



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,

Plaintiff-Appellee,

- versus -

CASES NOS. SB-23-A/R-0030

to SB-23-A/R-0075

For: Appealed Case

TRINIDAD G. REPUNO, ET AL.

Accused-Appellant.

Present:

DE LA CRUZ, J., *Chairperson*

ECONG, J.

MANALO-SAN GASPAS, J.

Promulgated on:

21 FEB 2024 *gk*

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DECISION

DE LA CRUZ, J.

This is an appeal interposed by accused-appellant Trinidad G. Repuno (Repuno) from the *Decision*, dated June 19, 2023, of the Regional Trial Court of Caloocan City, Branch 126 (RTC), convicting her of twenty-three (23) counts of violation of Section 3(e) of Republic Act 3019 (RA 3019), also known as the Anti-Graft and Corrupt Practices Act, and twenty-three (23) counts of Malversation of Public Funds or Property under Article 217 of the Revised Penal Code (RPC).

THE ANTECEDENTS

On July 4, 2014, the Office of the Ombudsman filed before the RTC forty-six (46) separate Informations against accused-appellant Repuno, then Barangay Chair, and accused Elizabeth M. Seat (Seat), then Barangay Treasurer, both of Barangay 14, Zone 2, District II of Caloocan City (Barangay 14), twenty-three (23) of which for violation

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of Section 3(e) of RA 3019 (docketed as Criminal Cases Nos. C-92257 to C-92279), and twenty-three 23 for Malversation of Public Funds or Property under Art. 217 of the RPC (docketed as Criminal Cases Nos. C-92280 to C-92302).

The accusatory portion of the 23 Informations for violation of Section 3(e) of RA 3019 reads as follows:

Crim. Case No. C-92257 (SB-23-A/R-0030)

That, on or about March 5, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181818** in the amount of FIFTY THOUSAND PESOS (P50,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case No. C-92258 (SB-23-A/R-0031)

That, on or about March 31 2003, or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181821** in the amount of ONE HUNDRED THIRTY

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EIGHT THOUSAND NINE HUNDRED THIRTEEN PESOS (P138,913.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforesated amount.

CONTRARY TO LAW.

Crim. Case No. C-92259 (SB-23-A/R-0032)

That, on or about April 11, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181823** in the amount of TWO HUNDRED THIRTY EIGHT THOUSAND NINE HUNDRED THIRTEEN PESOS (P238,913.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforesated amount.

CONTRARY TO LAW.

Crim. Case No. C-92260 (SB-23-A/R-0033)

That, on or about April 29, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181826** in the amount of TWO HUNDRED SEVENTY

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SEVEN THOUSAND EIGHT HUNDRED TWENTY SIX PESOS (P277,826.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92261 (SB-23-A/R-0034)

That, on or about May 15, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181830** in the amount of ONE HUNDRED SIXTEEN THOUSAND PESOS (P116,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case No. 92262 (SB-23-A/R-0035)

That, on or about June 5, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181832** in the amount of ONE HUNDRED TWENTY

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FOUR THOUSAND EIGHT HUNDRED PESOS (P124,800.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92263 (SB-23-A/R-0036)

That, on or about June 17, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181840** in the amount of FIFTY THOUSAND PESOS (P50,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92264 (SB-23-A/R-0037)

That, on or about June 17, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181841** in the amount of THIRTY THOUSAND PESOS (P30,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and

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converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92265 (SB-23-A/R-0038)

That, on or about June 25, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181846** in the amount of FIFTY THOUSAND PESOS (P50,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92266 (SB-23-A/R-0039)

That, on or about July 8, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181849** in the amount of SIXTY SIX THOUSAND SIX HUNDRED TWENTY FOUR PESOS (P66,624.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds

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thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92267 (SB-23-A/R-0040)

That, on or about July 10, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181903** in the amount of SIXTY THOUSAND PESOS (P60,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92268 (SB-23-A/R-0041)

That, on or about July 15, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181904** in the amount of TWENTY FIVE THOUSAND PESOS (P25,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and

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benefits, to the damage and prejudice of the government in the
aforestated amount.

CONTRARY TO LAW.

Crim. Case 92269 (SB-23-A/R-0042)

That, on or about June 18, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181905** in the amount of FIVE THOUSAND PESOS (P5,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92270 (SB-23-A/R-0043)

That, on or about July 24, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181907** in the amount of SIX THOUSAND PESOS (P6,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

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CONTRARY TO LAW.

Crim. Case 92271 (SB-23-A/R-0044)

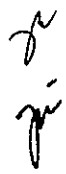
That, on or about July 30, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181908** in the amount of ONE HUNDRED FORTY THOUSAND PESOS (P140,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92272 (SB-23-A/R-0045)

That, on or about August 14, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181911** in the amount of SEVENTY THOUSAND PESOS (P70,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.



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Crim. Case 92273 (SB-23-A/R-0046)

That, on or about August 20, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181912** in the amount of TWENTY FIVE THOUSAND PESOS (P25,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92274 (SB-23-A/R-0047)

That, on or about September 2, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181914** in the amount of TWENTY THOUSAND PESOS (P20,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

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Crim. Case 92275 (SB-23-A/R-0048)

That, on or about September 4, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181915** in the amount of SIXTY FIVE THOUSAND PESOS (P65,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92276 (SB-23-A/R-0049)

That, on or about September 11, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181917** in the amount of TEN THOUSAND PESOS (P10,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

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PP. vs. Trinidad G. Repuno, et al.

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Crim. Case 92277 (SB-23-A/R-0050)

That, on or about September 18, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181916** in the amount of SEVENTY FIVE THOUSAND PESOS (P75,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92278 (SB-23-A/R-0051)

That, on or about October 1, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **0181852** in the amount of THIRTY THOUSAND PESOS (P30,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

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DECISION

PP. vs. Trinidad G. Repuno, et al.

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Crim. Case 92279 (SB-23-A/R-0052)

That, on or about October 10, 2003 or for some time prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, both low-ranking officers, being the Barangay Chairman and Barangay Treasurer, respectively, of Barangay 14, Zone 2, District II, Caloocan City, while in the performance of their official and administrative functions, committing the offense in relation to office and taking advantage of their official positions, acting with manifest partiality, evident bad faith or gross inexcusable negligence, at the very least, did then and there, willfully, unlawfully and criminally cause undue injury to Barangay 14, Zone 2, District II, Caloocan City, and to the government as a whole and at the same time give unwarranted benefits to themselves by issuing Land Bank Check No. **018156** in the amount of TWENTY FIVE THOUSAND PESOS (P25,000.00), Philippine Currency, drawn against the barangay funds and thereafter encashed the same and appropriated and converted the proceeds thereof to their personal use and benefits, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

The accusatory portion of the 23 Informations for Malversation of Public Funds or Property under Article 217 of the RPC reads as follows:

Crim. Case 92280 (SB-23-A/R-0053)

That, on or about March 5, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of FIFTY THOUSAND PESOS (P50,000.00), Philippine Currency, by issuing Land Bank Check No. **0181818**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

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DECISION

PP. vs. Trinidad G. Repuno, et al.

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Crim. Case 92281 (SB-23-A/R-0054)

That, on or about March 31, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of ONE HUNDRED THIRTY EIGHT THOUSAND NINE HUNDRED THIRTEEN PESOS (P138,913.00), Philippine Currency, by issuing Land Bank Check No. **0181821**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92282 (SB-23-A/R-0055)

That, on or about April 11, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of TWO HUNDRED THIRTY EIGHT THOUSAND NINE HUNDRED THIRTEEN PESOS (P238,913.00), Philippine Currency, by issuing Land Bank Check No. **0181823**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

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DECISION

PP. vs. Trinidad G. Repuno, et al.

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X- ----- X

Crim. Case 92283 (SB-23-A/R-0056)

That, on or about April 29, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of TWO HUNDRED SEVENTY SEVEN THOUSAND EIGHT HUNDRED TWENTY SIX PESOS (P277,826.00), Philippine Currency, by issuing Land Bank Check No. **0181826**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92284 (SB-23-A/R-0057)

That, on or about May 15, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of ONE HUNDRED SIXTEEN THOUSAND PESOS (P116,000.00), Philippine Currency, by issuing Land Bank Check No. **0181830**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

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PP. vs. Trinidad G. Repuno, et al.

Cases Nos. SB-23-A/R-0030 to -0075

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Crim. Case 92285 (SB-23-A/R-0058)

That, on or about June 5, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of ONE HUNDRED TWENTY FOUR THOUSAND EIGHT HUNDRED PESOS (P124,800.00), Philippine Currency, by issuing Land Bank Check No. **0181832**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92286 (SB-23-A/R-0059)

That, on or about June 17, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of FIFTY THOUSAND PESOS (P30,000.00) [sic¹], Philippine Currency, by issuing Land Bank Check No. **0181840**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

¹ The correct amount is P50,000.00 as evidenced by Exhibit J-7.

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DECISION

PP. vs. Trinidad G. Repuno, et al.

Cases Nos. SB-23-A/R-0030 to -0075

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Crim. Case 92287 (SB-23-A/R-0060)

That, on or about June 17, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of THIRTY THOUSAND PESOS (P30,000.00), Philippine Currency, by issuing Land Bank Check No. **0181841**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92288 (SB-23-A/R-0061)

That, on or about June 25, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of FIFTY THOUSAND PESOS (P50,000.00), Philippine Currency, by issuing Land Bank Check No. **0181846**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

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DECISION

PP. vs. Trinidad G. Repuno, et al.

Cases Nos. SB-23-A/R-0030 to -0075

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Crim. Case 92289 (SB-23-A/R-0062)

That, on or about July 8, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of SIXTY SIX THOUSAND SIX HUNDRED TWENTY FOUR PESOS (P66,624.00), Philippine Currency, by issuing Land Bank Check No. **0181849**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92290 (SB-23-A/R-0063)

That, on or about July 10, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of SIXTY THOUSAND PESOS (P60,000.00), Philippine Currency, by issuing Land Bank Check No. **0181903**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

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DECISION

PP. vs. Trinidad G. Repuno, et al.

Cases Nos. SB-23-A/R-0030 to -0075

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Crim. Case 92291 (SB-23-A/R-0064)

That, on or about July 15, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of TWENTY FIVE THOUSAND PESOS (P25,000.00), Philippine Currency, by issuing Land Bank Check No. **0181904**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92292 (SB-23-A/R-0065)

That, on or about July 18, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of FIVE THOUSAND PESOS (P5,000.00), Philippine Currency, by issuing Land Bank Check No. **0181905**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

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DECISION

PP. vs. Trinidad G. Repuno, et al.

