Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

JOEL PANCHO BIGCAS, Petitioner,	**G.R. No. 265579**
	Present:
-versus-	LEONEN, *Chairperson* LAZARO-JAVIER, LOPEZ, M., LOPEZ, J., and KHO JR.
COURT OF APPEALS and **PEOPLE OF THE PHILIPPINES,** Respondents.	**Promulgated:** NOV 26 2024

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DECISION

LAZARO-JAVIER, *J.*:

The Case

This Petition[1] for *Certiorari* under Rule 65 of the Rules of Court assails the following dispositions of the Court of Appeals in CA-G.R. CR No. 01836-MIN:

1. Resolution[2] dated May 12, 2021, dismissing the appeal of petitioner Joel Pancho Bigcas (Bigcas) for lack of jurisdiction;

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1 *Rollo*, pp. 13–18.

2 *Id.* at 55–58. The May 12, 2021 Resolution was penned by Associate Justice Lily Biton and concurred in by Associate Justices Oscar V. Badelles and Richard D. Mordeno, Former Twenty-Third Division, Court of Appeals, Cagayan de Oro City.

2. Resolution[3] dated March 1, 2022, noting without action Bigcas's motion for reconsideration; and

3. Resolution[4] dated October 11, 2022, informing Bigcas that an entry of judgment has already been issued in the case.

Antecedents

In Criminal Case No. 80,872-15, Bigcas was charged with violation of Section 3(c)[5] of Republic Act No. 3019 before Branch 10, Regional Trial Court, Davao City.[6]

Lorlene Gonzales (Lorlene) testified that she applied for the issuance of an earth moving permit with the City Environment and Natural Resources Office, which required her to submit a Resolution issued by the Sangguniang Barangay of Lacson, Calinan approving her application. Bigcas was a duly elected barangay kagawad who chaired the Council of Environment and Natural Resources of the Sangguniang Barangay of Lacson, Calinan.[7]

Lorlene alleged that as she was leaving the session hall, Bigcas approached her and volunteered to go to City Hall to verify relevant information on the certification issued by the City Planning Development Coordinator. He then asked her for fare money to go to City Hall in order to expedite the processing of her application. Thinking that this was a common barangay practice, Lorlene handed the amount of PHP 200.00 which Bigcas quickly took to avoid being seen by other barangay officials.[8] During the next session of the Sangguniang Barangay, Lorlene's application was denied after Bigcas showed the documents he secured from various government agencies showing that the request was not viable since her application for an earth moving permit was actually a quarry application.[9] At the end of the hearing, Lorlene asked the barangay chairperson whether it was really their practice to ask for money for expenses. The barangay chairperson denied that such practice existed in their barangay.[10]

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3 *Id.* at 63. Only a Notice from the Court of Appeals signed by Division Clerk of Court Atty. Joy Marie Badal-Pamisa was attached to the Petition for *Certiorari*.

4 *Id.* at 25. Only a Notice from the Court of Appeals signed by Division Clerk of Court Atty. Joy Marie Badal-Pamisa was attached to the Petition for *Certiorari*.

5 Republic Act No. 3019, sec. 3(c) states:
Section 3. *Corrupt practices of public officers.* In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:
(c) Directly or indirectly requesting or receiving any gift, present or other pecuniary or material benefit, for himself or for another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any Government permit or license, in consideration for the help given or to be given, without prejudice to Section thirteen of this Act.

6 *Rollo* pp. 15, 29–43.

7 *Id.* at 30.

8 *Id.* at 29.

9 *Id.* at 31.

