good cause once validly entered into.<sup>30</sup> There is nothing irregular or unlawful in entering into stipulations in criminal cases. As fittingly declared by the Supreme Court in *Sixto M. Bayas, et al. vs. Sandiganbayan*,<sup>31</sup> thus:

The new Rules on Criminal Procedure mandate parties to agree on matters of facts, issues and evidence. Such stipulations are greatly favored because they simplify, shorten or settle litigations in a faster and more convenient manner. They save costs, time and resources of the parties and, at the same time, help unclog court dockets.

Once validly entered into, stipulations will not be set aside unless for good cause. They should be enforced especially when they are not false, unreasonable or against good morals and sound public policy. When made before the court, they are conclusive. And the party who validly made them can be relieved therefrom only upon a showing of collusion, duress, fraud, misrepresentation as to facts, and undue influence; or upon a showing of sufficient cause on such terms as will serve justice in a particular case. Moreover, the power to relieve a party from a stipulation validly made lies in the court's sound discretion which, unless exercised with grave abuse, will not be disturbed on appeal.

<sup>29</sup> Ibid, pp.436-441

<sup>30</sup> SIXTO M. BAYAS AND ERNESTO T. MATUDAY vs. SANDIGANBAYAN (FIRST DIVISION), G.R. Nos. 143689-91, November 12, 2002 (Third Division)

<sup>31</sup> G.R. Nos. 143689-91, November 12, 2002 (Third Division)

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The ruling in *People of the Philippines vs. Cristina M. Hernandez*<sup>32</sup>, citing *People of the Philippines vs. Mario Mapa*<sup>33</sup> and *People of the Philippines vs. Judge Juan L. Bocar, et al.*<sup>34</sup>, is likewise enlightening, to wit:

By virtue of the foregoing rule, a stipulation of facts in criminal cases is now expressly sanctioned by law. In further pursuit of the objective of expediting trial by dispensing with the presentation of evidence on matters that the accused is willing to admit, a stipulation of facts should be allowed not only during pre-trial but also and with more reason, during trial proper itself. Parenthetically, although not expressly sanctioned under the old rules of court, a stipulation of facts by the parties in criminal cases has long been allowed and recognized as declarations constituting judicial admissions, hence, binding upon the parties. In the case of *People v. Mapa* where the accused was charged with illegal possession of firearms, the prosecution and the defense stipulated on the fact that the accused was found in possession of a gun without the requisite permit or license. More at point is the case of *People v. Bocar* wherein the fiscal proposed the admission by the accused of the affidavits and other exhibits already presented by the prosecution to dispense with oral testimonies on the matter. Holding that the admissions made by the parties were binding, this Court stated that

". . . [T]here is nothing unlawful or irregular about the above procedure. The declarations constitute judicial admissions, which are binding on the parties, by virtue of which the prosecution dispensed with the introduction of additional evidence and the defense waived the right to contest or dispute the veracity of the statements contained in the exhibits."

The records of this case disclose that the parties freely and voluntarily entered into stipulation of facts and documents.<sup>35</sup> During pre-trial, both parties admitted the existence and due execution of the pre-marked documents, and even agreed not to present any witnesses in view of their stipulations. Clearly, accused can no longer complain in this Court that he was deprived of his right to confront the witness/es of the prosecution. His conformity to the *Joint Stipulations* operates as a waiver to contest the facts and evidence which he has stipulated into the record.

At any rate, while the joint stipulations are considered judicial admissions of the facts stipulated therein, the prosecution still has the burden to prove the guilt of the accused beyond reasonable doubt on the basis of such judicial admissions. As such, should the admitted facts and

<sup>32</sup> G.R. No. 108028, July 30, 1996 (Third Division)

<sup>33</sup> G.R. No. L-22301, August 30, 1967 (En Banc)

<sup>34</sup> G.R. No. L-27120, March 28, 1969 (En Banc)

<sup>35</sup> *Joint Stipulation of Facts* (Records, Vol. 1, pp. 236-257)



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documents turn out to be inadequate for purposes of establishing the presence of all the elements of the crime charged against the accused, acquittal must necessarily follow. In the same vein, should the stipulation of facts emerge to be detrimental to the defense of the accused, there will be "no impairment of [his] right to be presumed innocent, right to due process or right against self-incrimination because the waiver was voluntary made with the assistance of counsel and is sanctioned by the Rules on Criminal Procedure."<sup>36</sup>

The crux of the matter now before this Court is whether the admitted facts and documents are sufficient to render accused Dator liable for violation of Section 3(e) of R.A. No. 3019, which reads:

Section 3. Corrupt practices of public officers. - In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x x

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefit, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