Cases Nos. SB-23-A/R-0030 to -0075

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Crim. Case 92293 (SB-23-A/R-0066)

That, on or about July 24, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of SIX THOUSAND PESOS (P6,000.00), Philippine Currency, by issuing Land Bank Check No. **0181907**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92294 (SB-23-A/R-0067)

That, on or about July 30, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of ONE HUNDRED FORTY THOUSAND PESOS (P140,000.00), Philippine Currency, by issuing Land Bank Check No. **0181908**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

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Crim. Case 92295 (SB-23-A/R-0068)

That, on or about August 14, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of SEVENTY THOUSAND PESOS (P70,000.00), Philippine Currency, by issuing Land Bank Check No. **0181911**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92296 (SB-23-A/R-0069)

That, on or about August 20, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of TWENTY FIVE THOUSAND PESOS (P25,000.00), Philippine Currency, by issuing Land Bank Check No. **0181912**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

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DECISION

**PP. vs. Trinidad G. Repuno, et al.
Cases Nos. SB-23-A/R-0030 to -0075**

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Crim. Case 92297 (SB-23-A/R-0070)

That, on or about September 2, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of TWENTY THOUSAND PESOS (P20,000.00), Philippine Currency, by issuing Land Bank Check No. **0181914**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92298 (SB-23-A/R-0071)

That, on or about September 4, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of SIXTY FIVE THOUSAND PESOS (P65,000.00), Philippine Currency, by issuing Land Bank Check No. **0181915**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

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PP. vs. Trinidad G. Repuno, et al.

Cases Nos. SB-23-A/R-0030 to -0075

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Crim. Case 92299 (SB-23-A/R-0072)

That, on or about September 11, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of TEN THOUSAND PESOS (P10,000.00), Philippine Currency, by issuing Land Bank Check No. **0181917**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92300 (SB-23-A/R-0073)

That, on or about September 18, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of SEVENTY FIVE THOUSAND PESOS (P75,000.00), Philippine Currency, by issuing Land Bank Check No. **0181916**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

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DECISION

**PP. vs. Trinidad G. Repuno, et al.
Cases Nos. SB-23-A/R-0030 to -0075**

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Crim. Case 92301 (SB-23-A/R-0074)

That, on or about October 1, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of THIRTY THOUSAND PESOS (P30,000.00), Philippine Currency, by issuing Land Bank Check No. **0181952**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

Crim. Case 92302 (SB-23-A/R-0075)

That, on or about October 10, 2003 or for sometime prior or subsequent thereto, in Caloocan City, Philippines, and within the jurisdiction of this Honorable Court, accused Trinidad G. Repuno and Elizabeth M. Seat, low-ranking public accountable officers, being the Barangay Chairman and Barangay Treasurer, respectively of Barangay 14, Zone 2, District II, Caloocan City who by reason of their offices are accountable for public funds or properties under their custody, while in the performance of their official functions, taking advantage of their official positions and committing the offense in relation to their functions, did then and there willfully, unlawfully and feloniously, and with intent to defraud the government, misappropriate, embezzle, and take away from said public funds the amount of TWENTY FIVE THOUSAND PESOS (P25,000.00), Philippine Currency, by issuing Land Bank Check No. **0181956**, and after such issuance accused Elizabeth M. Seat encashed the same and thereafter appropriated and converted the proceeds thereof to their personal use and benefit, to the damage and prejudice of the government in the aforestated amount.

CONTRARY TO LAW.

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On July 22, 2014, Repuno filed two (2) *Motions for Reduction of Bail*, both dated July 14, 2014,² first, in Crim. Cases Nos. C-92257 to C-92279 (violation of Section 3[e], RA 3019) praying, among others, that she be allowed “to post a cash bond of P20,000.00 per count for her provisional liberty,” and second, in Crim. Cases Nos. C-92280 to C-92302 (Malversation) praying, among others, that she be allowed “to post a cash bond of P30,000.00 per count for her provisional liberty.”

In its *Order*, dated November 12, 2014,³ the RTC granted Repuno’s first motion, “there being no objection on the part of the Office of the Ombudsman,” and allowed her “to post her cash bond in the reduced amount of Php20,000.00 for her provisional liberty insofar as Crim. Cases No. C-92257 to C-92279.” In another *Order*, also dated November 12, 2014,⁴ in Crim. Cases Nos. C-92280 to C-92302, the RTC granted Repuno’s second motion, “there being no objection on the part of the Office of the Ombudsman.” The pertinent portion of the latter *Order* reads:

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As prayed for, accused Trinidad Repuno is hereby allowed to post her cash bond in the reduced amount of Php 30,000.00 for her provisional liberty insofar as Crim. Cases No. C-92280 to 92291; and 92294 to 92294 to 92298; and 92300 to 92302 are concerned.

The bail recommended for Crim. Cases No. C-92292 and C-92293 in the amount of P20,000 for each case and for Crim. Case no. C-92299 in the amount of P30,000.00 remains.

On November 27, 2014, Repuno filed a *Manifestation and Motion for Further Reduction of Bail*, dated November 25, 2014,⁵ manifesting that there was an “**honest mistake**” committed by her counsel in praying for posting a cash bail for each case instead of a “surety (bail) bond,” and praying that in the interest of extreme justice and for humanitarian reasons, “that the Orders dated November 12, 2014 be reconsidered and modified in such a way that accused be allowed to post surety (bail) bonds of P30,000.00 per count/case, except Crim. Case Nos. **C-92292 and C-92293 wherein the accused will post the bail P20,000.00.**”

² RTC Records, Vol. II, pp. 1128-1131

³ Id., p. 1171

⁴ Id., p. 1172

⁵ Id., pp. 1173-1175

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In its *Comment*, dated December 15, 2015,⁶ the Office of the Ombudsman submitted "to the discretion of the Honorable Court on whether the Order dated 12 November 2014 will be reconsidered and modified."

On January 30, 2015, the RTC issued an *Order*,⁷ (a) reducing the bail to 20% of the recommended bail to be posted in cash; (b) giving the accused 15 days from January 30, 2015 within which to post the said cash bond; and (c) setting the arraignment of the accused tentatively on February 27, 2015 and March 20, 2015, at 8:30 in the morning.

In view of Repuno's failure to post the cash bond for her provisional liberty and to attend the arraignment as ordered by the RTC, the said court issued an Order, dated February 27, 2015,⁸ directing the issuance of an alias warrant of arrest against both accused (Repuno and Seat), and sending the cases to the ARCHIVES in the meantime pending arrest of the said accused.

Under date June 5, 2015, Repuno, through counsel, filed a *Motion to Retrieve Case From the Archives and to Allow Toni Rose Repuno to Post the Cash Bond*,⁹ praying that "an order be issued allowing the posting and payment of the amount of P322,000.00 as cash bonds for the 46 cases ... and to further allow TONI ROSE REPUNO, the daughter of the accused, to post and pay the said amount; and thereafter, to lift and set aside the Alias Warrant of Arrest issued against her."

It appearing that the prosecution did not object to the reduction of the total amount of the recommended bail to 20%, and finding meritorious Repuno's Motion to Retrieve Case From the Archives and to Allow Toni Rose Repuno to Post the Cash Bond, the RTC issued an *Order*, dated June 9, 2015,¹⁰ granting the same, and allowing Repuno "to post cash bond in the total amount of Three Hundred Twelve Thousand Pesos (Php312,000.00) which is comprising of 20% of Php690,000.00 (for Crim. Case No. C-92257 to C-92279) and Php870,000.00 (for Crim. Case No. C-92280 to 92302) on the condition that accused shall personally appear before this Court."

⁶ Id., pp. 1178-1180

⁷ Id., pp. 1186

⁸ Id., p. 1190

⁹ Id., pp. 1209-1211

¹⁰ Id., p. 1215

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Repuno "having voluntarily surrendered and posted her cash bond" in the amount of P312,000.00 for the 46 cases, under date June 11, 2015, the RTC issued an *Order*.¹¹ (a) allowing Repuno to enjoy her provisional liberty; (b) ordering the lifting and setting aside of the warrants of arrest issued on July 11, 2014 and February 27, 2015 against her; and (c) setting the cases for arraignment on August 14, 2015, at 8:30 in the morning.

For Repuno's failure to appear at the arraignment on August 14, 2015, in its *Order* on the said date,¹² the RTC directed the issuance of a warrant of arrest against her, the forfeiture of her cash bond in favor of the government, and the resetting of her arraignment on September 18, 2015, at 8:30 in the morning.

During Repuno's arraignment on September 18, 2015 where she pleaded "Not Guilty" to all the charges against her, on her motion, and there being no vehement objection from the prosecution, in its *Order*¹³ on the said date, the RTC ordered (a) the lifting and setting aside of its *Order* for the issuance of a warrant of arrest, dated August 14, 2015, and the warrant of arrest already issued against her, (b) the reinstatement of her cash bond, and (c) the setting of the preliminary conference on November 9, 2015, and the pre-trial on February 19, 2016, both at 8:30 in the morning.

During the pre-trial on February 17, 2017,¹⁴ the prosecution and the accused made the following stipulations/admissions:

1. As to the stipulations of facts, both parties agreed as to the identity of accused Trinidad G. Repuno as the one arraigned;
2. That the alleged crime happened in Caloocan City;
3. Jurisdiction of the RTC;
4. That accused Repuno is a public officer at that time the alleged crime was committed; and

¹¹ *Id.*, p. 1231

¹² *Id.*, p. 1233

¹³ *Id.*, pp. 1241-1242

¹⁴ *Id.*, Pre-Trial Order, pp. 1290-1291

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5. That her salary grade is 12.

Trial then ensued.

EVIDENCE FOR THE PROSECUTION

The prosecution presented seven (7) witnesses, namely **Cipriano M. Cabucana, Jr.**, **Deirdre Fesarit**, **Noel Cruz**, Document Examiner of the National Bureau of Investigation (NBI); **Gerhard G. Basco**, employee of the Office of the Ombudsman; **Cecilia B. Camon**, Director IV of the Commission on Audit (COA) – National Government Sector; **Celia A. Asuncion**, Head of Landbank of the Philippines (LBP) Caloocan Branch; and **Melanie B. Atabay**, Branch Operations Officer of LBP West Avenue Branch. The testimonies of the said witnesses are summarized below.

Cipriano M. Cabucana, Jr. (Cabucana),¹⁵ incumbent Barangay Kagawad of Barangay 14, Zone 2, District II of Caloocan City at the time material to these cases. Before Cabucana was placed on the witness stand as initial witness, the parties stipulated on the following: “1. that the affidavit-complaint of the witness, will serve as his direct testimony; 2. the identity of the accused person as charged and the person arraigned; and 3. that in principle, the one in custody and control of public funds in barangay level is the barangay treasurer.”

