



Republic of the Philippines  
**Supreme Court**  
Manila

CERTIFIED TRUE COPY  
*Wilfredo V. Lapitan*  
**WILFREDO V. LAPITAN**  
Division Clerk of Court  
Third Division

DEC 09 2016

**THIRD DIVISION**

**MAYOR AMADO CORPUZ, JR.,**  
Petitioner,

**G.R. Nos. 212656-57**

**Present:**

- versus -

VELASCO, JR., J.  
*Chairperson,*  
PERALTA,\*  
PEREZ,  
REYES, and  
JARDELEZA, JJ.

**PEOPLE OF THE PHILIPPINES AND**  
**SANDIGANBAYAN,**  
Respondents.

Promulgated:

**November 23, 2016**

x

*Wilfredo V. Lapitan*

**DECISION**

**PEREZ, J.:**

This is a Petition for Review on Certiorari under Rule 45 of the Rules of Court assailing the Decision<sup>1</sup> and Resolution<sup>2</sup> of the Sandiganbayan (SB) in Criminal Case Nos. SB-12-CRM-0171 and SB-12-CRM-0172 dated 27 February 2014 and 23 May 2014, respectively, finding petitioner Mayor Amado Corpuz, Jr. guilty beyond reasonable doubt of two (2) counts of Falsification of Public Document under Article 171, paragraph 4 of the Revised Penal Code (RPC).

*The Facts*

Petitioner, in his official capacity as the Municipal Mayor of Cuyapo, Nueva Ecija, was indicted for two (2) counts of the abovementioned

\* On Wellness Leave.

<sup>1</sup> *Rollo*, pp. 90-110; Penned by Associate Justice Efen N. Dela Cruz with Associate Justices Rodolfo A. Ponferrada and Rafael R. Lagos concurring.

<sup>2</sup> *Id.* at 194-201.

criminal offense. The accusatory portions of the two (2) separate Informations filed against him before the SB are as follows:

CRIM. CASE NO. SB-12-CRM-0171

That on 28 October 2009 or sometime prior or subsequent thereto, in Cuyapo, Nueva Ecija, Philippines, and within the jurisdiction of this Honorable Court, the above-named [petitioner], a public officer, being the Municipal Mayor of Cuyapo, Nueva Ecija, acting in relation to his office and taking advantage of his official position, did there and then deliberately, willfully and feloniously, falsify the Certificate of Marriage of Manny Asuncion and Dina Lumanlan by certifying therein that it was he who solemnized their marriage when in truth and in fact, he was not the one who solemnized the same but rather Thelmo O. Corpuz, Sr., Local Civil Registrar (of) Cuyapo, Nueva Ecija, to the damage and prejudice of the said couple and of public interest.

CRIM. CASE NO. SB-12-CRM-0172

That on 18 December 2009 or sometime prior or subsequent thereto, in Cuyapo, Nueva Ecija, Philippines, and within the jurisdiction of this Honorable Court, the above-named [petitioner], a public officer, being the Municipal Mayor of Cuyapo, Nueva Ecija, acting in relation to his office and taking advantage of his official position, did there and then deliberately, willfully and feloniously, falsify the Certificate of Marriage of Alex Pascual and Esperanza Arizabal by certifying therein that it was he who solemnized their marriage when in truth and in fact, he was not the one who solemnized the same but rather Thelmo O. Corpuz, Sr., Local Civil Registrar (of) Cuyapo, Nueva Ecija, to the damage and prejudice of the said couple and of public interest.<sup>3</sup>

As petitioner pleaded not guilty to both charges, trial ensued with the prosecution presenting five (5) witnesses, and the defense presenting three (3) witnesses, inclusive of documentary evidence admitted therein, in order to resolve the jointly proposed issue of “who among the parties – the complainant on the one hand, [and] the married couples and the sponsors who attest to the fact that it was the accused who solemnized the said marriage – is telling the truth?”

At the trial, the prosecution presented complainant Arsenio Flores, a retired government employee who testified that being one of the wedding sponsors of Alex Pascual and Esperanza Arizabal, he attended and witnessed the actual ceremony of their wedding which was solemnized by Thelmo Corpuz, Sr., the Municipal Registrar, and not petitioner, at the Municipal

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<sup>3</sup> Id. at 90-91.