The elements of violation of Section 3(e) of R.A. No. 3019 are as follows: (a) that the accused must be a public officer discharging administrative, judicial, or official functions (or a private individual acting in conspiracy with such public officers); (b) that he acted with manifest partiality, evident bad faith, or inexcusable negligence; and (c) that his action caused any undue injury to any party, including the government, or giving any private party unwarranted benefits, advantage, or preference in the discharge of his functions.<sup>37</sup>

As to the first element, it is undisputed that accused Dator is the incumbent Mayor of the Municipality of Lucban, Province of Quezon; and

<sup>36</sup> SIXTO M. BAYAS AND ERNESTO T. MATUDAY vs. SANDIGANBAYAN (FIRST DIVISION), supra note 30

<sup>37</sup> ROBERTO P. FUENTES vs. PEOPLE OF THE PHILIPPINES, G.R. No. 186421, April 17, 2017 (First Division)

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thus, a public officer discharging administrative, judicial or official functions at the time material to the case.

With respect to the second element, accused Dator was charged with giving unwarranted benefits, advantage and preference to Macandile, his sister, by hiring her as Chief Administrative Officer and designating her as Municipal Administrator despite the fact that she failed to meet the qualifications for the position, through evident bad faith, manifest partiality or gross inexcusable negligence.

It is beyond cavil that accused hired his sister, Macandile, as Chief Administrative Officer and designated her as Municipal Administrator through Special Order No. 2, Series of 2014. This fact was the subject of stipulations by the parties.

This Court shall now test whether accused acted with manifest partiality, evident bad faith or gross inexcusable negligence in designating his sister as Municipal Administrator, thereby giving the latter unwarranted benefit or preference. In *Dionisio B. Coloma, Jr. vs. Sandiganbayan*<sup>38</sup>, the Supreme Court defined the terms "evident bad faith", "manifest partiality" and "gross inexcusable negligence" as follows:

"Partiality" is synonymous with "bias" which "excites a disposition to see and report matters as they are wished for rather than as they are." "Bad faith does not simply connote bad judgment or negligence; it imputes a dishonest purpose or some moral obliquity and conscious doing of a wrong; a breach of sworn duty through some motive or intent or ill will; it partakes of the nature of fraud." "Gross negligence has been so defined as negligence characterized by the want of even slight care, acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally with a conscious indifference to consequences in so far as other persons may be affected. It is the omission of that care which even inattentive and thoughtless men never fail to take on their own property."

In claiming that accused acted with manifest partiality, evident bad faith or gross inexcusable negligence, the prosecution impresses upon this Court that accused hired Macandile despite the fact that the latter failed to meet the qualifications for the position under Section 480, Article X of the Local Government Code. Also, the issuance of a mere special order or job order circumvents the legal requirements for the creation of and

<sup>38</sup> G.R. No. 205561, September 24, 2014 (Second Division)

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subsequent appointment to the position of municipal administrator. On the other hand, accused heavily anchors his defense on the pronouncement of the Supreme Court, in relation to his administrative case, that he acted in good faith and without malice.

Indeed, the stipulated facts and documents have successfully established the circumstances surrounding the irregular hiring and designation of Macandile. Even the Supreme Court affirmed in *Celso Olivier T. Dator vs. Hon. Conchita Carpio-Morales*<sup>39</sup> the Office of the Ombudsman's finding that Dator's act of issuing the Special Order No. 2, Series of 2014 and Job Order was irregular. First, "there was no confirmation of the appointment of Macandile by the *Sangguniang Bayan* precisely because there was no existing plantilla for the position of municipal administrator or chief administrative officer in the local government of Lucban, Quezon." Second, the hiring of Macandile was in clear violation of Civil Service Commission ("CSC") Resolution No. 020790<sup>40</sup>, particularly the rules on nepotism.

It is hornbook doctrine that findings of fact by the Office of the Ombudsman are conclusive when supported by substantial evidence. Their factual findings are generally accorded with great weight and respect, if not finality by the courts, by reason of their special knowledge and expertise over matters falling under their jurisdiction.<sup>41</sup> Here, this Court finds no reason to disturb the factual findings of the Ombudsman which are affirmed by no less than the Supreme Court.

Be that as it may, the Court fails to see how accused could have acted with manifest partiality, evident bad faith or gross inexcusable negligence. While the irregularity in the appointment and designation of Macandile smacks of manifest partiality or evident bad faith, there is a gap in the prosecution's evidence resulting in failure to demonstrate accused's unlawful state of mind, notorious bias, patently fraudulent and dishonest purpose in hiring his sister.