When Cabucana was placed on the witness stand, the parties stipulated on the following: “1. That witness has no personal knowledge as to the transaction and the encashment; 2. That he is one of those who wrote those two letters; 3. That he is one of the signatories of the following Letters (subject to cross), to wit: a. dated January 19, 2004 addressed to City Accountant Edna Centeno; and b. another letter dated January 19, 2004 addressed to City Accountant Edna Centeno; c. letter dated January 30, 2004 addressed to Punong Barangay Trinidad G. Repuno; d. letter dated February 3, 2004 addressed to Danilo Rodriguez, City Auditor from Commission on Audit; 4. That the witness is not privy to the encashment and the transactions subject matter of the checks being complained.”

With those stipulations, Repuno’s counsel no longer cross-examined the said witness.

¹⁵ Id., Order, dated June 16, 2017, pp. 1294 to 1295

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Deirdre Fesarit (Fesarit).¹⁶ During her intended presentation as witness, “[t]he parties stipulated that witness Dierdre Fesarit is only the custodian of the following documents, to wit: 1. Certification dated October 28, 2014 signed by Engr. Oliver R. Hernandez previously marked as Exhibit ‘K’; 2. Oath of Office of Trinidad G. Repuno (certified true copy) (Atty. Mores manifested that the document is a faithful reproduction); 3. Certification also dated October 28, 2014 signed by Engr. Oliver R. Hernandez previously marked as Exhibit ‘L’.”

Noel R. Cruz (Cruz), Document Examiner from the Questioned Documents Division (QDD) of the NBI.¹⁷ Witness Cruz was called to the witness stand at the hearing on January 26, 2018. During that hearing, “both parties stipulated as to the expected testimonies of the said witness, to wit: 1. The qualification of the said witness to testify as he is an expert witness in the field of hand writing in the National Bureau of Investigation. 2. The following checks (Exhibits ‘J’ series) were submitted to the NBI for the purposes of hand writing analysis and verification. 3. Based on the report of the said witness, he has a finding which was reduced in writing. 4. Both parties stipulated the existence of Exhibit ‘J’ series. 5. There is subpoena dated May 17, 2005 containing all the cheque numbers.

“Both parties also stipulated as to the due execution and authenticity of the following: Exhibit ‘M’ – Order of Office of the Ombudsman to NBI directing the NBI to conduct examination; Exhibit ‘N’ – Letter of NBI dated November 26, 2004 informing the Director of the Ombudsman that the NBI cannot proceed with the examination because there were no documents submitted to them; Exhibit ‘O’ – Letter dated July 1, 2005, Office of the Ombudsman submitting documents to the NBI for examination; Exhibit ‘O-1 to 2’ – Letter signed by the accused addressed to the City Accountant, requesting that the cheques be withdrawn; Exhibit ‘P’ – Letter dated September 16, 2005 by NBI addressed to the Ombudsman stating that no definite opinion can be rendered as the standard sample signature (sic) are not sufficient to serve as basis; Exhibit ‘Q’ – Letter dated December 4, 2009 by the Ombudsman submitting original documents to the NBI with attachments.

“Defense counsel admitted the due execution and authenticity of all the documents except the due execution and authenticity of all the

¹⁶ Id., Order, dated October 27, 2017, pp. 1301 to 1302.

¹⁷ TSN, and Order, dated January 26, 2018, RTC Records, Vol. II, pp. 1320 to 1322.

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cheques and the report, however, the existence of the cheques and report were admitted.

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"Both parties also stipulated as to the existence of Exhibit 'V-1 to V-28' as the pictures of the standard specimen signature and enlarged specimen signature as Exhibit 'W-1 to W-31'."

In view of the said stipulations, the prosecution stipulated to no longer present the witness.¹⁸

Gerhard G. Basco (Basco), employee of the OMB. At the hearing on April 2, 2018, the prosecution was to present as its next witness Basco.¹⁹ During that hearing, "the parties stipulated as to the expected testimony of prosecution witness Gerard G. Basco, to wit: 1. That the witness is an employee of the Office of the Ombudsman; 2. That in 2008, the accused appeared before the Office of the Ombudsman and gave her Sinumpaang Salaysay before this witness and as well as the specimen signature attached to the Sinumpaang Salaysay; 3. That the accused submitted twelve (12) documents bearing her sample signatures for NBI Handwriting Examination; 4. That he can identify the attachment as submitted to him for purposes of signature verification and for identification of those documents.

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"After the stipulations and admissions made by the prosecution and the defense, the Public Prosecutor already dispensed with the presentation of prosecution witness Gerhard G. Basco."

Cecilia B. Camon (Camon), Director IV of the Commission on Audit–National Government Sector.²⁰ During her testimony on August 20, 2018, the parties stipulated that: (1) witness Camon will be able to identify her Judicial Affidavit,²¹ her signature thereon, and the attachments thereto, including the Audit Observation Memorandum, dated March 16, 2004,²² and the Notice of Disallowance No. 2010-020-101 (03), dated August 24, 2010, which became the basis of her audit

¹⁸ TSN, dated January 26, 2018, p. 16.

¹⁹ Order, dated April 2, 2018, RTC Records, Vol. II, pp. 1329 to 1330.

²⁰ Order, dated August 20, 2018, Id., pp. 1362 to 1363; TSN, August 20, 2018.

²¹ Exhibit K.

²² Exhibit G.

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review, and the findings of which were later documented in her COA-LGS Decision, dated October 11, 2012;²³ (2) her said Judicial Affidavit will serve as her direct testimony; (3) she has no personal knowledge of the - (a) actual endorsement and encashment of the checks involved in these cases; (b) findings of fact made on the Audit Observation Memorandum (AOM) AOM-2004-009, which was prepared by the auditor of Barangay 14, Caloocan City; (c) preparation of the said AOM, but the same was made the basis for the issuance of COA-LGS Decision, dated October 11, 2012; (4) there is no such thing as Audit Observation Report (AOR) and said report is not required under the rules of procedure on audit; (5) the witness will testify on this tenor: as Director IV of COA, based on her knowledge, a Punong Barangay is the head of the barangay, in-charge of the fiscal responsibility of the barangay and said fiscal responsibility cannot be delegated to anybody; (6) she has personal knowledge of COA NCR LGS Decision 2012-009, which she prepared; and (7) all the documents identified by the witness are public documents.

Celia A. Asuncion, Head of LBP Caloocan Branch; at the time material to these cases, the Cashier of the LBP Caloocan Branch. At the hearing on September 24, 2018, witness Asuncion was present in court as the prosecution's witness. During the said hearing, "[b]oth parties stipulated as to the expected testimony of witness Celia A. Asuncion, to wit: 1. The affidavit of the witness will constitute as her direct testimony and she can identify her signature and attachments thereto. 2. She is the manager of the Landbank of the Philippines-Calooocan Branch. 3. She will be testifying based on bank records but she has no personal knowledge when the two accused, Trinidad G. Repuno and Elizabeth Seat opened their accounts and affixed their signature on the Customer Information. 4. She has no personal knowledge when accused Elizabeth Seat allegedly encash [sic] the subject checks but she can testify based on the Statement of Account of Brgy. 14, Zone 2, District II, Caloocan City. 5. Based on Landbank records, all the checks were encashed by accused Elizabeth Seat but she was not present and has no personal knowledge as to the actual withdrawal but based on bank records, all the checks were encashed. 6. She can identify the twenty-three (23) checks, subject matter in this case as Landbank checks, the Client Information Sheet and the fact of encashment. 7. As a matter of procedure of Landbank, the subject checks could not be encashed without the approval and signature of the verifier. 8. She is familiar with the signature of the verifier as

²³ Exhibit I.

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appearing on the checks when the same are encashed because the bank has specimen signatures of all their verifiers and she always come across their signatures. 9. Based on records, the subject checks were verified by Alice Hernandez and Franklin Massido. 10. She was not present when the verifier verified the subject checks at the time of the encashment.”²⁴

Melanie B. Atabay,²⁵ Branch Operations Officer of LBP West Avenue Branch. In her Judicial Affidavit, Atabay testified that at the time material to these cases, she was the Acting Cashier of LBP Caloocan Branch. It was she who authenticated the signature cards containing Repuno’s specimen signatures²⁶ when Repuno updated the Barangay 14 LBP current account in 2002, sometime around the start of her official term.

The standard operating procedure of LBP-Caloocan for the opening and updating of barangay accounts requires the personal appearance of the barangay chairperson and the barangay treasurer, along with the submission of DILG certifications authorizing them as official signatories of the barangay, and presentation of two valid identification cards. The chairperson and treasurer would then affix their signatures in the signature cards with the Client Information Form, and thereafter the bank staff would authenticate their signatures. Authentication of the signatures involves comparing the specimens in the signature cards with those in the DILG certification and the identification cards.

Upon the admission into evidence of its documentary exhibits, the prosecution was deemed to have rested its case.²⁷

EVIDENCE FOR THE ACCUSED

The defense presented **Trinidad G. Repuno** as its sole witness. In her Judicial Affidavit,²⁸ Repuno denied the accusation that she misappropriated, embezzled and took away the funds of the barangay in the amounts stated in the subject checks. The signatures appearing on these checks were not hers but were rather forged or falsified by Myrna Unasco (Unasco), the Barangay Secretary for Barangay 14

²⁴ Order, dated September 24, 2018, RTC Records, pp. 1453 to 1454.
²⁵ Judicial Affidavit, Id., pp. 1455 to 1469; TSN, dated October 15, 2018.
²⁶ Exhibits Y-1, Y-2, and Y-3.
²⁷ RTC Records, Vol. II, pp.1674 to 1675.
²⁸ Id., pp. 1692 to 1702.

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during her incumbency. Furthermore, it was Seat, as Barangay Treasurer, who had custody of the checks. More importantly, it was only Seat who benefited from the checks, as she was the designated payee thereon.

To prove that her signature on the said checks was merely falsified by Unasco, she cites the Minutes of the Special Sanggunian Meeting, dated March 11, 2004, wherein Unasco allegedly admitted that she signs checks on behalf of her "*kabesa*" Repuno. She further avers that said minutes also contain a finding to the effect that her signature was forged, and she had no knowledge of such forgery. The barangay councilors who filed the case against her before the Ombudsman did not testify as prosecution witnesses because they found that her signatures on the checks were forged.