Registrar's Office where it was held; that with the knowledge that said Municipal Registrar was not authorized to solemnize marriage, he did not sign as a witness their marriage certificate, and thereafter searched for documents, including pictures and invitation cards, in order to establish such illegal acts; that based on the documents he gathered, it was made to appear that petitioner was the one who solemnized said marriages because of his signature appearing on the corresponding marriage certificates; and that he could not explain why the subject marriage certificate was already signed by petitioner when in fact he was not around during the ceremony, and was immediately given to them on the same day.<sup>4</sup> His testimony was corroborated by Honorato M. Tolentino, the brother-in-law of Alex Pascual, who testified that he rendered his services for free as a photographer during said wedding, and witnessed the actual ceremony, with the observation that it was Thelmo Corpuz, Sr. who solemnized the same.<sup>5</sup>

As to the marriage ceremony of Manny Asuncion and Dina Lumanlan, Jorge N. Lazaro, a freelance photographer and pilot, testified that the latter and her mother engaged his services as a photographer, and even requested his live-in partner, Tessie Atayde, to stand as one of the principal sponsors; that while taking photos for the event, he naturally witnessed the actual ceremony which was held at the Senior Citizen Building (now called Multi-Purpose Building); and that it was Thelmo Corpuz, Sr., the Municipal Registrar of Cuyapo, Nueva Ecija, who actually solemnized said marriage.<sup>6</sup>

Lastly, the prosecution presented as rebuttal witness, Thelmo O. Corpuz, Sr., who testified that complainant Arsenio Flores filed a case for usurpation of official functions against him before the Municipal Trial Court (MTC) in connection with the marriages of the couples, which he allegedly solemnized; that he changed his plea of NOT GUILTY to that of GUILTY, in order to have a peace of mind and to reveal the truth that it was actually him who solemnized said marriages; that it was actually him who was standing in front of both couples as shown by the pictures presented as evidence; that after pleading guilty, he immediately filed a Petition for Probation before the same court; that he did not execute any affidavit of desistance to that effect; and that his son Thelmo Corpuz III was already separated from the government service, and that in the recent local elections, the latter sided with the political rival of petitioner.<sup>7</sup> The above narration was corroborated and attested to by witness Felicisima D. Almonte, Clerk of Court of the MTC, with the stipulation of the parties on the authenticity and due execution of its 15 July 2013 Decision. On cross-examination, she

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<sup>4</sup> Id. at 94-95.

<sup>5</sup> Id. at 95-96.

<sup>6</sup> Id. at 92-93.

<sup>7</sup> Id. at 97-98.

affirmed that as part of the records of the case, that there was a counter-affidavit attached therewith by Thelmo O. Corpuz, Sr., but without an affidavit of recantation against his previous counter-affidavit denying such accusations against him; and that during the last local election, both Thelmo O. Corpuz, Sr., and his son, Thelmo Corpuz, Jr., persuaded her to vote for petitioner's opponent.<sup>8</sup>

In his defense, petitioner himself testified. He insisted that he actually solemnized at his office the marriage of spouses Pascual and that of spouses Asuncion; that spouses Asuncion executed a joint affidavit of cohabitation based on Article 34 of the Family Code making them exempted from securing a marriage license as appearing in their marriage contract; that complainant Arsenio Flores was not present at the mayor's office when the wedding of spouses Pascual took place; that in the subject weddings, all signatures appearing on the marriage certificates were actually signed in his presence; that as a mayor for eighteen (18) years, he knew that the power to solemnize marriage cannot be delegated; and that he is aware that a case for usurpation of official function was filed against Thelmo O. Corpuz, Sr., but has no knowledge about his change of plea. The above testimonies were further bolstered by no other than the parties themselves of said marriage ceremonies. Both Alex Y. Pascual and Manny M. Asuncion appeared and testified that petitioner was indeed the one who solemnized their respective marriage; that their respective marriage is valid and legal; that both ceremonies were held at the mayor's office; and that, as reflected in the pictures shown by the prosecution, they appeared before Thelmo O. Corpuz, Sr. only to receive marriage counseling and to be taught on how to act during the actual ceremony, before they went to the mayor's office for the actual solemnization by petitioner.<sup>9</sup>

From the foregoing testimonial and documentary evidence, including the stipulations between the parties, the facts, as taken and appreciated by the SB, are presented as follows:

At the time material to the Informations, the [petitioner] was the incumbent Mayor of the Municipality of Cuyapo, Nueva Ecija, while Thelmo O. Corpuz, Sr. was the Municipal Civil Registrar until his retirement from the service in 2011.

As set forth on the invitation for the Asuncion-Lumanlan Nuptials, the couple was united in matrimony on October 28, 2009 at around 9:30 in the morning at Cuyapo Town Hall, Cuyapo, Nueva Ecija. Jorge N. Lazaro attended the occasion along with his live-in partner Tessie Atayde, who

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<sup>8</sup> Id. at 96.

<sup>9</sup> Id. at 98-100.



was one of the principal sponsors. Lazaro was hired as photographer for the event and was able to capture the actual ceremony. A marriage certificate was then issued to Spouses Asuncion, duly signed by the [petitioner] as the solemnizing officer.

Another wedding which took place at the Municipal Hall of Cuyapo, Nueva Ecija on December 18, 2009, at around 9:00 o'clock in the morning was that of Alex Pascual and Esperanza Arizabal. Among those present was Arsenio Flores who stood as one of the principal sponsors. The ceremony was similarly witnessed by Honorato M. Tolentino, a brother-in-law of the groom who was also hired as photographer for the said wedding. As proof of the wedding, a marriage certificate bearing the signature of the [petitioner] as solemnizing officer was thereafter issued to spouses Pascual.

