Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

PEOPLE OF THE PHILIPPINES
Plaintiff-Appellee,

- versus -

DIOSDADO G. PALLASIGUE,
Accused-Appellant.

G.R. Nos. 248653-54

Present:

GESMUNDO, *C.J.*,
Chairperson,
CAGUIOA,
CARANDANG,
ZALAMEDA, and
GAERLAN, *JJ.*

Promulgated:

JUL 14 2021

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DECISION

CARANDANG, *J.*:

This is an appeal[1] from the Decision[2] dated April 12, 2019 and Resolution[3] dated July 19, 2019 of the Sandiganbayan in SB-16-CRM-0332 and SB-16-CRM-0333 finding accused-appellant Diosdado G. Pallasigue (Pallasigue) guilty beyond reasonable doubt of the following criminal offenses: (1) violation of Section 3(e) of Republic Act (R.A.) No. 3019 in SB-16-CRM-0332; and (2) violation of Section 3(f) of R.A. No. 3019 in SB-16-CRM-0333.

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1 *Rollo*, p. 43.

2 Penned by Associate Justice Maryann E. Corpus-Manalac, with the concurrence of Associate Justices Rafael R. Lagos and Maria Theresa V. Mendoza-Arcega; id. at 4-29.

3 Penned by Associate Justice Maryann E. Corpus-Manalac, with the concurrence of Associate Justices Rafael R. Lagos and Maria Theresa V. Mendoza-Arcega; id. at 30-42.

Antecedents

On September 14, 2007, Pallasigue issued a memorandum[4] reassigning Engr. Elias S. Segura, Jr. to the Office of the Municipal Mayor to conduct a feasibility study on the re-establishment of the Municipal Economic Enterprise and Development Office (MEEDO), and relieving him of his functions as Municipal Planning Development Coordinator (MPDC). He was instructed to report to an office located at the Municipal Integrated Public Terminal, 1.5 kilometers away from the municipal hall. Segura claimed that he complied with the directive, only to find that the office lacks the necessary equipment (*e.g.*, tables, chairs, supplies) and personnel.[5] Segura further averred that Pallasigue designated a certain Freddie G. Tiosing (Tiosing) as Acting MPDC.[6] Thus, he appealed his reassignment to the Civil Service Commission Regional Office (CSCRO) No. XII.[7]

On February 26, 2008, the CSCRO No. XII issued its Decision,[8] the dispositive portion of which states:

> **WHEREFORE,** the instant appeal of Engr. Elias S. Segura, Jr. from the reassignment made by Mayor Pallasigue is hereby **GRANTED.** Mayor Pallasigue is directed to recall Segura's reassignment and to restore him to his position as Municipal Planning Development Coordinator at the Municipal Planning and Development Office of Isulan, Sultan Kudarat.
>
> **SO ORDERED.**[9] (Emphasis in the original)

In ordering the recall of Segura's reassignment, the CSCRO No. XII explained that Segura's position is that of a chief of office of the Municipal Planning Development Office (MPDO). To reassign him from being chief of the MPDO to the Office of the Municipal Mayor, and in effect relieving him of his supervisory functions is technically a demotion in Segura's rank and status. It was considered a violation of the Rules on Reassignment.[10] Hence, Pallasigue appealed to the Civil Service Commission (CSC).

Meanwhile, on September 22, 2008, Pallasigue issued Executive Order (E.O.) No. 23 Series of 2008 ordering that Segura be dropped from the rolls effective immediately for incurring more than 30 days of absence without official leave (AWOL) from July 31, 2008 up to the date of the order.[11] Segura appealed the order of Pallasigue dropping him from the rolls with the CSCRO No. XII.

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4 Id. at 96.
5 SB records (Vol. 1), p. 19.
6 *Rollo*, p. 98.
7 SB records (Vol.1), p. 20.
8 Penned by Director IV Grace R. Belgado-Saqueton; id at 97-104.
9 Id. at 104.
10 Id. at 103.
11 Id. at 115.

In Resolution No. 090501[12] dated March 31, 2009, the CSC dismissed the appeal of Pallasigue with respect to the reassignment and affirmed the Decision of the CSCRO No. XII.[13] The CSC held that Segura's reassignment is a diminution in his rank, status, and salary, and violates the Rules on Reassignment under CSC Memorandum Circular No. 02, s. 2005. The CSC stressed that the Rules on Reassignment permit heads of agencies to reassign employees with station-specific appointment for a maximum period of one year and it is incumbent upon him to sufficiently show that the one-year reassignment is for the best interest of the service. Otherwise, the reassignment would be deemed whimsical as the policy is merely used as a tool for political harassment and oppression.[14] dire

Subsequently, on April 23, 2009, the CSCRO No. XII rendered its Decision[15] on the appeal of Segura assailing the order dropping him from the rolls, the dispositive portion of which states:

> **WHEREFORE,** the appeal of Engr. Elias S. Segura, Jr. from the Order of Mayor Pallasigue dropping him from the rolls is hereby **GRANTED.** The immediate reinstatement of Segura to his position as Municipal Planning and Development Coordination of Isulan, Sultan Kudarat is hereby ordered.
>
> **SO ORDERED.**[16] (Emphasis in the original)

The CSCRO No. XII gave credence to the accomplished and submitted Daily Time Record (DTR) of Segura in August 2008, belying the claim that he did not report to work without authority for more than 30 days. The CSCRO No. XII also highlighted that Tiosing even attested to the fact that Segura reported for work in August 2008 and received his corresponding salary based on the payroll report.[17] In a Decision[18] dated November 3, 2009, the CSCRO No. XII denied the Motion for Reconsideration of Pallasigue.[19]

In Resolution No. 1000470[20] dated December 7, 2010, the CSC denied the Motion for Reconsideration of Pallasigue assailing Resolution No. 090501 which invalidated his reassignment order.[21]

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12 Penned by Chairman Ricardo L. Saludo, with Commissioners Mary Ann Z. Fernandez-Mendoza, concurring, and Cesar D. Buenaflor, dissenting; id. at 106-115.
13 Id. at 115.
14 Id. at 114.
15 Penned by Director IV Grace R. Belgado-Saqueton; id. at 122-133.
16 Id. at 133.
17 Id.
18 Penned by Director IV Grace R. Belgado-Saqueton; id. at 134-136.
19 Id. at 136.
20 Penned by Commissioner Mary Ann Z. Fernandez-Mendoza, with the concurrence of Chairman Francisco T. Duque III; id. at 116-120.
21 Id. at 120.

On May 4, 2012, the CSC issued Resolution No. 1200703[22] denying the Motion for Reconsideration of Pallasigue assailing the CSC decision that invalidated his order dropping Segura from the rolls.[23]

Subsequently, Segura filed a Motion for Joint Execution[24] praying for the implementation of Resolution Nos. 1000470 and 1200703.

