



REPUBLIC OF THE PHILIPPINES

Sandiganbayan

Quezon City

SIXTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

SB-12-CRM-0029-0030
For: Violation of Article 171
paragraph 4 of the Revised
Penal Code

- versus -

IMELDA D. INIETO, ET AL.,
Accused.

Present:

FERNANDEZ, SJ, J.
Chairperson
MIRANDA, J. and
VIVERO, J.

Promulgated:

FEB 02 2021

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RESOLUTION

VIVERO, J.

This resolves the *Motion for Leave to File Demurrer to Evidence* filed by accused Imelda D. Inieto, Pedro D. Baluyot, Angelina M. Villanueva, Francisco T. Caparas and Evangeline A. Diaz dated 16 November 2020 and the *Comment/Opposition (Re: Motion for Leave to File Demurrer to Evidence)* filed by the prosecution dated 22 November 2020.

Accused Inieto, Baluyot, Villanueva, Caparas and Diaz submit that the prosecution failed to prove their guilt beyond reasonable doubt. Accused posits the following:

- a) The prosecution failed to establish that the accused took advantage of their official position, failed to establish conspiracy and failed to prove that the facts narrated in all of the alleged falsified document are absolutely false.
- b) The prosecution failed to authenticate the Sinumpaang Salaysay of Agrifino M. Otor, Marcelino G. Rodriguez, Leoplodo Dela Rosa and Ernesto Asisten.

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- c) The person who are named witnesses for the prosecution did not testify in court and did not authenticate their respective Sinumpaang Salaysay which were marked in evidence as exhibits Q, R, S, and T with sub-markings.
- d) The prosecution failed to prove that all the accused took advantage of their position and conspired with one another in order to commit falsification. All of the accused were mere signatories of subject documents and they affixed their signature in the said document in the performance of their ministerial function. Their signature in the said documents does not prove conspiracy. Conspiracy is not presumed.

In its *Comment/Opposition*, the prosecution asked this Court to deny accused's *Motion for Leave to File Demurrer to Evidence* on the following grounds:

- a) The evidence adduced by the prosecution, coupled by the stipulations entered into by the parties, established the elements of the crime of Falsification of Public Document under Article 171, par. 4 of the Revised Penal Code.
- b) Accused Inieto signed the undated Acceptance & Inspection Report (AIR) No. 06-01-022 (Exhibit "M") as the head of the Provincial Agricultural Office, which was the end-user unit of the procuring entity or the one that requested for the procurement of a patrol boat (Exhibit "B").
- c) Accused Villanueva, Baluyot and Caparas signed in the undated AIR No. 06-01-022, being the authorized inspectors, pursuant to Section 118, Chapter 7 of the Manual on the New Government Accounting System (NGAS) for Use in the Local Government Units.
- d) Accused Inieto signed in the Memorandum Receipt for Equipment, Semi-expendable and Non-Expendable Property dated January 27, 2006 (Exhibit "N") where she acknowledged receipt of a patrol boat from Evangeline A. Diaz, the Provincial General Services Officer (PGSO). As the PGSO, accused Diaz has the duty to take custody of and be accountable for all properties owned by the Province of Bataan, pursuant to Section 490 of Republic Act No. 7160. Being the custodian of all the properties of the provincial

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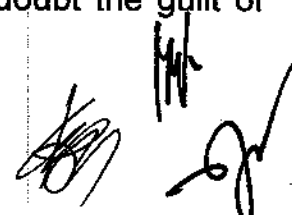
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government, she has the duty to report of the property transferred to another department thru the Memorandum Receipt for Equipment, Semi-Expendable and Non-Expendable Property.

- e) Clearly, the accused took advantage of their official positions as they participated in the preparation or otherwise intervened in the preparation of the subject public documents, and given their duties, they have the legal obligation to disclose the truth of the fact narrated by them.
- f) In the undated AIR No. 06-01-022, accused Inieto certified that as early as January 18, 2006, she accepted a complete patrol boat described therein as one with 4-cylinder engine, while in the Memorandum Receipt for Equipment, Semi-Expendable and Non-Expendable Property, she declared that the patrol boat was acquired on January 24, 2006.
- g) Purchase Order No. 017-A dated January 17, 2006 (Exhibit "L"), which was mentioned in AIR NO. 06-01-022, provided that the item to be delivered was one patrol boat with 6-cylinder engine, and not a patrol boat with 4-cylinder engine that accused Inieto claimed she accepted on January 18, 2006.
- h) Accused Villanueva, Caparas and Baluyot made false narration of facts in AIR No. 06-01-022, which are absolutely false because the purchase order particularly described the item to be delivered and inspected, and the certification made by the accused in their report did not conform with the details in the purchase order.
- i) The arguments of the accused primarily dwell on the fact that Ernesto R. Asistin, Jr. was not presented by the prosecution. It must be noted that he was among the accused in Criminal Case No. SB-11-CRM-0251 and in said case, he did not testify to deny the evidence presented against him. The fact that he made the foregoing statements as testified to by the prosecution witnesses further proves the falsity of the statements made by the accused in the subject public documents, and even without said statements of Mr. Assistin, the testimonial and documentary evidence presented by the prosecution coupled by the stipulations of the parties in the present case and in Criminal Case No. SB-11-CRM-0251 established beyond reasonable doubt the guilt of



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the accused for the crime of Falsification of Public Document.

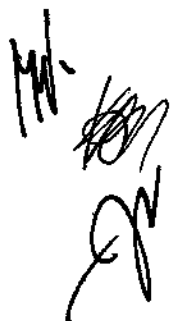
- j) The actions of the accused are not merely ministerial as they argued in their Motion for it was their individual and active participation in the preparation and execution of the subject documents that made it appear that a patrol boat was delivered to and received by the provincial government of Bataan on the date/s shown in the public documents when such was not the truth.
- k) In sum, records show that the prosecution adduced sufficient evidence to support a guilty verdict against the accused for violation of Article 171 (4) of the Revised Penal Code.

RULING

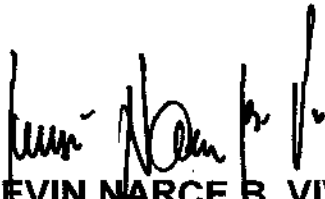
After a careful study of the records of the case and the evidence submitted by the prosecution, the Court finds that, if unrebutted, the same is sufficient to support a verdict of guilt against accused Imelda D. Inieto, Pedro D. Baluyot, Angeline M. Villanueva, Francisco T. Caparas and Evangeline A. Diaz for violation of Article 171 paragraph 4 of the Revised Penal Code. More, the arguments raised by the accused are evidentiary in nature and are matters of defense, the truth of which can best be passed upon in a full-blown trial on the merits.

Accordingly, the Court hereby **DENIES** the *Motion for Leave to File Demurrer to Evidence* filed by accused Inieto, Baluyot, Villanueva, Caparas and Diaz. However, this is without prejudice to the filing of a demurrer to evidence without prior leave of court, but subject to the legal consequence provided under *Section 23, Rule 119 of the Revised Rules of Criminal Procedure*, that is, accused shall waive their right to present their evidence and is submitting this case for judgment on the basis of the evidence adduced by the prosecution.

The accused are given a period of five (5) calendar days from receipt of this Resolution within which to file their Manifestation to inform this Court whether or not they will file a demurrer to evidence without leave of court.

Handwritten signatures and initials, including a large 'M' and other illegible marks.

SO ORDERED.


KEVIN NARCE B. VIVERO
Associate Justice

WE CONCUR:


SARAH JANE T. FERNANDEZ
Associate Justice
Chairperson


KARL B. MIRANDA
Associate Justice