Displeased with what transpired during the wedding ceremony of Alex and Esperanza, Arsenio Flores came up with a complaint-affidavit, dated February 8, 2010, setting forth the violations committed by the [petitioner] and that of Thelmo O. Corpuz, Sr., the former as mere signatory of the marriage certificates, and the latter acting as the solemnizing officer on behalf of the mayor. Flores' declaration with respect to the Pascual-Arizabal nuptial was corroborated by the affidavit, dated March 22, 2010, of Honorato M. Tolentino, Sr., who covered the said wedding. Flores included in his affidavit other nuptials specifically that of Manny and Dina which was held on October 28, 2009 and which was also solemnized by Thelmo Corpuz, Sr. His statement was supported by Jorge Lazaro's affidavit, dated March 22, 2010, inclusive of snapshots he personally took on that day. In view of Thelmo O. Corpuz's entry of plea of guilty for two (2) counts of usurpation of official functions filed against him before the Municipal Trial Court of Cuyapo, Nueva Ecija, the court, in its Decision dated July 15, 2013, duly considered his plea of guilty as a mitigating circumstance, and imposed on him the straight penalty of one (1) year imprisonment for each case.

#### DISCUSSION

In his memorandum, the [petitioner] maintains his innocence as he questions the trustworthiness and reliability of the prosecution's witnesses. According to him, the presumption of authenticity of public documents, the marriage certificates in these cases, should prevail over the inconsistent testimonies of the witnesses for the prosecution that it was not him who officiated these ceremonies. According to him also, the couples themselves through Alex and Manny, who are definitely in the best position to attest that it was the [petitioner] himself who solemnized their marriage, did so in open court and expressed such fact in their Joint Affidavits. Further, the rebuttal evidence of the prosecution *sans* the affidavit of recantation of Thelmo O. Corpuz, Sr., did not alter his previous declaration that he did not solemnize the subject weddings but the herein [petitioner] who rightfully certified his deed in the marriage certificates. With these, the defense avers that the prosecution failed to

establish the guilt of the [petitioner] beyond reasonable doubt and, therefore, the [petitioner] should be acquitted.

On the other hand, in its memorandum, the prosecution asserts that from the pieces of evidence presented and the testimonies of its witnesses, it has proven all the elements of the offense charged based on the quantum of evidence required by law. The accused clearly committed falsification of public documents by making untruthful statements in a narration of facts when, by taking advantage of his official function, he certified in the marriage certificates of spouses Asuncion and spouses Pascual that as the Municipal Mayor, he personally solemnized their marriage when it was Thelmo O. Corpuz, Sr., the Municipal Civil Registrar, who did so on his behalf. Thus, for this false declaration, the [petitioner] should be held criminally liable.<sup>10</sup>

### ***The Ruling of the Sandiganbayan***

In the assailed Decision dated 27 February 2014, the SB found petitioner guilty beyond reasonable doubt for the said crimes, the dispositive portion of which is stated hereunder for ready reference, to wit:

**WHEREFORE**, in light of all the foregoing, the Court finds [petitioner] **Amado R. Corpuz, Jr. GUILTY** beyond reasonable doubt for two (2) counts of Falsification of Public Document, defined and penalized under Article 171, paragraph 4 of the Revised Penal Code and, applying the Indeterminate Sentence Law, is hereby sentenced to suffer imprisonment of four (4) years and one (1) day of *prision correccional*, as minimum, to eight (8) years of *prision mayor*, as maximum, for each count, and to pay a fine of P5,000.00 for each case, with subsidiary imprisonment in case of insolvency.<sup>11</sup>

It ruled that with the prosecution's pieces of evidence taken together, all the elements of the crime of falsification of public documents, by making untruthful statements in a narration of facts, were adequately established. The SB further explained that being a local chief executive and duly authorized officer to solemnize marriage, petitioner was duty-bound to observe his solemn affirmation on the marriage certificates. More so, by taking advantage of his official position, petitioner certified the particulars of an event, the subject marriages, despite full knowledge that he did not personally solemnize the exchange of marital vows of spouses Pascual and spouses Asuncion. In other words, what he certified was absolutely false and for such reason, petitioner's guilt was established beyond reasonable doubt. By way of conclusion, the court stressed that in falsification of public

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<sup>10</sup> Id. at 100-102.

<sup>11</sup> Id. at 109.



or official documents, it is not necessary that there be present the idea of gain or intent to injure a third person because in the falsification of public document, what is being punished is the violation of the public faith and the destruction of the truth as therein solemnly proclaimed.<sup>12</sup>

Petitioner's motion for reconsideration thereof and his supplemental thereto were likewise denied for lack of merit in the 23 May 2014 Resolution.

