



Republic of the Philippines
Supreme Court
 Manila

SECOND DIVISION

PEOPLE OF THE PHILIPPINES,
 Petitioner,

G.R. No. 197953

Present:

- versus -

CARPIO, J., *Chairperson,*
 BRION
 DEL CASTILLO,
 MENDOZA, and
 LEONEN, JJ.

**SANDIGANBAYAN (2nd Division),
 QUINTIN SALUDAGA y BORDEOS,
 ARTHUS ADRIATICO y ERUDA and
 ROMEO DE LUNA,**

Promulgated:

Respondents.

05 AUG 2015

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DECISION

BRION, J.:

The People of the Philippines (*the People*) filed this petition for *certiorari*¹ to annul and set aside the Sandiganbayan's resolution² dated June 21, 2011, granting Quintin B. Saludaga, Arthus E. Adriatico and Romeo De Luna's joint demurrer to evidence³ (*demurrer*) in Criminal Case No. 28261.

The Antecedents

On March 30, 2005, the Office of the Deputy Ombudsman (*Ombudsman*) for Visayas charged Mayor Quintin B. Saludaga (*Mayor Saludaga*) and Revenue Collection Clerk Arthus E. Adriatico (*Adriatico*) of Lavezares, Northern Samar, together with Romeo De Luna (*De Luna*), a

¹ *Rollo*, pp. 2-57. The petition is filed under Rule 65 of the 1997 Rules on Civil Procedure.

² *Id.* at 58-85. The resolution is penned by Justice Samuel R. Martires and concurred in by Justices Edilberto G. Sandoval and Teresita V. Diaz-Baldos of the Second Division.

³ *Id.* at 161-183.

private individual, for falsification of public documents penalized under Article 171 of the Revised Penal Code (*RPC*).⁴

The accused (*respondents*) pleaded not guilty.⁵

During the pre-trial, the parties submitted their joint stipulations, to wit:

JOINT STIPULATION OF FACTS

- 1.1 That at the time material to this case, as alleged in the information, accused Quintin Saludaga was a public officer being then a [sic] Municipal Mayor of the Municipality of Lavezares, Northern Samar, and Arthus Adriatico was then the Revenue Collection Clerk of the Office of the Municipal Treasurer of the abovementioned municipality.
- 1.2 That accused Romeo de Luna entered into a Pakyaw Contract with the Municipality of Lavezares, Northern Samar for the construction of 3 Units Shallow Well Hand pump on December 9, 1997 and the construction of 3 units Jetmatic Shallow Well Hand pump on December 17, 1997.
- 1.3 That from the time the Pakyaw Contract was entered into by the Municipality of Lavezares and accused Romeo de Luna and up to the completion of said project in 1997, private complainant Armando F. Chan was the Vice Mayor of the said Municipality.

STATEMENT OF THE ISSUE

- 2.1 Whether or not Accused Quintin B. Saludaga, Arthus E. Adriatico, and Romeo de Luna falsified the Official Receipt and the Mayor's Permit issued in favor of Romeo de Luna, the subject of the instant case.⁶

The prosecution alleged⁷ that sometime in **January 1999**, Adriatico issued Official Receipt No. 7921300-D (*subject OR*) **dated August 27, 1997**, to De Luna representing the latter's payment (₱200.00) for his mayor's permit⁸ to operate as a *pakyaw* contractor.⁹

Conniving with Adriatico and De Luna, Mayor Saludaga allegedly issued and signed the mayor's permit also sometime in **January 1999**.¹⁰ The mayor's permit allowed De Luna to engage in business as a *pakyaw* contractor for the period **August 27, 1997 to December 30, 1997**.

⁴ Id. at 86-89. The Information dated March 30, 2005 was signed by Assistant Special Prosecutor Wendel E. Barreras-Sulit.

⁵ Id. at 60.

⁶ Id. at 11-12, 61.

⁷ *Supra* note 4.

⁸ *Rollo*, p. 121.

⁹ *Supra* note 1 at 9-10, *rollo*, pp. 130-134.

¹⁰ Id.

The prosecution averred that Mayor Saludaga antedated the mayor's permit to confer on De Luna the status of a *bona fide pakyaw* contractor when the contracts were executed on **December 9 and 17, 1997**. Both Mayor Saludaga and Adriatico purportedly knew that De Luna was not a licensed *pakyaw* contractor when they issued the mayor's permit and the subject OR.

