



Republic of the Philippines

**Sandiganbayan**

Quezon City

\*\*\*

**SEVENTH DIVISION**

*MINUTES of the proceedings held on 23 January 2023.*

*Present:*

*Justice MA. THERESA DOLORES C. GOMEZ-ESTOESTA ----- Chairperson*

*Justice ZALDY V. TRESPESES ----- Member*

*Justice GEORGINA D. HIDALGO ----- Member*

*The following resolution was adopted:*

***Crim. Case No. SB-18-CRM-0297, 0308, 0311, 0312, 0313, 0316, 0317, 0320, 0321 and 0324 - People vs. RODERICK MENDENILLA PAULATE, et al.***

This resolves the following:

1. Accused Roderick Paulate and Vicente Bajamunde's "VERIFIED PARTIAL MOTION FOR RECONSIDERATION (of the Decision dated 25 November 2022)" dated December 12, 2022;<sup>1</sup>
2. Prosecution's "OPPOSITION" dated January 3, 2023.<sup>2</sup>

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**TRESPESES, J.**

This resolves accused Roderick Mendenilla Paulate and Vicente Esquilon Bajamunde's Verified Partial Motion for Reconsideration of the Decision promulgated on 25 November 2022 and the Opposition thereto filed by the prosecution.

**ACCUSED'S MOTION FOR RECONSIDERATION**

Accused pray that the Decision dated 25 November 2022 be reconsidered, reversed, and set aside, and not to hold accused liable to indemnify the government in the amount of ₱1,109,000.00.

Accused assert that the court erred in stating that the core issue in this case is whether the job contractors recommended by accused Paulate do not exist. They claimed that the court ignored the issues in the Pre-trial Order for the charges of violation of Sec. 3(e) of R.A. No. 3019 and Falsification by a Public Officer, to wit:

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<sup>1</sup> Record, Vol. 7, pp. 547-612A.

<sup>2</sup> Id. at 621-639.

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Whether accused Roderick Mendenilla Paulate and co-accused Vicente Esquilon Bajamunde, conspiring with each other, are guilty of violating Section 3(e) of Republic Act No. 3019.

Whether accused Roderick Mendenilla Paulate and Co-accused Vicente Esquilon Bajamunde, conspiring with each other, are guilty of violating Falsification of Public Document under Par. 2, Art. 171 of the Revised Penal Code.

They also assert that the court erred in its findings and appreciation of the evidence presented and offered by the prosecution, particularly the testimony of its witnesses Mr. Pingil of PSA and Ms. Hufana of NSO Civil Registration Department. They claim that based on the testimony of Mr. Pingil, there were actually "matches" for Enrico B. Arenillo, Eden Joy Ciriaco Barredo and Victor Salgado Inocencio, meaning that they have birth records with entries corresponding to their PDS. The court also erred in appreciating the testimony of Ms. Hufana. She said that the negative result signifies that they do not have documents of the person or no certificate of live birth however, she admitted that the NSO has no power to require people to register their birth. Hufana also testified that it is possible that a person exists, but the birth is not registered.

Accused further assert that the court erred in applying the case of *People v. Lagman*<sup>3</sup> and in stating that the defense bears the burden of proving that the job contractors exist. They allege that this is contrary to the well-established rule that the burden of proof never shifts. They further allege that *Lagman* is not on all fours in these cases. In *Lagman*, what was missing is a document (business permit) the existence of which is well within the knowledge of applicant and holder of business permit. On the other hand, in these cases, job contractors are alleged to be non-existent and fictitious. Neither accused Paulate or Bajamunde were the persons named in the PDS because the PDS are not theirs. They also allege that while it was the prosecution who presented the PDS of the job contractors, the court required the presentation of these people from accused Paulate.

Accused Paulate claims that he had no knowledge that the job contractors are fictitious or inexistent and there was no attempt on the part of the prosecution to prove that he knew that they did not exist. Further, he said that "*according to the best of his personal knowledge, these job contractors exist and that they are real persons. He saw people working. It just so happened that they did not know each one of them by name and face; but the fact remains that there were people working at the barangay during activities in 2010.*"<sup>4</sup>

<sup>3</sup> G.R. No. 168695, 8 December 2008.

<sup>4</sup> Record, vol. 7, p. 569.

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Accused also contend that the court is asking for an absurdity and impossibility in ruling that accused Paulate should have checked and verified the contractors way back in 2010 because at that time, he had no reason nor an inkling to believe that the job contractors are ghosts.

The defense argues that the Information for violation of Sec. 3(e) of R.A. No. 3019 alleged that the violation was committed through evident bad faith alone. Thus, the court erred in finding that accused acted in evident bad faith and gross inexcusable negligence. They add that the finding of evident bad faith is contrary to accused Paulate's testimony that he relied on the guidance and instructions of the Personnel Department and Office of the Vice Mayor. He also relied in good faith on his staff and subordinates that the job contractors were his ardent supporters. In their Motion, they allege that *"(b)ack in 2010, when Accused-movant Paulate was then a newbie, he believed everything in relation to the hiring of job contractors in good faith: the handiwork of his staff and the advice given by the personnel department, including reliance on the existing system employed by the entire LGU. These circumstances, taken together, ought to be interpreted as indication of good faith, and not the opposite."*<sup>5</sup>

Accused also claim that the court disregarded the equipoise doctrine. Accused maintain that since prosecution witness Emilda G. Navarro, COA Auditor, was also utilized by the defense, the equipoise doctrine should have come into play. According to Navarro, she did not audit and examine the documents pertaining to the office of accused Paulate. She also said that a common procedure, although not regular, was employed by all 24 councilors of Quezon City in 2010 in hiring job order personnel, however, it was only accused Paulate who was indicted and found guilty.

Accused faults the court in finding that accused Paulate caused the preparation of the PDS and signed the Job Order and Contract of Service and endorsed fictitious persons. They also claim that the court erred in finding accused guilty despite having no evidence to prove their active participation in the preparation of documents because none of the prosecution witnesses have seen accused falsify the documents. Prosecution witness Janice Oblanca De Guzman said that she has not seen whether accused were the ones who wrote the addresses in the PDS of the ghost employees whereas Rosanna Brillo Perez said that it is SOP that the oath of office submitted to them is already signed and she did not see accused affix his signature on the forms.

Accused Paulate also denied that he signed the general payrolls and certifications that the job order workers rendered services without any basis. He reasons that he prioritized his legislative work more than the monitoring

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<sup>5</sup> Record, vol. 7, p. 573.

