

REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
Quezon City

**FOURTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
*Plaintiff-Appellee,*

*-versus-*

**SB-20-A/R-0021-0025**  
For: Violation of Article  
171(2) of the Revised  
Penal Code (Falsification  
of Public Documents)

**WILFREDO M. CAMUS  
BENITO A. CHING,  
CLARO M. PONCE,  
ZACARIAS M. FERRER,  
RAMON E. ACUÑA,**  
*Accused-Appellants.*

**PRESENT:**  
Quiroz, J., Chairperson  
Pahimna, J.  
Jacinto, J.

**Promulgated on:**

**MAR 11 2022**

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**DECISION**

**QUIROZ, J.:**

This is an appeal taken by herein accused-appellants Wilfredo M. Camus ("Camus"), Benito A. Ching ("Ching"), Claro M. Ponce ("Ponce"), Zacarias M. Ferrer ("Ferrer"), and Ramon E. Acuña ("Acuña") from the decision<sup>1</sup> dated 05 January 2018, rendered by the Regional Trial Court of Caloocan City, Branch 121 ("the court *a quo*") in Criminal Case Nos. 93734-93738, finding them guilty beyond reasonable doubt of five (5) counts of the crime of Falsification of Public Documents and sentencing them to suffer the

<sup>1</sup> Records, pp. 22-25.

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indeterminate penalty of six (6) months and one (1) day of *prision correccional* as minimum to eight (8) years of *prision mayor* as maximum with the accessories thereof and to pay a fine of Two Thousand Pesos (Php 2,000.00). Thus:

“**WHEREFORE**, accused **WILFREDO MELARPIS CAMUS, BENITO ANDRADA CHING, CLARO MELARPIS PONCE, ZACARIAS MASIRAG FERRER**, and **RAMON ESTROPIA ACUÑA** are found guilty beyond reasonable doubt of the crime of Falsification of Public Documents, in five counts. Each is hereby sentenced to suffer an indeterminate penalty of six months and one day of *prision correccional* as minimum to eight years of *prision mayor* as maximum with the accessories thereof and to pay a fine of TWO THOUSAND PESOS (P2,000.00).



SO ORDERED.”

Records disclose that five (5) *Informations*,<sup>2</sup> all dated 29 September 2014, were filed against accused-appellants, charging them for Falsification of Public Documents under Article 171(2) of the Revised Penal Code. The *Information* in **Criminal Case No. 93734** reads as follows:

“That on 01 December 2013, sometime prior or subsequent thereto, in the City of Caloocan, Philippines, and within the jurisdiction of this Honorable Court, the above named accused **WILFREDO MELARPIS CAMUS**, as *Barangay* Chairman; **BENITO ANDRADA CHING, CLARO MELARPIS PONCE**, and **ZACARIAS MASIRAG FERRER**, as *Barangay Kagawad*, and **RAMON ESTROPIA ACUÑA**, as *Barangay* Secretary, all low ranking public officials of *Barangay* 48, Zone 4, District II, Caloocan City, taking advantage of their official positions and committing the offense in relation to their office, in connivance and conspiracy with each other, did then and there, willfully, unlawfully, and feloniously falsify **Resolution No. 001, Series of 2013** (*A Resolution concurring as a Barangay Secretary was approved by the members of Sangguniang Barangay effective December 01, 2013*), a public document by indicating therein that the *Sangguniang Barangay* held a session on 01 December 2013 and all of its members unanimously voted and approved the appointment of Ramon Acuña as *barangay* secretary when in truth and in fact, no session took place on that day and no unanimous vote/ approval thereof, to the damage and prejudice of public interest.

CONTRARY TO LAW.”

The *Informations* in **Criminal Case Nos. 93735-93738** are similarly-worded as above, except only as to the public document alleged to be falsified and the act or proceeding indicated therein, to wit:

   
<sup>2</sup> Records, pp. 12-21.