The prosecution further claimed that the provincial treasurer only issued the Official Receipt Booklet containing the subject OR to the municipality in **October 1998**, and thus, it could not have been used as an official receipt for a transaction completed in 1997.

Ultimately, the prosecution submitted that the respondents connived, confederated with, and mutually helped one another in falsifying the subject OR and the mayor's permit to make it appear that De Luna was a *bona fide pakyaw* contractor.¹¹

The prosecution presented the following witnesses during trial:

Armando F. Chan¹² (*Vice Mayor*) – Chan took the stand to prove that the respondents conspired with each other in falsifying the mayor's permit and the subject OR. He testified that as the presiding officer of the *Sangguniang Bayan*, he received from the Commission on Audit (COA) a copy of the COA Audit Report for the calendar year 1998. The report found that the municipality failed to conduct public bidding for several projects, which included the *pakyaw* contracts entered into by De Luna and the municipality. As a consequence, a committee was formed to investigate the alleged irregularities. The committee later found that irregularities had indeed been committed. Thus, a complaint for violation of the *anti-Graft and Corrupt Practices Act* (Republic Act No. 3019) was filed against Mayor Saludaga, De Luna, and a certain SPO2 Negro.

In this regard, Chan testified that while the subject OR was issued only in 1999, it was dated August 27, 1997, to make it appear that De Luna was a licensed contractor and to give a semblance of legality to the award of the contracts. Finally, he claimed that Mayor Saludaga used as evidence the falsified subject OR and the mayor's permit in the graft case filed against him.

Bonifacio M. So¹³ (*Provincial Treasurer*) – So testified that he was the custodian of the booklet which contained the subject OR and that he issued the said booklet to the municipality only in October 1998.

Jose Y. Lim¹⁴ (*Municipal Treasurer*) – Lim testified that the booklet containing the subject OR was issued to the municipality only in October

¹¹ *Rollo*, pp. 9-10.

¹² *Id.* at 62-63.

¹³ *Id.* at 64.

¹⁴ *Id.* at 65-65.

1998. He also claimed that De Luna was not a contractor but an employee of the municipality hired by Mayor Saludaga.

Carlos G. Fornelos (*COA Auditor*) – Fornelos testified that he received a letter from the municipal treasurer requesting a duplicate copy of the subject OR and that despite best efforts, he could not locate the same.

The prosecution then rested its case and submitted its formal offer of evidence¹⁵ which the Sandiganbayan admitted.¹⁶

The respondents filed a joint motion for leave to file a demurrer to evidence on December 2, 2008. The Sandiganbayan granted the said motion; thus, on May 15, 2006, the respondents filed the demurrer.

In praying for the dismissal of the criminal case for insufficiency of evidence, the respondents argued that the prosecution failed to prove conspiracy. Conspiracy, the respondents asserted, cannot be presumed; it must be proved by positive and conclusive evidence and shown to exist as clearly and convincingly as the commission of the offense itself.

The respondents further argued that even implied conspiracy was not proved because, while conspiracy need not be established by direct evidence (for it may be inferred from the conduct of the accused before, during, and after the commission of the crime), it still cannot be based on mere conjectures but must be established as fact.

Since conspiracy was not shown to exist, the respondents urged the Sandiganbayan to evaluate the prosecution's evidence *vis-à-vis* their individual participation in the crime alleged to have been committed. They denied their personal liability as follows:

*Mayor Saludaga's Defense*¹⁷

Mayor Saludaga maintained that the prosecution failed to prove he had a hand in the preparation and issuance of the subject OR; nor did he personally make the entries in the mayor's permit. He insisted that all that could be inferred from the face of the mayor's permit was that he signed it. In the absence of evidence that he knew the mayor's permit to be spurious, Mayor Saludaga claimed that he could not be held guilty of knowingly making untruthful statements in a narration of facts.

To support this theory, Mayor Saludaga invoked the case of *Magsuci v. Sandiganbayan*¹⁸ which supposedly held that when the infraction consists in the reliance in good faith, albeit misplaced, by a head of office on a

¹⁵ Id. at 90-98.

¹⁶ Id. at 73.

¹⁷ *Supra* note 3, at 168-171.

¹⁸ 310 Phil. 14 (1995)

subordinate upon whom the primary responsibility rests, absent a clear case of conspiracy, the *Arias doctrine*¹⁹ must be upheld.