According to her, she only discovered that several checks were drawn against barangay funds without the necessary supporting documents when she received a letter from Centeno²⁹ requesting that she explain the discrepancies in the issuance of the checks. Upon receiving this, she replied to Centeno professing that she had no knowledge of the transactions, and furthermore sent a letter to Unasco asking her to surrender all documents related to the anomalous encashment of barangay funds.

To prevent further anomalous transactions, she, along with other barangay officials, then filed Stop Payment Orders to LBP Caloocan Branch on the following Checks Nos.: 0160538, 0181867, 0181869, 0160540, 0160544, 0160545, 0181870, 0181872, 0181873, 0181874, 0181879, 0181880, 0181882, 0160550, 0160580, 0160585, 0160586, 0160589, 01605944, 0181850, 0181807, 0181829, and 0181825. She then wrote a letter to Cynthia Miranda, then General Manager of LBP Caloocan Branch, to temporarily hold all transactions related to the Barangay current account. The LBP officials advised her to change her signature from the simple small letter "a" to her full name. After this change, all pending checks for encashment were dishonored by the bank.

On cross-examination,³⁰ Repuno stated that she was the one who appointed Seat and Unasco as Barangay Treasurer and Barangay Secretary, respectively.³¹ She admits that her only evidence for the

²⁹ Exhibit F.

³⁰ TSN, dated December 2, 2029.

³¹ *Id.*, p. 3.

Handwritten signature and initials.

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forgery were the Minutes dated March, 11, 2004.³² It was stipulated that there are no check numbers appearing on the alleged confession of Unasco that she had forged Repuno's signature,³³ and that Unasco's signature did not appear on the Minutes. She also admitted that the checks indicated in Stop Payment Orders were not the subject matter of these cases.³⁴ There is also no evidence, aside from her own testimony, that she was advised by LBP Caloocan Branch to change her signature to her full name.³⁵

However, based on the RTC's *Order* dated March 22, 2023, the purported Minutes of the Special Sanggunian Meeting dated March 11, 2004 and the Stop Payment Orders were not admitted into evidence by the RTC.³⁶ The only evidence admitted for the defense were the Letter, dated February 16, 2004,³⁷ and the Letter, dated February 9, 2004,³⁸ which are both common exhibits with the prosecution.

THE RTC DECISION

In its *Decision*, dated June 19, 2023, the RTC found Repuno guilty on all counts of violation of Section 3(e) of RA 3019, and Malversation of Public Funds and Property. The dispositive portion of the said decision reads as follows:

WHEREFORE, premises considered, the court holds, as follows:

I.

In **Criminal Case No. C-92257**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92258**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-

³² Id.
³³ Id. at p. 16-17.
³⁴ Id. at p. 6-7.
³⁵ Id. at p. 8.
³⁶ RTC Records, Vol. II, p. 1836.
³⁷ Exhibit 5, also marked Exhibit O-1.
³⁸ Exhibit 14, also marked Exhibit Q-2.

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Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92259**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92260**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92261**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92262**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92263**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92264**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6)

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years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92265**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92266**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92267**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92268**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92269**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92270**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

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In **Criminal Case No. C-92271**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92272**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92273**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92274**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92275**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92276**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

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In **Criminal Case No. C-92277**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92278**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

In **Criminal Case No. C-92279**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt of Violation of Section 3(e) of Republic Act No. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, as amended, and imposing upon her the penalty of imprisonment for an indeterminate period of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, with perpetual disqualification from public office.

II.

In **Criminal Case No. C-92280**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 2 years 4 months and 1 day of *prision correccional*, as minimum to 7 years 4 months and 1 day of *prision mayor*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P50,000.00, with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92281**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 2 years 4 months and 1 day of *prision correccional*, as minimum to 7 years 4 months and 1 day of *prision mayor*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P138,913.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the

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penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92282**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 2 years 4 months and 1 day of *prision correccional*, as minimum to 7 years 4 months and 1 day of *prision mayor*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P238,913.00, with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92283**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 2 years 4 months and 1 day of *prision correccional*, as minimum to 7 years 4 months and 1 day of *prision mayor*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P277,826.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92284**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 2 years 4 months and 1 day of *prision correccional*, as minimum to 7 years 4 months and 1 day of *prision mayor*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P116,000.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92285**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 2 years 4 months and 1 day of *prision correccional*, as minimum to 7 years 4 months and 1 day of *prision mayor*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P124,800.00 with

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legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92286**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 2 years 4 months and 1 day of *prision correccional*, as minimum to 7 years 4 months and 1 day of *prision mayor*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P50,000.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92287**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 4 months and 1 day of *arresto mayor*, as minimum to 3 years 6 months and 21 days of *prision correccional*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P30,000.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92288**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 2 years 4 months and 1 day of *prision correccional*, as minimum to 7 years 4 months and 1 day of *prision mayor*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P50,000.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92289**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 2 years 4 months and 1 day of *prision correccional*, as minimum to 7 years 4 months and 1 day of *prision mayor*, as maximum. In addition,

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accused Repuno is ORDERED to PAY a FINE of P66,624.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92290**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 2 years 4 months and 1 day of *prision correccional*, as minimum to 7 years 4 months and 1 day of *prision mayor*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P60,000.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92291**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 4 months and 1 day of *arresto mayor*, as minimum to 3 years 6 months and 21 days of *prision correccional*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P25,000.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92292**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 4 months and 1 day of *arresto mayor*, as minimum to 3 years 6 months and 21 days of *prision correccional*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P5,000.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92293**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 4 months and 1 day of *arresto mayor*, as minimum to 3 years 6 months and 21 days of *prision correccional*, as maximum. In addition, accused Repuno is

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ORDERED to PAY a FINE of P6,000.00, with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92294**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 2 years 4 months and 1 day of *prision correccional*, as minimum to 7 years 4 months and 1 day of *prision mayor*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P140,000.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92295**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 2 years 4 months and 1 day of *prision correccional*, as minimum to 7 years 4 months and 1 day of *prision mayor*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P70,000.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92296**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 4 months and 1 day of *arresto mayor*, as minimum to 3 years 6 months and 21 days of *prision correccional*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P25,000.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92297**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 4 months and 1 day of *arresto mayor*, as minimum to 3 years 6 months and 21 days of *prision correccional*, as maximum. In addition, accused Repuno is

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ORDERED to PAY a FINE of P20,000.00, with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92298**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 2 years 4 months and 1 day of *prision correccional*, as minimum to 7 years 4 months and 1 day of *prision mayor*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P65,000.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92299**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 4 months and 1 day of *arresto mayor*, as minimum to 3 years 6 months and 21 days of *prision correccional*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P10,000.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92300**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 2 years 4 months and 1 day of *prision correccional*, as minimum to 7 years 4 months and 1 day of *prision mayor*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P75,000.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92301**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 4 months and 1 day of *arresto mayor*, as minimum to 3 years 6 months and 21 days of *prision correccional*, as maximum. In addition, accused Repuno is

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ORDERED to PAY a FINE of P30,000.00, with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In **Criminal Case No. C-92302**, the court finds accused Trinidad G. Repuno guilty beyond reasonable doubt with the crime of Malversation defined and penalized under Article 217 of the Revised Penal Code as amended, and imposing upon her the indeterminate penalty of imprisonment ranging from 4 months and 1 day of *arresto mayor*, as minimum to 3 years 6 months and 21 days of *prision correccional*, as maximum. In addition, accused Repuno is ORDERED to PAY a FINE of P25,000.00 with legal interest of 6% per annum reckoned from the finality of this Decision until full satisfaction. Accused Repuno shall also suffer the penalty of perpetual special disqualification from holding any public office.

In all the aforementioned cases pertaining to Malversation, accused Repuno is ordered to indemnify the Government the respective amounts of the subject checks and to pay the costs.

With respect to ELIZABETH M. SEAT who is still at-large, this case is ARCHIVED.

SO ORDERED.³⁹

THE APPEAL

Repuno filed a timely *Notice of Appeal*, dated June 25, 2023, questioning the judgment rendered by the RTC.

In her *Appellant's Brief*, dated October 17, 2023,⁴⁰ Repuno raises the following issues and assignment of errors for this Court's consideration:

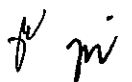
ISSUES

I.

WITH ALL DUE RESPECT, WHETHER OR NOT THE HONORABLE REGIONAL TRIAL COURT, BRANCH 126 OF CALOOCAN CITY GRAVELY ERRED IN FINDING ACCUSED GUILTY OF SECTION 3(E) OF RA 3019 AS THE DECISION OF THE COURT A QUO IS CONTRARY TO LAW AND EVIDENCE.

³⁹ Records, pp. 216-226.

⁴⁰ Records, p. 265.



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II.

WITH ALL DUE RESEPCT, WHETHER OR NOT THE HONORABLE REGIONAL TRIAL COURT, BRANCH 126 OF CALOOCAN CITY GRAVELY ERRED IN FINDING THAT ACCUSED WAS GUILTY OF MALVERSATION PUNISHABLE UNDER ARTICLE 217 OF THE REVISED PENAL CODE OF THE PHILIPPINES

Repuno argues and maintains that she should not be held criminally liable, insisting that she did not sign and issue the subject checks, and that her purported signatures on all the said checks were but forgeries by Unasco in connivance with Seat. Repuno cites Unasco's admission during a Special Sangguniang Bayan Meeting on March 11, 2004, wherein Unasco stated that she had signed several checks in behalf of Repuno. She vehemently denies any knowledge and participation in the issuance of the said checks, contending that she only came to know about the subject checks when she received a letter from Centeno⁴¹ requesting copies of supporting documents relevant to the said checks. She mentions that immediately upon being informed about the said checks, she went to Landbank and issued Stop Payment Orders as to the other checks which had not been encashed yet, alluding to her fidelity to duty and in order to prevent their encashment. She bemoans the RTC's appreciation of her defense of forgery, stating that the court *a quo* failed to exercise independent judgment in determining the authenticity and genuineness of the signatures on the checks, and that it merely relied on the report which was not even testified on by the handwriting examiner.

As to the charges for violation of Section 3(e) of RA 3019, Repuno argues that the prosecution was unable to prove that she acted with manifest partiality, evident bad faith, or gross inexcusable negligence, considering that the payee and the one who actually encashed the checks was Seat. She maintains that her signature was merely forged by Unasco, in connivance with Seat, and that she was not even aware of the issuance of the subject checks. Considering that she did not issue or benefit from the said checks, she could not have caused any undue injury to the government, nor could she have given any private party, much less herself, any unwarranted benefit or advantage.

As to the charges of malversation, Repuno restates her defense of forgery and her lack of knowledge of the signing and issuance of the

⁴¹ Exhibit F.