Aggrieved, petitioner elevated the matter through a petition for review on *certiorari* before this Court asserting the following errors, grounds or arguments:

1. THE SANDIGANBAYAN (RESPONDENT COURT FOR BREVITY) COMMITTED SERIOUS REVERSIBLE ERROR OF LAW AND MATTERS OF SUBSTANCE NOT IN ACCORD WITH JURISPRUDENCE WHEN WITHOUT ANY JUSTIFICATION IT ADMITTED MERE PHOTOCOPIES OF PROSECUTION'S EVIDENCE, I.E., (1) INVITATION CARDS AND (2) PICTURES OVER THE OBJECTION OF THE DEFENSE –

1.1 WORSENERD BY THE 'ALLOWANCE OF SECONDARY EVIDENCE (AS A NECESSARY CONSEQUENCE IN ITS ADMISSION) WITHOUT COMPLIANCE WITH THE RUDIMENTS ON SECONDARY EVIDENCE; AND

1.2 SERIOUS MISAPPRECIATION OF FACT UPON ITS FAILURE AND/OR OMISSION TO CONSIDER GLARING DISPARITIES BETWEEN PROSECUTION'S VERY OWN EVIDENCE, I.E., (SAID) INVITATION CARDS AND ITS OWN WITNESSES' STATEMENT AS TO THE PLACE OR VENUE OF SOLEMNIZATION WHICH ON MATTERS OF CREDIBILITY MORE SO, BY THE SURROUNDING CIRCUMSTANCES IN HERE, TOUCHES ON THE VERY ISSUE OF COMPETENCY OF THE WITNESS AND THE STRICT RULE ON ASSESSMENT OF EVIDENCE AGAINST THE STATE AND 'LIBERAL FOR THE ACCUSED. THIS RULE WAS SADLY IGNORED. WE TAKE THIS TO NOTE AS NO TRIVIAL ASPECT AS THE RESPONDENT COURT PUT IT.

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<sup>12</sup> Id. at 108-109.

2. THE RESPONDENT COURT COMMITTED SERIOUS ERROR OF LAW AND MATTERS OF SUBSTANCE NOT IN ACCORD WITH CASE LAW WHEN IT CONSIDERED FACTS NOT OFFERED IN EVIDENCE AND TOTALLY OUT OF THE RECORDS – HOLDING DEFENSE TWO (2) WITNESSES, THE SPOUSES HUSBANDS, ALEX PASCUAL, AND MANNY ASUNCION, WERE ALLEGEDLY INDEBTED OF GRATITUDE TO THE ACCUSED FOR BEING ALLEGEDLY EMPLOYED BY THE LATTER; HENCE, DEBUNKING CREDIBILITY OF THEIR TESTIMONIES.

3. THE RESPONDENT COURT COMMITTED SERIOUS REVERSIBLE ERROR OF LAW AND MISAPPRECIATION OF FACTS ON MATTERS AND SUBSTANCE SO MATERIAL POINTING TO THE DEFENSE AS ALLEGEDLY THE ONE WHO SAID THAT THE BEST PERSONS WHO COULD ATTEST WHO THE SOLEMNIZER WAS IN THEIR RESPECTIVE WEDDINGS WERE THE COUPLES THEMSELVES WHICH CORRECT PRONOUNCEMENT AND ACCURATE OBSERVATION, WAS IN FACT, MADE BY ONE OF THE HONORABLE JUSTICES, THE HONORABLE RODOLFO PONFERRADA, IN OPEN COURT – NOT THE ACCUSED – WHICH OBSERVATION WE NOT ONLY SUPPORT BUT TREASURE SO MUCH.

4. THE RESPONDENT COURT COMMITTED SERIOUS REVERSIBLE ERROR OF LAW AND MISAPPRECIATION OF FACTS ON MATTERS OF SUBSTANCE WHEN IT AGAIN MADE ANOTHER PRONOUNCEMENT DECLARING THAT “ACCUSED ONLY RELIED ON DISPUTABLE PRESUMPTION OF REGULARITY WITHOUT PRESENTING ANY OTHER EVIDENCE NOT TO DOUBT HIS PERSONAL APPEARANCE ON THOSE DATES AND THAT HE SIGNED THESE DOCUMENTS AFTER ACTUALLY SOLEMNIZING THE SAID MARRIAGES.”

5. THE RESPONDENT COURT COMMITTED REVERSIBLE ERROR OF LAW AND MISAPPRECIATION OF FACTS – WHEN IT DECLARED THE PRESENCE OF ALL THE ELEMENTS OF FALSIFICATION UNDER ARTICLE 171 [OF THE] REVISED PENAL CODE, AGGRAVATED BY THE MISAPPLICATION OF THE DICTUM IN ITS CITED GALEOS VS. PEOPLE.