The *Arias doctrine* held that all heads of offices have to rely to a reasonable extent on their subordinates and on the good faith of those who prepare bids, purchase supplies, or enter into negotiations. There has to be some added reason why the head of office should examine each of the documents he is supposed to sign.

*Adriatico's Defense*²⁰

Adriatico argued that the prosecution failed to show that he signed or executed the subject OR. He noted that even the prosecution's witness admitted that it was the name of a certain A.L. Moncada, described in the subject OR as the Collecting Officer, that appeared on the subject OR; and that neither Adriatico's nor any of his co-respondents' names or signatures appeared thereon.

Adriatico also argued that assuming he executed the subject OR, the prosecution failed to show that he willingly and knowingly made an untruthful statement in the narration of facts; that the OR was dated August 27, 1997, and that it was received by the municipality only in 1998, do not exclude each other. Adriatico insisted that he did not necessarily make an untruthful statement of facts when he antedated the subject OR there being the truth that the payment received was for a past transaction.

*De Luna's Defense*²¹

De Luna argued that the prosecution failed to prove he was not a *bona fide pakyaw* contractor. He alleged that the falsified documents neither affirmed nor contradicted his legal status as a *bona fide pakyaw* contractor. He reasoned that with or without the subject OR and the mayor's permit, he was either a *bona fide pakyaw* contractor or not.

Moreover, De Luna emphasized that he did not sign nor execute the subject OR and the mayor's permit and that any alleged falsification could not be attributed to him for failure of the prosecution to prove conspiracy.

The Sandiganbayan Ruling²²

The Sandiganbayan granted the demurrer. It held that in criminal prosecutions for offenses under the RPC, the prosecution must prove beyond reasonable doubt that the accused had criminal intent to commit the offense charged.²³

¹⁹ *Arias v. Sandiganbayan*, 259 Phil. 794, 801 (1989).

²⁰ *Supra* note 3, at 172-176.

²¹ *Id.* at 177-180.

²² *Supra* note 2.

²³ Citing the case of *Beradico v. Court of Appeals*, 191 Phil. 153 (1981).

In this regard, the prosecution failed to prove some of the elements of falsification of documents under Article 171 (4) of the RPC, namely: (1) the offender is a public officer, employee, or notary public; (2) the offender takes advantage of his official position; and (3) the offender falsifies a document by making untruthful statements in a narration of facts. In particular, the Sandiganbayan found that the prosecution failed to prove the second and third elements. The graft court resolved to grant the demurrer as follows:

First, the Sandiganbayan was not persuaded by the prosecutions' evidence that Mayor Saludaga had a hand in the preparation and issuance of the subject OR. Thus, he could not have taken advantage of his position as Mayor and knowingly made untruthful narration of facts.

Second, the Sandiganbayan is unconvinced that the subject OR was falsified despite Adriatico's admission that he antedated it upon De Luna's request. It held that although Adriatico prepared and issued the subject OR, he did not make untruthful statements in a narration of facts; because the statements were not altogether false since there was some recognizable truth in these.

Thus, the Sandiganbayan took the view that Adriatico did not necessarily make an untruthful statement as to the date since it was a fact that the payment received was for a previous transaction.

The Sandiganbayan also found that Adriatico acted in good faith when he issued the subject OR for the payment of a past transaction in his belief that the municipality would derive additional revenue therefrom.

Finally, the Sandiganbayan ruled that the prosecution failed to prove that De Luna was not a *bona fide pakyaw* contractor from August 27 to December 30, 1997, or during the time the questioned *pakyaw* contracts were awarded. The graft court gave no weight to the prosecution's evidence, *i.e.*, the Time Book and Payroll covering the period September 15 to September 30, 1997, which purportedly proved that De Luna was a hired municipal laborer and not a *pakyaw* contractor.

The dispositive portion of the Sandiganbayan resolution reads:

WHEREFORE, the Joint Demurrer to Evidence filed by the accused, Saludaga, Adriatico and De Luna, is hereby **GRANTED**. Accordingly, Criminal Case No. 28261 is hereby ordered **DISMISSED**.

The Petition

The People impute grave abuse of discretion amounting to lack or excess of jurisdiction on the part of the Sandiganbayan when it granted the demurrer. The People disagree that the prosecution failed to establish the respondents' guilt with moral certainty. Specifically, the People refute the

Sandiganbayan's conclusion that the prosecution failed to prove certain elements of the falsification charged.