Pallasigue filed consolidated petitions for review under Rule 43 with prayer for the issuance of temporary restraining order (TRO) and injunction docketed as CA-G.R. SP Nos. 03988-MIN and 04933-MIN assailing the decisions and resolutions of the CSC invalidating the re-assignment order and the order dropping Segura from the rolls.[25]

On March 27, 2014, the CA issued its Decision[26] dismissing the consolidated petitions and affirming the order to immediately reinstate Segura to his position as MPDC.[27]

On June 18, 2014, Segura filed an Affidavit-Complaint[28] against Pallasigue before the Office of the Ombudsman- Mindanao (OMB-MIN) for violation of Section 3(e) and (f) of R.A. No. 3019. Segura alleged that he was reassigned and thereafter deprived of his Representation and Travel Allowance (RATA) and eventually dropped from the roll of employees by Pallasigue. He averred that Pallasigue refused to reinstate him despite rulings of the CSC and the CA nullifying his orders reassigning and dropping him from the rolls. He prayed that Pallasigue be directed to reinstate him to his position as MPDC, and that he be compensated his salaries, allowances, and benefits.[29]

In his Counter-Affidavit,[30] Pallasigue insisted that he believed in good faith that the CSC's Resolutions, though immediately executory under Section 119, Rule 24 of the Revised Rules on Administrative Cases in the Civil Service (RRACCS), still requires a motion and a writ of execution for its due execution. He explained that this belief stemmed from his application of Section 2, Rule 39 of the Rules of Court which purportedly permitted discretionary execution of appealed judgments. Pallasigue pointed out that there is no provision in the RRACCS stating that the requisite motion and writ of execution need not be secured. He also highlighted that even Segura recognized the need for a writ of execution when he filed before the CSC a Motion for Joint Execution.[31] Thus, he maintained that the there is a need for

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22 Penned by Commissioner Marry Ann Z. Fernandez-Mendoza, with the concurrence of Chairman Francisco T. Duque III; id. at 144-147; id. at 144-147.
23 Id. at 147.
24 Id. at 148-152.
25 Id. at 155-156, 162.
26 Penned by Associate Justice Renato C. Francisco, with the concurrence Associate Justices Romulo V. Borja and Oscar V. Badelles; id. at 154-170.
27 Id. at 170.
28 SB records (Vol. I), pp. 18-24.
29 Id. at 19-22.
30 Id. at 175-181
31 Id. at 178-180.

the requisite motion and writ of execution as the right of Segura to enforce, implement or execute the CSC resolutions are still in dispute.[32]

While the complaint was pending before the OMB-MIN, Segura filed a petition for mandamus with prayer for the issuance of a writ of preliminary mandatory injunction to compel Pallasigue to reinstate him to his position as MPDC. On March 10, 2015, the RTC issued its Order,[33] the dispositive portion of which states:

> **WHEREFORE,** the respondent Municipal Mayor of Isulan, Sultan Kudarat is hereby directed to reinstate petitioner Eng. Elias S. Segura, Jr. to his position as Municipal Planning and Development Coordinator during the pendency of the above-entitled case and to faithfully comply with the Orders of the Civil Service Commission.
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> **SO ORDERED.**[34] (Emphasis in the original)

In an Order[35] dated April 13, 2015, the RTC denied the Motion for Reconsideration Pallasigue filed.[36]

On April 20, 2015, recognizing the writ of preliminary mandatory injunction the RTC issued, Pallasigue issued Administrative Order (A.O.) No. 07 Series of 2015 instructing the immediate reinstatement of Segura as head of the MPDO.[37]

On July 6, 2015, the OMB-MIN issued its Resolution[38] finding probable cause and ordering the filing of Information for violation of Section 3(e) and (f) of R.A. No. 3019 against Pallasigue.[39] In an Order[40] dated November 12, 2015, the OMB-MIN denied the Motion for Reconsideration Pallasigue filed.

Thereafter, two separate Information were filed against Pallasigue that respectively state:

> Criminal Case No. SB-16-CRM-0332
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> That in the year 2007, or sometime prior or subsequent thereto, in Isulan Sultan Kudarat, and within the jurisdiction of this Honorable Court, above-named accused, DIOSDADO GONZALES PALLASIGUE, a high ranking

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32 Id. at 181.

33 Penned by Judge Renato B. Gleyo; *rollo*, pp. 173-175.

34 Id. at 174-175.

35 Penned by Judge Renato B. Gleyo; id. at 176-178.

36 Id.

37 Id. at 179.

38 Penned by Graft Investigation and Prosecution Officer I Vivian A. Agdeppa-Jumilla, reviewed by Officer-in-Charge Marco Anacleto P. Buena, and approved by Ombudsman Conchita Carpio Morales; SB records (Vol. I), pp. 5-10.

39 Id. at 10.

40 Penned by Graft Investigation and Prosecution Officer I Vivian A. Agdeppa-Jumilla, reviewed by Officer-in-Charge Marco Anacleto P. Buena, and approved by Ombudsman Conchita Carpio Morales; id. at 13-15.

public official, being then the Municipal Mayor of Isulan, Sultan Kudarat, while in the performance of his official functions and committing the offense in relation to and while taking advantage of his official position, did then and there, willfully, unlawfully and criminally, with evident bad faith and manifest partiality, cause undue injury to Elias S. Segura, Jr. (Segura), Municipal Planning and Development Coordinator (MPDC), Isulan, Sultan Kudarat, in the amount equivalent to his Representation and Transportation Allowance and later his salaries, allowances, and other benefits by reason of his reassignment and eventual dropping from the roll of employees, both personnel actions having been found illegal by the Civil Service Commission (CSC), with the illegality of the former action having been affirmed by the Court of Appeals (CA), and despite the directives of the CSC and the CA to reinstate Segura to his position as MPDC, to his damage and prejudice.

CONTRARY TO LAW.[41]

Criminal Case No. SB-16-CRM-0333

That from 2008 to 2014, or sometime prior or subsequent thereto, in Isulan, Sultan Kudarat, and within the jurisdiction of this Honorable Court, above-named accused, DIOSDADO GONZALES PALLASIGUE, a high ranking public official, being then the Municipal Mayor of Isulan, Sultan Kudarat, while in the performance of his official functions and committing the offense in relation to and while taking advantage of his official position, did then and there, willfully, unlawfully and criminally, without sufficient justification, refuse to act and implement within a reasonable time, the lawful Orders and Resolution of the Civil Service Commission, including the Decision of the Court of Appeals, recalling the reassignment of Elias S. Segura, Jr. (Segura) and reinstatement to his position as Municipal Planning and Development Coordinator (MPDC), Isulan, Sultan Kudarat, for the purpose of favoring his own interest or of discriminating against Segura.