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Docket Number	Public Document alleged to be falsified	Act or proceeding indicated therein
93735	Resolution No. 001, Series of 2013 (A Resolution concurring as a <i>Barangay</i> Treasurer was approved by the members of <i>Sangguniang Barangay</i> effective December 01, 2013)	The <i>Sangguniang Barangay</i> held a session on 01 December 2013 and all of its members unanimously voted and approved the appointment of Maria Norielyn Joy Pomay Ramirez as <i>barangay</i> treasurer.
93736	<i>Resolusyong Blg. 04, Serye 2013 (Isang Kapasyahan ang Pinagtitibay ng Sangguniang Barangay and Pagtatalaga ng Hindi Lalabis ng Dalawampung (20) Barangay Tanod para sa Barangay 48, Sona 4, Distrito II, Caloocan City)</i>	The <i>Sangguniang Barangay</i> held a session on 01 December 2013 and all of its members unanimously voted and approved the appointment of twenty <i>barangay tanod</i> .
93737	<i>Resolusyong Blg. 04, Serye 2013 (Isang Kapasyahan ang Pinagtitibay ng Sangguniang Barangay and Pagtatalaga ng Barangay Clerk, Health Worker, Streetsweeper, Caretaker, at Fire Brigade para sa Barangay 48, Sona 4, Distrito II, Caloocan City)</i>	The <i>Sangguniang Barangay</i> held a session on 01 December 2013 and all of its members unanimously voted and approved the appointment of <i>Barangay Clerk, Health Worker, Streetsweeper, Caretaker, at (sic) Fire Brigade</i> .
93738	<i>Resolusyong Blg. 05, Serye 2013 (Isang Kapasyahan ang Pinagtitibay ng Sangguniang Barangay and Pagtatalaga ng Barangay Lupon para sa Barangay 48, Sona 4, Distrito II, Caloocan City)</i>	The <i>Sangguniang Barangay</i> held a session on 01 December 2013 and all of its members unanimously voted and approved the appointment of the <i>Barangay Lupon</i> .

**THE RULING OF THE COURT *A QUO***

In its decision, the court *a quo* found the accused-appellants guilty beyond reasonable doubt of all the aforequoted charges. In convicting the accused-appellants, the court *a quo* relied on the testimonies of the prosecution witnesses, *Barangay Kagawad* Mamerto Antonio (“Antonio”) and Maricel Ramirez (“Ramirez”), who both attested that “[n]o meeting could be held on a Sunday and the only meeting validly held by the *Sanggunian* was on November 29, 2013.” The court *a quo* further noted that the defense was unable to formally offer its evidence. Nonetheless, the subject decision gave a discussion on the testimony of the sole defense witness, accused-appellant Acuña, who stated that: (1) the accused *barangay* officials were validly



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appointed by the *Punong Barangay* at a meeting validly held for that purpose;" (2) the *Sanggunian* was regularly convened on 01 December 2013; (3) aside from himself, herein accused-appellants Camus, Ching, Ponce, and Ferrer were also present during the said meeting. Ultimately, the court *a quo* concluded that the defense was unable to present any competent witness "to corroborate its postulate of denial that all accused never committed the crime as charged" and found accused-appellants guilty thereof. Hence, this appeal.

### THE APPELLANTS' AND APPELLEE'S BRIEFS

Accused-appellants concede that the court *a quo* "did not commit any error in its Decision which was entirely base (sic) on the evidences (sic) presented and submitted by the prosecution." However, according to them, they were denied their right to due process and to properly defend themselves "due to the ineptness, lack of zeal or negligence of [their] former counsel." Specifically, accused-appellants point out that "the former defense counsel presented as its sole defense witness the Barangay Secretary Mr. Ramon Acuña who testified on matter related only to his work as Barangay Secretary" and that said accused's "testimony did not contain any material facts or explanations which would justify the issuance of the questioned Resolution No. 001." Accused-appellants add that "the questioned resolutions were products of politics which should be non-partisan in nature in this case." They further contend that "it was incumbent upon the Barangay Captain to appoint the Barangay Secretary, Barangay Tanods, street sweepers and the like in order not to disrupt the delivery of basic services to its constituents."