With respect to the element **that the offenders must have taken advantage of their official position**, the People emphasized Adriatico's own admission²⁴ that he antedated the subject OR upon De Luna's request, a fact that the latter confirmed.²⁵

Such act, according to the People, already constitutes falsification of a public document and thereby untruthful.

The People cite the case of *Relucio v. Civil Service Commission*,²⁶ which laid down the elements of falsification of public documents, to wit: (i) the offender makes in a document untruthful statements in a narration of facts; (ii) the offender has a legal obligation to disclose the truth of the facts narrated; (iii) the facts narrated by the offender are absolutely false; and (iv) the perversions of truth in the narration of facts was made with the wrongful intent to injure a third person.

As regards the element **that the offender must have falsified a document by making untruthful statements in a narration of facts**, the People dispute the Sandiganbayan's reasoning that the narration of facts be absolutely false to constitute falsification.

The People argue that the Sandiganbayan erred when it held that there can be no conviction of falsification of public document if the acts of the accused are consistent with good faith.²⁷ Good faith does not apply in this case because Adriatico was not confronted with a difficult question of law and he should have known better that it was illegal to issue an antedated receipt.

Further, the People posit that Mayor Saludaga cannot invoke the Arias doctrine, maintaining that Mayor Saludaga may be deemed a knowing participant in the conspiracy when he affixed his signature despite the patent irregularities thereon.²⁸

In fine, the People insist that Mayor Saludaga and Adriatico took advantage of their positions in falsifying the subject OR and mayor's permit; that the falsifications were intended to evade their prosecution under the *Anti-Corrupt and Practices Act*; and that the respondents' acts were so concerted it may be inferred that Mayor Saludaga, together with his subordinate Adriatico and dummy De Luna, conspired to commit the crime.

²⁴ *Rollo*, pp. 133-134.

²⁵ *Id.* at 130-132.

²⁶ 440 Phil. 981 (2002).

²⁷ Citing *Lecaroz v. Sandiganbayan* 364 Phil. 890 (1999).

²⁸ Citing *Alvizio v. Sandiganbayan* 454 Phil. 34 (2003).

The Respondents' Case²⁹

The respondents reiterate their arguments to support the demurrer. In summary, they argue that the People failed to: (1) prove conspiracy, (2) show that Mayor Saludaga took advantage of his official position to cause the falsification of the subject OR and the mayor's permit, (3) show that Adriatico executed the subject OR, (4) adduce evidence that antedating the subject OR is prohibited by law, (5) submit evidence that De Luna was not a *bona fide pakyaw* contractor, and (6) prove that De Luna had any hand in the execution of the subject OR and mayor's permit.

The respondents further argue that in a petition for *certiorari*, the Court does not reexamine the trial or appellate court's appreciation of facts unless the evidence on record does not support their findings or the judgment is based on misappreciation of facts; and that the jurisdiction of the Court in a petition for *certiorari* does not include a correction of the Sandiganbayan's evaluation of the prosecution's evidence but is confined to the issue of grave abuse of discretion.

Issue

The sole issue before the Court is whether the Sandiganbayan gravely abused its discretion when it granted the respondents' demurrer.

Our Ruling

We dismiss the petition.

We stress at the outset that the People assail the Sandiganbayan's grant of demurrer through *certiorari* under Rule 65 of the Rules of Civil Procedure. To put our discussions in proper perspective, a review of the nature and purpose of a petition for *certiorari* is in order.

Section 1 of Rule 65 reads:

Section 1. *Petition for certiorari* - When any tribunal, board or officer exercising judicial or quasi-judicial functions has acted without or in excess of [its or his] jurisdiction, or with **grave abuse of discretion amounting to lack or excess of its or his 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. x x x. [Emphasis supplied.]