CONTRARY TO LAW.[42]

During trial, the prosecution presented the following witnesses, namely: (1) Segura; (2) Ma. Josefina Gepte-Buenbrazo, Director II, CSCRO No. XII, Field Office for Sultan Kudarat; and (3) Francis Eric E. Recinto, a former member of the Sangguniang Panlalawagian of Sultan Kudarat.[43]

According to the prosecution, former Municipal Mayor Loney C. Publico appointed Segura as the MPDC of Isulan, Kudarat on August 1, 1996.[44] On July 11, 2007, Pallasigue, the new municipal mayor, issued a

41 Id. at 1.
42 SB records (Vol. II), p. 4.
43 *Rollo*, p.7.
44 SB records (Vol. I), p. 26.

memorandum[45] requesting the *Sangguniang Bayan* of Isulan to pass a resolution and an ordinance dissolving the MEEDO.[46] Thereafter, Pallasigue issued E.O. No. 16 dated August 23, 2007 designating Segura as the Chairman of the Technical Working Group (TWG) tasked to re-evaluate the creation of the MEEDO.[47] On August 31, 2007, the *Sangguniang Bayan* approved Resolution No. 2007-071 dissolving the MEEDO.[48]

On the other hand, the defense presented the following witnesses: (1) Pallasigue; (2) Lord Dean H. Castillo (Castillo), Municipal Vice-Mayor of Isulan; and (3) Mariblithe Carujano-Garingo (Garingo), incumbent member of the Sangguniang Bayan of Isulan. The witnesses for the defense confirmed that the Sangguniang Bayan passed Resolution No. 2007-071 nullifying the creation of MEEDO due to concerns on the utilization of its funds by the Commission on Audit (COA). Pallasigue confirmed that after Segura was reassigned to the Office of the Municipal Mayor, he was dropped from the rolls for failure to report for work for more than 30 days without official leave from July 31, 2008 to September 22, 2008.[49] Pallasigue and Garingo also informed the court that Segura was already reinstated to his former position on April 20, 2015, in compliance with the Order dated April 13, 2015 of the RTC. Garingo testified that Segura had already claimed his backwages for 2017 while the amount due to Segura for 2018 remained unclaimed.[50]

On April 10, 2019, during the pendency of the case, Segura and the municipal government, through Pallasigue, filed a Joint Motion asking the CSCRO No. XII to compute Segura's monetary award and to secure the issuance of a writ of execution.[51]

Ruling of the Sandiganbayan

On April 12, 2019, the Sandiganbayan rendered its Decision,[52] the dispositive portion of which states:

> **WHEREFORE,** the Court finds the accused **DIOSDADO G. PALLASIGUE,** Municipal Mayor of Isulan, Sultan Kudarat, **GUILTY** beyond reasonable doubt of violation of Section 3 (e) of R.A. No. 3019 in **SB-16-CRM-0332** and of violation of Section 3 (f) of R.A. No. 3019 in **SB-16-CRM-0333**, thus hereby sentences [sic] him in each of the aforesaid cases the indeterminate penalty of imprisonment ranging from **Six (6) years and One (1) month as** minimum **to Eight years** [sic] **(8) years as maximum.** In both cases, the accused is perpetually disqualified to hold public office. No civil liability is

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45 Id. at 27.
46 Id.
47 Id. at 28-29.
48 Id. at 30-33.
49 *Rollo*, p. 11.
50 Id. at 12-13.
51 Id. at 190-191.
52 Penned by Associate Justice Maryann E. Corpus-Manalac, with the concurrence of Associate Justices Rafael R. Lagos and Maria Theresa V. Mendoza-Arcega; id. at 4-29.

awarded to private complainant Segura, however, considering that corresponding appropriation has already been made for his back wages, allowances and benefits covering the period when he was illegally dropped form the roll of employees.

SO ORDERED.[53] (Emphasis in the original)

The Sandiganbayan held that the elements of violation of Section 3(e) of R.A. No. 3019 were duly established. Pallasigue was discharging his official functions as Municipal Mayor when he issued the Memorandum dated September 14, 2007 reassigning Segura to the Office of the Municipal Mayor and relieving him of his functions as MPDC, as well as the E.O. No. 23, series of 2008 dropping Segura from the rolls.[54]

The Sandiganbayan was convinced that Pallasigue acted with evident bad faith and took advantage of his office when he reassigned Segura. The Sandiganbayan noted that the reassignment of Segura immediately stripped him of his supervisory authority and powers as MPDC, and relegated him to a mere subordinate under the Office of the Municipal Mayor and later dropped from the rolls. Even if the reassignment was intended to assign him the task of conducting a feasibility on the creation of MEEDO, the Sandiganbayan found that there was no necessity to relieve him as MPDC to perform his functions as part of the TWG tasked for this study.[55]

The Sandiganbayan also observed that instead of heeding the request of Segura to be reinstated one year after his reassignment, Pallasigue dropped him from the rolls, effective immediately, through the issuance of E.O. No. 23, supposedly for failing to report for work for more than 30 days or having gone AWOL from July 31, 2008 to September 22, 2008. Pallasigue concluded that Segura had gone AWOL on the basis of certifications by Human Resources and Development Officer Fema L. Ortouste (Ortouste)[56] and Timekeeper Ricky Catalino Leonor (Leonor),[57] respectively stating that Segura has no pending or approved leave and did not log in from July 31, 2008 to September 19, 2008, despite having rendered services and being paid during said period. The Sandiganbayan ruled that the sudden haste by which Pallasigue dropped Segura from the rolls, right after asking to be reinstated, was irregular and showed his bad faith.[58]

The Sandiganbayan declared that the salaries, allowances, and benefits Segura was deprived of for seven years after having been dropped from the rolls by the accused, as well as his RATA starting March 28, 2008 due to his reassignment, when he should have been receiving the same, constitutes undue injury to him.[59]

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53 Id. at 28-29.
54 Id. at 14-15
55 Id. at 15-19.
56 SB records (Vol. I), p. 184.
57 Id. at 185.
58 *Rollo*, pp. 19-20.
59 Id. at 21-22.

In convicting Pallasigue for violation of Section 3(f) of R.A. No. 3019, the Sandiganbayan explained that he refused to comply with the rulings of the CSCRO No. XII, the CSC, the CA, and the RTC Order dated April 13, 2015 directing Segura's reinstatement during the pendency of the special civil action for *mandamus* the latter filed. For the Sandiganbayan, the actions of Pallasigue were discriminating against Segura.[60]

On May 23, 2019, while the Motion for New Trial and/or Reconsideration of Pallasigue was pending in the Sandiganbayan, the CSCRO No. XII issued Resolution No. NDC-19-0002,[61] the dispositive portion of which states:

> **WHEREFORE,** foregoing premises considered, the Joint Motion filed by Mr. Segura and the Municipal Government of Isulan is **PARTIALLY GRANTED.** The computation of the monetary entitlement of Segura should be computed by the Municipal Accounting and Budget Offices of the said municipality subject to the guidelines set forth under Sections 75, 76 and 77 of the 2017 Rules on Administrative Cases in the Civil Service. The Civil Service Commission's Decision/ Resolution does not require the issuance of the Writ of Execution as it is immediately executory pursuant to Section 119, Rule 24 of the RRACCS and Section 115, Rule 22 of the 2017 RACCS. x x x[62] (Emphasis in the original)

In a Resolution[63] dated July 19, 2019, the Sandiganbayan denied the Motion for New Trial and/or Motion for Reconsideration Pallasigue filed.[64] Hence, Pallasigue filed a Notice of Appeal.[65]

Meanwhile, on September 12, 2019, Municipal Legal Officer Atty. Emelly G. Herezo-Delos Santos (Herezo-Delos Santos) wrote to the CSCRO No. XII informing that the municipal government already paid the backwages and other monetary entitlements of Segura in the amount of ₱3,954,536.70 net of mandatory deductions.[66]