As regards the alleged absence of some of the councilors during the subject meeting, accused-appellants argue that the names of all seven (7) councilors were listed in the assailed resolutions but four (4) of them refused to sign the same. According to them, accused-appellant Camus "even requested the Office of the DILG for comment and advise (sic) on his predicament through his Barangay Secretary Acuna (sic) but was advised only that the said problem was up to the Barangay Secretary to decide." They add that, considering that accused-appellant Camus was "a first timer elected Barangay Chairman, with no known foundation and knowledge about the intricacies of his job as Barangay Chairman, relied solely on the representation of the Barangay Secretary Acuna (sic) who had previously served as Barangay Secretary about the consultation with the Office of the DILG."

Finally, accused-appellants state that they "are mostly senior citizens and in the twilight years of their lives and to suffer imprisonment for their acts done in good faith and the exercise of their duties as public officials, who are presumed to perform their duties regularly, would give them undue hardship as well as to their respective families."



For its part, plaintiff-appellee argues that accused-appellants were not deprived of their day in court. It emphasizes the general rule that clients are bound by the acts or negligence of their counsel, except only when such negligence is so gross, reckless, and inexcusable that the clients are deprived of their day in court. In this case, according to plaintiff-appellee, there is no proof that there was inexcusable negligence on the part of accused-appellants' former counsel that would warrant a reversal of the decision of the court *a quo*. It argues that accused-appellants actively participated in the proceedings *a quo*.



Plaintiff-appellee further contends that the court *a quo* correctly found them guilty beyond reasonable doubt of the crime of Falsification of Public Documents. It points out that, as found by the court *a quo*, accused Acuña "*failed to contest [the fact that no meeting was held by the Sanggunian on 01 December 2013] when he admitted that only he and other accused were present during the so-called meeting.*" Thus, to the plaintiff-appellee, the prosecution was able to prove accused-appellants' culpability by clear and convincing evidence.

As regards accused-appellants' defense of good faith, plaintiff-appellee reiterates that "*appellants failed to present a single piece of evidence demonstrating that the meeting on 01 December 2013 actually took place and that the SB unanimously voted to confirm the appointments to various barangay positions and roles.*" Thus, to plaintiff-appellee, "*the unmistakable conclusion is that the appellants resorted to falsifying the subject barangay resolutions in order to confirm the appointments.*"

## CONCLUSION

After a careful review of the arguments of the parties *vis-à-vis* the decision of the court *a quo*, this Court finds no cogent reason to reverse the said decision dated 05 January 2018 in Criminal Case Nos. 93734-93738.

At the outset, it bears emphasis that accused-appellants themselves admitted in their brief that the court *a quo* did not commit any error in the decision subject of their appeal based on the pieces of evidence presented during trial. The bone of their contention goes into a perceived violation of their right to due process. According to accused-appellants, their former counsel lacked the zeal in representing them during trial. They posit that the negligence of their former counsel was so inexcusable as to amount to a violation of their rights. The Court does not agree.



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In *Mendoza v. Court of Appeals*,<sup>3</sup> the Supreme Court held:

“The doctrinal rule is that negligence of the counsel binds the client **because, otherwise, there would never be an end to a suit so long as new counsel could be employed who could allege and [prove] that prior counsel had not been sufficiently diligent, or experienced, or learned.**

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xxx The only exception to the general rule is when the counsel's actuations are gross or palpable, resulting in serious injustice to client, that courts should accord relief to the party. Indeed, **if the error or negligence of the counsel did not result in the deprivation of due process to the client**, nullification of the decision grounded on grave abuse of discretion is not warranted xxx.” (Emphasis supplied, citations omitted)

Here, accused-appellants merely made a general allegation that their former counsel “lacked the zeal” to present and discuss evidence in support of their defense without explaining how this could have resulted in injustice to them. They aver that the former counsel only presented accused-appellant Acuña as witness, when the latter could have only testified on matters related to his position as *Barangay* Secretary, and nothing more. However, this deficiency on the part of the counsel did not result in a violation of accused-appellants’ right to due process because, as correctly pointed out by the plaintiff-appellee, accused-appellants were given their day in court. They were allowed to participate in the proceedings before the court *a quo*. Thus, the Court does not find any reason to depart from the general rule.