10 *Id.*

Later, Lorlene returned to the barangay for another case. Bigcas approached Lorlene and handed her PHP 200.00, saying that it was the payment for his loan. Lorlene refused to receive it and told Bigcas that he did not ask for a loan but asked only for money. Lorlene then left Bigcas as her case was called. Lorlene said that it was out of principle that she filed a complaint with the Office of the Ombudsman (Ombudsman). When asked by the trial court why Lorlene gave Bigcas the money, she said that she thought it was their practice as he allegedly insisted on the payment of his expenses. Lorlene also admitted that she wanted to facilitate the early release of her request.[11]

Amadeo Gonzales (Amadeo), Lorlene's son, corroborated her testimony. Amadeo testified that he joined Lorlene in attending the barangay sessions. Amadeo witnessed Bigcas approach Lorlene to ask for money for Bigcas's expenses. Subsequently, when they were in the barangay for another case, Bigcas tried to return the money. Lorlene, however, responded that Bigcas did not ask for a loan but merely asked for money for expenses. Bigcas then approached Amadeo and told him that he will give Amadeo the money as payment for his loan. But Amadeo pointed out that Bigcas did not owe him any amount. Thereafter, Bigcas approached Amadeo's younger brother to pay the loan, but his brother likewise refused to receive it.[12]

The prosecution also presented the barangay secretary, Maria Theresa C. Paelle (Paelle) who testified that Bigcas was the chairperson of the Natural Resources and Environment Council tasked with processing the earth moving permit of Lorlene.[13] During the March 6, 2012 barangay session, Bigcas reported that Lorlene's earth moving permit could not be issued because the area was considered a watershed. Bigcas presented to the Sangguniang Barangay the record of the expenses incurred for the processing of Lorlene's application in the amount of PHP 200.00.[14] Paelle then saw Lorlene asking the barangay captain if it was their practice to request for a budget for the processing of the permit, to which the barangay captain responded in the negative. Paelle also witnessed Bigcas approach Lorlene to pay her back but Lorlene refused to receive it because she insisted that she did not loan him any amount. Then Bigcas approached Lorlene's sons to ask them to receive the money but they too did not accept it. Bigcas then went to Paelle's table and handed her the money for safekeeping, albeit Paelle later returned it to him as requested and upon approval by the officer of the day.[15]

In his defense, Bigcas testified that during the February 7, 2012 barangay session, he was surprised when he was made to sign a resolution approving Lorlene's application for an earth moving permit. The draft resolution had already been pre-signed by the barangay captain, barangay

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11 *Id.* at 31–32.
12 *Id.* at 32–33.
13 *Id.* at 33.
14 *Id.* at 33–34.
15 *Id.* at 33–34.

secretary, and two kagawads. When the Sangguniang Barangay heard Lorlene's application, Bigcas took the floor and manifested that he could not approve the quarry application despite the certification issued by the City Planning Development Coordinator since it was questionable.[16] Bigcas tried to convince the barangay captain not to sign the resolution yet as it had not undergone deliberations and approval by his council, which was a pre-requisite to the subsequent approval by the kagawads and the barangay secretary themselves.[17] After the barangay session, Lorlene approached Bigcas. He was constrained to tell Lorlene that he could not do anything about her application for an earth moving permit as it had not gone through the proper procedure and was not included in the agenda. Lorlene then insisted that Bigcas assist her to speed up the processing of her documents. Bigcas could not commit to helping Lorlene as he had no funds to go to City Hall because he had not received his honorarium for three months already. At this point, Lorlene offered him PHP 200.00 for Bigcas's transportation expenses. Bigcas initially refused but later accepted it as a loan to put an end to her insistence and harassment.[18]

On February 13, 2012, Bigcas went to the City Planning Office where he learned that Lorlene's earth moving permit could not be granted as quarrying was strictly prohibited in the area where her land is located, the same being within the agro-forestry non-tillage zone. During the next barangay session on February 21, 2012, Bigcas relayed this information to Lorlene, but she did not take it well. Lorlene accused Bigcas of not actually going to City Hall. Worse, Lorlene even threatened to file a case against him for delaying her application and for graft and corruption.[19]

Ruling of the Regional Trial Court

By Decision[20] dated March 15, 2019, the trial court convicted Bigcas of violating Section 3(c) of Republic Act No. 3019, thus:

> **WHEREFORE,** IN VIEW OF ALL THE FOREGOING, the Court finds the accused JOEL PANCHO BIGCAS GUILTY beyond reasonable doubt of violating Section 3 (c) of Republic Act No. 3019, as amended, and hereby sentences the accused to suffer the indeterminate penalty of Six (6) Years and One Month as minimum, to Seven (7) years as maximum and perpetual disqualification form holding public office.
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> **SO ORDERED.**[21] (Emphasis in the original)

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16 *Id.* at 29.
17 *Id.* at 34.
18 *Id.* at 34–35.
19 *Id.*
20 *Id.* at 29–43. Penned by Presiding Judge Retrina E. Fuentes.
21 *Id.* at 43.