In Pallasigue's Brief,[67] he contended that the Sandiganbayan should have determined the presence of evident bad faith in refusing to pay Segura his RATA, salaries, allowances, and other benefits despite the directives of the CSC and CA instead of basing its findings on matters related to the validity or invalidity of the reassignment or dropping from the rolls.[68] He argued that there is no evident bad faith on his part as the nonpayment of the RATA,

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60 Id. at 26-27.
61 Penned by Director IV Resurreccion P. Pueyo; id. at 184-188.
62 Id. at 187.
63 Penned by Associate Justice Maryann E. Corpus-Manalac, with the concurrence of Associate Justices Rafael R. Lagos and Maria Theresa V. Mendoza-Arcega; id. at 30-42.
64 Id. at 41-42.
65 Id. at 43.
66 Id. at 189.
67 Id. at 56-87.
68 Id. at 78-80.

salaries, allowances, and other benefits is a consequence of the reassignment and eventual dropping of Segura. Pallasigue posited that, unless determined with finality, his act of not reinstating Segura to his former position and paying his entitlements, are presumed actions made in good faith.[69] For Pallasigue, Segura's right to enforce, implement or execute the CSC's resolutions are still in substantial dispute due to the absence of a writ of execution.[70] Lastly, Pallasigue insisted that he has a sufficient legal justification not to reinstate Segura to his former position, at that time, since the CSC had not yet issued a Writ of Execution despite Segura's filing of a motion to have the Decision executed. It negates bad faith on his part.[71]

On the other hand, plaintiff-appellee People of the Philippines, represented by the Office of the Ombudsman (OMB) through the Office of the Special Prosecutor (OSP), maintain that the issue on the validity of the reassignment and the eventual dropping of Segura from the rolls is not the matter at issue before the Sandiganbayan as the two cases are criminal in nature.[72] The OSP averred that the totality of the evidence of the prosecution proved beyond reasonable doubt Pallasigue's guilt for violations of Sections 3(e) and (f) of R.A. No. 3019. He was performing his official functions as Municipal Mayor when he reassigned Segura and dropped him from the employee rolls with evident bad faith and manifest partiality. This conduct caused Segura undue injury when he was deprived not only his RATA, but also his salaries, allowances, and benefits.[73] The OSP also reiterated that Pallasigue deliberately refused to reinstate Segura to his position without sufficient justification despite orders from the CSC, RTC, and CA and that his inaction was meant to discriminate against the latter.[74] The OSP alleged that the issuance of writs of execution to implement decisions or resolutions of the CSC is not necessary to reinstate Segura to his former position as MPDC.[75] The OSP also clarified that even if Segura acknowledged the need for the issuance for a writ of execution in the Joint Motion, this only pertained to the computation of his monetary entitlements and not the order reinstating him.[76]

Issues

The issues to be resolved are:

1. Whether Pallasigue is guilty of violation of Section 3 (e) of R.A. No. 3019; and
2. Whether Pallasigue is guilty of violation of Section 3 (f) of R.A. No. 3019.

Ruling of the Court

69 Id. at 80.
70 Id. at 80-81.
71 Id. at 86-87.
72 Id. at 219.
73 Id. at 219-223.
74 Id. at 223.
75 Id. at 224-226.
76 Id. at 226-227.

The appeal is meritorious.

The prosecution failed to sufficiently establish all the elements for violation of Section 3(e) of R.A. No. 3019. The third and fourth elements of the offense were not proven beyond reasonable doubt.

Section 3 (e) of R.A. No. 3019 provides:

> 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.
>
> x x x x
>
> (e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

The elements of the offense defined in Section 3(e) are: (1) the offender is a public officer; (2) the act was done in the discharge of the public officer's official, administrative or judicial functions; (3) the act was done through manifest partiality, evident bad faith, or gross inexcusable negligence; and (4) the public officer caused any undue injury to any party, including the Government, or gave any unwarranted benefits, advantage or preference.

The presence of the first and second elements are not disputed as Pallasigue was the Mayor of the Municipality of Isulan, Sultan Kudarat at the time of the commission of the alleged offense and his acts were done in the discharge of his official duties.

However, the third element (that the act was done through manifest partiality, evident bad faith, or gross inexcusable negligence) was not established beyond reasonable doubt. Evident bad faith and manifest partiality were not competently established.

The third element involves three distinct modes of committing the offense defined in Section 3(e). The Court described each mode in *Uriarte v. People*,[77] to wit:

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77 540 Phil. 477 (2006).

> There is "**manifest partiality**" when there is a clear, notorious or plain inclination or predilection to favor one side or person rather than another. "**Evident bad faith**" connotes not only bad judgment but also palpably and patently fraudulent and dishonest purpose to do moral obliquity or conscious wrongdoing for some perverse motive or ill will. It contemplates a state of mind affirmatively operating with furtive design or with some motive or self-interest or ill will or for ulterior purposes. "**Gross inexcusable negligence**" refers to negligence characterized by the want of even the slightest care, acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with conscious indifference to consequences insofar as other persons may be affected.[78] (Emphasis in the original)

In the present case, it was alleged in the Information that Pallasigue acted with evident bad faith and with manifest partiality. However, these were not proven.

Absence of evident bad faith

In order to understand the "evident bad faith" contemplated in Section 3(e) of R.A. No. 3019, the Court deems it prudent to discuss its recent pronouncements on the subject matter.

In *Villarosa v. People*,[79] the Court acquitted a municipal mayor of several counts of violation of Section 3(e), R.A. No. 3019. In acquitting Villarosa, the Court held that though he had no authority to issue extraction permits under the Local Government Code, his act of issuing the permits is not tantamount to evident bad faith. The Court explained that to justify a conviction under Section 3(e), the conduct of the accused must have been:

> x x x [M]oved by a clear, notorious, or plain inclination or predeliction to favor one side or person rather than another or of a palpably and patently fraudulent and dishonest purpose operating with furitive design to do moral obliquity or conscious wrongdoing.[80]

More recently, in the case of *Martel v. People*,[81] evident bad faith was described as follows:

> Because evident bad faith entails manifest deliberate intent on the part of the accused to do wrong or to cause damage, it must be shown that the accused was "spurred by any corrupt motive[.]" **Mistake, no matter how patently clear, committed by a public officer are not actionable "absent any clear showing that they were motivated by**

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78 Id. at 494.
79 G.R. No. 233155-63, June 23, 2020.
80 Id.
81 G.R. Nos. 224720-23, 224765-68, February 2, 2021.

malice or gross negligence amounting to bad faith.[82]
(Emphasis supplied)

The allegation of evident bad faith is not a mere blanket claim. A mistake committed by a public officer, to be actionable, must be duly supported by evidence that it was accompanied with fraudulent design established beyond reasonable doubt.

Considering the foregoing definitions, Pallasigue cannot be held guilty for violation of Section 3(e) of R.A. No. 3019. It is settled that decisions of the CSCROs and the CSC shall be immediately executory after 15 days from receipt thereof, unless a motion for reconsideration or a petition for review is seasonably filed, in which case the execution of the decision shall be held in abeyance.[83] Though he was mistaken in his understanding that a writ of execution was necessary to implement the reinstatement order, he believed in good faith that he validly issued Segura's order of reassignment and that a writ of execution was necessary before implementing Segura's reinstatement. Here, there is no corruption nor self-interest that can be attributed to Pallasigue.