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subject checks, again contending that the true perpetrators of malversation were Unasco and Seat, who conspired with one another to appropriate the funds of the barangay.

On the other hand, in its *Plaintiff-Appellee's Brief*, dated December 7, 2023,⁴² the prosecution argues that Repuno had failed to prove any forgery, and that the RTC Decision correctly ruled that the essential elements for both sets of charges were present. The prosecution stresses that it was Repuno herself who filed a motion for an impartial examination of the signatures by the NBI. While the RTC was not bound by the findings of the NBI handwriting expert, there was nothing on record that would have required the RTC to take a different conclusion, and it had full discretion to give weight and credence to these findings. The prosecution concludes that the RTC rightly found accused-appellant liable for the issuance of the checks, and thus guilty of all counts of malversation and violation of Section 3(e) of RA 3019.

DISCUSSION/RULING

Accused Seat had been at-large. Thus if her name is mentioned here, it is merely to lend completeness in the narration of the events.

CRIM. CASES NOS. SB-23-AR-0030 to -0052 For: Violation of Section 3(e) of RA 3019

The appeal is meritorious. The Court hereby finds, and so rules, that there is serious doubt that it was Repuno who countersigned the subject checks.

The Court is aware that forgery cannot be presumed and must be proved by clear, positive and convincing evidence⁴³ and the burden of proof lies on the party alleging forgery.⁴⁴ The fact of forgery can only be established by a comparison between the alleged forged signature and the authentic and genuine signature of the person whose signature is claimed to have been forged.⁴⁵ Such a finding does not depend entirely on the testimony of handwriting experts, as the judge still

⁴² Records, p. 392.

⁴³ *American Express International, Inc. vs. Court of Appeals*, G.R. No. 128899, June 8, 1999, 308 SCRA 65, 69, citing *Tenio-Obsequio v. Court of Appeals*, G.R. No. 107967, March 1, 1994, 230 SCRA 550, 558.

⁴⁴ *Ladignon v. Court of Appeals*, G.R. No. 122973, July 18, 2000, 390 PHIL 1161, 1170.

⁴⁵ *Piccio v. House of Representatives Electoral Tribunal*, G.R. No. 248985, October 5, 2021.

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exercises independent judgment on the issue of authenticity of the signatures under scrutiny.⁴⁶

At the outset, the Court takes note that the RTC Decision convicting Repuno of all the charges against her is anchored **solely** on the finding of the NBI handwriting examiner who conducted the examination of the questioned signatures. The said finding is contained in Questioned Documents Report No. 579-1209, dated April 29, 2010.⁴⁷ However, the authenticity and due execution of the said report was **never** established for the reason that the handwriting examiner **did not testify** thereon.

Indeed, while the prosecution and Repuno stipulated on the authenticity and due execution of some exhibits of the prosecution, the said report is not one of them. In fact, it was explicitly stated in the RTC's Order, dated January 26, 2018, that the "[d]efense counsel admitted the due execution and authenticity of all the documents **except the due execution and authenticity of the cheques and the report**"⁴⁸ The said RTC Order is consistent with the TSN, dated January 26, 2018, which reads:

THE COURT:

"Okay lahat documents admitted except the due execution and authenticity of the checks."

ATTY. FRANCISCO:

"Yes Your honor."

THE COURT:

"**And also the report.**"

ATTY. FRANCISCO:

"Yes Your honor."⁴⁹

In support of the questioned Decision, the RTC found:

xxx. Thereafter, Noel R. Cruz (Document Examiner of the NBI) conducted Handwriting Examination on the specimens

⁴⁶ *Heirs of Gregorio v. Court of Appeals*, G.R. No. 117609, December 29, 1998, 360 PHIL 753-767.

⁴⁷ Exhibit S.

⁴⁸ RTC Records, pp. 1320-1322; boldface supplied.

⁴⁹ TSN, January 26, 2018, p. 12.

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submitted to him. After said examination, he issued Questioned Documents Report No. 579-1209 (S) stating, among others, that the *"scientific comparative examination made on the specimens submitted under stereoscopic microscope, magnifying lenses, with the aid of photographic enlargement (comparison chart), reveal that there exists significant fundamental similarities in handwriting characteristics and habits between the questioned and the standard/sample signatures 'TRINIDAD REPUNO', such as in: structural pattern of letters/elements; range of natural variations; manner of execution; minute identifying details."* Noel R. Cruz, therefore, concluded that the questioned and the standard/sample signatures were written by one and the same person.

Considering that the handwriting examiner did not testify on the supposed report, the foregoing finding by the RTC would appear to have no legal and factual basis.

This Court also takes note that in holding that it was Repuno who signed the questioned checks, the RTC never attempted to compare Repuno's standard/genuine signatures against the signatures on the subject checks.

The duty to determine the authenticity of a signature rests on the judge who must conduct an independent examination of the signature itself in order to arrive at a reasonable conclusion as to its authenticity.⁵⁰ To this end, the Rules of Court provides that the genuineness of handwriting may be proved, among other methods, by a comparison made by the court with writings admitted or treated as genuine by the party against whom the evidence is offered or proved to be genuine to the satisfaction of the judge.⁵¹

Thus, following existing jurisprudence, this Court conducted an independent examination of the questioned signatures *vis-à-vis* the admitted genuine signatures of Repuno on the sample documents she submitted.

Upon examination, this Court notes that Repuno's standard signatures consist primarily of a small letter "α", sometimes including a small letter "r" abutting the vertical line of the "α", forming the letters "αr" combined into one glyph. On the other hand, all the questioned signatures are written as the combination of "αr". Although her

⁵⁰ *Cambe v. Office of the Ombudsman*, G.R. Nos. 212014-15, 212427-28, 212694-95, 212794-95, 213477-78, 213532-33, 213536-37 & 218744-59, December 6, 2016, 802 PHIL 190-313.

⁵¹ Rules of Court, Rule 132, Section 22.

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standard signatures are very simple, there are still distinct characteristics that distinguish these from the questioned signatures.

The first inconsistency between the questioned signatures and the standard signatures is the shape and angle of the loop of the "α", which is observable and very obvious in all the questioned signatures. This loop of the "α" is demonstrably flatter and angled away from the vertical stroke on almost all the questioned signatures, as opposed to the standard signatures where the loop is taller than it is wide, and adjacent to the vertical stroke. Moreover, the entirety of the loop of the "α" in the standard signatures are filled with tremors, while the loop of the "α" in the questioned signatures appear to be clean and without tremors.

The second inconsistency is a significantly longer vertical stroke dropping a few millimeters below the baseline, which results in the "α" resembling a "q" instead. This inconsistency is notable in fourteen of the questioned checks, particularly the following:

1. Exhibit J-2-a on Check No. 181823
2. Exhibit J-4-a on Check No. 181830
3. Exhibit J-7-a on Check No. 181840
4. Exhibit J-8-a on Check No. 181846
5. Exhibit J-9-a on Check No. 181849
6. Exhibit J-11-a on Check No. 181904
7. Exhibit J-13-a on Check No. 181907
8. Exhibit J-14-a on Check No. 181908
9. Exhibit J-15-a on Check No. 181911
10. Exhibit J-17-a on Check No. 181914
11. Exhibit J-19-a on Check No. 181917
12. Exhibit J-20-a on Check No. 181916
13. Exhibit J-21-a on Check No. 181852
14. Exhibit J-22-a on Check No. 181856

Lastly, there are eight checks where the questioned signature contains two vertical strokes between the letters.

1. Exhibit J-3-a on Check No. 181826
2. Exhibit J-5-a on Check No. 181832
3. Exhibit J-6-a on Check No. 181841
4. Exhibit J-9-a on Check No. 181849
5. Exhibit J-12-a on Check No. 181905
6. Exhibit J-14-a on Check No. 181908

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7. Exhibit J-18-a on Check No. 181915
8. Exhibit J-22-a on Check No. 181856

Circumstantial evidence of forgery includes the comparison of specimens of genuine signature and the allegedly forged signature, the opinion of the handwriting expert, the testimony of an ordinary witness as to the surrounding incidents of the forgery, and a combination of the foregoing.⁵² In these cases, the RTC never made a comparison of the specimens of Repuno's genuine signatures and the signatures on the subject checks. Neither was there any opinion of the handwriting expert to be considered as the supposed expert never testified on the authenticity and due execution of the supposed report. Nor was there any testimony of an ordinary witness about the matter.

In addition to the finding that the assailed RTC Decision has no legal and factual basis, the Court also examined the records elevated to it on appeal, and found pieces of circumstantial evidence which would show that indeed the RTC committed a reversible error in holding Repuno criminally liable for all the charges against her.

In these cases, Repuno adamantly and consistently insists that the signatures appearing on the checks marked as Exhibits J and J-1 to J-22 are not hers. Immediately upon receipt from City Accountant Edna Centeno of the letter, dated February 3, 2004,⁵³ informing her of the issuance of questionable checks without supporting documents, Repuno responded by writing back Centeno a letter, dated February 9, 2004,⁵⁴ denying any knowledge or participation in the issuance of the said checks, and even stating that had Centeno promptly brought the matter to her attention, appropriate action could have been taken to stop the payment of the said checks. This letter reads:

Ika-9 ng Pebrero, 2004

Gng. EDNA CENTENO
City Accountant
Lungsod ng Kalookan

Gng. Centeno;

Batay sa inyong sulat sa inyong lingkod na ipinababatid na ang
Barangay ay nakapagpalabas ng pondo ng walang kaukulang

⁵² *Arciaga v. F&E De Castro Corp.*, G.R. No. 239491 (Notice), October 13, 2021.

⁵³ Exhibit F.

⁵⁴ Exhibit Q-2.

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dokumento, at hiniling ninyo na makapagsumite ako ng sinasabing dokumento sa lalong madaling panahon.

Sa bagay na ito, ikinalulungkot ko na sabihin na wala akong hawak o wala sa barangay ang hinihiling ninyo. Ang mga listahan ninyong inilakip sa sulat ay hindi ko alam kung bakit nangyari ang ganitong "discrepancies" alam kong kayo ang tumatanggap ng mga nagagamit na tseke mula sa Bangko at **kung ito ay ipinaalam ninyo sa akin, noong una pa lamang marahil ito ay nagawan ng karampatang hakbang.** Nais kong sabihin sa inyong hindi ko alam ang mga nangyayaring ito at sa ngayon ay wala pa ang dati naming ingat-yaman, dahil siya ay nasa bakasyon pa. (Boldface supplied.)

Umaasang mauunawaan ninyo ang aking paliwanag.