On April 5, 2019, Bigcas filed his notice of appeal with the trial court. It bore the following statement "[a]ccused through the undersigned counsel received the Decision of this case that was adverse. As such, please take notice that Accused will appeal the aforesaid decision to the Court of Appeals in degree of appeal."[22]

Ruling of the Court of Appeals

By Letter[23] dated August 2, 2019, the Assistant Clerk of Court of the Court of Appeals–Cagayan de Oro City instructed the counsel of Bigcas to file the appeal brief, which he did. Under its Decision[24] dated December 10, 2020, the Court of Appeals affirmed the verdict of conviction. Bigcas sought a reconsideration[25] which the Court of Appeals disposed of through its Resolution[26] dated May 12, 2021, dismissing the appeal for lack of jurisdiction.

> **WHEREFORE**, premises considered, the appeal of accused-appellant Joel Pancho Bigcas from the Decision dated 15 Mach 2019 of the Regional Trial Court, Eleventh Judicial Region, Branch 10, Davao City, finding him guilty beyond reasonable doubt of violation of Section 3 (c) of RA No. 3019 in Criminal Case No. 80,872-15, is hereby DISMISSED for lack of jurisdiction.
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> **SO ORDERED.**[27] (Emphasis in the original)

In his motion for reconsideration,[28] Bigcas invoked the equity jurisdiction of the Court of Appeals, underscoring that both parties actively participated in the proceedings before it.[29] More, he argued that Republic Act No. 10660, amending Presidential Decree No. 1606 which created the Sandiganbayan and defined the scope of its jurisdiction, is inapplicable to the case.[30]

By Resolution[31] dated March 1, 2022, the Court of Appeals noted without action the motion for reconsideration filed by Bigcas. Subsequently, in its Resolution[32] dated October 11, 2022, the Court of Appeals directed the

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22 *Id.* at 44–45.

23 *Id.* at 46. Written by Atty. Rosemarie D. Anacan-Dizon.

24 *Id.* at 57. A copy of the Decision was not annexed to the petition but was referred to by the Court of Appeals in its Resolution dated May 12, 2021.

25 *Id.* at 56. A copy of this motion for reconsideration was not annexed to the petition but was referred to by the Court of Appeals in its Resolution dated May 12, 2021.

26 *Id.* at 55–58. The May 12, 2021 Resolution was penned by Associate Justice Lily Biton and concurred in by Associate Justices Oscar V. Badelles and Richard D. Mordeno, Former Twenty-Third Division, Court of Appeals, Cagayan de Oro City.

27 *Id.* at 58.

28 *Id.* at 60–62.

29 *Id.* at 60–61.

30 *Id.* at 61.

31 *Id.* at 63. Only a Notice from the Court of Appeals signed by Division Clerk of Court Atty. Joy Marie Badal-Pamisa was attached to the Petition for *Certiorari*.

32 *Id.* at 25. Only a Notice from the Court of Appeals signed by Division Clerk of Court Atty. Joy Marie Badal-Pamisa was attached to the Petition for *Certiorari*.

Division Clerk of Court to record the Entry of Judgment[33] since no appeal had been filed by Bigcas.