While erroneous, his belief that a writ of execution was necessary stemmed from his interpretation that Section 2, Rule 39 of the Rules of Court[84] applies suppletory to administrative cases such as the appeal from his reassignment order and his order dropping Segura from the rolls. His erroneous belief was further bolstered by the fact that the RRACCS does not contain any provision categorically stating that a motion and writ of execution need not be secured to implement the decision of the CSCRO and the CSC. Segura also conceded the need for a writ of execution when he filed before the CSC a Motion for Joint Execution.[85]

The absence of evident bad faith on the part of Pallasigue was made even more apparent in the legal opinion provided by CSC Assistant Commissioner Ariel G. Ronquillo in a letter dated February 19, 2014, the relevant portion of which states:

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82 Id.

83 Sections 114 and 115, 2017 Rules on Administrative Cases in the Civil Service, Resolution No. 1701077, July 3, 2017; see also Rule VI, Section 80 of the Uniform Rules on Administrative Cases in the Civil Service; Section 118 and 119, 2011 Rules on Administrative Cases in the Civil Service, Resolution No. 1101502, November 8, 2011.

84 Section 2, Rule 39 of the Rules of Court states:

Section 2. *Discretionary execution.*

(a) *Execution of a judgment or final order pending appeal.* – On motion of the prevailing party with notice to the adverse party filed in the trial court while it has jurisdiction over the case and is in possession of either the original record or the record on appeal, as the case may be, at the time of the filing of such motion, said court may, in its discretion, order execution of a judgment or final order even before the expiration of the period to appeal. After the trial court has lost jurisdiction the motion for execution pending appeal may be filed in the appellate court.

Discretionary execution may only issue upon good reasons to be stated in a special order after due hearing.

(b) *Execution of several, separate or partial judgments.* — A several, separate or partial judgment may be executed under the same terms and conditions as execution of a judgment or final order pending appeal.

85 SB records (Vol. I), pp. 178-180.

> It is clear from the foregoing that the decision of the Commission is immediately executory after fifteen (15) days from receipt thereof (meaning without need for a prior motion or writ of execution), unless a motion for reconsideration is seasonably filed by the adverse party, in which case the execution of the decision shall be held in abeyance. If the motion for reconsideration is finally resolved by the Commission and the adverse party will elevate the case to the Court of Appeals x x x the subject decision and resolution of the Commission are also immediately executory pending appeal before the said Court, unless the latter issues a restraining order or an injunction. The disciplining authority is thus, duty bound to implement the subject decision and resolution lest he/she be cited in contempt of the Commission pursuant to Section 121 of the RRACCS.
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> **There are parties, however, who file a motion for execution before the Commission to implement its final decision. As a matter of practice in order to dispose of the said motion, the Commission issues a resolution either granting the motion for execution by citing the afore-quoted provisions or denying the same if it is duly established that the disciplining authority complied with the directive in the subject decision/ resolution or that prevailing circumstances already make the issue moot and academic.**[86] (Emphasis supplied)

Here, Pallasigue should not be faulted for taking the prudent recourse of requiring a writ of execution before implementing the reinstatement of Segura considering that the reassignment order and the subsequent order dropping him from the rolls were highly disputed. While a writ of execution is not necessary, the CSC has entertained motions for execution in the past. The fact that Assistant Commissioner Ronquillo stated that "[a]s a matter of practice", they still resolve similar motions for execution proves that Pallasigue is not the only public officer who has committed the error of insisting on the necessity of a writ of execution before implementing Segura's reinstatement.

Furthermore, evident bad faith was negated when Pallasigue ordered the immediate reinstatement of Segura before the two Information against him was filed in the Sandiganbayan. On April 20, 2015, recognizing the writ of preliminary mandatory injunction the RTC issued, Pallasigue issued A.O. No. 07, Series of 2015 ordering the immediate reinstatement of Segura as head of the MPDC.[87]

In prosecuting public officials for violation of Section 5(e) of R.A. No. 3019, it is important to highlight the observation of Associate Justice Alfredo

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86 Id. at 220-221.

87 *Rollo*, p. 179.

Benjamin S. Caguioa in his concurring opinion in *Villarosa v. People*[88] which the Court finds applicable to the present case. He stated that:

> It is also true that every person is presumed to know the law, and that ignorance of the law excuses no one from compliance therewith. However, it is likewise true that it is unjust to automatically punish someone with a **criminal sentence** by virtue of his non-compliance with a **non-penal rule**.
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> The absurdity of it all becomes all the more apparent once the call for Villarosa's head for his non-compliance in this case is compared with the Court's attitude towards members of the judiciary who do the exact same thing.
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> To be sure, the Court, in the exercise of its disciplinary power over *members of the judiciary* — persons who are expected to have a much deeper knowledge and understanding of the law and the rules — normally punishes "gross ignorance of the law" with only a fine accompanied by a warning, admonition, or reprimand. Acts committed by judges that the Court deemed as "gross ignorance of the law" such as (1) granting bail without a standing warrant of arrest against the accused, and in a case pending in another court without ascertaining the unavailability of the judge therein; or (2) incorrect application of the Indeterminate Sentence Law, were simply punished by a comparatively small fine accompanied by a warning or admonition.
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> x x x [I]f the Court can impose only light administrative sanctions on erring judges who are "expected to exhibit more than just cursory acquaintance with statutes and procedural laws," I do not see any reason why the Court cannot afford the same; if not more, understanding to other public servants who are not learned in the law.[89] (Emphasis, italics, and underscoring in the original; citations omitted)

Punishing Pallasigue with imprisonment for his wrong understanding of procedural rules is not what the Anti-Graft and Corrupt Practices Act seeks to punish. Imprisonment is not commensurate to Pallasigue's purported gross ignorance of the law. Even members of the judiciary who are expected to be more knowledgeable about the law and rules are often found guilty of gross ignorance of the law yet they are not as severely punished.

It is erroneous to conclude that Pallasigue's bad faith is manifested by the abolition of the MEEDO and its subsequent re-establishment. Based on the summary of the testimony of Vice-Mayor Lord Dean Castillo:

> x x x In July 2007, a letter from the accused (Pallasigue) requesting for the urgent passage of an ordinance nullifying the creation of MEEDO was referred to the *Sangguniang Bayan*. As confided to them by the accused, the reason

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88 G.R. Nos. 233155-63, June 23, 2020.

89 Id.

> behind the request was that the Commission on Audit (COA) issued letters and audit observation on the creation and utilization of the funds of MEEDO. After the pertinent committees of the *Sangguniang Bayan* conducted consultations with the different line agencies and secured the documents from the different government agencies, such as the COA which recommended the cessation of MEEDO's operation, the *Sangguniang Bayan* passed Resolution No. 2007-071 that included Municipal Ordinance No. 2007-0154. The common recommendation was to nullify the creation of MEEDO and establish an economic enterprise in accordance with budgetary rules and the Manual for Local Government Units.[90]

Based on the foregoing, it would be inaccurate to impute malice and bad faith on the part of Pallasigue when the MEEDO was abolished and subsequently re-established. Other public officials, committees, and government offices participated in the decision-making process and it is difficult to believe that he was able to manipulate all these offices, committees, and even the COA, just to orchestrate the reassignment of Segura. It would be unjust to ascribe malice and bad faith on Pallasigue on the basis of the collective acts of other offices, committees, and even the COA.