6. THE RESPONDENT COURT COMMITTED GRAVE ERROR OF LAW AND MISAPPRECIATION OF FACTS WHICH ARE MATTERS OF SUBSTANCE NOT IN ACCORD WITH CASE LAW ADOPTING TWO (2) STANDARDS OF APPLICATION OF LAW OVER TWO (2) OPPOSING DOCUMENTS, I.E., (1) THE TWO SETS OF MARRIAGE CERTIFICATES ON ONE HAND, AND (2) THE ADMITTEDLY FALSIFIED THREE (3) AFFIDAVITS OF THE PROSECUTION WITNESSES, HONORATO TOLENTINO, JORGE LAZARO AND THELMO CORPUZ, THEREBY GROSSLY MISAPPLIED ART. 171 [OF THE] REVISED PENAL CODE AS



CITED IN GALEOS VS. PEOPLE, WHEN IT TURNED DOWN THE TWO (2) CERTIFICATE OF MARRIAGES IGNORING THE DECIDENDI IN THE CITED CASE – WHILE CASUALLY DOWNPLAYED THE FALSIFIED 3 WITNESSES AFFIDAVITS, ITS LEGAL AND NECESSARY CONSEQUENCES.

7. OVER ALL CONSIDERATIONS, THE RESPONDENT COURT COMMITTED THE MOST SERIOUS REVERSIBLE ERROR OF LAW AND MISAPPRECIATION OF FACTS IN CLINGING TO ITS JUDGMENT OF CONVICTION INSTEAD OF ACQUITTAL ON THE BASIS OF THE OPPOSING EVIDENCE RESPECTIVELY PRESENTED BY THE PROSECUTION ON ONE HAND – AND THE DEFENSE ON THE OTHER HEREAFTER PRESENTED IN GRAPHIC FORM.<sup>13</sup>

It is the contention of petitioner that none of the five (5) witnesses presented by the prosecution was competent to testify on accused's actual solemnization of and presence during the subject marriages. Neither did any of the documentary evidence submitted by the prosecution establish beyond reasonable doubt that petitioner was not the one who solemnized the same. Thus, in his defense, petitioner believes that he is innocent considering that he was able to present the husbands of the subject marriages, who appeared before him during the actual solemnizations, and both testified in his favor, supported by various documentary evidence, such as the subject marriage certificates, including the joint affidavit of cohabitation and joint affidavit of confirmation issued by the couples, and also the counter-affidavit issued by Thelmo O. Corpuz, Sr., the person alleged to have actually conducted the said solemnization of the subject marriages, who initially denied being the one who acted as a solemnizing officer to any marriage ceremony.

Respondents, through its Office of the Special Prosecutor, filed on 28 April 2015 its Comment<sup>14</sup> to the instant petition, and counters that the SB acted in accord with law and jurisprudence on the basis of the evidence on record when it found petitioner guilty of the felonies charged; that petitioner raised questions of fact contrary to Rule 45 of the Rules of Court; that the equipoise doctrine is inapplicable in the case of petitioner; that petitioner was correctly convicted of the crimes of falsification of public document since all the elements to establish the same were proven beyond reasonable doubt; and that the other issues and arguments raised by petitioner do not constitute reversible error on the part of the SB.

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<sup>13</sup> Id. at 16-20.

<sup>14</sup> Id. at 778-808.

### *The Issue*

Whether or not petitioner is guilty beyond reasonable doubt of the crime of falsification of public documents.

### *The Ruling of the Court*

At the outset, the Constitution presumes a person innocent until proven guilty by proof beyond reasonable doubt. The prosecution cannot be allowed to draw strength from the weakness of the defense's evidence for it has the *onus probandi* in establishing the guilt of the accused - *ei incumbit probatio qui elicit, non que negat* — he who asserts, not he who denies, must prove.<sup>15</sup>

In other words, the burden of such proof rests with the prosecution, which must rely on the strength of its case rather than on the weakness of the case for the defense. Proof beyond reasonable doubt, or that quantum of proof sufficient to produce a moral certainty that would convince and satisfy the conscience of those who act in judgment, is indispensable to overcome the constitutional presumption of innocence.<sup>16</sup>

Worthy to mention that in every criminal conviction, the prosecution is required to prove two things beyond reasonable doubt: *first*, the fact of the commission of the crime charged, or the presence of all the elements of the offense; and *second*, the fact that the accused was the perpetrator of the crime.<sup>17</sup>

In the instant case, petitioner was charged with violation of Article 171, paragraph 4 of the RPC, which provides:

ART. 171. *Falsification by public officer, employee, or notary or ecclesiastical minister.* – The penalty of *prision mayor* and a fine not to exceed 5,000 pesos shall be imposed upon any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:

x x x x

4. Making untruthful statements in a narration of facts; x x x

<sup>15</sup> *People v. Masalihit*, 360 Phil. 332, 343 (1998).

<sup>16</sup> *People v. Villanueva*, 427 Phil. 102, 128 (2002).