Lubos na sumasainyo,

(Signed)

Gng. TRINIDAD G. REPUNO

Punong Barangay

Thereafter, or on March 3, Repuno voluntarily went to Landbank, the barangay's depository bank, and there executed "Stop Payment Orders"⁵⁵ of all the other unaccounted checks of Barangay 14.

It should be stressed at this juncture that the "Complaint of Affidavit" (Exhibit A) against Repuno, et al. was filed before the Office of the Ombudsman on April 5, 2004. The pendency of the preliminary investigation at the Office of the Ombudsman notwithstanding, in an undated letter, addressed to Centeno, which was received by the Office of the City Accountant on July 30, 2004,⁵⁶ Repuno requested from Centeno to borrow "some Barangay cheques especially those were questionably withdrawn," which Repuno intended to submit to the NBI for signature analysis. The said letter reads:

Mrs. Edna Centeno
City Accountant
Kaloocan City

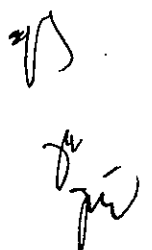
Dear Mrs. Centeno;

Warm Greetings.

May I request from that (sic) your good office, some Barangay cheques especially those were (sic) questionably withdrawn. I will

⁵⁵ RTC Records, Vol I, pp. 489-493.

⁵⁶ Exhibit O-1.



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use this for signature analysis with the National Bureau of Investigation.

Thank you for your kind consideration.

Very truly yours,

(Signed)
TRINIDAD G. REPUNO
Punong Barangay

It would appear that Centeno lent to Repuno the requested original checks from which she prepared **"The List of Original Cheques of Barangay 14, Zone 2 Borrowed From the Office of the City Accountant Dated August 4, 2004,"**⁵⁷ and which Repuno enclosed in her letter, dated July 30, 2004,⁵⁸ to NBI Director Reynaldo G. Wycoco, requesting "for a signature analysis on some barangay cheques from your experts." The said letter reads:

Ika-30 ng Hulyo, 2004

Gen. REYNALDO G. WYCOCO
Director
National Bureau of Investigation
Taft Avenue, Manila

Attention: Atty. Ricardo A. Diaz
Chief, INTERPOL Division

Dear Gen. Wycoco:

I would humbly request your good office for a signature analysis on some barangay cheques (sic) from your experts. I am the present Punong Barangay of Barangay 14, Zone 2, District 2 of Kalookan City.

Hoping for your kind assistance.

Very respectfully yours,

(Signed)
Mrs. TRINIDAD G. REPUNO
Punong Barangay

Encl.: Original cheques (sic) of Barangay 14.
Copies of correspondents signed by the Punong Barangay

⁵⁷ Exhibit Q-4.

⁵⁸ Exhibit Q-3.

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Repuno's said letter (Exhibit Q-3) appeared to have been endorsed to the NBI by then Caloocan City Representative Luis A. Asistio, in view of the tenor of the NBI's letter, dated August 10, 2004,⁵⁹ to Representative Asistio, "suggest(ing) that an Order/Official Request from the aforementioned Judicial body, together with the original copies of the questioned checks and at least seven (7) sample signatures of one TRINIDAD REPUNO appearing on documents/checks executed before, during and after the dates of the questioned checks, be procured and submitted to Mr. Eliodoro M. Constantino, Chief, Questioned Documents Division, this Bureau, for the desired laboratory analysis." The said NBI letter reads:

NBI-4H-460-2004
August 10, 2004

Hon. Luis A. Asistio
Representative, 2nd District, Kalookan City
HOUSE OF REPRESENTATIVES
Quezon City

Sir:

In connection with your letter-endorsement dated 30 July 2004 for handwriting examination of the questioned signatures "TRINIDAD REPUNO" allegedly appearing on several checks, please be informed that we cannot give due course to your request in view of the standing NBI Memorandum Order No. 78, Series of 1998, which states, among other things, that "xxx no examination shall be conducted by the Questioned Document Division on any document if the case is already pending before the Prosecutor's Office or any Judicial body without a written Order from the said body directing the Bureau to conduct the examination xxx."

Considering that the matter is already pending before the Office of the Ombudsman re: OMB-C-A-04-0319-C entitled "Cipriano M. Cabucana, et al. -versus- Trinidad Repuno, et al.", it is respectfully suggested that an Order/Official Request from the aforementioned Judicial body, together with the original copies of the questioned checks and at least seven (7) sample signatures of one TRINIDAD REPUNO appearing on documents/checks executed before, during and after the dates of the questioned checks, be procured and submitted to Mr. Eliodoro M. Constantino, Chief, Questioned Documents Division, this Bureau, for the desired laboratory analysis.

With assurances of our continued cooperation in the interest of justice and public service, we are

⁵⁹ RTC Records, Vol. I, p. 506.

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Very truly yours,

GEN. REYNADO G. WYCOCO
Director

By:
(Signed)
ATTY. SAMUEL M. FIJI
Officer-in-Charge
Technical Services

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Meanwhile, in Repuno's letter, dated August 17, 2004,⁶⁰ to Centeno, which the Office of the City Accountant received on August 19, 2004, Repuno **returned** "the 39 original cheques which i (sic) borrowed from your office last August 4,2004." The said letter, reads:

August 17,2004

Mrs. Edna V. Centeno
City Accountant
Kalookan City

Dear Mrs.Centeno,

Warm greetings from the officials of Barangay 144, Zone 2 District II this City.

I am returning this 39 original cheques which i borrowed from your office last August 4,2004.

Thank you for your valued cooperation.

Very Truly Yours,

(Signed)
TRINIDAD G. REPUNO
Punong Barangay

Upon learning the August 10, 2004 NBI letter to Congressman Asistio, on August 23, 2004, Repuno, by herself, filed in OMB-C-A-04-0319-G an Omnibus Motion: 1) For the Issuance of Order Directing NBI For a Handwriting Examination, 2) For Time,⁶¹ praying, "in the interest of justice and **truth**" that "an ORDER be issued by this Hon. Office directing the NBI to conduct an impartial examination of the

⁶⁰ Exhibit O-2.

⁶¹ Id., p. 503 to 504.

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PP. vs. Trinidad G. Repuno, et al.

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signature of respondent as appearing on the checks and other related documents attached to the instant complaint; and that Respondent be given an allowance of days to submit her initial counter-affidavit.”

In its Order, dated October 14, 2004,⁶² the Office of the Ombudsman granted the said Omnibus Motion, copy furnished the NBI Director, the dispositive portion of which reads:

WHEREFORE, the NBI thru Gen. Reynaldo G. Wycoco is hereby directed to conduct an examination on some barangay checks and other related documents as requested by herein respondent Repuno in the letter addressed to your office dated 30 July 2004.

For the last time respondent Repuno given (sic) seven (7) days from receipt hereof to file her counter-affidavit and other controverting evidence, otherwise, the same is considered waived.

SO ORDERED.

In its letter, dated November 26, 2004,⁶³ the NBI informed the Office of the Ombudsman that “we cannot proceed with the desired examination because there are no documents that has been submitted to this office as of even date.” In the said letter, the NBI “reiterate(s) our previous suggestion in our letter-reply dated 10 August 2004 for the submission of the original copies of said questioned documents together with at least seven or more sample signatures of one Trinidad G. Repuno appearing on documents executed before, during and after the dates of the questioned checks, be procured and submitted to Mr. Eliodoro M. Constantino, Chief, Questioned Documents Division (QDD), this Bureau, for the desired laboratory analysis.”

In a letter, dated June 1, 2005,⁶⁴ to Gen. Reynaldo G. Wycoco, the Office of the Ombudsman transmitted to the NBI the following: (1) 30 original Landbank checks, allegedly signed by Trinidad Repuno; (2) Four original Landbank checks nos. 0000181804, 0000181803, 0000181814, and 0000181817 containing the sample signatures of Mrs. Repuno issued before the dates of the questioned 30 checks; (3) Three original Landbank checks nos. 0000181816, 0000181868 and 0000181874 bearing the sample signatures of Mrs. Repuno issued after the dates of the questioned 30 checks; and (4) Two letters

⁶² Exhibit M.

⁶³ Exhibit N.

⁶⁴ Exhibit O.

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addressed to Kalookan City Accountant Edna V. Centeno, bearing the signatures of Mrs. Repuno and executed in between those dates.

Under date September 16, 2005, the NBI wrote the Office of the Ombudsman a letter,⁶⁵ the contents of which reads:

In connection with your letter-transmittal dated 01 June 2005 for examination of the questioned signatures "TRINIDAD G. REPUNO" appearing on thirty (30) LANDBANK Checks, please be informed that no definite opinion can be rendered on the matter as the standard sample signatures submitted are not sufficient to serve as basis for a scientific comparative examination. In view of the foregoing, it is respectfully suggested that additional sample signatures of one Trinidad G. Repuno appearing on documents executed before, during and after the dates of the questioned checks, be procured and submitted to xxx this Bureau for the necessary laboratory analysis.

On February 22, 2008, Gerhard G. Basco subpoenaed Repuno to appear before the General Investigation Bureau-B, Field Investigation Office of the Office of the Ombudsman where she was informed about the need of the NBI for her additional sample signatures to be used in the examination of the signatures on the questioned checks.⁶⁶ In the said hearing, Repuno voluntarily gave the specimens of her signature.⁶⁷ She likewise volunteered to submit the following documents containing samples of her genuine signatures for the same purpose:

1. *Sinumpaang Salaysay ni* Gng. Trinidad Gerilla Repuno, dated February 22, 2008;⁶⁸
2. Letter of Trinidad G. Repuno, dated February 4, 2004, to Edna Centeno;⁶⁹
3. Letter of Trinidad G. Repuno, dated July 30, 2004, to NBI Director Reynaldo Wycoco;⁷⁰
4. List of original checks of Barangay 14, Zone 2, dated August 4, 2004,⁷¹ borrowed from the Office of the City Accountant;
5. Letter, dated January 6, 2004,⁷² of Trinidad G. Repuno to Ms. Malou Galvan;

⁶⁵ Exhibit P.

⁶⁶ Exhibit Q-1.

⁶⁷ Exhibits Q-1-c to Q-1-h, inclusive.

⁶⁸ Exhibits Q-1-b to Q-1-h.

⁶⁹ Exhibits Q-2, Q-2-a.

⁷⁰ Exhibits Q3, Q-3-a.

⁷¹ Exhibits Q-4, Q-4-a.

⁷² Exhibits Q-5, Q-5-a.

Handwritten initials and signature at the bottom right of the page.