A petition for *certiorari* is intended to correct errors of jurisdiction only or grave abuse of discretion amounting to lack or excess of

²⁹ Rollo, pp. 195-222.

jurisdiction. Its principal office is to keep the inferior court within the parameters of its jurisdiction or to prevent it from committing grave abuse of discretion amounting to lack or excess of jurisdiction.³⁰

Further, mere abuse of discretion is not enough; the abuse must be grave. Jurisprudence defines “grave abuse of discretion” as the capricious and whimsical exercise of judgment so patent and gross as to amount to an evasion of a positive duty or a virtual refusal to perform a duty enjoined by law, as where the power is exercised in an arbitrary and despotic manner because of passion or hostility.³¹

The office of demurrer and the effect of its grant

Section 23, Rule 119 of the Revised Rules of Criminal Procedure provides:

Sec. 23. *Demurrer to evidence.* - After the prosecution rests its case, the court may dismiss the case on the ground of insufficiency of evidence: (1) on its own initiative after giving the prosecution an opportunity to be heard; or (2) on motion of the accused with prior leave of court.

A demurrer to evidence is an objection by one of the parties in an action to the effect that the evidence which his adversary produced is insufficient in point of law to make out a case or sustain the issue.³² The party filing the demurrer challenges the sufficiency of the prosecution’s evidence. The Court’s task is to ascertain if there is competent or sufficient evidence to establish a prima facie case to sustain the indictment or support a verdict of guilt.³³

In criminal cases, the grant of a demurrer amounts to an acquittal, and the dismissal order may not be appealed as this would place the accused in double jeopardy.³⁴ Although the dismissal order is not subject to appeal, it may be reviewed through *certiorari* under Rule 65.³⁵

For the writ to issue, the trial court must be shown to have acted with grave abuse of discretion amounting to lack or excess of jurisdiction such as where the prosecution was denied the opportunity to present its case or where the trial was a sham thus rendering the assailed judgment void.³⁶

³⁰ *Tagle v. Equitable PCI Bank*, G.R. No. 172299, 575 Phil. 384 (2008), citing *People v. Court of Appeals*, 468 Phil. 1, 10 (2004).

³¹ *Jimenez v. People*, G.R. No. 209195, September 17, 2014 citing *Tan v. Spouses Antazo*, 644 SCRA 337, 342 (2011).

³² *Nicolas v. Sandiganbayan*, 568 Phil. 297 (2008).

³³ *Id.*

³⁴ *People v. Sandiganbayan*, 661 Phil. 350 (2011), citing *Dayap v. Sendiong*, G.R. No. 177960, January 29, 2009, 577 SCRA 134, 147.

³⁵ *Id.*

³⁶ *Id.*, citing *Sanvicente v. People*, 441 Phil. 139, 147-148 (2002).

The **burden is on the petitioner** to clearly demonstrate that the trial court blatantly abused its authority to a point so grave as to deprive it of its very power to dispense justice.³⁷

The People failed to overcome this burden.

Falsification and Conspiracy

In brief, the respondents allegedly committed falsification under paragraph 4, Article 171 of the RPC, and that they connived, confederated with, and mutually helped one another in committing the said crime.

Article 171, paragraph 4 of the RPC 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 X.

Reduced to its elements, a violation under this provision requires that:

- (1) The offender makes in a public document untruthful statements in a narration of facts;
- (2) He has a legal obligation to disclose the truth of the facts narrated by him; and
- (3) The facts narrated by him are absolutely false.³⁸

The prosecution must likewise prove that the public officer or employee had taken advantage of his official position in making the falsification. 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.³⁹

Moreover, in falsification of public or official documents, it is not necessary that there be present the idea of gain or the intent to injure a third person because in the falsification of a public document, what is punished is

³⁷ Id.

³⁸ *Galeos v. People*, G.R. Nos. 174730-37, February 09, 2011, 642 SCRA 485, 505-506, citing *Fullero v. People*, G.R. No. 170583, September 12, 2007, 533 SCRA 97, 114.

³⁹ Id., citing Luis B. Reyes, *The Revised Penal Code, Criminal Law* (14th Edition, Revised 1998), BOOK TWO, ARTS. 114-367, p. 216, *People v. Uy*, 101 Phil. 159, 163 (1957) and *United States v. Inosanto*, 20 Phil. 376, 378 (1911); *Adaza v. Sandiganbayan*, G.R. No. 154886, July 28, 2005, 464 SCRA 460, 478-479.

the violation of the public faith and the destruction of the truth as therein solemnly proclaimed.⁴⁰

Conspiracy

A conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it; it may be alleged as a mode of committing a crime or as constitutive of the crime itself.⁴¹ It need not be shown by direct proof of an agreement of the parties to commit the crime⁴² as it can be inferred from the acts of the accused which **clearly manifest a concurrence of wills, a common intent or design to commit a crime.**⁴³

More significant, conspiracy as a basis for conviction must rest on **nothing less than a moral certainty.** While conspiracy need not be established by direct evidence, it is, nonetheless, required to be proved by clear and convincing evidence by showing a series of acts done by each of the accused in concert and in pursuance of a common unlawful purpose.⁴⁴

Guided by the foregoing principles, we hold that the Sandiganbayan did not gravely abuse its discretion when it granted the respondents' demurrer.