Absence of manifest partiality

There is insufficient evidence to establish manifest partiality. This refers to:

> x x x [W]hen there is a clear, notorious or plain inclination or predeliction to favor one side or person rather than another." It should be remembered that manifest partiality, similar to evident bad faith, is in the nature of *dolo*.[91]

In this case, it must be proven that Pallasigue had deliberately intended to give unwarranted preference to favor himself or any other party in ordering the reassignment of Segura and in failing to immediately reinstate him to his former position. Here, other than the self-serving claims of the prosecution, no evidence was presented to establish how Pallasigue benefitted from reassigning Segura and from refusing to implement his reinstatement without a writ of execution.

Assuming further that another person benefitted from Segura's reassignment, Pallasigue still cannot be convicted of the offense charged. Though the records reveal that Tiosing assumed the position Segura vacated, this fact alone is insufficient to establish beyond reasonable doubt that Pallasigue maliciously intended to favor another. While Tiosing may have benefited from Segura's reassignment, this is merely incidental and does not establish the *dolo* required in the prosecution of a violation of Section 3 (e) of R.A. No. 3019.

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90 *Rollo*, p. 11.

91 Supra note 81.

Absence of undue injury to any party, including the government

As regards the fourth element, in order to be held liable for violation of Section 3(e) of R.A. No. 3019, the law requires that the act constituting the offense consists of either: (1) causing undue injury to any party, including the government; or (2) giving any private party any unwarranted benefits, advantage or preference in the discharge by the accused of his official, administrative or judicial functions.[92] Based on the Information in SB-16-CRM-0332, Pallasigue is charged under the first mode. The alleged undue injury was not proven beyond reasonable doubt.

In *Llorente, Jr. v. Sandiganbayan*,[93] the accused mayor was charged with violation of Section 3(e) of R.A. No. 3019 for allegedly refusing to sign and approve the payrolls and corresponding vouchers for the salaries and other emoluments of an assistant municipal treasurer. The mayor was acquitted of the offense charged against him after finding that the elements of undue injury and evident bad faith were not proven beyond reasonable doubt. The Court held that the undue injury that Section 3(e) of R.A. No. 3019 pertains to is actual damage as understood under the *Civil Code*. The Court made this concept of undue injury very clear, explaining that:

> Unlike in actions for torts, undue injury in Sec. 3[e] cannot be presumed even after a wrong or a violation of a right has been established. Its existence **must be proven as one of the elements of the crime**. In fact, the causing of undue injury or the giving of any unwarranted benefits, advantage or preference through manifest partiality, evident bad faith or gross inexcusable negligence constitutes the very act punished under this section. Thus, it is required that the undue injury be **specified, quantified** and **proven to the point of moral certainty.**
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> In jurisprudence, "undue injury" is consistently interpreted as "actual damage." *Undue has been defined as "more than necessary, not proper, [or] illegal;" and injury as "any wrong or damage done to another, either in his person, rights, reputation or property [; that is, the] invasion of any legally protected interest of another." Actual damage, in the context of these definitions, is akin to that in civil law.*
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> In turn, actual or compensatory damages is defined by Article 2199 of the Civil Code as follows:
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> "Art. 2199. Except as provided by law or by stipulation, one is entitled to an adequate compensation only for such pecuniary loss suffered by him as he has duly proved. Such compensation is referred to as actual or compensatory damages."

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92 *Villarosa v. People*, G.R. No. 233155-63, June 23, 2020.

93 *Llorente, Jr. v. Sandiganbayan*, 850 Phil. 320 (1998).

> Fundamental in the law on damages is that one injured by a breach of a contract, or by a *wrongful or negligent act or omission* shall have a fair and just compensation commensurate to the loss sustained as a consequence of the defendant's act. Actual pecuniary compensation is awarded as a general rule, except where the circumstances warrant the allowance of other kinds of damages. Actual damages are primarily intended to simply make good or replace the loss caused by the wrong.
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> Furthermore, damages must not only be capable of proof, but must be actually proven with a reasonable degree of certainty. They cannot be based on flimsy and non-substantial evidence or upon speculation, conjecture or guesswork. They cannot include speculative damages which are too remote to be included in an accurate estimate of the loss or injury.[94] (Italics in the original; citations omitted; emphasis supplied)

Though the case of *Llorente* may not be on all fours with the one at bar, its principle is instructive in resolving the culpability of Pallasigue in view of the allegation that not all elements of Section 3(e) of R.A. No. 3019 were proven. The Court finds the ruling in *Llorente* enlightening to the present case as both similarly involved personnel conflict between a mayor and a municipal government employee that had resulted to temporary withholding of the latter's salary and other emoluments.

In this case, it must be stressed that there is no showing that Pallasigue personally gained anything from the issuance of Segura's reassignment and his refusal to implement his reinstatement without a writ of execution. Segura's salary and other benefits during the period of reassignment were either given to him or remained in the possession of the municipal government while the proper computation was being determined. Moreover, the Municipal Legal Officer Herezo-Delos Santos certified that the Municipal Government of Isulan had already paid the backwages and other monetary entitlements of Segura in the amount of ₱3,954,536.70 net of mandatory deductions as of September 12, 2019.[95]

It is also worthy to point out that any delay that may have occurred in the payment of Segura's backwages and other monetary entitlements is through no fault of Pallasigue. In *Llorente*,[96] the Court held that:

> Other than the amount of the withheld salaries and allowances which were eventually received, the prosecution failed to specify and to prove any other loss or damage sustained by the complainant. Respondent Court insists that complainant suffered by reason of the "long period of time" that her emoluments were withheld.

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94 Id. at 837-839.
95 *Rollo*, p. 189.
96 Supra note 93.

> This inconvenience, however, is not constitutive of undue injury. In *Jacinto*, this Court held that the injury suffered by the complaining witness, whose salary was eventually released and whose position was restored in the plantilla, was negligible; undue injury entails damages that are more than necessary or are excessive, improper or illegal. In *Alejandro*, the Court held that the hospital employees were not caused undue injury, as they were in fact paid their salaries.[97]

In the present case, any purported injury Segura may have suffered as a result of the delay in the release of his salary were not quantified and does not not satisfy the element of undue injury, as akin to actual damages. As in civil cases, actual damages, if not supported by evidence on record, cannot be considered. As aptly pointed out in *Llorente,* the inconvenience that private complainant may have suffered by reason of the long period of time that the emoluments were withheld is not constitutive of undue injury.

Segura was admittedly not paid his salaries and allowances during the pendency of the administrative cases challenging his reassignment and his dropping from rolls due to his purported absences. Nevertheless, the non-payment during the interim period does not establish the undue injury envisaged by R.A. No. 3019.