Accused-appellants likewise raise the defense of good faith. According to them, accused-appellant Camus, as the *Barangay* Chairperson, only did what was incumbent upon him, *i.e.*, to make the necessary appointments “in order not to disrupt the delivery of basic services to [the] constituents.” To them, they should not be faulted for an act that was supposedly performed in the exercise of their functions. Again, the Court is not persuaded.

While good faith may be a proper defense in certain cases of falsification, the same is not availing here. In *Siquian v. People*,<sup>4</sup> the Supreme Court held that good faith cannot exonerate an accused if it has not clearly been shown to exist. Thus:

“Petitioner's plea for acquittal on the ground that the evidence for the prosecution shows the absence of criminal intent on his part must be denied. While this Court has declared good faith as a valid defense to falsification of public documents by making untruthful statements in a narration of facts

<sup>3</sup> G.R. No. 182814, July 15, 2015.

<sup>4</sup> G.R. No. 82197, March 13, 1989.



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[U.S. v. San Jose, 7 Phil. 604 (1907)], **such defense cannot serve to exonerate the petitioner since the element of good faith has not clearly been shown to exist in the case at bar.**

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In view of the foregoing considerations, petitioner must be held criminally liable for his act of issuing the absolutely false certification as to the availability of funds for the subject position. The law considers his act criminal since it amounts to an untruthful statement in a narration of facts in a public document [Article 171 (4), Revised Penal Code]. **Criminal intent and the will to commit a crime are presumed to exist on the part of the person who executes an act which the law punishes, unless the contrary shall appear** [United States v. Apostol, 14 Phil. 92 (1909)]. In this case, the presumption that petitioner committed the act with criminal intention, which arose from proof of his commission of the unlawful act, stands un rebutted.” (Emphasis and underscoring supplied)

Similarly, accused-appellants in the present cases were unable to establish the element of good faith, considering that at the time of the issuance of the subject resolutions, they were aware that the other members of the *Sangguniang Baranggay* did not participate and vote in favor of the appointments. Despite this knowledge, they made it appear that such other members participated in the meeting and approved the said appointments. Accused-appellant Camus’ purported reliance on accused-appellant Acuña’s statement regarding his supposed consultation with the Department of the Interior and Local Government (DILG) further belies the good faith theory precisely because accused-appellant Acuña was among the appointees in the falsified resolutions. Consequently, this Court finds that accused-appellants cannot correctly cite good faith to absolve them of criminal liability.

To recall, accused-appellants were found criminally liable for five (5) counts of Falsification of Public Documents under Article 171 (2) of the Revised Penal Code, *viz*:

“ARTICLE 171. Falsification by Public Officer, Employee or Notary or Ecclesiastic Minister. - The penalty of prision mayor and a fine not to exceed 5,000 pesos shall be imposed upon **any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:**

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2. **Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate; xxx**” (Emphasis supplied)

The elements of falsification under this provision are as follows:

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1. The offender is a public officer, employee, or a notary public.
2. The offender takes advantage of his or her official position.
3. The offender falsifies a document by committing any of the acts of falsification under Article 171.<sup>5</sup>

In the present cases, accused-appellants were found to have committed the aforesaid crime by making it appear in the subject *barangay* resolutions that the persons named in the *Informations* were duly appointed by the *Sangguniang Barangay* during a meeting purportedly held on 01 December 2013 for that purpose, when in truth and in fact, no such meeting was conducted. As admitted by accused-appellants themselves, this Court holds that the court *a quo* did not commit any error in arriving at such conclusion.