The People's evidence vis-à-vis the Sandiganbayan's findings

The People submit that the Sandiganbayan exercised its judicial functions in arbitrary and despotic manner because it completely disregarded the prosecution's evidence and ignored settled jurisprudence.⁴⁵

We disagree with this contention.

A scrutiny of the assailed resolution shows that the Sandiganbayan thoroughly passed upon the prosecution's testimonial and documentary pieces of evidence. Finding them insufficient to support the charge *vis-à-vis* the elements of the crime, the graft court granted the demurrer and dismissed the criminal case.

In a nutshell, the Sandiganbayan dismissed the case because the prosecution failed to prove some elements of the crime, namely: (i) that the

⁴⁰ Id., citing *Regidor, Jr. v. People*, G.R. Nos. 166086-92, February 13, 2009, 579 SCRA 244, 263, *Lastrilla v. Granda*, G.R. No. 160257, January 31, 2006, 481 SCRA 324, 345, *Lumancas v. Intas*, G.R. No. 133472, December 5, 2000, 347 SCRA 22, 33-34, further citing *People v. Po Giok To*, 96 Phil. 913, 918 (1955).

⁴¹ *Francisco v. People*, 610 Phil. 342 (2009).

⁴² *Supra* note 33, citing *People v. Herida*, G.R. No. 127158, March 5, 2001, 353 SCRA 650, 659.

⁴³ Id., citing *People v. Herida*, G.R. No. 127158, March 5, 2001, 353 SCRA 650, 659.

⁴⁴ *Supra* note 36.

⁴⁵ See Petition, *rollo*, pp. 5 and 27.

offenders take advantage of their official positions and (ii) that they falsify a document by making untruthful statements in a narration of facts.

The Sandiganbayan justified its grant of the demurrer as follows:

First, the Sandiganbayan was not convinced that Mayor Saludaga took advantage of his official position to falsify the subject OR. It held that the prosecution's evidence failed to establish that he was in any way involved in the execution and issuance of the subject OR.

Although Mayor Saludaga signed the mayor's permit, the Sandiganbayan ruled that it is the issuance of the subject OR to support the mayor's permit which is crucial in determining his culpability for the crime charged against him. As it was not shown that Mayor Saludaga had any involvement in its issuance, he could not have taken advantage of his position as Mayor and knowingly made untruthful narration of facts in the said document.

Second, the Sandiganbayan was not persuaded that the subject OR was in fact falsified.

While Adriatico admitted that he issued the subject OR and that he antedated it to August 27, 1997, the Sandiganbayan held that such act does not constitute falsification. It held that if the statements are not altogether false, there being some colorable truth in them, the crime of falsification is deemed not to have been committed. Adriatico did not necessarily make an untruthful statement of fact as to the date, there being truth that the payment received was for a past transaction.

Finally, the Sandiganbayan held that the prosecution failed to prove that De Luna was not a *bona fide pakyaw* contractor when the contracts were executed in December 1997. The graft court did not give credence to the prosecution's evidence (i.e., Time Book and Payroll for the period September 15 to September 30, 1997) that De Luna was a mere laborer employed by the municipality. It also dismissed the insinuations made by the prosecution's witnesses Chan and Lim that De Luna was not a qualified contractor, holding that they were mere insinuations and nothing more.

To our mind, the foregoing disquisitions sufficiently counter the People's claim that the Sandiganbayan completely ignored the prosecution's evidence and that it disregarded settled jurisprudence.

On the contrary, we find that the Sandiganbayan, by examining the prosecution's evidence *vis-à-vis* the elements of the crime, adequately laid the basis in resolving to grant the demurrer. We do not see how this method of arriving at a decision or resolution can be deemed a grave abuse of discretion. Simply put, we are not convinced that the Sandiganbayan acted in a capricious, arbitrary, and whimsical manner when it granted the respondents' demurrer.