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of job order employees assigned in the field. As such, the monitoring of attendance and services were done by the Area Coordinators who report such matters to Mr. Fernandez who in turn submits the same to him for signature. He additionally alleges that *"... for the court to attribute the monitoring and verification on the actual services rendered by the job contractors to herein Accused-movant Paulate, is tantamount to an absurdity, as it would deviate his time and attention to his real function as a public servant, i.e., to legislate and craft laws and city ordinances and resolutions. The monitoring and verification of services rendered by the job contractors are best left to the staff, as it is a clerical job."*<sup>6</sup>

They point out that prosecution witness Fajardo testified that accused Bajamunde presented to her the designation letter and the latter's identification card. She also said that the undated signature was the usual form. Accused argue that in the ordinary course of official transactions, the date is material. Thus, the court should not have appreciated the designation as being utilized in 2010 because it was undated.

Moreover, although under a COA circular, authority must come from the job order personnel and not from the city councilors, no charges were filed against the other councilors who had submitted an undated designation. Accused Paulate also claims that he was new to public service and cannot be expected to be immediately familiar with the COA requirements but only did as per advice of his colleagues and the Personnel and Treasury departments of Quezon City

Accused likewise contend that the court erred in ruling that the *Arias* doctrine does not apply in these cases. As head of office, accused Paulate has many responsibilities primarily to legislate and craft laws. Thus, accused deemed it best to rely on his chief of staff. His reliance in good faith with his staff and with the Personnel Department negates malice and criminal intent on his part. Further, he maintains that his signature as recommending authority is merely ministerial and does not create any effect without the approval of the Vice Mayor who is not bound by his mere recommendation.

Accused maintains that they did not cause undue injury to the government in the discharge of their functions. They insist that they only complied with the directives of the higher ups.

Further, the defense claims that the court erred in finding accused Paulate guilty beyond reasonable doubt of nine counts of the crime of falsification under par. 2 of Art. 171 of the Revised Penal Code when there is no finding of conspiracy in the falsification charges. Granting that the PDS of

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<sup>6</sup> Record, vol. 7, pp. 578-579.

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the job contractors were falsified, there is no proof that would directly associate or link its falsity to accused Paulate. No prosecution witness has testified that they have seen accused affix or write the entries or cause the preparation of the PDS of the job order contractors. As for the general payroll, accused's participation on it was only the affixing of his signature to certify that services have been rendered. Also, the testimony of Ms. De Guzman, an Associate Graft Investigation Officer, as to the strokes of signature in the PDS should not have been considered because she is not a handwriting expert.

Moreover, in convicting accused Paulate of falsification, the court merely relied on circumstantial evidence. Accused Paulate reiterates that he did not participate in the preparation of the falsified documents or cause its preparation. He merely asked Mr. Fernandez to gather volunteers who supported and helped him during the campaign, but it cannot be interpreted that by causing to prepare the PDS meant that he gave instruction purposely to commit wrongdoing. The same cannot be considered an overt act that can be equated to conspiracy to commit the crimes as charged. To add, since accused Bajamunde was acquitted, he too must be acquitted because there can no longer be conspiracy when only one person committed the offense.

Accused allege that the conclusions of the court were based on conjectures and speculations which cannot serve as basis for conviction. Accused, in particular, mention that the photographs of two people alleged to be identical twins and the non-application for an NBI clearance, when it was not even required, cannot be used in ascertaining whether the said employees exist. Also, the prosecution failed to prove beyond reasonable doubt the intention behind the undated designation and it was not proven that it was the accused who actually signed it.

They believe that the court erred in finding fault against accused Paulate since he did not present at least one job contractor. They argue that in all criminal prosecutions, accused shall be presumed innocent until the contrary is proved. Thus, it is the prosecution's duty and heavy burden to present all the 30 alleged ghost employees based on the entries on the PDS and the attached photographs to testify that they did not render service or did not receive any salaries.

Finally, accused claim that the court erred in holding them liable to indemnify, jointly and severally, the government in the amount of ₱ 1,109,000.00 with interest of six percent per annum until fully paid.

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### PROSECUTION'S OPPOSITION

The prosecution opposes accused's motion and argues that for the court to determine whether accused are guilty of the charges against them, it must look at the evidence with the aim of establishing answers to various questions of facts. In here, the central factual issue that needs to be determined is whether the job contractors of accused Paulate are existing or not. Moreover, the determination of the actual crime and that which the prosecution must prove are only those spelled out in the criminal information. In these cases, the charges are centered on the fact that the purported job contractors hired by accused Paulate and whose salaries were received in bulk by accused Bajamunde do not exist.

As to the testimony of its witness Pingil, the prosecution alleges that he certified that there is no birth certificate in their database of the name *Enrique* Arenillo and not *Enrico* Arenillo. However, as shown in the certifications issued by the PSA, through Bernard Ver Corrales and Lourdes Hufana, there is no record of live birth corresponding to one Enrico B. Arenillo. The Certifications presented by Pingil to the court also reflect that there is no record of birth in the PSA database which corresponds to Eden Joy Ciriaco Barredo and Victor Salgado Innocencio. Accused never refuted these public documents.

With respect to the claim that the defense bears the burden of proving that the job contractors exist, the prosecution avers that such ruling is not only based on *Lagman* but the fact that accused themselves advanced it as their defense. Since in the Order dated 5 July 2021, the court ruled that the prosecution presented a prima facie case against accused, it became incumbent for accused to present rebutting evidence that the job contractors exist. Also, considering that accused Paulate maintains that the job contractors were his loyal supporters, the proof of their existence are within his immediate knowledge or control. Thus, the court applied the principle in *Lagman* on proving negative allegation in criminal cases. The prosecution further asserts that it is not their burden to prove accused's knowledge that the job contractors are inexistent - it only needs to prove their inexistence with the best evidence obtainable. Moreover, accused cannot claim that it is absurd for the court to expect him to verify the existence of the job contractors and at the same time, advance as their defense that the job contractors are existing.

On the claim that the court disregarded the equipoise rule, the prosecution argues that said rule does not automatically apply where the parties utilize the same evidence. Also, the pieces of evidence in these cases are not equally balanced either by quantity of witnesses or quality of their testimonies.

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On the ground that the court erred in finding accused guilty despite having no evidence to prove their active participation in the preparation of documents, the prosecution responds that falsification is usually done in secrecy. It further argues that *"(t)he point of falsification is the deception involved, which cannot be achieved if the falsification is made without intending or bothering to conceal the falsity of the document."*<sup>7</sup> Thus, in view of the lack of direct evidence of falsification, courts have to rely on circumstantial evidence, which if taken together would produce a single network establishing the guilt of accused beyond reasonable doubt.