It must be emphasized that it is the prosecution who has the burden of proving the elements of the offense charged. Here, the undue injury in the form of nonpayment of salaries, allowances, and other benefits was not proven because the actual amount due to Segura was not established by the prosecution. The difficulty in determining the extent of Segura's money claims is precisely why payment could not immediately be implemented by the municipal government.

Though money had been allotted to satisfy the money claims of Segura, and that payment had been made for his salaries, allowances, and other benefits for 2017, the records of the case fail to provide the necessary information that would quantify and prove to the point of moral certainty the money due to Segura. The municipal government of Isulan and Segura even filed a Joint Motion for Execution to ask the assistance of the CSC in determining the proper computation of Segura's monetary claim. Even the import of the averments in the Joint Motion for Execution Segura and the municipal government filed recognized that Pallasigue is not to be blamed for the purported delay in the release of his salary, the pertinent portion of which reads:

> 1. The Municipal Government of Isulan, through its Sangguniang Bayan is willing to appropriate funds for the entitlement of Segura. Unfortunately, **the amount could not be ascertained since the Decisions did not**

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97 Id. at 839-840.

> **provide for the computation of the monetary benefits due to Segura**;
> 2. Segura previously filed a MOTION FOR JOINT EXECUTION dated 23 August 2012 which was not acted upon by the commission;
> 3. On April 13, 2015, Segura was actually reinstated to his former position upon Order of the Honorable Regional Trial Court, Branch 19, Isulan, Sultan Kudarat in the Mandamus case filed by Segura;[98] (Emphasis supplied)

Based on the foregoing, it is clear that both parties acknowledge that the delay in the payment of the monetary award in favor of Segura is beyond the control of the parties. The joint averments of Segura and the municipal government are inconsistent with the claim of undue injury. Therefore, there is no undue injury to any party, including Segura and the government, as alleged in the Information, to justify a conviction for violation of Section 3(e) of R.A. No. 3019.

It would be unfair to punish Pallasigue for any delay that may have occurred as a result of the difficulty in computing his money claims. After all, he is the municipal mayor and not the payroll master. The intricacies in the computation of the payroll is best addressed by the municipal accountant and his subordinates as they are the officers responsible for the preparation of the payroll report.

It was also alleged that the purported wrongful reassignment of Segura to an office without the proper facilities and personnel, as well as his subsequent replacement in his position by an employee of low rank and salary, caused diminution on his rank, status, and monetary benefits. However, this hardly establishes the undue injury contemplated in Section 5(e) of R.A. No. 3019.

First, the alleged dire condition of Segura's new office was not supported by any competent evidence. The only evidence of the prosecution in support of this claim is the testimony of Segura which is expectedly self-serving. Even if it is true that his new office is 1.50 kilometers away from the municipal hall, this fact cannot automatically be equated to diminution resulting to undue injury because this is a natural consequence of reassignment. The availability of equipment, personnel, and even the location of a government office are dependent on the resources accessible to the municipal government. Thus, the prosecution failed to establish the undue injury to Segura on the basis of this claim.

Second, though Segura was replaced by Tiosing, an employee of lower rank and salary, this was only in an acting capacity. In *Dimaandal v. Commission on Audit*,[99] the Court pointed out the difference between an appointment and designation, thus:

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98 *Rollo*, p. 180.

99 353 Phil. 525 (1998).

> There is a great difference between an appointment and designation. While an appointment is the selection by the proper authority of an individual who is to exercise the powers and functions of a given office, **designation merely connotes an imposition of additional duties**, usually by law, upon a person already in the public service by virtue of an earlier appointment (Santiago vs. COA, 199 SCRA 125).
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> "**Designation is simply the mere imposition of new or additional duties on the officer or employee to be performed by him in a special manner. It does not entail payment of additional benefits or grant upon the person so designated the right to claim the salary attached to the position** (COA Decision No. 95-087 dated February 2, 1995). As such, there being no appointment issued, designation does not entitle the officer designated to receive the salary of the position. For the legal basis of an employee's right to claim the salary attached thereto is a duly issued and approved appointment to the position (Opinion dated January 25, 1994 of the Office for Legal Affairs, Civil Service Commission, Re: Evora, Carlos, A. Jr., Designation).[100] (Emphasis supplied)

It must be highlighted that what was extended to Tiosing was merely designation and not an appointment that would entitle him to the difference in the salaries and allowances attached to the position he occupied. The erroneous payment of Segura's RATA in the amount of ₱8,640.00 to Tiosing was already addressed when the OMB-MIN found Tiosing and Municipal Budget Officer Lalyn B. Espinosa guilty of Simple Misconduct and were meted the penalty of suspension for one month and one day.[101] This should not be construed as undue injury caused by Pallasigue since he had no control over this error which was caused by his subordinates. As the municipal mayor, Pallasigue has to rely to a reasonable extent, and in good faith, on his subordinates to prepare the payroll.

In *Arias v. Sandiganbayan*,[102] a chief auditor was charged with violating Section 3(e) of R.A. No. 3019 for the alleged overpricing of land purchased by the government. The Sandiganbayan convicted the chief auditor, as co-conspirator, for causing undue injury to the Government through the irregular disbursement and expenditure of public funds. In acquitting a public official, the Court explained that:

> We would be setting a bad precedent if a head of office plagued by all too common problems – dishonest or negligent subordinates, overwork, multiple assignments or positions, or plain incompetence – is suddenly swept into a conspiracy conviction simply because he did not personally examine every single detail, painstakingly trace every step from inception, and investigate the motives of every person

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100 Id. at 532-533.
101 *Rollo*, pp. 8, 19.
102 259 Phil. 794 (1989).

> involved in a transaction before affixing his signature as the final approving authority.
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> We can, in retrospect, argue that Arias should have probed records, inspected documents, received procedures, and questioned persons. It is doubtful if any auditor for a fairly sized office could *personally* do all these things in all vouchers presented for his signature. The Court would be asking for the impossible. **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**. If a department secretary entertains important visitors, the auditor is not ordinarily expected to call the restaurant about the amount of the bill, question each guest whether he was present at the luncheon, inquire whether the correct amount of food was served, and otherwise *personally* look into the reimbursement voucher's accuracy, propriety, and sufficiency. There has to be some added reason why he should examine each voucher in such detail. Any executive head of even *small* government agencies or commissions can attest to the volume of papers that must be signed. There are hundreds of documents, letters, memoranda, vouchers, and supporting papers that routinely pass through his hands. The number in bigger offices or departments is even more appalling.
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> There should be other grounds than the mere signature or approval appearing on a voucher to sustain a conspiracy charge and conviction.[103] (Emphasis supplied)

Though the case of *Arias* may not be on all fours with the one at bar, its principle is instructive in resolving the liability of Pallasigue. Because of the numerous concerns of his constituents that he needs to attend to, he cannot be reasonably expected to extensively review each document, payroll, or voucher that is released by the municipal government.

Pallasigue is not guilty of violation of Section 3(f) of R.A. No. 3019. It was not proven that Pallasigue derived any pecuniary or material benefit, or advantage in favor of an interested party, much less discriminate against Segura in refusing to implement his reinstatement without a writ of execution.