Remarkably, even the Supreme Court declared in *Celso Olivier T. Dator vs. Hon. Conchita Carpio-Morales* (*supra*) that accused Dator acted in good faith, and the appointment of Macandile was not tainted with malice, *viz*:

We note that Dator has shown that the previous local government administration had repeatedly appointed a Dr. Salvacion as Chief Administrative Officer through job orders. We therefore appreciate

<sup>39</sup> G.R. No. 237742, October 08, 2018

<sup>40</sup> Re: Policy Guidelines for Contract of Services

<sup>41</sup> *PRIMO C. MIRO vs. MARILYN MENDOZA VDA. DE EREDEROS, ET AL.*, G.R. Nos. 172532, 172544-45, November 20, 2013 (Second Division)

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the mitigating circumstance of good faith in this case that Dator alleged in the performance of his actions. The same repeated appointment by Dr. Salvacion also negates the finding that Dator's appointment of Macandile was tainted with malice. That being said, only the minimum penalty of one month and one day suspension is appropriate.

At this juncture, it bears emphasizing that in administrative proceedings, the quantum of proof required is substantial evidence or such relevant evidence as a reasonable mind will accept as adequate to support a conclusion,<sup>42</sup> whereas, in criminal cases, the culpability of an accused must be established by proof beyond a reasonable doubt to justify a conviction. "The burden of proof is on the prosecution, as the accused enjoys a constitutionally enshrined disputable presumption of innocence. The court, in ascertaining the guilt of an accused, must, after having marshalled the facts and circumstances, reach a moral certainty as to the accused's guilt. Moral certainty is that degree of proof which produces conviction in an unprejudiced mind. Otherwise, where there is reasonable doubt, the accused must be acquitted."<sup>43</sup>

For failure of the prosecution in this case to meet the required quantum of evidence to ascribe criminal liability on the part of accused Dator, it is the duty of this Court to acquit him of the crime charged against him.

**WHEREFORE**, accused **Celso Olivier Tiamson Dator** is hereby **ACQUITTED** of the crime of violation of Section 3(e) of Republic Act No. 3019 for failure of the prosecution to prove his guilt beyond reasonable doubt.

Consequently, the Hold Departure Order issued against him is hereby Lifted and Set Aside. Also, the cash bond he posted for his provisional liberty is ordered Released, subject to the usual accounting and auditing procedures.

**SO ORDERED.**

**LORIFEL LACAP PAHIMNA**  
*Associate Justice*

<sup>42</sup> PRIMO C. MIRO vs. MARILYN MENDOZA VDA. DE EREDEROS, ET AL., supra note 41

<sup>43</sup> OFELIA C. CAUNAN vs. PEOPLE OF THE PHILIPPINES and SANDIGANBAYAN, G.R. Nos. 181999 & 182001-04 September 2, 2009; JOEY P. MARQUEZ THE SANDIGANBAYAN-FOURTH DIVISION, G.R. Nos. 182020-24

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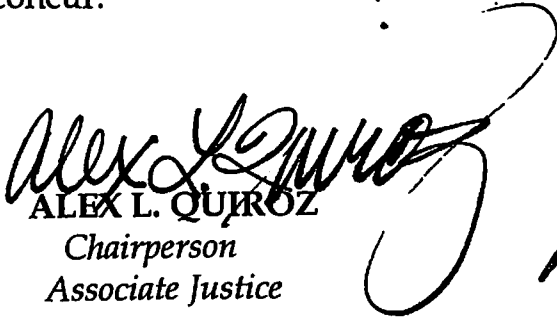
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We concur:

  
ALEX L. QUIROZ  
Chairperson  
Associate Justice

  
ZALDY V. TRESPESES  
Associate Justice



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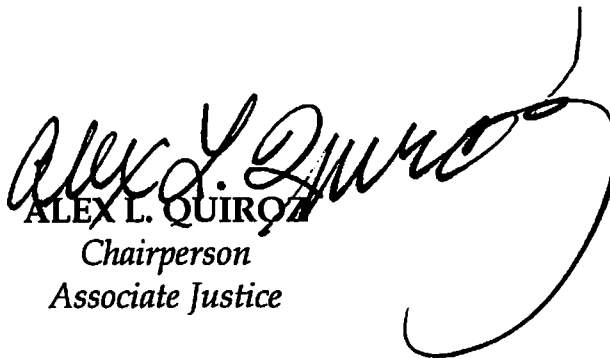
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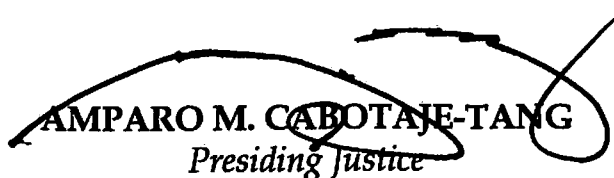
**ATTESTATION**

I attest that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
ALEX L. QUIROZ  
Chairperson  
Associate Justice

**CERTIFICATION**

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairman's Attestation, it is hereby certified that the conclusions in the above decision were 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