<sup>17</sup> *People v. Santos*, 388 Phil. 993, 1004 (2000).

It bears emphasis that what is punished in falsification of a public document is the violation of the public faith and the destruction of the truth as solemnly proclaimed in it.<sup>18</sup> Generally, the elements of Article 171 are: (1) the offender is a public officer, employee, or notary public; (2) he takes advantage of his official position; and (3) that he falsifies a document by committing any of the ways it is done.<sup>19</sup>

Specifically, paragraph 4 of the said Article requires that: (a) the offender makes in a public document untruthful statements in a narration of facts; (b) the offender has a legal obligation to disclose the truth of the facts narrated by him; and (c) the facts narrated by the offender are absolutely false.<sup>20</sup>

In addition to the aforesaid elements, it must also be proven that the public officer or employee had taken advantage of his official position in making the falsification. In falsification of public document, the offender is considered to have taken advantage of his official position when (1) he has the duty to make or prepare or otherwise to intervene in the preparation of a document; or (2) he has the official custody of the document which he falsifies.<sup>21</sup>

In the case at bench, and as correctly found by the SB, it is undisputed that petitioner was a public officer, being the Municipal Mayor of Cuyapo, Nueva Ecija, duly authorized by law to solemnize marriages, at the time such alleged criminal offense was committed. Likewise, in issuing marriage certificates, being a public document issued by the Municipality of Cuyapo, Nueva Ecija, petitioner had the legal duty to prepare said document, and not only to attest to the truth of what he had given account of but more importantly, to warrant the truth of the facts narrated by him thereon.<sup>22</sup> Undoubtedly, these factual circumstances were clearly established since petitioner himself admits the same. Accordingly, we are now left with one final matter to determine, i.e. whether or not the facts narrated by petitioner on the subject marriage certificates were absolutely false. If answered in the affirmative, then petitioner is indeed guilty beyond reasonable doubt of falsification of public documents. Otherwise, he shall be exonerated.

<sup>18</sup> *Lastrilla v. Granda*, 516 Phil. 667, 699 (2006) citing *Lumancas v. Intas*, 400 Phil. 785, 798 (2000) further citing *People v. Po Giok To*, 96 Phil. 913, 918 (1955).

<sup>19</sup> *Regidor, Jr. v. People*, 598 Phil. 714, 732 (2009).

<sup>20</sup> *Delos Reyes Vda. Del Prado, et al. v. People*, 685 Phil. 149, 161-162 (2012) citing *Galeos v. People*, 657 Phil. 500, 520 (2011). See also *Santos v. Sandiganbayan*, 400 Phil. 1175, 1216-1217 (2000).

<sup>21</sup> Luis B. Reyes, *The Revised Penal Code, Criminal Law (Fourteenth Edition, Revised 1998)*, Book Two, Arts. 114-367, p. 216, citing *People v. Uy*, 101 Phil. 159, 163 (1957) and *United States v. Inosanto*, 20 Phil 376, 378 (1911); *Adaza v. Sandiganbayan*, 502 Phil. 702, 720 (2005).

<sup>22</sup> *Rollo*, pp. 103-105.

Relevant thereto, the initial query to be resolved is whose evidence between the prosecution and defense is credible in order to determine the guilt of the accused in a criminal action.

For ready reference, we find the necessity of reproducing hereunder the actual pertinent portion declared by petitioner in his official capacity as a solemnizing officer, common to the subject marriage certificates, which reads:

THIS IS TO CERTIFY THAT BEFORE ME, on the date and place above written, personally appeared the above-mentioned parties, with their mutual consent, lawfully joined together in marriage which was solemnized by me in the presence of the witnesses named below, all of legal age.

x x x x

(Signed)  
HON. AMADO R. CORPUS, JR.  
MUNICIPAL MAYOR  
CUYAPO, NUEVA ECIJA<sup>23</sup>

From the above-quoted statement, petitioner categorically expresses that, in both marriages, all parties (referring to spouses Pascual and spouses Asuncion), personally appeared before him, as their solemnizing officer, in the presence of other witnesses.

In ruling that petitioner was not the one who solemnized the subject marriages, the SB relied heavily on the testimonial evidence of the prosecution's witnesses, particularly on the common fact that they all witnessed an alleged ceremony conducted on said dates wherein Thelmo O. Corpuz, Sr., the Municipal Registrar, was the one who acted as the solemnizing officer, and not petitioner. It further considered the photos and photocopies of the invitations presented and offered as additional proofs to establish the aforesaid incidents which show spouses Pascual and spouses Asuncion standing in front of Thelmo O. Corpuz, Sr. Moreover, the testimony of Thelmo O. Corpuz, Sr., being a rebuttal evidence to the claims of Alex Y. Pascual and Manny M. Asuncion that it was petitioner who solemnized their respective marriages, was vastly recognized as acceptable and damaging to petitioner's defense since the principle of *res inter alios acta* (the rights of a party cannot be prejudiced by an act, declaration, or omission of another) does not apply in this case.