The Present Petition

Bigcas now seeks affirmative relief from the Court via Rule 65 of the Rules of Court and prays that the assailed dispositions of the Court of Appeals be nullified, and a new one be rendered, ordering the proper appellate court to decide his appeal on the merits.[34] He pleads for the Court's indulgence and the exercise of its equity jurisdiction due to the error of his counsel in filing the Notice of Appeal, which was allowed by the trial court, and the subsequent elevation of the case to the wrong appellate court.[35]

In its comment,[36] the Office of the Solicitor General countered that the Court of Appeals did not gravely abuse its discretion when it dismissed the appeal of Bigcas. It is the Sandiganbayan, and not the Court of Appeals, which has the exclusive authority to review convictions rendered by the trial court over offenses punishable under Republic Act No. 3019.[37]

Issues

First. Is the present Petition for *Certiorari* a proper remedy against the assailed dispositions of the Court of Appeals?

Second. Is there good reason to relax the rules in this case in order to serve the higher interest of justice?

Our Ruling

A special civil action for certiorari is a proper remedy against the assailed dispositions of the Court of Appeals

The proper remedy against the final orders, rulings, or decisions on appeal by the Court of Appeals is a petition for review on *certiorari* under Rule 45 of the Rules of Court.[38] But where the assailed dispositions of the Court of Appeals, as in this case, are challenged on ground of grave abuse of discretion amounting to lack or excess of jurisdiction, a petition for *certiorari*

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33 *Id.* at 26.
34 *Id.* at 18.
35 *Id.* at 17.
36 *Id.* at 68–78.
37 *Id.* at 77.
38 RULES OF COURT, Rule 45, sec. 1 states:
Section 1. *Filing of petition with Supreme Court.* — A party desiring to appeal by *certiorari* from a judgment or final order or resolution of the Court of Appeals, the Sandiganbayan, the Regional Trial Court or other courts whenever authorized by law, may file with the Supreme Court a verified petition for review on *certiorari*. The petition shall raise only questions of law which must be distinctly set forth. *See also Kumar v. People*, 874 Phil. 214 (2020) [Per J. Leonen, Third Division].

under Rule 65 is proper.[39] As shown, Bigcas imputes grave abuse of discretion amounting to lack or excess of jurisdiction against the Court of Appeals for not considering the peculiar circumstances of the case, which in the higher interest of justice, could have otherwise merited the referral of the case to the proper court.

The peculiar circumstances of the case warrant the relaxation of the rules

Foremost, the Court notes that Bigcas has demonstrated good faith and a consistent inclination to comply with the law on jurisdiction, albeit his lawyer, the trial court, and even the Court of Appeals itself, were shown, in one way or another, to have contributed to the state of confusion in this case. His Notice of Appeal was filed within the 15-day reglementary period, but his counsel erroneously indicated therein that the appeal would be taken to the Court of Appeals. Such error did not appear to be a dilatory tactic. It is settled that the designation of the wrong court per se does not necessarily invalidate the notice of appeal.[40] The error here was compounded when the clerk of court of the trial court failed to transmit the records to the proper appellate court. As held in *Ulep v. People*:[41]

> *The trial court, on the other hand, was duty bound to forward the records of the case to the proper forum, the Sandiganbayan.* It is unfortunate that the RTC judge concerned ordered the pertinent records to be forwarded to the wrong court, to the great prejudice of petitioner. Cases involving government employees with a salary grade lower than 27 are fairly common, albeit regrettably so. *The judge was expected to know and should have known the law and the rules of procedure. He should have known when appeals are to be taken to the CA and when they should be forwarded to the Sandiganbayan. He should have conscientiously and carefully observed this responsibility specially in cases such as this where a person's liberty was at stake.*[42] (Emphasis supplied)

In *Sideño v. People*,[43] the accused barangay chairman was convicted by the trial court on three counts of violation of Section 3(b) of Republic Act No. 3019. In his notice of appeal, the accused stated that the trial court's decision would be elevated to the Court of Appeals, who then directed him to file his

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39 RULES OF COURT, Rule 65, sec. 1 states:
Section 1. *Petition for certiorari.* -- When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess its or his jurisdiction, or with grave abuse of discretion amounting to lack or excess of jurisdiction, and there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law, a person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered annulling or modifying the proceedings of such tribunal, board or officer, and granting such incidental reliefs as law and justice may require.
See also Idul v. Alster International Shipping Services, Inc., 905 Phil. 203 (2021) [Per J. Hernando, Third Division].