As to the application of the *Arias* doctrine, the prosecution argues that this is not without exception. In these cases, the job contractors were alleged loyal supports of accused Paulate and thus, said accused can readily identify the identities of the job contractors. However, even when doubts were already circulating about their existence, accused did nothing to verify their identities. Accused's apathy on the matter points to evident bad faith on his part.

**OUR RULING**

We **deny** the motion for lack of merit.

After a careful perusal of the arguments raised by accused, the court finds no cogent reason to disturb its earlier findings. Notably, accused failed to raise new material allegations that would persuade the court to reconsider or reverse its previous finding of guilt. Moreover, the arguments raised by accused have already been considered and passed upon in the assailed decision. Notwithstanding, the court finds it wise to discuss the arguments in the instant motion.

***The existence of the job order contractors puts question on the act of accused in recommending for hiring the said job contractors***

The court is aware of the common issues stated in the pre-trial order. It should be noted however that they were couched in general terms. To determine the specific acts resulting to violation of Sec. 3(e) of R.A. 3019 and the falsification of public document, reference must be made to the allegations in the information.

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<sup>7</sup>Record, vol. 7, p. 631.

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A perusal of the information shows that the charges were grounded on accused's act of recommending fictitious job contractors for hiring; certifying that they rendered work; certifying in the general payrolls that services have been rendered; presenting to the cashier/pay master the general payrolls containing signatures of the job contractors to give impression that they acknowledge receipt of their wages, and issuing a designation authorizing his liaison officer to claim the wages of the alleged job contractors. Therefore, it is the existence of the job contractors which casts doubt or suspicion on the acts of accused Paulate and Bajamunde. The determination of their existence would either render valid the acts of accused or give rise to criminal liability for violation of Sec. 3(e) of R.A. 3019 and falsification of public document.

***On the testimony of prosecution  
witness Pingil and Hufana***

Accused argue that the summary of the testimony of Mr. Pingil shows that there is a match for at least three job contractors.

We do not agree.

Accused misinterpreted the statement of Pingil and concluded that there were "matches" when he answered affirmatively to the question: "*A match, it's a match?*"<sup>8</sup> during the hearing held on 25 November 2019. It should be noted that Pingil was asked whether they verified the name of job contractor Enrico B. Arenillo. He confirmed and said that they issued a certification with respect to the result of the verification. However, as observed, the name appearing in the Certification<sup>9</sup> is *Enrique* De Belen Arenillo, instead of *Enrico* (the name of the job order worker as reflected in the PDS). Pingil testified as follows:

ATTY. MANUEL:

Q And did you search that name, Arenillo Enrico B.?

WITNESS:

A Yes, sir, we verified it in the database.

Q And did you issue a certification with respect to the result of that verification?"

INTERPRETER

The witness is going over the documents to his judicial affidavits.

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<sup>8</sup> TSN, 25 November 2019, p. 18.

<sup>9</sup> Exh. T.

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WITNESS

A Yes, sir.

ATTY. MANUEL

Q Now, so please take a look on Exhibit "T" for the prosecution which was issued on October 7, 2009.

X X X

Q *The name indicated in this document is written as Enrique De Belen Arenillo, so this is different from the name that was requested by the Ombudsman?*

WITNESS

A The spelling is different, sir.

X x x

Q *So this document pertains to a different person?*

WITNESS

A Yes, sir.

CHAIRPERSON:

Q Different person?

WITNESS

A *Ay, no, your Honor.*

Q Are you sure of your answer?

A *Yes. It is the same, your Honor.*

Q *Why do you say it's the same?*

A Because of the...

Q *When the spelling of Enrique and Enrico are different?*

A *Because of the middle name and the last name, your Honor?*

AJ HIDALGO

Huh?

CHAIRPERSON

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Q *Only? What about the date of birth?*

WITNESS

A *Yes, your Honor, it's also a...*

Q *A match, it's a match?*

A *Yes, your Honor.*

Q *What about the place of birth?*

A *Yes, your Honor, Quezon City.*

Q Do you have the...

(XXX XXX xxx)

AJ HIDALGO

May we have a copy of the PDS?

[xxx xxx xxx)

AJ HIDALGO

Enrico.

(xxx xxx xxx)

PROS. TAN: ... Exhibit "1-56", a copy of the PDS of Arenillo, Enrico de Belen.

CHAIRPERSON: Yes. Thankyou.

Ah, name of father or mother, wala?

Dapat andyan.

AJ HIDALGO

Mer'on, father's name Arenillo, Juan Caribo.

CHAIRPERSON

Ah, there is, Mr. Manuel. Maybe we should show you or confront you the Personal Data Sheet, marked as Exhibit "L-56" for Arenillo, Enrico.

AJ HIDALGO

The same.

CHAIRPERSON

*Anyway, upon the Court's perusal, through Justice Hidalgo, the name of the employee ..*

AJ HIDALGO

*Is Enrico.*

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WITNESS

Enrico, your Honor.

AJ HIDALGO

*The one that you, oh, that appears in the document...*

WITNESS

Yes, your Honor.

AJ HIDALGO

*... is Enrique, although the same, January 28, 1988, Alicia and...*

CHAIRPERSON

*The entry for name of father and mother appear (sic).*

AJ HIDALGO

*Yes.*

WITNESS

Yes, your Honor.

AJ HIDALGO

*"1/28/1988", the birth is also the same.*

CHAIRPERSON

*Okay. The place of birth.*

AJ HIDALGO

*Okay.*

CHAIRPERSON

Likewise, the place of birth.

AJ HIDALGO

*Okay.*

WITNESS

Yes, your Honor."<sup>10</sup> (Emphasis supplied)

Pingil clarified that the certification does not pertain to a different person even if the spelling of the first name *Enrique* and *Enrico* are different because the middle name and last name, as well as the date of birth, place of birth, name of the father and mother as reflected in the certification matched with the entries in the PDS of Enrico B. Arenillo. A comparison of the certification and the PDS must be made to ensure that the person verified is the same person appearing in the PDS. The other details in the PDS of Arenillo were also verified but based on the certification, the search still yielded

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<sup>10</sup> TSN, 25 November 2019, pp. 15-21.

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negative result. The certification and the portion of the PDS are shown below for reference:

Republic of the Philippines  
PHILIPPINE STATISTICS AUTHORITY  
Manila  
OFFICE OF THE CIVIL REGISTRAR GENERAL  
October 07, 2019

TO WHOM IT MAY CONCERN:

We certify that we do not have any record of birth of

**ENRIQUE DE BELEN ARENILLO**  
Date of Birth: January 28, 1988  
Place of Birth: Quezon City, Metro Manila  
Father: JUAN ARENILLO  
Mother: ALEIDA DE BELEN

Further verification may be made from the Local Civil Registry Office of Quezon City, Metro Manila (2nd District). If available, the document may be requested for transmittal to the Office of the Civil Registrar General (OCRG). Otherwise, any interested party may apply for delay of registration.