Section 3(f) of R.A. No. 3019 punishes the act of:

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103 Id. at 801-802.

> (f) Neglecting or refusing, after due demand or request, without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage, or for the purpose of favoring his own interest or giving undue advantage in favor of or discriminating against any other interested party.
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> x x x x

To justify a conviction under the quoted offense, the prosecution must prove the following: (1) the offender is a public officer; (2) the said officer has neglected or has refused to act without sufficient justification after due demand or request has been made on him; (3) reasonable time has elapsed from such demand or request without the public officer having acted on the matter pending before him; and (4) such failure to so act is for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage in favor of an interested party, or discriminating against another.[104]

To satisfy the fourth element of the offense, the law requires that the accused's dereliction, apart from being without justification, must either be for the purpose of: (1) obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage in favor of an interested party; or (2) discriminating against another interested party.

In the present case, the Information alleged that Pallasigue intended to favor his own interest or to discriminate against Segura. A review of the records reveal that the Sandiganbayan anchored the conviction of Pallasigue for violation of Section 3(f) of R.A. No. 3019 on his alleged refusal to comply with the rulings of the CSCRO No. XII, the CSC, the CA, and the Order dated April 13, 2015 of the RTC directing Segura's reinstatement during the pendency of the special civil action for mandamus the latter filed. The Sandiganbayan concluded that these actions of Pallasigue were discriminating against Segura.[105]

The Court does not agree. As already discussed, Pallasigue believed in good faith, albeit erroneous, that a writ of execution was necessary to implement Segura's reinstatement. This conduct does not automatically give rise to evidence that Pallasigue intended to discriminate against Segura. Other than the alleged refusal to implement the reinstatement order, the records of the case are bereft of evidence tending to show that Pallasigue was favored by the alleged dereliction or that he intended to discriminate against Segura. Therefore, the prosecution failed to discharge its burden of establishing the guilt of Pallasigue for violation of Section 3(f) of R.A. No. 3019 beyond reasonable doubt.

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104 *Coronado v. Sandiganbayan*, 296-A Phil. 414, 419 (1993).

105 *Rollo*, pp. 26-27.

Even assuming further that Tiosing, who assumed the former position of Segura, benefited from his reassignment, the evidence of the prosecution failed to demonstrate how Pallasigue was motivated by any of the contemplated purposes under Section 3(f). In *Coronado v. Sandiganbayan*,[106] the Court explained that:

> It is not enough that an advantage in favor of one party, as against another, would result from such neglect or refusal. Has it been so, the law would have perhaps instead said, *"or as a consequence* of such neglect or refusal undue advantage is derived by an interested party or another is unduly discriminated against."[107]

Therefore, while Tiosing may have been incidentally benefited by the reassignment of Segura, this does not satisfy the fourth element of Section 3(f) of R.A. No. 3019. The accused must have deliberately intended to favor his own interest or give undue advantage in favor of or discriminating against any other interested party. Here, the prosecution failed to establish this fact.

Conclusion

The Court finds this an opportune time to draw attention to the contemplated offenses constituting graft and corruption punished under the R.A. No. 3019. The policy of the government is stated in Section 1 of the Anti-Graft and Corrupt Practices Act, to wit:

> Section 1. *Statement of policy.* – It is the policy of the Philippine Government, in line with the principle that a public office is a public trust, to repress certain acts of public officers and private persons alike which **constitute graft or corrupt practices** or which may lead thereto. (Emphasis supplied)

It is clear from the title of the statute and the quoted statement of policy that R.A. No. 3019 was enacted to prevent and eliminate the vestige of graft and corruption and ensure the preservation of public trust in the government. The law seeks to combat the pernicious effects of graft and corruption and restore the confidence of the public in the government.

In acquitting Pallasigue, the Court upheld the principles laid down by the En Banc in *Villarosa v. People*[108] and *Martel v. People.*[109] To rule otherwise would be to abandon the recent ruling of the En Banc in *Martel* and betray the clear intention of the framers in enacting R.A. No. 3019. It must be underscored that not every purported irregular act or conduct of a public

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106 Supra note 104.
107 Id. at 420
108 G.R. No. 233155-63, June 23, 2020.
109 Supra note 81.

officer may be punished under R.A. No. 3019. Speaking through the *ponencia* of Associate Justice Caguioa, the Court stressed in *Martel v. People*[110] that:

> x x x [A]s its title implies, and as what can be gleaned from the deliberations of Congress, R.A. 3019 was crafted as an anti-graft and corruption measure. At the heart of the acts punishable under R.A. 3019 is *corruption.* As explained by one of the sponsors of the law, Senator Arturo M. Tolentino, "[w]hile we are trying to penalize, the idea of the bill is graft and corrupt practices. x x x Well, the idea of graft is the one emphasized." **Graft entails the acquisition of gain in *dishonest* ways.**[111] (Emphasis supplied; underscoring and italics in the original; citations omitted)

As emphasized in *Martel*, graft entails the acquisition of gain in dishonest ways. Graft is defined as "the fraudulent obtaining of public money unlawfully by the corruption of public officers."[112] It also refers to "[a]dvantage or personal gain received because of peculiar position or superior influence of one holding position of trust and confidence without rendering compensatory services, or dishonest transaction in relation to public or official acts, and sometimes implies theft, corruption, dishonesty, fraud, or swindle, and always want of integrity."[113]

In its fundamental sense, corruption is defined as the "act of an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to duty and the rights of others."[114] It also pertains to "[a]n act done with an intent to give some advantage inconsistent with official duty and the rights of others."[115]

While there is no exact definition of graft and corruption that encompasses all acts punished in R.A. No. 3019, the contemplated acts may be derived from the enumerated offenses in the law and the common examples of acts constituting graft and corruption. These include *inter alia* when a government official "asks, demands, solicits, accepts, or agrees to receive anything of value in return for being influenced in the performance of their official duties."[116]

Consequently, as a rule, the alleged irregular or anomalous act or conduct complained of under R.A. 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. In view of the foregoing, the Court finds that

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110 Id.
111 Id.
112 Black's Law Dictionary (4th edition), p. 827.
113 Id.
114 Id. at 414.
115 Id.
116 Legal Information Institute, Cornell Law School <https://www.law.cornell.edu/wex/public_corruption> Accessed on June 18, 2021.>

Pallasigue's refusal to implement Segura's reinstatement without a writ of execution, albeit erroneous, does not appear to be an act intended by Congress to be punished under the *Anti-Graft and Corrupt Practices Act.*

WHEREFORE, premises considered, the Decision dated April 12, 2019 and the Resolution dated July 19, 2019 of the Sandiganbayan in SB-16-CRM-0332 and SB-16-CRM-0333 are **REVERSED** and **SET ASIDE**. For failure of the prosecution to prove the guilt of accused-appellant Diosdado G. Pallasigue beyond reasonable doubt, he is **ACQUITTED** of violation of Sections 3(e) and (f) of Republic Act No. 3019.

SO ORDERED.

ROSMARI D. CARANDANG
Associate Justice

WE CONCUR:

ALEXANDER G. GESMUNDO
Chief Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

RODIL V. ZALAMEDA
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, 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