40 *Sideño v. People*, 881 Phil. 405 (2020) [Per C.J. Peralta, First Division].

41 597 Phil. 580 (2009) [Per J. Corona, First Division].

42 *Id.* at 582.

43 881 Phil. 405 (2020) [Per C.J. Peralta, First Division].

appeal brief. Later, the Court of Appeals ordered the records of the case to be transferred to the Sandiganbayan, which dismissed the appeal outright for being improperly filed.[44] Citing *Ulep*, the Court therein held that the liberty of the accused should not be prejudiced by the blunders of his counsel and of the trial court that transmitted the records to the wrong appellate court. When required by equity and substantial justice, the Court may except a particular case from the strict operation of the rules of court. Thus, the Court reinstated the appeal of the accused to the Sandiganbayan.[45]

Also apropos is our ruling in *Cariaga v. People*.[46] The municipal treasurer, therein accused, was convicted by the trial court of malversation. He filed a notice of appeal stating that he intended to appeal the trial court's decision to the Court of Appeals. The Court of Appeals dismissed the appeal for lack of jurisdiction. The Court ruled that while the general rule is that the negligence of counsel binds the client, the Court has made exceptions to such rule, especially in criminal cases where the counsel's reckless or gross negligence could deprive the client of due process of law, when its application may result in the outright deprivation of the client's liberty or property, or where the interests of justice so require.[47]

Too, in *Arriola v. Sandiganbayan*,[48] the trial court convicted the accused of the crime of malversation of public property through negligence or abandonment. An appeal was filed before the Court of Appeals, which referred the same to the Sandiganbayan. The Sandiganbayan dismissed the case pursuant to Rule 50, Section 2 of the Rules of Court. The Court therein decreed that the ends of justice would be better served when cases are determined on their merits, not on mere technicality. In the interest of substantial justice, the Court did not apply the rules of procedure rigidly, and proceeded to resolve the case on the merits thereby affirming the conviction of accused Arriola and acquitting his co-accused, Radan, for insufficiency of evidence.

Here, it was the counsel of Bigcas who designated the wrong appellate court in the Notice of Appeal which was timely filed. This mistake could have been rectified by the trial court had it transmitted the records of the case to the Sandiganbayan in accordance with law. Without undermining the fault of Bigcas's counsel and that of the trial court, as well as the Court of Appeals, the Court is inclined, as it did in the aforementioned cases, to relax the rules of procedure in the interest of substantial justice here where the liberty of Bigcas is at risk and his conviction appears to be unjust. After all, it is the Court's primary duty to render or dispense justice. Case law also instructs that "[i]t is a more prudent course of action for the court to excuse a technical lapse and afford the parties a review of the case on appeal rather than dispose of the

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44 *Id.* at 413.
45 597 Phil. 580, 585 (2009) [Per J. Corona, First Division].
46 640 Phil. 272 (2010) [Per J. Carpio Morales, Third Division].
47 *Id.* at 279.
48 526 Phil. 822 (2006) [Per J. Ynares-Santiago, First Division].

case on technicality and cause a grave injustice to the parties, giving a false impression of speedy disposal of cases while actually resulting in more delay, if not miscarriage of justice."[49]

In any event, the Court notes that this case commenced more than 10 years ago and to this date still awaits to be resolved with finality. Hence, for purposes of expediency, judicial economy, and to forestall further delay in the disposition of the case, the Court deems it proper to resolve the case on the merits, instead of remanding it to the proper appellate court. Such was the course of action of the Court in *Mascariñas v. BPI Family Savings Bank*,[50] viz.:

> The case has pended since 2014 or for six (6) years now, albeit, it involves a simple, nay, uncomplicated issue. For purposes of economy and expediency and to prevent further delay in the disposition of the case, the Court deems it proper as well to resolve the case on the merits here and now, instead of tossing it back to the Court of Appeals. Ching v. Court of Appeals is relevant:
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> [T]he Supreme Court may, on certain exceptional instances, resolve the merit of a case on the basis of the records and other evidence before it, most especially when the resolution of these issues would best serve the ends of justice and promote the speedy disposition of cases.
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> Thus, considering the peculiar circumstances attendant in the instant case, this Court sees the cogency to exercise its plenary power:
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> *It is a rule of procedure for the Supreme Court to strive to settle the entire controversy in a single proceeding leaving no root or branch to bear the seeds of future litigation. No useful purpose will be served if a case or the determination of an issue in a case is remanded to the trial court only to have its decision raised again to the Court of Appeals and from there to the Supreme Court.*
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> *We have laid down the rule that the remand of the case or of an issue to the lower court for further reception of evidence is not necessary where the Court is in position to resolve the dispute based on the records before it and particularly where the ends of justice would not be subserved by the remand thereof.* Moreover, the Supreme Court is clothed with ample authority to review matters, even those not raised on appeal if it finds that their consideration is necessary in arriving at a just disposition of the case.
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> *On many occasions, the Court, in the public interest and for the expeditious administration of justice, has resolved actions on the merits instead of remanding them to the trial court for further proceedings, such as where the ends of justice would not be subserved by the remand of the case.*[51] (Emphases supplied, citations omitted)

Violation of Section 3(c) of Republic Act No. 3019 requires the following elements: (1) the offender is a public officer; (2) he or she has

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49 *Tamboa v. People*, 877 Phil. 1002, 1010 (2020) [Per J. Perlas-Bernabe, Second Division].
50 880 Phil. 76 (2020) [Per J. Lazaro-Javier, First Division].
51 *Id.* at 84.

secured or obtained, or would secure or obtain, for a person any government permit or license; (3) he or she directly or indirectly requested or received from said person any gift, present or other pecuniary or material benefit for himself/herself or for another; and (4) he or she requested or received the gift, present or other pecuniary or material benefit in consideration for help given or to be given.[52]

As for the *first* element, it undisputed that Bigcas was a public officer when he allegedly committed the crime.

The *second* element, however, is wanting in this case. Bigcas did not commit to secure or obtain Lorlene's earth moving permit. As stipulated by the parties, Bigcas took the floor and manifested that he could not approve the quarry application as he found it questionable. He even tried to persuade the barangay chairperson not to sign the prepared resolution because it had not gone through deliberations under his council. He had no ill-motive in doing so. Rather, he insisted on adherence to the established procedure which requires a favorable action from his council before the corresponding resolution therefor may be approved by the barangay chairperson and the kagawads.

Nonetheless, Bigcas agreed to assist Lorlene by checking on the status of her application, which he did. As attested to by the barangay secretary, during the March 6, 2012 barangay session, he presented the documents he obtained for Lorlene from the City Planning Office. These documents showed that Lorlene's request could not be granted because her land was within an agro-forestry non-tillage zone or watershed where quarrying is strictly prohibited. The barangay officers considered this information when they voted to deny the issuance of a resolution in favor of Lorlene.[53]

Going now to the *third* element, the same is also not present here. As stated, Bigcas volunteered to check on the status of Lorlene's application. He also admitted to Lorlene that he did not have fare money to go to City Hall. It was then that Lorlene offered to give him money for his expenses. Despite his refusal, Lorlene insisted that he accept it. To pacify her, they agreed to consider the PHP 200.00 as a loan. This was established not just by the testimony of Bigcas, but also by the testimonies of the prosecution's own witnesses: Lorlene, Amadeo, and Paelle. Lorlene and Amadeo testified that Bigcas tried to pay the loan to them, but they did not accept it because they claimed that he did not borrow anything from them. Paelle also said that she saw him pay back the money to Lorlene and her sons who nonetheless refused to receive it. While there appears to be some confusion as to the nature of the amount in question, it is clear from the multiple attempts of Bigcas to pay it back to Lorlene that insofar as he was concerned, the money was a loan. Further, as Lorlene herself admitted, she handed him the money because she

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52 *Lucman v. People*, 849 Phil. 768 (2019) [Per J. Perlas-Bernabe, Second Division].
53 *Rollo*, p. 31.

wanted to facilitate the early release of her request. Thus, the Court finds that Bigcas did not request or receive any gift, present, or other pecuniary or material benefit. As discussed, the loan he received from Lorlene was used to cover his fare in going to the City Planning Office where her application for an earth moving permit was pending and from where he secured certain documents showing that her application pertained to land located within the agro-forestry non-tillage zone or watershed where quarrying is strictly prohibited.