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6. Letter, dated November 13, 2002,⁷³ of Trinidad G. Repuno to Mr. Nepomuceno Cruz;
7. Letter, dated June 22, 2004,⁷⁴ of Trinidad G. Repuno to Bb. Erlinda Mauricio;
8. Letter, dated December 23, 2003,⁷⁵ of Trinidad G. Repuno to Ms. Marilou Galvan;
9. Letter, dated December 14, 2003,⁷⁶ of Trinidad G. Repuno;
10. Deed of Donation, dated January 2024;⁷⁷
11. Undated Barangay Memorandum;⁷⁸
12. GlobalFlex Sales Order, dated February 26, 2002;⁷⁹ and
13. Trinidad G. Repuno's Certificate of Candidacy, dated June 10, 1997.⁸⁰

The foregoing bold, confident and courageous initiative and voluntary actuations of Repuno, to the mind of the Court, strongly support her contention that she had nothing to do with the issuance and encashment of the questioned checks.⁸¹

It is noteworthy, moreover, that while the preliminary investigation at the Office of the Ombudsman was already going on, Repuno was able to borrow from the Office of the City Accountant and take custody of all the original checks subject of these cases, which she used in preparing the List of Original Cheques of Barangay 14, Zone 2 Borrowed From the Office of the City Accountant Dated August 4, 2004 (Exhibit Q-4). After preparing the said List, she returned the original checks to the Office of the City Accountant thru her letter, dated August 17, 2004 (Exhibit O-2). Indeed, this singular act of Repuno is a clear manifestation that she had nothing to do about the drawing, signing and encashment of the said checks. The Court believes that had Repuno been the one who signed the said checks, she would not have returned them to the Office of the City Accountant. But because she had nothing to do with the drawing and encashment of the questioned checks, Repuno had no qualms returning the said checks to Centeno.

⁷³ Exhibits Q-6, Q-6-a.

⁷⁴ Exhibits Q-7, Q-7-a.

⁷⁵ Exhibits Q-8, Q-8-a.

⁷⁶ Exhibits Q-9, Q-9-a.

⁷⁷ Exhibits Q-10, Q-10-a.

⁷⁸ Exhibits Q-11, Q-11-a.

⁷⁹ Exhibits Q-12, Q-12-a.

⁸⁰ Exhibits Q-13, Q-13-a.

⁸¹ Proverbs 28:1 reads: "The wicked flee when no one pursues, but the righteous are bold as a lion."

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Finally, in her Judicial Affidavit, sworn on November 4, 2019,⁸² which served as her direct testimony, Repuno testified that the charges against her that she misappropriated, embezzled and took away the funds of the barangay in the amount stated in the subject checks are not true because “[t]he signatures appearing in the subject checks are not mine. These were forged or falsified by Myrna Unasco, the Barangay Secretary, in conspiracy with Seat. Furthermore, the subject checks were in the possession or custody of Seat as Barangay Treasurer and the same were encashed by Seat. Hence, Seat was the one who benefited when she was able to encash the subject checks.” And by way of proof that the said checks were falsified by Myrna Unasco, Repuno testified that in the Minutes of the Special Sanggunian Meeting of the kagawads of her Barangay on March 11, 2004, Myrna Unasco admitted that she signed the checks in her behalf and without her knowledge.⁸³ In the said Judicial Affidavit, Repuno’s counsel manifested that “the Minutes of the Barangay dated March 11, 2004 has already been marked as **Exhibit ‘7’**.”⁸⁴

The foregoing testimony was just a reiteration of Repuno’s statement in her Counter-Affidavit submitted before the Office of the Ombudsman on November 4, 2004⁸⁵ during the preliminary investigation stage, where she stated:

In the Barangay sessions of March 11, 2004 and March 12, 2004, the matter of these illegal withdrawals and disbursements were discussed, more particularly, in the Meeting of March 11, 2004, Kag. Rommel del Prado confronted Mrs. Seat about the withdrawals in the total amount of about P3M xxx;⁸⁶

The following day, March 12, 2004, in the Special Sangguniang Meeting, the same issue was discussed by the Sangguniang Barangay, where the following matters were raised:

- 1.) Respondent Repuno has no knowledge whatsoever of the illegal withdrawals and disbursements; and
- 2.) Respondent Repuno’s signature on the said checks were Falsified and forged by Mrs. Myrna Unasco, Barangay Secretary;

⁸² RTC Records, Vol. II, pp. 1692 to 1702.

⁸³ Id., pp. 1694 to 1695.

⁸⁴ Id. p. 1695.

⁸⁵ Id., Vol. I, pp. 483 to 502.

⁸⁶ Id., at p. 485.

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Copy of the Minutes of the Meeting of March 12, 2004 is hereto attached as Annex ____ hereof;"

Although Repuno stated in her said Counter-Affidavit that the Minutes of the Meeting of the Sangguniang Barangay on March 11 and 12, 2004 were attached, the handwritten Attendance Sheet of the said Sanggunian meeting and the typewritten Minutes of such meeting on March 12, 2004,⁸⁷ among others, were the ones attached to the said affidavit.

The handwritten attendance sheet in the March 12, 2004 meeting shows the names of all the attendees and their signatures opposite their names. Among those who attended the said meeting were the following: Complainants Barangay Kagawads Ma. Luisa C. Gibertas, Cipriano M. Cabucana, Jr., Ernesto L. Javier, Larry E. Camacho, Mario A. Padilla, Wynefredo Reyes, Rommel del Prado, Punong Barangay Repuno, Barangay Treasurer Elizabeth Seat, and Barangay Secretary Myrna L. Unasco.

On the other hand, the typewritten Minutes of the Sanggunian meeting shows all the names of the attendees stated in the handwritten attendance sheet, including the names of the seven complainants-Kagawads and their signatures, and those of Repuno, Seat and Unasco. In the said Minutes, all the seven Kagawads, Repuno and Seat who were present in the meeting affixed their signatures opposite their names, while the name of Unasco had no signature. The pertinent portion of the said Minutes reads:

Kagawad Rommel - napakalaking pera ang Nawala at ang sabi ang voucher hawak nyo raw (Seat). Kayo ang nag withdraw sa mga tseke kulang 3 million. CJJ, MITZI JOY, JALTAM, kayo ang payee at may binigay siya (Malou) papel na narereserved na mga supplies.

- hindi ninyo raw pirma ang mga tseke

Kabesa Trining - mula March 2003 na tseke

Seat - alam ko ang P50,000.00 si Gina ang nagwithdraw ng tseke. Bale 5 ang P50,000.00 na ang nawithdraw 4 ang kay Seat 1 ang kay Gina

⁸⁷ Id., pp. 493 to 497.

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| Malou | - P50,000.00 alam ko seminar ng SK yun May 30, 2003. |
| Kabesa | - Bakit walang dokumento ang mga tseke na nawithdraw mula March 2003 na wala akong pinirmahan na tseke. Sino ang pumirma para sa akin. |
| Seat | - Siya ang nagwithdraw ng P50,000.00 at yung 2 hindi siya ang nagwithdraw.
- yung pangalawa kasama ko si Gina at Ganar Ang nagwithdraw (pamangkin ni Gina)
- 2 di niya ang pirma at si Myrna ang pumirma sa tseke. |
| Myrna | - dahil kulang ang pondo natin sa banko buwan ng July.
- yong isang P50,000.00 sa declogging, bale advance withdrawal. Karamihan ng mga tseke ako ang pumirma in behalf of kabesa. |
| Kagawad Rommell | - hindi alam ni Kabesa ang 2 P50,000.00 at ang pumirma si Myrna sa pangalan ni Kabesa |

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Unasco's admission that "[k]aramihan ng mga tseke ako ang pumirma in behalf of kabesa," raises two possibilities, *i.e.*, that the subject checks are among those she signed in behalf of Repuno, and the other possibility is that the said checks are not included. Where the evidence gives rise to two possibilities, one consistent with the innocence and the other indicative of the guilt of the accused, that which favors the accused should be properly considered.⁸⁹

Although, the RTC denied admission of the said Minutes of the Sanggunian Meetings, along with others, "as these exhibits do not form part of the records"⁹⁰ and, therefore, should not be considered, this Court is of the view that the said Minutes can be appreciated as an exception to the general rule that evidence not admitted or not formally offered cannot be considered, and in the context of the surrounding circumstances dictating that it should be appreciated in the exercise of substantial justice, fairness and prudence.

⁸⁸ *Id.*, pp. 494 to 495; boldface ours.

⁸⁹ *People v. Mendoza*, 414 SCRA 461, 468.

⁹⁰ RTC Records, Vol. II, Order, pp. 1836 to 1837.

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Evidence not formally offered may be admitted and considered by the trial court so long as the following requirements obtain: (1) the evidence is duly identified by testimony duly recorded; and (2) the evidence is incorporated into the records of the case.⁹¹

The said Minutes was testified on by Repuno in her Judicial Affidavit which served as her direct testimony and, contrary to the findings of the RTC, the said Minutes are included in the records of the cases.

Indeed, to the Court's mind, the foregoing circumstances, coupled with this Court's finding of inconsistencies in the questioned signatures *vis-à-vis* the standard signatures, cast serious doubt that it was Repuno who signed the checks subject matter of these cases. It is a fundamental principle in Criminal Law that all doubts should be resolved in favor of the accused in consonance with the presumption of innocence enshrined in no less than the Constitution.⁹² Therefore, the Court resolves this doubt in favor of Repuno and rules that her claim that her signatures on the subject checks were forged is well-taken.

In concluding that Repuno acted with manifest partiality, evident bad faith or gross inexcusable negligence, without any mention of facts or evidence constituting bad faith, partiality or negligence, the RTC held:

In these instances, the court finds no difficulty in concluding that accused Repuno's acts and conduct can be characterized by gross and inexcusable negligence, if not evident bad faith or manifest partiality. Consequently, the second element was proven.

As previously discussed, the said RTC's conclusion cannot be anchored on the NBI Questioned Documents Report No. 579-1209 simply because the examiner, who conducted the examination of Repuno's signatures on the checks subjects of these cases, did not testify on the said report. Neither did the RTC, on its own, make or attempt to make the comparison of the questioned signatures and Repuno's genuine signatures.

The records also bear out, and it is not disputed, that the subject checks are all payable to Seat, and that it was Seat, as payee, who personally encashed the said checks in accordance with the procedure

⁹¹ *Cahayag v. Commercial Credit Corp.*, 780 SCRA 255, 284.

⁹² *Oliveros v. People*, G.R. No. 242552. March 3, 2021.

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prosecution witness Asuncion explained when she testified, that is, “that the payee should be the one to personally appear at the bank to encash checks, and the encashment of checks through representative is not allowed. The payee is required to present at least one official identification card duly issued by a government agency. The account must be funded and the technicalities of checks as well as the authorized signatory of the account must be verified.”