Issued upon the request of OFFICE OF THE OMBUDSMAN for Reference.

**PERSONAL DATA SHEET** Page 1 of 1  
SIS: 28 NOV 2010

Print legibly. Mark appropriate boxes ☐ with ☒ and use separate sheet if necessary.

**I. PERSONAL INFORMATION**

1. SURNAME	ARENILLO	16. RESIDENTIAL ADDRESS	12 CUYABANO ST. BRGY. CULIAY, D.C.
2. FIRST NAME	ENRIQUE	17. TELEPHONE NO.	
3. MIDDLE NAME	DE BELEN	18. PERMANENT ADDRESS	
4. DATE OF BIRTH (mm/dd/yyyy)	01/28/1988	19. TELEPHONE NO.	
5. PLACE OF BIRTH	QC	20. E-MAIL ADDRESS (if any)	BRUCE.EMILIO@D.YAHOO.COM
6. SEX	<input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	21. CELLPHONE NO. (if any)	
7. CIVIL STATUS	<input checked="" type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Widowed <input type="checkbox"/> Separated <input type="checkbox"/> Annulled <input type="checkbox"/> Others, specify _____	22. AGENCY EMPLOYEE NO.	
8. CITIZENSHIP	PHILIPINO	23. TIN	
9. HEIGHT (in)	5'8"		
10. WEIGHT (kg)	112 lbs.		
11. BLOOD TYPE	B		
12. ORGAN NO.			
13. PAG-BIGID NO.			
14. PHYSICIAN NO.			
15. SSN NO.			

**II. FAMILY BACKGROUND**

16. SPOUSE'S SURNAME	ARENILLO	24. NAME OF CHILD (with full name and date of birth)	DATE OF BIRTH (mm/dd/yyyy)
FIRST NAME	JUAN		
MIDDLE NAME	DE BELEN		
OCCUPATION			
EMPLOYER'S NAME			
BUSINESS ADDRESS			
TELEPHONE NO.			
17. FATHER'S SURNAME	ARENILLO		
FIRST NAME	JUAN		
MIDDLE NAME	DE BELEN		
18. MOTHER'S MARRIAGE NAME	ARENILLO		
SURNAME	ARENILLO		
FIRST NAME	ALEIDA		
MIDDLE NAME	DE BELEN		

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Clearly, there is no match for the 30 job contract orders because otherwise, the certification would have reflected that there is such record of the subject person in their database. Moreover, in the Certifications marked as Exh. T-31 and T-62, which reflect the correct spelling of the first name of Arenillo, the result is still negative or that there is no record of birth of said person.

As for Eden Joy Ciriaco Barredo and Victor Salgado Inocencio, all the entries reflected in the certification when compared to the entries in the PDS matched. It means that the person they verified with the PSA is the same person appearing in the PDS because the data searched are those that correspond to the entries in the PDS of Barredo and Inocencio. It does not mean that there was a match for Barredo and Inocencio because the certification<sup>11</sup> clearly states that there is no record of birth of Eden Joy Ciriaco Barredo and Victor Salgado Inocencio.

As to the statement of Hufana that "it is possible that a person exists, but his birth is not registered," the court posits that "*it is highly unusual that not one of the job contractors in the office of accused Paulate have a record of birth considering the mandate of Act No. 3753 that births, among others, should be entered in the Civil Register.*"<sup>12</sup> To reiterate, "(a) person whose birth is registered in the civil registry exists. On the other hand, absence of records of one's birth in the civil register creates a presumption that such a person does not exist."<sup>13</sup> Accused were given the opportunity to rebut this presumption and present evidence to prove their claim of existence of the job contractors. However, they failed to present contrary evidence to dispute the negative certifications issued by the PSA.

***The Lagman case finds application to the instant case***

Accused argues that the court erred in applying *People v. Lagman* because it is not on all fours in these cases. They assert that the court also erred in stating that the defense bears the burden of proving that the job contractors exist as it contradicts the well-established rule that burden of proof never shifts.

Accused's arguments should fail.

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<sup>11</sup> Exhs. T-1 and T-33 for Barredo, and Exhs. T-9 and T-41 for Inocencio.

<sup>12</sup> Decision promulgated on 25 November 2022, p. 78 (Record, Vol. 7, p. 406).

<sup>13</sup> Decision promulgated on 25 November 2022, p. 79 (Record, Vol. 7, p. 407).

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In the first place, the *Lagman* case cited in the assailed Decision does not involve a business permit but pertains to a drug case where appellant Zeng claimed that the prosecution failed to prove that he had no license or authority to possess shabu, a prohibited drug. In the said case, it was held that the negative averment that Zeng had no license or authority to possess shabu could easily have been disproved by Zeng by presenting a copy of the license or authority or any other document evidencing authority to possess it. However, Zeng failed in this respect. In said case, the Supreme Court held:

Where the negative of an issue does not permit of direct proof, or where the facts are more immediately within the knowledge of the accused, the *onus probandi* rests upon him. ***Stated otherwise, it is not incumbent upon the prosecution to adduce positive evidence to support a negative averment the truth of which is fairly indicated by established circumstances and which, if untrue, could readily be disproved by the production of documents or other evidence within the defendant's knowledge or control.*** For example, where a charge is made that a defendant carried on a certain business without a license (as in the case at bar, where the accused is charged with the sale of a regulated drug without authority), the fact that he has a license is a matter which is peculiarity within his knowledge and he must establish that fact or suffer conviction.<sup>14</sup> (Emphasis supplied)<sup>15</sup>

In here, the negative allegation pertains to the existence of the job contractors named in the PDS, which the prosecution claims to be ghost employees. It bears to note that those names/people were recommended by accused to be hired, he certified that they performed work for 40 hours per week, he signed their payroll, and denied that they are ghost employees. Thus, applying the principle in *Lagman*, accused could easily disprove the claim of ghost employees by presenting the 30 job contractors he recommended for hiring. Apparently, accused did not adduce any evidence to prove their existence.