*First*, accused-appellants were concededly public officers at the time material to these cases, being *barangay* officials of *Barangay* 48, Zone 4, District II, Caloocan City at the time.

*Second*, in allowing the appointments of the persons named in the *Informations* despite the absence and/or non-concurrence of the other members of the *Sangguniang Barangay*, accused-appellants took advantage of their position in committing the crime charged. In *Malabanan v. Sandiganbayan*,<sup>6</sup> the Supreme Court explained:

“Offenders are considered to have taken advantage of their official position in falsifying a document if (1) they had the duty to make or prepare or otherwise intervene in the preparation of the document; or (2) they had official custody of the falsified document.”<sup>7</sup>

Here, it is clear that accused-appellants, being the incumbent *barangay* officials at the time material to these cases, had the duty of making, preparing, or otherwise intervening in the preparation of the resolutions subject of the *Informations* against them.

*Finally*, by making it appear that private complainant-councilors participated in and approved the subject appointments during the 01 December 2013 meeting when in truth they did not, accused-appellants falsified the subject resolutions, which are public documents within the

<sup>5</sup> *Garong v. People*, G.R. No. 172539, 16 November 2016, cited in *Malabanan v. Sandiganbayan*, G.R. Nos. 186329, 186584-86, 198598, 02 August 2017.

<sup>6</sup> G.R. Nos. 186329, 186584-86, and 198598, August 2, 2017.

<sup>7</sup> *Id.*, citing *Adaza v. Sandiganbayan*, 502 Phil. 702 (2005).



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purview of the law. In fact, it was shown by the prosecution during the proceedings *a quo* that *Barangay Kagawads* Antonio and Ramirez “strongly objected” to the appointments of accused-appellant Acuña as *Barangay* Secretary and Shaneth Ponce as *Barangay* Treasurer during a meeting held on 29 November 2013, and not on 01 December 2013, as reflected in the falsified resolutions. Thus, this Court maintains the findings and conclusion of the court *a quo* in the present cases.

**WHEREFORE**, premises considered, the subject decision dated 05 January 2018, rendered by the Regional Trial Court Branch 121 of Caloocan City in Criminal Case Nos. 93734-93738, finding accused-appellants **WILFREDO M. CAMUS, BENITO A. CHING, CLARO M. PONCE, ZACARIAS M. FERRER, and RAMON E. ACUÑA** guilty beyond reasonable doubt of five (5) counts of the crime of Falsification of Public Documents and sentencing them to suffer the indeterminate penalty of six (6) months and one (1) day of *prision correccional* as minimum to eight (8) years of *prision mayor* as maximum with the accessories thereof and to pay a fine of Two Thousand Pesos (Php 2,000.00) is hereby **AFFIRMED IN TOTO**.

**SO ORDERED.**

Quezon City, Metro Manila, Philippines.

  
ALEX L. QUIROZ  
Chairperson/  
Associate Justice

We Concur:

  
LORIFEL LACAP PAHIMNA  
Associate Justice

  
BAYANI H. JACINTO  
Associate Justice

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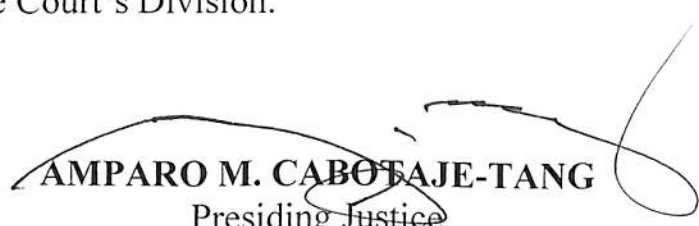
### ATTESTATION

I attest 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.

  
ALEX L. QUIROZ  
Chairperson/ Associate Justice

### 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