Finally, as for the *fourth* element, we emphasize anew that Bigcas did not request or receive any gift, present, or other pecuniary or material benefit. Paelle testified that Bigcas even presented a record of the expenses he incurred in checking the status of Lorlene's application for an earth moving permit with the Sangguniang Barangay. Records show that per his agreement with Lorlene, he used the money to cover the fare in going to City Hall to verify her application. It was impossible for him to render any further assistance to her relative to her application for an earth moving permit given the classification of the land where she wanted to do her quarrying activities.

In fine, there is no showing at all that Bigcas extended assistance to Lorlene for his own material interest. In fact, he was dutifully performing his task as chairperson of the Council of Environment and Natural Resources of the Sangguniang Barangay, ensuring they had all the accurate information and relevant documents before acting on Lorlene's application. His efforts led him to discover that the area subject of her application was in fact a watershed. It may have been improper for him to accept the PHP 200.00 from Lorlene to cover his fare going to City Hall to verify the status of her application, but the same definitely cannot equate to receiving a gift for his personal benefit or interest. It was used exactly for the purpose it was intended for.

As shown, it was Bigcas's initiative that led to the discovery that the area covered by Lorlene's application was a watershed, hence, no quarrying activities could be conducted thereon. This resulted in the denial of her application through no fault of Bigcas as it was certainly beyond his control. It was also due to his efforts that the members of the Sangguniang Barangay were promptly saved from incurring administrative and criminal liabilities as the barangay captain himself already pre-signed the resolution of approval which fortunately was timely rectified. But as it turned out, his sincere and laudable efforts even incurred the ire of Lorlene, who, out of spite, caused his prosecution for violation of Section 3(e) of Republic Act No. 3019. We cannot countenance this vengeful, nay, immoral scheme to put an innocent person behind bars.

In *Martel v. People*,[54] the Court held that violations of Republic Act No. 3019 in general must be grounded on graft and corruption–graft, in particular,

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[54] 895 Phil. 270 (2021) [Per J. Caguioa, *En Banc*].

pertains to the acquisition of gain in dishonest ways.[55] More, the Court has ruled that the irregular or anomalous act subject of the complaint under Republic Act No. 3019 "must not only be intimately connected with the discharge of the official functions of accused. It must also be accompanied by some benefit, material or otherwise, and it must have been deliberately committed for a dishonest and fraudulent purpose and in disregard of public trust."[56]

Here, it is clear that Bigcas did not act with dishonest or fraudulent purpose. There are no facts or circumstances on record from which this specific criminal intent may be inferred. On the contrary, he voluntarily provided a record of the expenses incurred in relation to Lorlene's application for earth moving permit. It would be the height of injustice to condemn and punish him with imprisonment for six years and one month up to seven years in the absence of any proof of his dishonest intentions.

ACCORDINGLY, the Petition for *Certiorari* is **GRANTED.** The Resolutions dated May 12, 2021, March 1, 2022, and October 11, 2022 of the Court of Appeals in CA-G.R. CR No. 01836-MIN are **REVERSED**. Joel Pancho Bigcas is **ACQUITTED** of violation of Section 3(c) of Republic Act No. 3019 in Criminal Case No. 80,872-15.

Let entry of judgment be issued immediately.

SO ORDERED."

AMY C. LAZARO-JAVIER
Associate Justice

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55 *Id.*

56 *People v. Pallasigue*, 908 Phil. 449, 483 (2021) [Per J. Carandang, First Division].

WE CONCUR:

MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

MARIO V. LOPEZ
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

ANTONIO T. KHO, JR.
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.

MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

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

ALEXANDER G. GESMUNDO
Chief Justice