Also, the court never said that the burden of proof shifted. In fact, the decision mentioned that it is the prosecution who bears the burden of proving a negative allegation.<sup>16</sup> But since it is difficult to prove a negative allegation, the prosecution only need to establish a *prima facie* case from the best evidence obtainable.<sup>17</sup> Considering that the prosecution was able to present *prima facie* evidence, the same is sufficient to sustain the conviction of accused of the crimes charged unless successfully rebutted. On the other hand, accused insisted that the job contractors are real and not ghost employees and thus, accused have the burden of proving their allegation by presenting

<sup>14</sup> *People v. Lagman*, G.R. No. 168695, 8 December 2008 (593 PHIL 617-631).

<sup>15</sup> G.R. No. 168695, 8 December 2008 (593 Phil 617-631).

<sup>16</sup> Decision promulgated on 24 November 2022, pp. 94-95 (Record, Vol. 7, pp. 422-423).

<sup>17</sup> *People v. Manalo y Dela Paz*, G.R. No. 107623, 23 February 1994 (300 Phil 317-330).

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evidence of their existence and to dispute the prima facie case. However, what was presented or offered by the defense were mere allegations of accused and their witnesses that the job contractors are real persons glaringly unsubstantiated by any evidence. Basic is the rule that bare allegations, unsubstantiated by evidence, are not equivalent to proof.<sup>18</sup>

In addition, accused Paulate, in the instant motion, said that “*according to the best of his personal knowledge, these job contractors exist and that they are real persons. He saw people working. It just so happened that they did not know each one of them by name and face; but the fact remains that there were people working at the barangay during activities in 2010.*” Whether there were people working is beside the point because what needs to be proven is whether those whom he alleged to be working are the same people subject of the PDS. This was not established by the defense.

Further, accused Paulate argues that he had no knowledge that the job contractors are actually fictitious or inexistent.<sup>19</sup> It is puzzling that accused raised contrasting defenses because they insist that the job contractors exist but at the same time claim lack of knowledge that they are fictitious.

Finally, it is the position of the court that it is not an absurdity to expect or require accused to verify the existence of his own job contractors. As a public official, accused Paulate is accountable to the people and expected to discharge his duties with utmost responsibility and integrity. Since public funds will be disbursed as wages for the job contractors, accused, in choosing to fill up all the 30 job order contract positions in his office, should have ensured that the people he recommended actually exist. But even after the issue on ghost employees came out, he did nothing. The irregular hiring process, the failure to verify and thereafter ignoring the issues only strengthens the conclusion that there is nothing to verify because the job contractors do not exist. These are clear manifestations of bad faith on the part of accused. Moreover, it should be noted that the felonious act ascribed to accused is not the late verification but the act of recommending fictitious persons.

***Accused were convicted based on the ground of evident bad faith***

Accused focused on the subheading and insist that they were convicted based on the modality of gross inexcusable negligence. A clear reading of

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<sup>18</sup> *Gatan, et al. v. Vinarao, et al.*, G.R. No. 205912, 18 October 2017.

<sup>19</sup> Record, Vol. 7, p. 567.

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body of the decision shows however that they were convicted on the ground of evident bad faith, thus:

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The circumstances leading to the hiring of job contractors in these cases were attended with evident bad faith

X x x

Accused Paulate cannot trivialize his role in the hiring process. As Councilor of the local government of Quezon City, he has the power to recommend job contractors who will be assigned to his office. His recommendation was necessary for the approval of their hiring. Thus, in signing the job order contracts<sup>548</sup> and issuing the Indorsement letter<sup>549</sup> recommending the approval for hiring of fictitious persons, accused Paulate acted in evident bad faith in the performance of his official function. 21

X x x

Notwithstanding the foregoing, accused Paulate processed the salaries of the hired job contractors. The court finds that accused's act which triggered the release of funds as wages of the job contractors without any proof of physical attendance or work accomplished also constitutes evident bad faith. 22

X x x

To recapitulate, on the basis of the PDS of fictitious persons, accused Paulate caused the preparation of the job order contracts and recommended the approval for their hiring. His signature in the job order contracts was necessary to obligate the funds for the wages of the supposed job contractors. Also, his signature in the general payrolls and certifications that services have been rendered were required for the disbursement and release of public funds. The undated designation he issued made it possible for accused Bajamunde to successfully claim the whole amount of the payroll without requiring the presence of the job contractors. All these acts, taken together, demonstrate that both accused acted with evident bad faith. Bad faith does not simply connote bad judgment or simple negligence. It imports a dishonest purpose or some moral obloquy and conscious doing of a wrong, a breach of a known duty due to some motive or interest or ill will that partakes of the nature of fraud.<sup>597</sup> As the pieces of evidence indicate, accused Paulate hired fictitious persons for the purpose of obtaining, as he did obtain, sums of money from the government coffers. Accused Paulate did a wrong for his own interest which is evident bad faith. 23

<sup>20</sup> Record, Vol. 7, p. 432 (Decision dated 25 November 2022, p. 104)

<sup>21</sup> Record, Vol. 7, pp. 434-435 (Decision dated 25 November 2022, pp. 106-107).

<sup>22</sup> Record, Vol. 7, p. 436 (Decision dated 25 November 2022, p. 108).

<sup>23</sup> Record, Vol. 7, p. 444 (Decision dated 25 November 2022, p. 116).



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Accused assertion that he merely relied on the guidance of the Personnel Department, Office of the Vice Mayor, and on the good faith of his staff and subordinates cannot be given credence. To hold otherwise would open suggestions to public officials to engage in corrupt practices or perform acts that may result in graft and corruption and subsequently raise the defense of mere reliance on his subordinates. Moreover, as Head of Office, accused Paulate's recommendation to hire the 30 job contractors prompted the disbursement of government funds for the wages of the contractors. For six months, he never endeavored to ensure that the people he recommended are existing and that the so-called job contractors performed work. He recommended the hiring of the 30 job order contractors without even meeting them, relying only on the PDS that were submitted to them by the alleged area coordinator. It should also be recalled that there was no daily time record or report on the activities in the barangay, yet accused Paulate approved the payment of wages of the job contractors. Thus, there is not an iota of good faith from the acts of accused Paulate.

***Equipoise rule does not apply to the instant cases***

Accused also argue that since prosecution witness Emilda G. Navarro was also utilized by the defense, the equipoise doctrine should have come into play.

Accused's argument deserves scant consideration.

Just because the prosecution and the defense both presented the same witness will not automatically call for the application of equipoise doctrine. The "equipoise doctrine" is the rule which states that when the evidence of the prosecution and the defense are so evenly balanced the appreciation of such evidence calls for tilting of the scales in favor of the accused.<sup>24</sup> Thus, the evidence for the prosecution must be heavier to overcome the presumption of innocence of the accused.<sup>25</sup>

In these cases, the weight of evidence was not evenly balanced because the evidence of the prosecution was weightier than that of the defense. In fact, the court made a pronouncement that "*the prosecution has discharged its burden to prove the guilt of accused beyond reasonable doubt. It has substantiated every element of the crime charged with credible evidence.*"<sup>26</sup> On the other hand, the defense failed to dispute the evidence of the prosecution

<sup>24</sup> *People v. Urzais, et al.*, G.R. No. 207662, 13 April 2016.