This is not to say that the Sandiganbayan correctly applied the law to the facts of the case. Our finding is limited to the issue of grave abuse of discretion; we do not rule on the legal soundness of the Sandiganbayan resolution.

To reiterate, *certiorari* shall lie only when the respondent court gravely abuses its discretion such as when it blatantly ignores facts or denies a party due process. Certiorari does not correct errors of judgment.

Thus, even if the Sandiganbayan erred in weighing the sufficiency of the prosecution's evidence, such error does not necessarily amount to grave abuse of discretion.⁴⁶ **It is merely an error of judgment which may no longer be appealed because it would place the respondents in double jeopardy.**

In the case of *People v. Sandiganbayan*,⁴⁷ we found the Sandiganbayan to have erred in applying certain provisions of the *Government Auditing Code of the Philippines* when it granted the accused's demurrer to evidence. Nonetheless, we held that even if the Sandiganbayan proceeded from an erroneous interpretation of the law, the error committed was an error of judgment and not of jurisdiction.

We found therein that the People failed to establish that the dismissal order was tainted with grave abuse of discretion. In fine, we held that the error committed by the Sandiganbayan is of such a nature that could no longer be rectified on appeal by the prosecution because it would place the accused in double jeopardy.

In another case, after the prosecution had presented its evidence and rested its case, the accused filed a motion to dismiss for insufficiency of evidence. The trial court granted the motion and dismissed the case. On appeal by the prosecution to this Court, we were of the view that the dismissal order was erroneous and resulted in a miscarriage of justice. However, we ruled that such error could not be corrected because double jeopardy had already set in.⁴⁸

In sum, although the Sandiganbayan, **in the absence of grave abuse of discretion**, may have erred in dismissing the criminal case, such error may no longer be annulled or set aside because it would place the respondents in double jeopardy.

At any rate, even if we go beyond the function of *certiorari* and dissect the prosecution's theory that the respondents conspired to commit the crime, we still sustain the Sandiganbayan.

⁴⁶ *Supra* note 30.

⁴⁷ *Supra* note 31.

⁴⁸ *People v. City Court of Silay*, 165 Phil. 847 (1976), cited in *People v. Sandiganbayan*, *supra* note 31.

Three acts are undisputed: (1) Adriatico issued the antedated subject OR in 1999, (2) De Luna requested Adriatico to antedate the OR, and (3) Mayor Saludaga signed in 1999 the mayor's permit which allowed De Luna to engage as *pakyaw* contractor for the period August 27 -December 30, 1997.

As a rule, conspiracy may be inferred from the acts of the accused. However, it is required that said acts must clearly manifest a concurrence of wills, a common intent or design to commit a crime.

The concurrence of will and common intent or design to commit a crime is not clearly manifest in the present case. The charge of conspiracy simply does not hold water.

No convincing evidence was presented to show how the respondents conspired to commit the crime. We find no credible proof that links or gives unifying purpose to the respondents' individual acts. Without such proof, we cannot conclude with moral certainty that they conspired, connived, and mutually helped one another to commit the crime. These acts, on their own and nothing more, do not support the allegation of conspiracy.

As a final point, we note the People's suggestion that the Sandiganbayan, in granting the demurrer, tried to exculpate Mayor Saludaga and thereby abetted the freeing of a corrupt public official.⁴⁹ While we recognize the prosecutors' efforts in bringing unscrupulous public officials to justice, we find these comments unwarranted and unfair to the Sandiganbayan. Besides, unfounded accusations such as these have no place in a pleading.

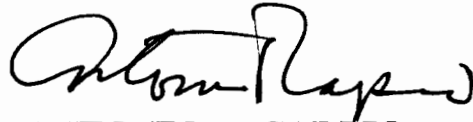
WHEREFORE, in the light of these findings and legal premises, we find no grave abuse of discretion in the June 21, 2011 Sandiganbayan resolution granting the respondents' joint demurrer to evidence in Criminal Case No. 28261 and therefore, accordingly, **DISMISS** the petition.

SO ORDERED.


ARTURO D. BRION
Associate Justice

⁴⁹ See Petition, *rollo*, p. 27, par. 33 and p. 43, par. 53.

WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



MARIANO C. DEL CASTILLO
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



MARVIC M.V.F. LEONEN
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.



ANTONIO T. CARPIO
Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Section 13, Article VIII 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.



MARIA LOURDES P. A. SERENO
Chief Justice