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Id. at 261 and 266.

We are not unaware that settled is the rule that factual findings of the SB are conclusive upon this Court. However, there are exceptions to said rule, to wit: (1) the conclusion is a finding grounded entirely on speculation, surmise and conjecture; (2) the inference made is manifestly an error or founded on a mistake; (3) there is grave abuse of discretion; (4) the judgment is based on misapprehension of facts; (5) the findings of fact are premised on a want of evidence and are contradicted by evidence on record; and (6) said findings of fact are conclusions without citation of specific evidence on which they are based.<sup>24</sup>

A perusal of the offered and admitted evidence, testimonial and documentary, reveals some misappreciation of facts of which if considered may result in a different conclusion. In other words, there were findings grounded entirely on speculation and/or premised on want of evidence that are needed to be resolved in the case before us. Hence, we rule to reverse the SB's ruling of conviction against petitioner.

*First*, none of the testimonial and documentary evidence offered by the prosecution was able to dispute the presumption of regularity of an official function and authenticity and due execution of the public instruments issued by petitioner as the Municipal Mayor, which may only be overcome by clear and convincing evidence to the contrary. As can be gleaned from the narration of facts provided by the trial court, there is no showing that an actual appearance by the concerned parties (spouses Pascual and spouses Asuncion) before petitioner as their solemnizing officer did not occur or happen. Looking into the evidence presented, the only patent conclusion that can be derived from the prosecution's evidence, as admitted by the witnesses for the defense, is that both couples appeared before Thelmo O. Corpuz, Sr., for the sole purpose of receiving marriage counseling and/or marriage rehearsals, nothing more.

*Second*, as mentioned in the assailed Decision, the SB expressed that the testimonies of the defense's witnesses appear biased considering that they "owe their current employment with the accused as these narrations rang no truth and sounded to have been well-coached;" hence, they found the testimonies of the prosecution's witnesses more credible. Unfortunately, we find this declaration quite odd considering that there was no iota of evidence to show that both Alex Y. Pascual and Manny M. Asuncion owe debts of gratitude to petitioner. Indeed even it is taken as true that the defense witnesses who are the husbands in the questioned marriages owe their employment to the accused such fact can rightfully be construed as itself the reason why these witnesses would truly want their respective

<sup>24</sup> *Cadiao-Palacios v. People*, 601 Phil. 695, 704 (2009).

marriages officiated by the accused. As a matter of fact, it was the prosecution's witnesses who have manifested some tainted credibility in their testimonies when it was declared, among others, that: (a) all the judicial affidavits were prepared by the complainant Arsenio A. Flores and were given to them for their signatures; (b) Thelmo Corpuz III, the son of Thelmo O. Corpuz, Sr., was separated from the government service, and that in the recent local election, he sided with petitioner's political rival; and (c) Thelmo O. Corpuz, Sr. and his son, Thelmo Corpuz, Jr., persuaded Felicisima D. Almonte to vote for the petitioner's opponent during the local election. Clearly therefore, if there were any doubts as to the credibility of the witnesses in this case, it is those of the prosecution who should be considered guilty of potential political motivations.

*Third*, as to the testimony of Thelmo O. Corpuz, Sr., we do not find the same damaging on the part of petitioner considering that his admission of conducting his own ceremony in the capacity of a solemnizing officer simply confirms his criminal liability in the case of usurpation of authority as his conviction was already pronounced by the MTC. Such testimony does not necessarily result in the falsity of petitioner's declaration that he nonetheless conducted his own solemnization of the subject marriages. The fact remains that, as testified to by Alex Y. Pascual and Manny M. Asuncion, it was petitioner who solemnized their marriages on said date and at said office.

*Fourth*, the burden of proof in establishing that petitioner made an untruthful statement in the marriage certificate in order to be convicted of the crime of falsification of public instrument solely lies on the prosecution.

If only to stress the merit of this petition, we repeat the axioms that the Bill of Rights guarantees the right of an accused to be presumed innocent until the contrary is proved. In order to overcome the presumption of innocence, the prosecution is required to adduce against him nothing less than proof beyond reasonable doubt. If the prosecution fails to discharge its heavy burden, then it is not only the right of the accused to be freed, it becomes the Court's constitutional duty to acquit him.<sup>25</sup>

*Lastly*, considering that the subject public instrument in this case refers to the marriage certificate, we find it apropos to point out that the validity of marriage cannot be collaterally attacked since under existing laws and jurisprudence, the same may be questioned only in a direct action. A direct action is necessary to prevent circumvention of the substantive and

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<sup>25</sup> *People v. Wagas*, 717 Phil. 224, 242 (2013).

procedural safeguards of marriage under the Family Code, A.M. No. 02-11-10-SC and other related laws. In declaring that the one who solemnized the subject marriages had no authority to do so would indirectly result in the declaration that said marriages are void. This is what our jurisdiction intends to prevent.<sup>26</sup>