<sup>25</sup> *People v. Ramilla*, G.R. No. 101435, 8 May 1993.

<sup>26</sup> Record, Vol. 7, p. 445 (Decision dated 25 November 2022, p. 117).

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or present evidence to substantiate their claim that the job order contractors exist.

Moreover, there was no conflicting interpretation in the testimony of Navarro. It must be emphasized that during the presentation of prosecution's evidence, she already mentioned the prevailing practice of the city councilors in hiring job order contractors. She also confirmed on cross-examination that she did not examine the payrolls and documents in accused Paulate's office. However, the fact that all the 24 councilors followed or adopted the same procedure is of no moment because the crux of the case is the existence of the job order contractors recommended by herein accused. There was no statement from Navarro that the other councilors also recommended ghost employees and as such, they are not similarly situated with accused Paulate. Besides, it is not for the court to rule on why only accused Paulate was indicted because the right to prosecute is vested upon the prosecutor who has broad discretion to determine whether probable cause exists and to charge those whom they believe to have committed the crime as defined by law.<sup>27</sup>

***On the claim that there is no evidence  
to prove accused's actual participation***

Accused claim that they should be exonerated because none of the prosecution witnesses have seen accused affixed their signature or write the entries in the PDS of the job order contractors.

We do not agree.

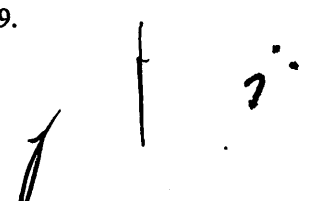
The court maintains its findings that the prosecution sufficiently established that it was accused who falsified or caused the falsification of the PDS, job order contracts and general payrolls. On this score, we reiterate our pronouncement on the matter in the assailed decision, to wit:

Further, accused's argument that there was no direct evidence showing that he has knowledge or participation in the preparation and execution of the falsified PDS, job order contracts and general payrolls is bereft of merit. It has been held that it is not unusual in cases of forgery that the prosecution would not always have the means of obtaining direct evidence to disprove acts planned clandestinely. Therefore, the courts have to rely on circumstantial evidence consisting of pieces of facts, which if woven together would produce a single network establishing the guilt of the accused beyond reasonable doubt.<sup>28</sup>

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<sup>27</sup> *People, et al. v. Court of Appeals, et al.*, G.R. No. 126005, 21 January 1999.

<sup>28</sup> *Alpay v. People*, G.R. Nos. 240402-20 (Resolution), 28 June 2021.



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In *Torres v. Court of Appeals*,<sup>29</sup> the Supreme Court explained:

Jurisprudence is replete with pronouncements that direct evidence is not a condition *sine qua non* to prove guilt of an accused beyond reasonable doubt. The rationale for this rule is further reiterated in *Dungo, et al. v. People of the Philippines*, thus:

x x x Direct evidence is not a condition *sine qua non* to prove the guilt of an accused beyond reasonable doubt. For in the absence of direct evidence, the prosecution may resort to adducing circumstantial evidence to discharge its burden. **Crimes are usually committed in secret and under conditions where concealment is highly probable.** If direct evidence is insisted on under all circumstances, the prosecution of vicious felons who commit heinous crimes in secret or secluded places will be hard, if not impossible, to prove. x x x

Certainly, in crimes involving the falsification of a public document, it is possible that secrecy and other surreptitious means may have been employed by the perpetrator precisely to conceal the true nature of a document he claims to be legitimate. In such a case, it is only logical and proper for the prosecution to resort to the presentation of circumstantial evidence in the absence of direct evidence to establish the guilt of the accused.

In these cases, the following circumstances bolstered the prosecution's claim that it was accused who falsified or caused the falsification of the PDS, job order contracts and general payrolls, to wit:

1. Accused Paulate instructed his staff to look for 30 job contractors, prepare all the necessary documents and abide by the directive of the Personnel and/or Office of the Vice Mayor;<sup>30</sup>

2. Acting upon the instruction of accused, Fernandez showed to accused the PDS of the fictitious job contractors;

3. Based on the PDS shown to him, the Job Order Contracts were prepared by his office;

4. Fernandez said that the job order contracts already contain signatures when he placed the document on accused's table for his signature; no one in the office of accused testified on how the job contract was signed by the job contractors because their existence was never established by the defense.

5. Accused signed the job order contracts<sup>31</sup> recommending the hiring of the fictitious job contractors who allegedly signed on the

<sup>29</sup> G.R. No. 241164, 14 August 2019.

<sup>30</sup> TSN, 22 March 2022, p. 50.

<sup>31</sup> JA Vol. 4, p. 188-189 (JA of accused Roderick Paulate).

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acknowledgement portion and agreed to work for the Quezon City Government;<sup>32</sup>

6. His office forwarded the job order contracts together with the PDS and his indorsement letter to the City Personnel Office;<sup>33</sup>

As to the general payrolls:

1. The office of accused Paulate prepared the general payrolls by supplying the number and name of the job order personnel; their respective position, monthly salary, and amount each earned;<sup>34</sup>

2. Accused signed the general payrolls certifying that services have been duly rendered<sup>35</sup> and issued Certifications certifying that "the employees mentioned hereunder have rendered services for forty (40) hours a week..." despite absence of supporting documents;

3. The payroll and certification were presented to the Disbursing officer with the payroll already bearing the signature of all the payees.<sup>36</sup> Paymaster Fajardo said that she will not release the money unless all the payees have already signed on the general payrolls;<sup>37</sup>

4. Accused Bajamunde insisted that the job contractors personally claimed their respective wages at the cashier's window but Fajardo confirmed that she handed the wages in bulk of the 30 job contractors to accused Bajamunde.

Considering that the documents originated in the office of accused Paulate and it was he who took advantage of his position and used the documents to obligate the funds and disburse the same, it can safely be concluded that he was the author of the falsification or asked somebody else to prepare the falsified documents.

In *Malabanan v. Malabanan, Jr.*,<sup>38</sup> the Supreme Court pronounced:

*As a final note on this point, in Lastrilla v. Granada:*

***In the absence of satisfactory explanation, one found in possession of and who used a forged document is the forger of said document. If a person had in his possession a falsified document and he made use of it, taking advantage of it and profiting thereby, the clear presumption is that he is the material author of the falsification.***

<sup>32</sup> JA Vol. 4, p. 188-189 (JA of accused Roderick Paulate).

<sup>33</sup> JA Vol. 2, pp. 79-80 (JA of Rosanna Brillo Perez).

<sup>34</sup> JA Vol. 2, p. 81 (JA of Rosanna Brillo Perez).

<sup>35</sup> JA Vol. 4, p. 188-189 (JA of accused Roderick Paulate).

<sup>36</sup> TSN, 10 June 2019, pp. 90-91.

<sup>37</sup> TSN, 10 June 2019, pp. 90-91.

<sup>38</sup> G.R. No. 187225, 6 March 2019.

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The presumptions elicited by the evidence on record are not of little significance. The effect of a presumption upon the burden of proof is to create the need of presenting evidence to overcome the *prima facie* case created, thereby which, if no contrary proof is offered, will prevail. (Emphasis supplied)

Accused Paulate failed to rebut the above presumption. Assuming *arguendo* that it was his staff who prepared the documents, it should be emphasized that they were prepared upon his instruction. It bears noting that the job order contracts and general payrolls are deemed falsified documents because the job contractors subject therein do not exist. Accused maintained their existence and thus, to overcome the prosecution's claim, accused only need to prove that they exist. Unfortunately, he failed in this respect.

***The Arias doctrine does not  
apply in this case***

Accused assert that the court erred in ruling that the *Arias* doctrine does not apply in these cases.

It bears to reiterate that the *Arias* doctrine is not an absolute rule. The doctrine does not apply if the irregularities are apparent on the face of the document and the head of office failed to exercise due diligence to rectify it but rather tolerated it.<sup>39</sup> In these cases, there were red flags that should have alerted accused to be more circumspect and exercise a greater degree of care. However, accused proceeded to recommend fictitious job contractors and sign the job order contract, certifications and general payrolls. It is well to restate the pertinent findings of the court in the assailed decision:

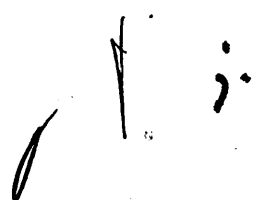
Accused admitted that he relied on the recommendation of his staff, but it was revealed that he was aware that his staff also relied on other people. During clarificatory questions by the court, accused Paulate declared:

X x x

In addition, there is no showing that Belara, the person who initially recommended the job contractors, was an employee or regular staff of the office of accused Paulate. Accused's claim that she was the Area Coordinator remains unsubstantiated. These circumstances should have already alerted accused and should have placed him on his toes by personally verifying the identity of the persons he is recommending instead of simply accepting the PDS as is. Moreover, despite being aware that his staff also relied on Belara, accused ignored the red flag when he adhered to their recommendation and mindlessly signed the job order contracts thus, indorsing the hiring of fictitious persons. He declared, in

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<sup>39</sup> *Typoco v. People*, G.R. No. 221857, 16 August 2017.



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his own words: "*I am recommending what they have submitted.*"<sup>40</sup> Admittedly, accused only looked at the PDS and browsed them. He also did not take any step to verify the PDS.<sup>41</sup> He said that "*(t)initingnan ko lang po, for the sake of checking, tinitingnan ko one by one iyong sinubmit nya.*"<sup>42</sup> Surprisingly, even after the case has already been filed, accused Paulate never asked the 30 job contractors to appear before him or exerted serious and diligent efforts to verify their existence.

In these cases, accused's signature is the last step before the job order contracts are routed to other offices for signature and approval. Thus, the court posits that the recommendation of fictitious job contractors would not have escaped accused Paulate's attention had he faithfully discharged the obligations attendant to his office. His act of recommending job contractors is not merely ministerial function as it relates to disbursement of public funds. The huge amount involved in these cases necessitates that accused should have been more circumspect in exercising his power.

Verily, without accused Paulate's recommending approval, there would nothing to be approved.<sup>43</sup> Thus, as aptly alleged by the prosecution, accused's recommendation paved the way for the hiring of 30 fictitious job contractors.

X X X

As mentioned earlier, the job contractors do not have verifiable records and their PDS were falsified. Accused admitted that he did not verify the identities of the job contractors and not one of them reported in his Legislative Wing Office despite their designation as office aides, or visited his office at any time even during the signing of their job order contracts or *Panunumpa sa Katungkulan*.<sup>44</sup> Also, no one from his staff have seen or are familiar with the job contractors. Despite thereof, accused signed the general payrolls certifying that services have been duly rendered.

Observably, the general payrolls were only supported by a Certification that the job order workers have rendered services for forty (40) hours a week. However, such certifications were issued without any basis such as accomplishment reports and daily time records (DTR) to prove their physical attendance in their respective posts or that they actually rendered service. In *Concepcion, Jr. v. Civil Service Commission*,<sup>45</sup> it was held that the purpose of requiring a time record is to show attendance in office to work and to be paid accordingly. It is intended primarily to prevent damage or loss to the government as would result in instances where it pays an employee for no work done.

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<sup>40</sup> TSN, 13 July 2022, p. 64.

<sup>41</sup> TSN, 13 July 2022, p. 72.

<sup>42</sup> TSN, 13 July 2022, p. 88.

<sup>43</sup> TSN, 13 July 2022, p. 65.

<sup>44</sup> TSN, 10 March 2022, p. 41, 80.

<sup>45</sup> G.R. No. 219542 (Notice), 11 November 2015.

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In his defense, accused Paulate claimed that he relied on his staff in monitoring the attendance of the job contractors and that he would rather see their output. He also relied on the reports of the Area Coordinator and Fernandez to verify whether the job order workers actually did their job.<sup>46</sup> It must be pointed out that the alleged monitoring and the claimed output were also unsubstantiated. It is basic that allegations which are not supported by any other evidence, document or otherwise, fall short to satisfy the degree of proof needed.<sup>47</sup> The same observation was reflected in the Annual Audit Report (AAR) which reads: *"the payrolls were not supported with accomplishment reports and time records to establish the actual services rendered, hence, the validity and correctness of the claim for payment could not be ascertained."*<sup>48</sup>

X X X

In here, accused Paulate cannot claim good faith. As Head of office and as recommending authority, he was expected to exercise due diligence in the performance of his duties. However, it was established that accused was aware of the circumstances which should have prompted him to exercise a higher degree of circumspection and go beyond what his subordinates prepared. Notwithstanding, he still recommended the hiring of fictitious job contractors and signed the general payrolls without any basis resulting in damage and prejudice to the local government of Quezon City.<sup>49</sup>

We find unconvincing the claim of accused that his signature as recommending authority is merely ministerial and does not create any effect without the approval of the Vice Mayor who is not bound by his mere recommendation.

It is basic that if the law imposes a duty upon a public officer and gives him the right to decide how or when the duty shall be performed, such duty is discretionary and not ministerial. The duty is ministerial only when the discharge of the same requires neither the exercise of official discretion or judgment.<sup>50</sup> The decision to fill the job order contract position and determine the people to be recommended is vested upon accused Paulate as head of office. Such an act requires the exercise of judgment because accused has to look at the profiles of the candidates/applicants, weigh them, and decide whether he will recommend them for hiring. Thus, affixing his signature in the job order contract cannot be deemed ministerial in character.

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<sup>46</sup> TSN, 10 March 2022, p. 83.

<sup>47</sup> *Alvizo v. Sandiganbayan*, G.R. Nos. 98494-98692, 99006-20, 99059-99259, 99309-18, 99412-16 & 99436-99636, 99417-21 & 99637-99837 & 99887-100084, 17 July 2003 (454 PHIL 34-147).

<sup>48</sup> Exh. C, page 66 (Annual Audit Report on the City of Quezon For the Year Ended December 31, 2010).

<sup>49</sup> Record, Vol. 7, p. 437 (Decision dated 25 November 2022, p. 109)

<sup>50</sup> *Baring v. Elena Loan and Credit Company, Inc.*, G.R. No. 224225, 14 August 2017.

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***Accused Paulate signed the  
general payrolls and  
certifications without any basis***

The court maintains that accused Paulate signed the general payrolls and certifications without any basis. Accused, on the other hand, reasons that he prioritized his legislative work more than monitoring attendance and services rendered by the job order employees.

We are not convinced.

Although the main function of accused's office is legislative, accused Paulate should not have neglected the other tasks in connection with his position, that is, delivering his promises to the people/constituents with utmost efficiency and integrity. In the first place, the court never mentioned that accused should personally monitor the job order workers but there must be some basis to support the approval of the release of their wages. However, there was none. Accused's claim that he relied on the report of the area coordinator is merely an allegation as no proof was attached to the payroll that such monitoring was conducted.

***The court properly considered  
the undated designation  
authorizing accused Bajamunde  
to claim the wages of the 30 job  
order workers***

Accused also argue that the court should not have considered the designation because it was undated.

It should be stressed that the undated designation brought to court by prosecution witness Fajardo is the same document that was presented by accused Bajamunde to claim the wages of the job contractors beginning July of 2010. Thus, even if it is undated, it was utilized during the period material to these cases because it was the basis of Fajardo in releasing the wages of the job contractors from July to December 2010 to accused Bajamunde.

Moreover, the practice of claiming the wages of the job contractors by the liaison officer of the city councilors without a special power of attorney from the claimants is contrary to Sec. 195, Vol. 1 of the General Accounting and Auditing Manual.<sup>51</sup> It is also true that prosecution witness Fajardo

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<sup>51</sup> SECTION 195. Payment to the right person. — Payment of any claim due a government official or employee shall be made directly to such official or employee except when the authority to collect the claim due him or her has been given to another person under a power of attorney or other forms of authority

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admitted that the undated designation of accused Paulate in favor of accused Bajamunde was the usual form. In fact, she presented in court similar undated designations executed by other city councilors.

Again, it bears to stress that it is not the function of this court to rule on the matter as to why no charges were filed against the other co-councilors who issued undated designation. It is a well settled rule that the public prosecutor has broad discretion to determine whether probable cause exists and to charge those whom they believe to have committed the crime as defined by law. Besides, the allegation in the information charging accused of Violation of Sec. 3(e) pertains to his recommendation of fictitious person as job order contractors and not the violation of the COA circular.

***Accused caused undue injury  
to the government***

Whether accused complied with the procedural guidance and instructions of the Personnel Department and the Office of the Vice Mayor is of no moment. It bears to stress that the charges center on the fact that accused recommended for hiring fictitious job order workers. Considering that the prosecution had sufficiently established that they were fictitious, the government suffered damages in the amount of ₱1,109,000.00, representing the amount of their wages received in bulk by accused Bajamunde.

***All elements of the charge for  
falsification of public document  
were established by the  
prosecution***

Accused Paulate's claim that the court erred in not acquitting him of the crime of falsification when there is no finding of conspiracy, does not deserve merit.

The conspiracy in these cases is only a mode of acquiring criminal liability. It presupposes two or more persons agreeing to commit and perform acts to bring about the crime. This conspiracy serves as basis to make all co-conspirators equally liable under the principle that the act of one is the act of all. In here, the finding of the court that the prosecution failed to establish accused Bajamunde's participation to further conspiracy in the commission of the offense does not necessarily mean that no crime has been committed. In

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*and the person so authorized* is an immediate member of the family of the official or employee concerned or is the liaison officer duly designated by the chief or head of unit, office or agency (COA Cir. 85-248, Dec. 18, 1985, as amended by COA Cir. 86-248-A, Mar. 17, 1988).

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**Minute Resolution**

*People v. Roderick Mendenilla Paulate, et al.*

Crim. Case Nos. SB-18-CRM-0297, 0308,

0311-0313, 0316-0317, 0320-0321 and 0324

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X-----X

such a case, a person may be held liable only for the consequences of his own acts.

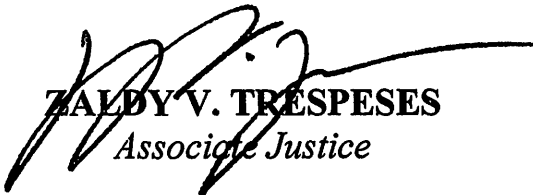
The court also maintains that the prosecution was able to establish the presence of all the elements for the crime of falsification by a public officer and falsification of public document defined and penalized under Art. 171 of the Revised Penal Code as against accused Paulate.

In view of the foregoing, the court finds no cogent reason to warrant the reconsideration of the assailed decision.

**WHEREFORE**, premises considered, the Verified Partial Motion for Reconsideration filed by accused Roderick Mendenilla Paulate and Vicente Esquilon Bajamunde of the Decision dated 25 November 2022 is hereby **DENIED** for lack of merit.


**SO ORDERED.**

Quezon City, Philippines.

  
**ZALDY V. TRESPESSES**  
*Associate Justice*

WE CONCUR:

  
**MA. THERESA DOLORES C. GOMEZ-ESTOESTA**  
*Associate Justice*  
**Chairperson**

  
**GEORGINA D. HIDALGO**  
*Associate Justice*

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