There is a dearth of evidence as to Repuno’s participation both in the issuance of the subject checks and their encashment. There is likewise no evidence that Repuno benefited therefrom.

In *Miranda vs. Sandiganbayan*, the Supreme Court emphasized that conviction must rest no less than on hard evidence showing that the accused, with moral certainty, is guilty of the crime charged. Short of this, the Court is then left without discretion and is duty bound to render a judgment of acquittal.⁹³ There being no manifest partiality, evident bad faith, or gross inexcusable negligence in these cases, accused-appellant Repuno must be acquitted on all counts of violation of Section 3(e) of RA 3019.

CRIM. CASES NOS. SB-23-AR-0053 to -0075
For: Malversation of public funds or property
under Article 217 of the RPC

Art. 217 of the Revised Penal Code, as amended, now provides:

ART. 217. *Malversation of public funds or property. - Presumption of malversation.* - Any public officer who, by reason of the duties of his office, is accountable for public funds or property, shall appropriate the same, or shall take or misappropriate or shall consent, through abandonment or negligence, shall permit any other person to take such public funds or property, wholly or partially, or shall otherwise be guilty of the misappropriation or malversation of such funds or property, shall suffer:

1. The penalty of *prision correccional* in its medium and maximum periods, if the amount involved in the misappropriation or malversation does not exceed Forty thousand pesos (P40,000).

2. The penalty of *prision mayor* in its minimum and medium periods, if the amount involved is more than Forty thousand pesos (P40,000) but does not exceed One million two hundred thousand pesos (P1,200,000).

⁹³ *Miranda v. Sandiganbayan*, G.R. Nos. 144760-61. August 02, 2017

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3. The penalty of *prision mayor* in its maximum period to *reclusion temporal* in its minimum period, if the amount involved is more than One million two hundred thousand pesos (P1,200,000) but does not exceed Two million four hundred thousand pesos (P2,400,000).

4. The penalty of *reclusion temporal*, in its medium and maximum periods, if the amount involved is more than Two million four hundred thousand pesos (P2,400,000) but does not exceed Four million four hundred thousand pesos (P4,400,000).

5. The penalty of *reclusion temporal* in its maximum period, if the amount involved is more than Four million four hundred thousand pesos (P4,400,000) but does not exceed Eight million eight hundred thousand pesos (P8,800,000). If the amount exceeds the latter, the penalty shall be *reclusion perpetua*.

In all cases, persons guilty of malversation shall, also suffer the penalty of perpetual special disqualification and a fine equal to the amount of the funds malversed or equal to the total value of the property embezzled.

The failure of a public officer to have duly forthcoming any public funds or property with which he is chargeable, upon demand by any duly authorized officer, shall be prima facie evidence that he has put such missing funds or property to personal uses.

Based on the foregoing provision of law, the essential elements of Malversation are the following: (a) That the offender be a public officer; (b) That he/she had the custody or control of funds or property by reason of the duties of his office; (c) That those funds or property were public funds or property for which he/she was accountable; and (d) That he/she appropriated, took, misappropriated or consented or, through abandonment or negligence, permitted another person to take them.⁹⁴

The first element is undisputed. Repuno was a public officer at the time these crimes were committed, being then the Punong Barangay of Barangay 14, Zone 2, District II, Caloocan City.

The third element is also present. As Punong Barangay, Repuno although not in possession or custody of local government funds, may likewise be accountable and responsible for local government funds

⁹⁴ *People v. Pimentel*, G.R. Nos. 251587-88, June 15, 2022, citing *People v. Pantaleon, Jr.*, 600 Phil. 186, 208 (2009).

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through her participation in the use or application thereof. Section 340 of the Local Government Code of 1991 provides so. Thus:

340. *Persons Accountable for Local Government Funds.* — Any officer of the local government unit whose duty permits or requires the possession or custody of local government funds shall be accountable and responsible for the safekeeping thereof in conformity with the provisions of this Title. Other local officers who, though not accountable by the nature of their duties, may likewise be similarly held accountable and responsible for local government funds through their participation in the use or application thereof.

An accountable officer is one who, by reason of the duties of his office, is accountable for public funds or property.⁹⁵ In *Arriola v. Sandiganbayan*,⁹⁶ the Supreme Court, in ruling that a barangay captain is an accountable officer held that:

An accountable officer under Article 217 is a public officer who, by reason of his office is accountable for public funds or property. Sec. 101 (1) of the Government Auditing Code of the Philippines (PD No. 1445) defines accountable officer to be every officer of any government agency whose duties permit or require the possession or custody of government funds or property and who shall be accountable therefor and for the safekeeping thereof in conformity with law.

In the determination of who is an accountable officer, it is the nature of the duties which he performs – importance the position held – and not the nomenclature or the relative which is the controlling factor.

However, the prosecution failed to clearly establish the second element of the crime, that is, that the offender had the custody or control of funds or property by reason of the duties of his office.

Under Section 395 (e)(1) of the Local Government Code, it is explicitly provided that the Barangay Treasurer—and not the Punong Barangay—is the one who has the duty to keep custody of the funds and properties of the barangay. Thus, the Barangay Treasurer is the custodian of all the financial records of the barangay, including checks.

Interestingly, in the RTC's Order, dated June 16, 2017, it is stated that "[t]he parties stipulated on the following, to wit:

⁹⁵ *Magaso v. Commission on Audit*, G.R. No. 219425, January 10, 2023.

⁹⁶ G.R. No. 165711, June 30, 2006

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- "1. xxx
- "2. xxx; and
- "3. that in principle, **the one in custody and control of public funds in the barangay level is the barangay treasurer.**"⁹⁷

Based on the foregoing provision of law and the stipulation between the parties, the second element appeared to be absent.

This Court is not unaware of the provision of Section 345 of the Local Government Code which states that "[c]hecks in settlement of obligations (of the barangay) shall be drawn by the local treasurer and countersigned by the local administrator."

Also, in *Zoleta v. Sandiganbayan*,⁹⁸ the Supreme Court ruled that public officers, whose signatures are needed before any disbursement of public funds can be made, are considered to have control and responsible over the subject funds. Thus:

As a required standard procedure, the signatures of, among others, the Vice-Governor and the Provincial Accountant are needed before any disbursement of public funds can be made. No checks can be prepared and no payment can be effected without their signatures on the disbursement voucher and the corresponding check. In other words, any disbursement and release of public funds require their approval. Thus, Constantino and Camanay, in their capacities as Vice-Governor and Provincial Accountant, had control and responsibility over the subject funds.

Hence, although Repuno had no custody of the funds of Barangay 14, she may be considered to have control over the said funds because as Punong Barangay she had the duty to countersign the checks drawn by the Barangay Treasurer. In addition, under Section 389 (b) (8) of the law, the Punong Barangay has the duty to "[a]pprove vouchers relating to the disbursement of barangay funds." (Underscoring supplied.)

However, in these cases, the prosecution failed to prove that Repuno was the one who countersigned the subject checks. On the contrary, the Court finds that the countersignature on the said checks did not belong to Repuno. Also, it was also established that the said checks were not covered and supported by documents including the vouchers which Repuno was under obligation to approve. The

⁹⁷ RTC Records, Vol II P. 1294.

⁹⁸ G.R. No. 185224, July 29, 2015.

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absence of the said vouchers, to the Court's mind, would sustain Repuno's contention that the subject checks did not pass through her. Repuno could exercise control over the barangay funds only once the checks and the vouchers are submitted to her for her signature. In these cases, the lack of supporting documents, including the vouchers, appears to be intentionally done so that the checks would not pass the scrutiny and control of Repuno. In the absence of her participation in the drawing and encashment of the said checks, as well as the absence of the vouchers, Repuno cannot be said to have exercised control over the barangay funds covered by the subject checks.

Needless to state, the fourth element is likewise absent. The prosecution did not present any evidence to show that Repuno appropriated, took, misappropriated or consented or, through abandonment or negligence, permitted another person to take the funds covered by the subject checks.

Neither may Repuno be considered negligent because the subject checks, including the vouchers supporting the said checks, did not pass through her for her signature.

Considering that not all the elements of the malversation are present, the Court finds, and so holds, that Repuno cannot be held criminally liable for malversation.

The Constitution mandates that an accused shall be presumed innocent until the contrary is proved beyond reasonable doubt. The burden lies on the prosecution to overcome such presumption of innocence, failing which, the presumption of innocence prevails and the accused should be acquitted. This, despite the fact that his innocence may be doubted, for a criminal conviction rests on the strength of the evidence of the prosecution and not on the weakness or even absence of defense. If the inculpatory facts and circumstances are capable of two or more explanations, one of which is consistent with the innocence of the accused and the other consistent with his guilt, then the evidence does not fulfill the test of moral certainty and is not sufficient to support a conviction.⁹⁹

WHEREFORE, in light of all the foregoing, the Decision, dated June 25, 2023, of the Regional Trial Court of Caloocan City, Branch 126, is hereby **REVERSED** and **SET ASIDE**. Accused **TRINIDAD G.**

⁹⁹ *Atienza and Castro v. People*, G.R. No. 188694, February 12, 2014.

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REPUNO is hereby **ACQUITTED** of **ALL** the charges of violation of Section 3(e) of Republic Act No. 3019, and Malversation of Public Funds or Property, defined and penalized under Article 217 of the Revised Penal Code.

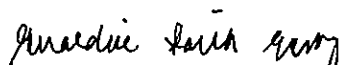
Considering that the acts or omissions from which the civil liability might arise did not exist, no pronouncement as to the civil liability will be made.

The hold-departure order issued by the Court *a quo* against accused Repuno by reason of these cases is ordered **LIFTED** and **SET ASIDE**, and the bonds posted for her provisional liberty is ordered **RELEASED**, subject to the usual accounting and auditing procedures.

SO ORDERED.


EFREN N. DE LA CRUZ
Chairperson/Associate Justice

WE CONCUR:


GERALDINE FAITH A. ECONG
Associate Justice


JULIET M. MANALO SAN GASPAR
Associate Justice

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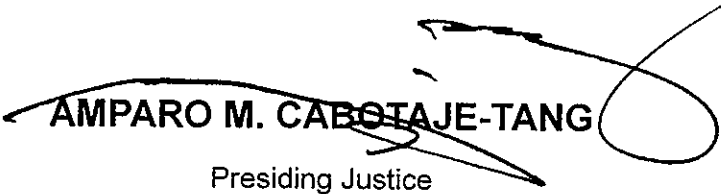
ATTESTATION

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.


EFREN N. DE LA CRUZ
Chairperson, First Division

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division's Chairperson'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