By way of reiteration, it is a fundamental rule in criminal procedure that the State carries the *onus probandi* in establishing the guilt of the accused beyond a reasonable doubt, as a consequence of the tenet *ei incumbit probatio, qui dicit, non qui negat*, which means that he who asserts, not he who denies, must prove,<sup>27</sup> and as a means of respecting the presumption of innocence in favor of the man or woman on the dock for a crime. Accordingly, the State has the burden of proof to show: (1) the correct identification of the author of a crime, and (2) the actuality of the commission of the offense with the participation of the accused. All these facts must be proved by the State beyond reasonable doubt on the strength of its evidence and without solace from the weakness of the defense. That the defense the accused puts up may be weak is inconsequential if, in the first place, the State has failed to discharge the onus of his identity and culpability. The presumption of innocence dictates that it is for the prosecution to demonstrate the guilt and not for the accused to establish innocence.<sup>28</sup> Indeed, the accused, being presumed innocent, carries no burden of proof on his or her shoulders.

Furthermore, it has been consistently ruled that “[c]ourts must judge the guilt or innocence of the accused based on facts and not on mere conjectures, presumptions, or suspicions.”<sup>29</sup> It is iniquitous to base petitioner’s guilt on the presumptions of the prosecution’s witnesses for the Court has, time and again, declared that if the inculpatory facts and circumstances are capable of two or more interpretations, one of which being consistent with the innocence of the accused and the other or others consistent with his guilt, then the evidence in view of the constitutional presumption of innocence has not fulfilled the test of moral certainty and is thus insufficient to support a conviction.<sup>30</sup>

In sum, the circumstantial evidence presented by the prosecution in this case failed to pass the test of moral certainty necessary to warrant

<sup>26</sup> See *Republic v. Olaybar*, G.R. No. 189538, 10 February 2014, 715 SCRA 605, 616.

<sup>27</sup> *People v. Subingsubing*, G.R. Nos. 104942-43, 25 November 1993, 228 SCRA 168, 174.

<sup>28</sup> *People v. Arapok*, 400 Phil. 1277, 1301 (2000).

<sup>29</sup> *People v. Anabe*, 644 Phil. 261, 281 (2010).

<sup>30</sup> *People v. Timtiman*, G.R. No. 101663, 4 November 1992, 215 SCRA 364 373 citing *People v. Remorosa*, 277 Phil. 400, 411 (1991) also cited in *Franco v. People*, G.R. No. 191185, 1 February 2016.

petitioner's conviction. Accusation is not synonymous with guilt.<sup>31</sup> Not only that, where the inculpatory facts and circumstances are capable of two or more explanations or interpretations, one of which is consistent with the innocence of the accused and the other consistent with his guilt, then the evidence does not meet or hurdle the test of moral certainty required for conviction.<sup>32</sup> Accordingly, the prosecution failed to establish the elements of falsification of public documents. With the prosecution having failed to discharge its burden of establishing petitioner's guilt beyond reasonable doubt, this Court is constrained, as is its bounden duty when reasonable doubt persists, to acquit him.

**WHEREFORE**, the petition is **GRANTED**. The Decision of the Sandiganbayan in Criminal Case Nos. SB-12-CRM-0171 and SB-12-CRM-0172 is **REVERSED** and **SET ASIDE**. Petitioner Amado Corpuz, Jr. is hereby **ACQUITTED** for failure of the prosecution to prove his guilt beyond reasonable doubt.

**SO ORDERED.**

  
**JOSE PORTUGAL PEREZ**  
Associate Justice

**WE CONCUR:**

  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson

<sup>31</sup> See *People v. Manambit*, 338 Phil. 57 (1997).

<sup>32</sup> *Atienza v. People*, G.R. No. 183694, 12 February 2014, 716 SCRA 84, 104-105.

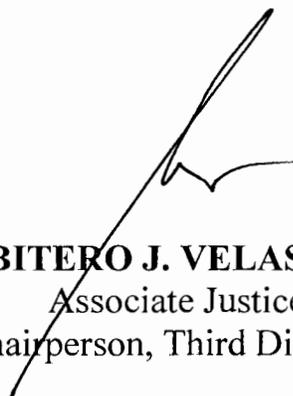
(On Wellness Leave)  
**DIOSDADO M. PERALTA**  
Associate Justice

  
**BIENVENIDO L. REYES**  
Associate Justice

  
**FRANCIS H. JARDELEZA**  
Associate Justice

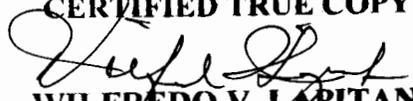
**ATTESTATION**

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

  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson, Third Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, it is hereby certified that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

**CERTIFIED TRUE COPY**  
  
**WILFREDO V. LAPITAN**  
Division Clerk of Court  
Third Division  
DEC 09 2016

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice