



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ELPIDIO A. LOCSIN, JR.,
Petitioner,

G.R. Nos. 221787 and 221800-02
Members:

-versus-

PERLAS-BERNABE, *Chairperson*
HERNANDO,*
LAZARO-JAVIER,
LOPEZ, and
ROSARIO, *JJ.*

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

JAN 13 2021

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DECISION

LAZARO-JAVIER, *J.*:

The Case

This petition assails the following dispositions of the Sandiganyan in Criminal Case Nos. 26331-34 entitled "*People of the Philippines v. Elpidio Locsin, Jr.*" viz.:

1. Decision¹ dated August 12, 2010 which found petitioner Elpidio A. Locsin, Jr. guilty of four (4) counts of violation of Section 3(e) of Republic Act No. (RA) 3019,² sentenced him to six (6) years and one (1) month to ten (10) years for each count, and ordered him to return the salaries received by his children as student laborers in the total amount of ₱5,100.00; and

*Additional member per raffle dated December 2, 2020.

¹ Penned by Associate Justice Napoleon E. Inoturan and concurred in by Associate Justices Roland B. Jurado and Alexander G. Gesmundo (now of the Supreme Court); *rollo* (Vol. 1), p. 12.

² ANTI-GRAFT AND CORRUPT PRACTICES ACT.

2. Resolution³ dated October 1, 2015 denying reconsideration.

Antecedents

The Charges and Plea

Petitioner Elpidio A. Locsin, Jr., President of the Iloilo State College of Fisheries (ISCOF) from 1993 to 2005, was charged with four (4) counts of violation of Section 3(e), RA 3019 under four (4) similarly worded Amended Informations, thus:

Criminal Case No. 26331

That on or about the 29th of October 1997, and for sometime prior or subsequent thereto, at the Municipality of Barotac Nuevo, province of Iloilo, Philippines, and within the jurisdiction of this Honorable Court, above-named accused, a high-ranking government official being the President of the Iloilo State College of Fisheries (ISCOF for brevity), Barotac Nuevo, Iloilo, in such capacity and committing the offense in relation to office, with gross inexcusable negligence, did then and there willfully, unlawfully and feloniously appoint his sons Neil Arvin Locsin and Gelner Keats Locsin as student laborers at ISCOF assigned to the Office of the College President for the period November 3-30, 1997, and caused aforesaid sons to get paid of their salaries as student laborers even without actual performance of labor services, accused personally affixing his signature on the Daily Time Record (DTR) instead of the immediate supervisor, thus accused, in the performance of his official functions, had given unwarranted benefits, advantage, or preference to his sons Neil Arvin Locsin and Gelner Keats Locsin, to the damage and prejudice of other deserving indigent students of ISCOF and the government particularly the ISCOF.

CONTRARY TO LAW.⁴

All four (4) Amended Informations accused petitioner of gross inexcusable negligence in appointing his three (3) children as student laborers, assigning them in the Office of the ISCOF President, and facilitating the release of their salaries by signing their Daily Time Records (DTRs) though they never actually performed labor services, to the damage and prejudice of more deserving students of ISCOF and ISCOF itself. The total amount of salaries released to petitioner's children was ₱5,100.00.⁵

The only differences in the four (4) Amended Informations pertained to the names of petitioner's children whom he had appointed and the periods of their appointments. To summarize:⁶

³ *Rollo* (Vol. 1), p. 165.

⁴ *Id.* at 12-13.

⁵ *Id.* at 12-14.

⁶ *Id.* at 12-14.

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Criminal Case No.	Appointee(s)	Period Covered
26331	Neil Arvin Locsin Gelner Keats Locsin	November 3-30, 1997
26332	Neil Arvin Locsin	February 1-28, 1998
26333	Neil Arvin Locsin Elpidio Locsin III Gelner Keats Locsin	April 1-30, 1998
26334	Neil Arvin Locsin Elpidio Locsin III Gelner Keats Locsin	May 1-31, 1998

On arraignment, petitioner pleaded *not guilty*.⁷

During pre-trial, the prosecution and the defense stipulated that petitioner was the President of ISCOF during the periods material to the case; petitioner approved the appointments of his sons upon recommendation of ISCOF Administrative Officer Teresita C. Villanueva; and petitioner affixed his signature to the DTRs of his sons.⁸ Upon termination of the pre-trial, trial proper ensued.⁹

The prosecution presented Nelly B. Biona, Armando B. Grappa, Jr., Rolando Armentia, and Edina N. Balboa as witnesses. On the other hand, petitioner, his sons Elpidio III and Gelner Keats, Angelo Consemino Sobrepeña, Eduardo Braganza, Rieze A. Bermejo, Richard B. Depita, Emmanuel Asuelo, Ernie V. Bedia, Melahi V. Baylas, and Steward Pamplona all testified for the defense.

Version of the Prosecution

Nelly B. Biona, Disbursing Officer II of ISCOF, testified that ISCOF's former auditor Fortunato Sanchez sought her assistance to trace the original copies of the 1997 payroll and its supporting documents. She turned over the cash book and other pertinent documents to Sanchez except for the DTRs and appointment papers which were not in her custody; they were submitted to the Office of the ISCOF President and received by petitioner's secretary Melahi Baylas.¹⁰

It was the function of private complainant Carolina Villanueva, former ISCOF Accountant, to verify whether the student laborers actually rendered work. It was also the Accountant who ensured that all the supporting documents for their payment were complete. Aside from the Accountant, the

⁷ *Id.* at 14.

⁸ *Id.* at 14-15.

⁹ *Id.* at 15.

¹⁰ *Id.* at 16.

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Administrative Officer also called the offices and departments to see to it that all employees actually rendered service.¹¹

Armando B. Grappa, Jr., Assistant Professor and ISCOF Student Labor Supervisor, explained that the Student Labor Program was designed to help students and train them to appreciate the dignity of labor. In implementing the program, the school followed the Department of Budget and Management (DBM) guidelines under Circular Letter dated July 1, 1996. Although said circular did not require that the student laborer had to be poor, it was required under the program of the Department of Labor and Employment (DOLE).¹²

He was responsible for checking the applicants' qualifications for student laborers and forwarding their applications to the Administrative Officer. The Administrative Officer, in turn, would make recommendations on the applications subject to petitioner's approval.¹³

At the end of each month, the student laborers were required to fill up their DTRs to be signed by their immediate supervisors as an attestation that they indeed worked. At times, he himself signed DTRs whenever the student laborers' immediate supervisors were absent and he actually saw said students work.¹⁴

Petitioner's three (3) children, Gelner Keats, Neil Arvin, and Elpidio III availed of the Student Labor Program. They were assigned in the Office of the ISCOF President¹⁵ with Baylas as their immediate supervisor.¹⁶ He admitted he never checked on the student laborers at petitioner's office.¹⁷

Petitioner's children could not have rendered any work since Gelner Keats was enrolled at the Western Visayas College of Science and Technology (WVCST) which was an hour and thirty minutes ride away. Petitioner's other children were just playing basketball and riding their bicycles around the campus.¹⁸

Assistant Professor IV **Rolando Armentia** testified that he lived about 100 meters away from petitioner and had been passing by the latter's house every morning and afternoon. Whenever he went home, he would see petitioner's children either playing basketball or riding their bicycle inside the campus even though student laborers should have been working around that time.¹⁹

¹¹ *Id.* at 16-17.

¹² *Id.* at 18-20.

¹³ *Id.* at 18-19.

¹⁴ *Id.* at 18-20.

¹⁵ *Id.* at 18-19.

¹⁶ *Id.* at 19.

¹⁷ *Id.*

¹⁸ *Id.* at 19-20.

¹⁹ *Id.* at 21-22.

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He believed petitioner's children were not qualified to be student laborers since they were not poor, a requirement imposed by the DOLE but not by the DBM. When he confronted petitioner about hiring his own sons as student laborers, petitioner replied "*those are very petty things*" and that he (petitioner) will be responsible for it.²⁰

He admitted having filed a complaint before the Office of the President regarding petitioner's supposed unlawful appointments²¹ though said complaint had already been dismissed for lack of jurisdiction. He and Grappa also filed a complaint against petitioner for malpractice also on ground of petitioner's alleged unlawful appointments.²²

He represented complainant Carolina Mendoza before ISCOF's Grievance Committee to discuss the problem between her and petitioner. He still believed that petitioner's decision to terminate Mendoza was unjust even though said decision had already been sustained by the Civil Service Commission on appeal.²³

Edina N. Balboa, State Auditor IV of the Commission on Audit and Resident Auditor at ISCOF from 1997-1998, testified that she sent letters to petitioner regarding the school's failure to submit certain documents. Particularly, she requested for the Report of Disbursement covering August 1997 to August 1998, the Disbursing Officer's Report, as well as the payrolls and supporting documents for the student laborers' wages.²⁴

When confronted with her 1998 Annual Audit Report, she explained that there was no finding regarding ISCOF's Student Labor Program because the liquidating instruments were not submitted to her office. In fact, the Report of Disbursement was not submitted at all for post-audit.²⁵

Version of the Defense

Petitioner Elpidio Locsin, Jr.²⁶ testified that he had been President of ISCOF from 1993 to May 2005. Previously, he was with the Department of Agriculture, and was never criminally or administratively charged therein. While in ISCOF, he was charged with about 21 cases, 16 of which already got resolved. Most of these cases were filed by Mendoza, Grappa, and Armentia together with others. The Deputy Ombudsman-Visayas recommended the dismissal of these cases against him but Ombudsman Aniano Desierto rejected the recommendation.

²⁰ *Id.* at 22.

²¹ *Id.*

²² *Id.*

²³ *Id.* at 23.

²⁴ *Id.*

²⁵ *Id.* at 24.

²⁶ *Id.* at 31-34.

There were two (2) types of Student Labor Program in ISCOF: *first*, the Special Program for the Employment of Students under the DOLE, and *second*, the Regular College Student Labor Program governed by DBM Circular Letter No. 11-96. ISCOF had been implementing the Regular College Student Labor Program as early as 1981. The first program had an income level criteria while the second one did not. His children availed of the Regular College Student Labor Program. It was Student Labor Supervisor Grappa who prepared the appointment papers of all student laborers and gave recommendations to the Administrative Officer relative to their assignments.

Although it was his duty to approve appointments, payrolls, vouchers, and DTRs, among others, he relied on his subordinates for these things and no longer reviewed their work. At any rate, the DTRs he signed were forwarded to Grappa who scrutinized them before forwarding them to the Administrative Officer.

There was never a time that the Commission on Audit rejected or disallowed the payment to his children as student laborers. In case there was erroneous payment of student laborers' salaries, he was willing to refund the amount as the agency's head pursuant to DBM Circular Letter No. 11-96.

Complainant Mendoza filed a case against him after she got dismissed as Accountant due to her poor performance rating. The dismissal was approved by the Board of Trustees and affirmed by the Civil Service Commission. Complainant blamed him for her dismissal. As for Grappa, he testified against him (petitioner) because he was very close to complainant. Grappa would ask Mendoza to put on hold the processing of payment to student laborers who owed him money. Armentia, on the other hand, had an adopted child who got expelled from ISCOF for having been involved in so many troubles. Armentia asked for his help but he was not able to.

On cross, he stated that the hiring of Student Laborers in ISCOF was by virtue of College Order No. 8-A Series of 1996 dated June 10, 1996. Said college order distinguished the two (2) types of student labor programs offered in ISCOF. Too, he denied that his son Gelner Keats only did janitorial work which did not meet the purpose of College Order No. 8-A Series of 1996 that the student laborer be "trained in order to enhance technical trade, educational or competence or skills". There were also technical aspects in his son's jobs.

Angelo Consemينو Sobrepeña, teacher at WVCST, testified that Gelner Keats was one of his students in Water Color Painting during the summer of 1998. Summer classes were informal classes which only ran for twenty (20) days so he did not check attendance daily. He did note, however, that Gelner Keats only attended class for the first three (3) days.²⁷

Eduardo Braganza, janitor at ISCOF assigned at the administration building, testified that two (2) student laborers were usually assigned in the

²⁷ *Id.* at 25.

Office of the ISCOF President. For 1996, 1997, and 1998, petitioners' children were assigned there. They cleaned the offices of the ISCOF President and Secretary of the Board, as well as the conference room. He also noticed them working whenever he mimeographed papers. But he never saw Grappa nor Armentia check on the children.²⁸

Rieze A. Bermejo, security guard at the Administration Building of ISCOF, testified that in 1997, he got assigned as Training Assistant and Marine Diesel Mechanic of Fisherman Boat, Captain Skipper. He prepared training materials with the help of petitioner's children. He had also seen them wiping dirt and sweeping floors.²⁹

Richard B. Depita, another security guard at ISCOF, testified that on May 19, 1998, while roving the Integrated Farming System (IFS), he saw petitioner's children watering the plants, feeding tilapia, and removing weed.³⁰

Emmanuel Asuelo, Science Research Specialist at ISCOF, testified he was in charge of the Fresh Water Project which included the IFS. In May 1998, petitioners' three (3) children were assigned as student laborers in the IFS. Their work involved feeding the fish and chicken, cleaning the fish tank, planting vegetables, cultivating, and cleaning. The children usually reported there at 6 o'clock until 7:30 in the morning, and from 3 o'clock to 5 o'clock in the afternoon. He would check their DTRs but would not sign them since he was not their supervisor on record. He never saw Grappa visit the demonstration farm to check on the student laborers.³¹

On cross, he admitted his brother also got appointed as student laborer in April 1998.³²

Ernie V. Bedia, Associate Professor, Planning Officer, Head of General Services and Acting Administrative Officer V at ISCOF, explained the two (2) Student Laborer Program. One was under DOLE which could only be availed of by students with parents earning below ₱36,000.00 while the other one was under the policy of the college without income requirement.³³

His office as Administrative Officer was merely ten (10) meters away from the Office of the ISCOF President such that he was able to observe petitioner's children assisting in janitorial work. They also delivered documents to his office.³⁴

²⁸ *Id.* at 25-26.

²⁹ *Id.* at 26.

³⁰ *Id.* at 27.

³¹ *Id.* at 26-27.

³² *Id.* at 26.

³³ *Id.* at 28.

³⁴ *Id.*

On cross, he admitted to meeting with petitioner's lawyer before testifying to discuss the different Student Labor Programs. Too, he was the Chairman of the Grievance Committee on Mendoza's dismissal.³⁵

Melahi V. Baylas, College Board Secretary V of ISCOF, testified that aside from petitioner's children, two (2) other student laborers were assigned at the Office of the ISCOF President and she had seen them working. The student laborers' DTRs which were submitted to her were forwarded to petitioner for his signature as head of office. He signed the students' DTRs including those who were not assigned to the Office of the ISCOF President.³⁶

Grappa was not truthful in his testimony. Grappa's office was far from the Office of the ISCOF President and he never visited petitioner's office to check on the student laborers.³⁷

Steward Pamplona, student laborer of ISCOF from 1997 to 1999, testified that he was assigned in the Electrical Department located below the conference room in the Administration Building. He had seen petitioner's children clean the conference room.³⁸

Elpidio Locsin III testified that he was appointed as student laborer from April 1998 to May 1998 and was assigned at the Office of the ISCOF President in April 1998 and the IFS in May 1998. As student laborer assigned at the Office of the ISCOF President, he cleaned petitioner's office, comfort room, jalousies, books, and even assisted in photocopying documents. He reported for work from 6:30 to 7:30 in the morning and 5 o'clock to 6 o'clock in the afternoon. During his assignment in the IFS, he maintained the water level of the fish tanks, planted vegetables, and fed pigs, chicken and tilapia.³⁹

Gelner Keats Locsin testified that he applied for and was appointed as student laborer of ISCOF. He was assigned in the Office of the ISCOF President and the IFS. He performed the same tasks as his brother Elpidio III. Grappa never checked on the student laborers assigned at the Office of the ISCOF President.⁴⁰

In rebuttal, the prosecution called **Melahi V. Baylas** to the witness stand and had her confirm that College Order No. 8-A Series of 1996 was only approved by ISCOF's Board of Trustees on November 23, 2000.⁴¹

The Sandiganbayan's Ruling

As borne by its assailed Decision dated August 12, 2010, the Sandiganbayan rendered a verdict of conviction, viz.:

³⁵ *Id.* at 29.

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* at 30.

³⁹ *Id.*

⁴⁰ *Id.* at 31.

⁴¹ *Id.* at 35.

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WHEREFORE, judgment is rendered as follows:

- (1) In Criminal Case No. 26331, the Court finds the accused Elpidio Locsin, Jr. **GUILTY** beyond reasonable doubt of violation of Section 3(e) of RA 3019, as amended, sentencing him to suffer the penalty of imprisonment ranging from six (6) years and one (1) month as minimum to ten (10) years as maximum, and to suffer perpetual disqualification from public office. In addition, he is ordered to return the salaries paid to his children; namely, Neil Arvin and Gelner Keats, in the amount of one thousand pesos (P1,000.00).
- (2) In Criminal Case No. 26332, the Court finds the accused Elpidio Locsin, Jr. **GUILTY** beyond reasonable doubt of violation of Section 3(e) of RA 3019, as amended, sentencing him to suffer the penalty of imprisonment ranging from six (6) years and one (1) month as minimum to ten (10) years as maximum, and to suffer perpetual disqualification from public office. In addition, he is ordered to return the salaries paid to his son, Neil Arvin, in the amount of five hundred pesos (P500.00).
- (3) In Criminal Case No. 26333, the Court finds the accused Elpidio Locsin, Jr. **GUILTY** beyond reasonable doubt of violation of Section 3(e) of RA 3019, as amended, sentencing him to suffer the penalty of imprisonment ranging from six (6) years and one (1) month as minimum to ten (10) years as maximum, and to suffer perpetual disqualification from public office. In addition, he is ordered to return the salaries paid to his children; namely, Neil Arvin, Elpidio III and Gelner Keats, in the amount of one thousand five hundred pesos (P1,500.00).
- (4) In Criminal Case No. 26334, the Court finds the accused Elpidio Locsin, Jr. **GUILTY** beyond reasonable doubt of violation of Section 3(e) of RA 3019, as amended, sentencing him to suffer the penalty of imprisonment ranging from six (6) years and one (1) month as minimum to ten (10) years as maximum, and to suffer perpetual disqualification from public office. In addition, he is ordered to return the salaries paid to his children; namely, Neil Arvin, Elpidio III and Gelner Keats, in the amount of two thousand one hundred pesos (P2,100.00).

SO ORDERED.⁴²

The Sandiganbayan held that all the elements of violation of Section 3(e) of RA 3019 were present:

First. Petitioner was discharging his official functions as ISCOF President when he approved the appointment and payment of his children's salaries and signed their DTRs.⁴³

Second. Petitioner acted with gross inexcusable negligence in approving his children's appointment as student laborers despite their

⁴² *Id.* at 45-47.

⁴³ *Id.* at 37-38.

ineligibility, and the payment of their salaries though they did not actually render labor services.⁴⁴

Petitioner asserted that ISCOF had two (2) student labor programs under College Order No. 8-A Series of 1996: one governed by RA 7323, the Special Program for Employment of Students, and the other under the school's Regular Student Labor Services. He availed of the regular program which had no salary requirement.⁴⁵ But as the prosecution brought to fore, College Order No. 8-A Series of 1996 was only approved on November 23, 2000. Thus, it could not have applied to his children who were appointed in 1997 and 1998. They could have only been governed by RA 7323 which sought to aid those poor and deserving students by augmenting their income. At no instance did petitioner claim that his family was poor.⁴⁶

On whether petitioner's children actually rendered labor services, the Sandiganbayan gave more credence to the prosecution's evidence. The testimonies of the prosecution witnesses that petitioner's children were either playing basketball or riding their bicycles instead of working were not successfully refuted by the defense.⁴⁷

Petitioner therefore acted with gross inexcusable negligence when he appointed his children and facilitated the release of their payment despite their ineligibility to be in the Student Labor Program and failure to render labor services.⁴⁸

Third. Petitioner's acts gave his children unwarranted benefits and preference over more deserving and qualified students. More, the government suffered undue injury in the amount of the salaries paid to the children, thus:⁴⁹

Criminal Case No. 26331 (November 3-30, 1997)

Neil Arvin	50 hours	₱500.00
Gelner Keats	50 hours	₱500.00

Criminal Case No. 26332 (February 1-28, 1998)

Neil Arvin	50 hours	₱500.00
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Criminal Case No. 26333 (April 1-30, 1998)

Neil Arvin	50 hours	₱500.00
Elpidio III	50 hours	₱500.00
Gelner Keats	50 hours	₱500.00

Criminal Case No. 26334 (May 1-31, 1998)

Neil Arvin	70 hours	₱700.00
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⁴⁴ *Id.* at 38-40.

⁴⁵ *Id.* at 38-39.

⁴⁶ *Id.* at 39.

⁴⁷ *Id.* at 40.

⁴⁸ *Id.* at 42-43.

⁴⁹ *Id.* at 44-45.

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Elpidio III	70 hours	P700.00
Gelner Keats	70 hours	P700.00

Under DBM Circular Letter No. 11-96, petitioner was liable to return the foregoing amounts which totaled P5,100.00.

The Sandiganbayan denied reconsideration on October 1, 2015.

The Present Petition

Petitioner now seeks affirmative relief from this Court and prays for a verdict of acquittal. He essentially argues:

First. The Sandiganbayan erred in convicting him of violation of Section 3(e) of RA 3019 despite the absence of proof that he acted with gross inexcusable negligence. He could not be faulted for approving his children's application for student laborer since contrary to the prosecution's claim, there is no income threshold under DBM Circular Letter No. 11-96 to qualify as a student laborer. It was DBM Circular Letter No. 11-96, not RA 7323, which governed the student laborer program his children availed of. Too, he merely relied on his subordinates when he approved the payroll of the student laborers. He believed that his subordinates including Grappa would not have forwarded the DTRs of the student laborers unless they actually rendered service.⁵⁰

Second. The Sandiganbayan erred in rendering the verdict of conviction based on the weakness of his defense rather than the strength of the prosecution's evidence. While the Sandiganbayan was zealous in examining, analyzing, and pointing out the perceived weaknesses of the defense, it was lethargic in doing so with the prosecution. It was too quick to conclude that the testimonies of Grappa and Armentia were consistent on material points when in fact, they were vague, ambiguous, and ill-motivated.⁵¹

Third. Under DBM Circular Letter No. 11-96, the liability of the head of office for any erroneous payment of student allowance is purely civil. As petitioner had repeatedly manifested, he was willing to return the allowances received by his children if found to be unwarranted.⁵²

In its Comment,⁵³ the People of the Philippines, through the Office of the Ombudsman – Office of the Special Prosecutor defends the verdict of conviction. It counters:

First. College Order No. 8-A Series of 1996 which applies DBM Circular Letter No. 11-96 must yield to RA 7323 which requires student laborers to come from impoverished families. At any rate, College Order No.

⁵⁰ *Id.* at 433-454.

⁵¹ *Id.* at 454-497.

⁵² *Id.* at 497-498.

⁵³ *Rollo* (Vol 3), p. 1274.

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8-A Series of 1996 was only approved on November 23, 2000 while the questioned appointments were issued in 1997 and 1998.⁵⁴

Second. DMB Circular Letter No. 11-96 does not govern the student labor program which petitioner's children availed of. Said circular only covers student laborers employed by the schools they are enrolled in. Since Gelner Keats was enrolled at WVCST and not in ISCOF, he could not have been validly covered by the circular. Too, it merely increased the hourly rate of the student laborers and is not the authoritative guidelines in determining an applicant's eligibility for the program.⁵⁵

Third. Petitioner's acts of appointing his own children as student laborers in the school where he served as president, assigning them to his own office to do duties as he may require, signing their records of attendance and DTRs though they did not actually render labor services, and failing to submit to the COA supporting documents that would have justified payment to his children, all lead to the inevitable conclusion that petitioner threw all caution to the wind to extend the benefit of the student labor program to his children. This unduly damaged the ISCOF in the amount of ₱5,100.00 and deprived more deserving students of the opportunity to avail of the student labor program.⁵⁶

Fourth. Petitioner's protestations against the credibility of the prosecution witnesses are baseless and improper. As a rule, the findings of the Sandiganbayan regarding the credibility of a witness are factual in nature and, as a rule, not subject to review in an appeal by *certiorari*. Petitioner failed to show that his case falls under any of the exceptions that would justify a reversal of the Sandiganbayan's findings.⁵⁷

Finally. The civil liability imposed under DBM Circular Letter No. 11-96 does not preclude the prosecution of the criminal aspect of petitioner's unlawful act.⁵⁸

In his Reply,⁵⁹ petitioner brought to fore the fact that the Informations against him did not allege that his children were not qualified to be appointed as student laborers, only that he caused the payment of their wages though they did not actually render labor services.⁶⁰ Too, the approval of College Order No. 8-A Series of 1996 on November 23, 2000 does not mean that the Regular College Student Labor Program only started then. On the contrary, it was already being implemented as early as 1981.⁶¹ Petitioner likewise reiterates the arguments he raised in his petition.

⁵⁴ *Id.* at 1296.

⁵⁵ *Id.* at 1298-1299.

⁵⁶ *Id.* at 1300-1302.

⁵⁷ *Id.* at 1303-1307.

⁵⁸ *Id.* at 1299.

⁵⁹ *Id.* at 1331-1355.

⁶⁰ *Id.* at 1338-1341.

⁶¹ *Id.* at 1331.

Issue

Did the Sandiganbayan err in rendering the verdict of conviction against petitioner for four (4) counts of violation of Section 3(e) of RA 3019?

Ruling

We acquit.

The four (4) Amended Informations did not charge petitioner with unlawfully appointing his children despite the latter's alleged ineligibility; Petitioner cannot be held liable for violation of Section 3(e) of RA 3019 on such ground

Sections 8 and 9 of Rule 110 of the Rules of Criminal Procedure state:

Section 8. Designation of the offense. — The complaint or information shall state the designation of the offense given by the statute, **aver the acts or omissions constituting the offense**, and specify its qualifying and aggravating circumstances. If there is no designation of the offense, reference shall be made to the section or subsection of the statute punishing it.

Section 9. Cause of the accusation. — **The acts or omissions complained of as constituting the offense** and the qualifying and aggravating circumstances **must be stated in ordinary and concise language and not necessarily in the language used in the statute but in terms sufficient to enable a person of common understanding to know what offense is being charged** as well as its qualifying and aggravating circumstances and for the court to pronounce judgment. (*emphases added*)

Indeed, it is fundamental that every element of which the offense is composed must be alleged in the Information.⁶² The requirement of sufficient factual averments is meant to inform the accused of the nature and cause of the charge against him in order to enable him to prepare his defense.⁶³ This is part and parcel of due process of law. The test in determining whether the information validly charges an offense is whether the material facts alleged in the complaint or information will establish the essential elements of the offense charged as defined in the law.⁶⁴

Here, the four (4) Amended Informations against petitioner similarly read:

⁶² *Canceran v. People*, 762 Phil. 558, 566 (2015).

⁶³ *People v. Valdez*, 679 Phil. 279, 294 (2012).

⁶⁴ *People v. XXX*, G.R. No. 226467, October 17, 2018.

Criminal Case No. 26331

That on or about xxx and for sometime prior or subsequent thereto, at the Municipality of Barotac Nuevo, province of Iloilo, Philippines, and within the jurisdiction of this Honorable Court, above-named accused, a high-ranking government official being the President of the Iloilo Sate College of Fisheries (ISCOF for brevity), Barotac Nuevo, Iloilo, in such capacity and committing the offense in relation to office, with gross inexcusable negligence, did then and there willfully, unlawfully and feloniously appoint his sons xxx as student laborers at ISCOF assigned to the Office of the College President xxx, **and caused aforesaid sons to get paid of their salaries as student laborers even without actual performance of labor services, accused personally affixing his signature on the Daily Time Record (DTR) instead of the immediate supervisor,** thus accused, in the performance of his official functions, had given unwarranted benefits, advantage, or preference to his sons Neil Arvin Locsin and Gelner Keats Locsin, to the damage and prejudice of other deserving indigent students of ISCOF and the government particularly the ISCOF.

CONTRARY TO LAW.⁶⁵ (emphasis added)

As stated, the only differences in the four (4) Amended Informations pertained to the names of petitioner's children whom he had appointed and the periods of their appointments.

On the strength of these Amended Informations, petitioner was tried and convicted for violations of Section 3(e) of RA 3019, viz.:

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.

x x x x

The elements of the offense are: (a) the accused must be a public officer discharging administrative, judicial, or official functions or a private individual acting in conspiracy with such public officer; (b) he or she acted with manifest partiality, evident bad faith, or gross inexcusable negligence; and (c) his or her action caused any undue injury to any party, including the

⁶⁵ *Rollo* (Vol. 1), pp. 12-13.

government, or gave any private party unwarranted benefits, advantage, or preference in the discharge of his functions.⁶⁶ In *People v. Atienza*,⁶⁷ the Court distinguished these three (3) modes of committing a violation of Section 3(e) of RA 3019:

x x x. 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. "Evident bad faith" contemplates a state of mind affirmatively operating with furtive design or with some motive of 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.

For clarity though, the Sandiganbayan convicted petitioner for two (2) types of violations: **First**, gross inexcusable negligence in appointing his children as student laborers despite their alleged ineligibility to the damage and prejudice of more deserving students, and **second**, gross inexcusable negligence in facilitating their payment though they did not actually render labor services to the damage and prejudice of ISCOF itself. **Of these two (2) types of violations, only the second type was sufficiently alleged in the Amended Informations.**

Notably, the Amended Informations only charged petitioner with gross inexcusable negligence in causing the release of his children's salaries as student laborers by signing their DTRs even though they allegedly did not render actual labor services to the damage and prejudice of ISCOF. Although the Amended Informations also mentioned the word "appoint," they did not specify any irregularity, let alone the offense committed when petitioner appointed his children as student laborers. The Amended Informations did not even state that petitioner's children were ineligible to avail of any student labor program. As such, the Amended Informations failed to state how other deserving indigent students of ISCOF were prejudiced by petitioner's decision to appoint his own children as student laborers.

Petitioner raised this point when the prosecution offered the testimony of Grappa, viz.:⁶⁸

Pros. Presquera:

The prosecution offers to prove by the testimony of its present witness, Mr. Armando Grappa. He will testify that the Iloilo State College of Fisheries (ISCOF) has established guidelines on the hiring of student laborer services in the college, but which, guidelines were not complied with by the accused ISCOF President through gross inexcusable negligence. This witness will

⁶⁶ *Fuentes v. People*, 808 Phil. 586, 592-593 (2017).

⁶⁷ 688 Phil. 1, 20 (2012).

⁶⁸ *Rollo* (Vol. 2), pp. 1071-1072.

likewise testify that the accused gave unwarranted benefits to his three (3) children, namely: Neal Arvin Locsin, Elpidio Locsin III and Gelner Keats Locsin were given unwarranted benefits, advantage or preference by causing their appointment as student laborers in the college, and assigning them in the office of the college President and by signing on their Daily Time Records instead of the immediate supervisor without actual labor services rendered. This witness will likewise identify documents, Your Honors, premarked during the pre-trial Exhibits "J", "K", "L" and "M". These are the appointment papers of the three (3) children of the accused and the Daily Time Records premarked as Exhibits "A", "B", "C", "D", "E", "F", "G", and "H".

AJ ESTRADA

(to defense counsel)

Any comment?

Atty. Go:

Except for the offer regarding the procedures and policies, I think that is no longer part of the Information, Your Honors, because I think the accused here is being charged of gross inexcusable negligence regarding the payment of his three (3) children despite the fact that there is nothing to do with the policy guidelines, Your Honors.

Hence, petitioner could not be held criminally liable here for any purported irregularity in the appointment of his children.

Even assuming that the Amended Informations did in fact sufficiently charge petitioner with violating Section 3(e) of RA 3019 for appointing his children despite their supposed ineligibility, this would have, in turn, violated Rule 110, Section 13 of the Rules of Criminal Procedure, viz.:

Section 13. Duplicity of the offense. — A complaint or information must charge but one offense, except when the law prescribes a single punishment for various offenses.

Indeed, the two (2) types of violations the Sandiganbayan convicted petitioner of are, in reality, two (2) distinct offenses which should have been alleged in separate Informations.

To be sure, whether petitioner acted in gross inexcusable negligence in appointing his children as student laborers despite their alleged ineligibility to the damage and prejudice of more deserving students, would no longer be material if they received salaries without rendering actual labor service. Conversely, whether petitioner acted in gross inexcusable negligence in facilitating the payment for his children though they did not actually render labor services to the damage and prejudice of ISCOF itself, would not have any bearing if in the first place, petitioner appointed his children despite their ineligibility. Either offense would have sufficed as a violation of Section 3(e) of RA 3019. Each act should have therefore been alleged in a separate

Information rather than being bundled in a cornucopia. Be that as it may, Section 3, Rule 120 of the Rules of Court⁶⁹ states that when two or more offenses are charged in a single complaint or information but the accused fails to object to it before trial, as here, the court may convict him of as many offenses as are charged and proved.

Petitioner acted in good faith when he appointed his children as student laborers

At any rate, we disagree with the Sandiganbayan that petitioner acted in gross inexcusable negligence when he appointed his children as student laborers.

As established during the trial, there were two (2) Student Labor Programs available to ISCOF students: The Special Program for the Employment of Students under the DOLE, and the Regular College Student Labor Program covered by DBM Circular Letter No. 11-96.

RA 7323 ordains:

SECTION 1. Any provision of law to the contrary notwithstanding, any person or entity employing at least fifty (50) persons may during the summer and/or Christmas vacation employ poor but deserving students fifteen (15) years of age but not more than twenty-five (25) years old, paying them a salary or wage not lower than the minimum wage provided by law and other applicable labor rules and regulations.

For purposes of this Act, poor but deserving students refer to those whose parents' combined incomes, together with their income, if any, do not exceed Thirty six thousand pesos (P36,000) per annum. Employment should be at the Labor Exchange Center of the Department of Labor and Employment (DOLE).

SECTION 2. Sixty per centum (60%) of said salary or wage shall be paid by the employer in cash and forty per centum (40%) by the Government in the form of a voucher xxx

On the other hand, DBM Circular Letter No. 11-96 decrees:

CIRCULAR LETTER

No.11-96
Series of 1996

TO: The Secretary, Department of Education, Culture and Sports; Chairman, Commission on Higher Education (CHED); Director-General Technical Education and Skills Development Authority (TESDA); Head of State Universities and Colleges (SUCs) and All Others Concerned

⁶⁹ **Section 3.** *Judgment for two or more offenses.* - - When two or more offenses are charged in a single complaint or information but the accused fails to object to it before trial, the court may convict him of as many offenses as are charged and proved, and impose on him the penalty for each offense, setting out separately the findings of fact and law in each offense.

**SUBJECT: INCREASING THE HOURLY RATE OF ALLOWANCE
FOR STUDENT LABOR**

1.0. Purpose

This Circular is being issued to increase the rate of allowance for student labor under NCC No. 64 from P3.85 per hour to P10.00 per hour, but not to exceed 4 hours a day.

2.0 Rationale

Schools administered and supervised either by the DECS, CHED and/or TESDA as well as State Universities and Colleges (SUCs) resort to utilization of student labor for services needed, for the following reasons:

- 2.1 To provide practicum training for students
- 2.2 To provide extra income for students
- 2.3 To emphasize dignity of labor

3.0 Definition

- 3.1. Student laborer shall mean a student who is appointed to render part-time service in the school where he/she is currently enrolled.
- 3.2. Part-time service shall mean the rendition of work during off school/classroom hours.
- 3.3. Allowance for student labor shall mean the remuneration by the hour for services rendered at the rate of P10.00 per hour but not to exceed 4 hours a day.

4.0 Coverage

- 4.1 Students who render part-time service in schools administered and supervised either by the DECS, CHED and/or TESDA and SUCs.

5.0 Rules and Procedures

Effective January 1, 1996, the allowance for student labor shall be set at P10.00 per hour but not to exceed 4 hours a day, chargeable against the lump-sum appropriations for the purpose of the respective schools.

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7.0 Responsibility of the Head of the School

The Head of the school, university or college and the DECS, CHED, and TESDA Central or Regional Directors concerned shall be held personally liable for any payment of the allowance for student labor which is not in accordance with this Circular as well as for the non-submission or late submission of the reports required.⁷⁰

⁷⁰ *Rollo* (Vol. 1), pp. 435-437.

xxx

The substantial differences between the two programs are apparent:

	RA 7323	DBM Circular Letter No. 11-96
Rationale	To help poor but deserving students pursue their education by encouraging their employment during summer and/or Christmas vacations.	<ol style="list-style-type: none"> 1. To provide practicum training for students 2. To provide extra income for students 3. To emphasize the dignity of labor
Employers	Any person or entity employing at least fifty (50) persons	Schools administered and supervised by either the Department of Education Culture and Sports (now DepEd), Commission on Higher Education (CHED) and/or Technical Education and Skills Development Authority (TESDA) as well as State Universities and Colleges (SUCs).
Period	During the summer and/or Christmas vacation	Shall not exceed four (4) hours a day. Part-time, <i>i.e.</i> during off school/classroom hours
Payment	Salary or wage not lower than the minimum wage provided by law and other applicable labor rules and regulations	Allowance of P10.00 per hour
Source of Payment	Sixty per centum (60%) of the salary or wage shall be paid by the employer in cash and forty per centum (40%) by the Government in the form of a voucher.	Chargeable against lumpsum appropriations
Income Criteria	Poor but deserving students refer to those whose parents' combined incomes, together with their income, if any, do not exceed Thirty six thousand pesos (P36,000) per annum	n/a

Here, petitioner's children were hired as student laborers in November 1997, February 1998, April 1998, and May 1998. They were assigned to the Office of the ISCOF President and the IFS where they were supposed to work from 6 o'clock until 7:30 in the morning and from 3 o'clock to 5 o'clock or 5 o'clock to 6 o'clock in the afternoon. Notably, ISCOF hires student laborers even during the semester, for shifts not exceeding four (4) hours a day, and pay them P10.00 per hour. These circumstances point to the fact that petitioner's children were hired as student laborers under DBM Circular Letter No. 11-96, not RA 7323.

Prosecution witnesses and ISCOF Student Laborer Supervisor Grappa himself identified DBM Circular Letter No. 11-96 as the basis for hiring

petitioner's children as student laborers. Both he and Armentia testified that petitioner did not deviate from DBM Circular Letter No. 11-96. Grappa testified, thus:

Q: Yesterday, Mr. Witness, you testified that in order for the applicant to be qualified as student laborer, he must be poor enough and must not be financially capable in going to school, am I correct?

A: Yes, Sir.

Q: You also told us that the Student Labor Program is governed by a circular letter issued by the Department of Budget and Management, am I correct?

A: Yes, Sir.

Q: **In fact, you also testified that in implementing the Student Labor Program of ISCOF, you follow the guidelines of the DBM or the Department of Budget and Management?**

A: **Yes, Sir.**

Q: When you say guidelines of the Department of Budget and Management you are referring to Circular Letter Number 11-96, Series of 1996 which is now marked as Exhibit "W" for the prosecution and Exhibit "25" for the accused?

A: Yes, Sir.

Q: **I am showing the same to you (Atty. Go handing the document to the witness). Mr. Witness, please tell us where from that circular is it stated that student laborer must be poor and must not be financially capable in going to school?**

A: **It is not found in this Circular Letter Number 11-96 but it can be found in the DOLE Program which is the Department of Labor and Employment.**

Q: Is it not that you testified that the implementation of the Student Labor Program is governed by the circular issued by the DBM?

A: It is not only the DBM but we are also following the rules governed by the Department of Labor and Employment, sir.

Q: **Is it not that there is another program?**

A: **There is another program which is the [SPES] Program.**

Q: And the Student Labor Program is governed by the [SPES] Program?

A: By the [SPES] Program and at the same time, the Circular Letter Number 11-96.

x x x x

Q: **Is it not that this Student Labor Program of DOLE is only implemented during summer?**

JUSTICE NAZARIO

So, that is the question.

WITNESS

A: Yes, sir.

ATTY GO

Q: And all the while we are discussing the Student Labor Program implemented throughout the year, am I correct?

A: Yes, sir.

Q: That is why I was calling your attention where in this circular letter issued by the Department of Budget and Management does it state that the student laborer must be poor and not financially capable in going to school. There is none, am I correct?

A: Yes, sir.

As for prosecution witness Armentia's testimony:

Q: I am showing you this Department of Budget and Management Circular No. 1196, please tell us where in the circular does it state the children of the office of the president are disqualified because all the student laborers will come from the poor sector?

A: I would like to tell the Honorable Court that Circular No. 1196 in the process of updating the guidelines and policies there are many guidelines that would supersede this because student laborer will receive a salary of only ₱3.85 per hour to ₱10.00 per hour. This was implemented during my time in 1996, but I would like to tell this Honorable Court that there might have been other rules --- (interrupted)

PJ NAZARIO

There might, you are not sure?

A: I am not sure because I am not anymore particular about this because I am not with the accounting division anymore, but there could be guidelines in the Department of Labor specifying that the annual income of a particular parent in the program must not be higher than ₱60,000.00 per annum of both parents.

PJ NAZARIO

Q: You mean joint income of both parents?

A: Yes, Your Honor.

ATTY. GO

Q: Mr. Witness, I am just asking you this question whether there is anything in the circular that disqualifies the children of the president to become a student laborer under the Student Labor Program and

whether there is anything in the circular that states that there is an income bracket for those who are qualified? Is there any in this circular to that effect?

(For the record, witness is reading the circular)

A: Based on this document presented to me by the lawyer of the defense, I could not see any lines or ... but what I have said, that was in 1996 and there should have been under labor law, I mean the 1996 guidelines of DBM.

X X X X

Q: You will agree, therefore, with me that there is no deviation insofar as this circular is concerned?

A: As far as that circular is concerned, I could not see any reason, Sir.

Q: So there is no deviation.

A: No deviation, Sir.

Curiously, the Sandiganbayan even cited DBM Circular Letter No. 11-96 as basis for ordering petitioner to return the ₱5,100.00 allowance that his children received despite holding that RA 7323 governed their employment as student laborers. This only affirms the applicability of DBM Circular Letter No. 11-96.⁷¹

Respondent People, nevertheless, counters that DBM Circular Letter No. 11-96 was being implemented through College Order No. 8-A Series of 1996 which, in turn, was only approved on November 23, 2000. Thus, it could not have governed the appointment of petitioner's children in 1997 and 1998. Too, DBM Circular Letter No. 11-96 must yield to RA 7323 insofar as the latter prescribes standards in hiring student laborers.

We are not persuaded.

For one, Exhibit 6 and series for the defense pertained to the Time Book and Payroll of ISCOF student laborers as early as 1981.⁷² These pieces of evidence were not successfully controverted by the prosecution, lending credence to petitioner's claim that ISCOF had long been implementing the Regular College Student Laborer. The program was simply formalized in 2000 but was already in effect 11 years before RA 7323 was enacted and 12 years before petitioner got appointed as President of ISCOF.

Verily, petitioner was merely following a decade of practice in ISCOF when he appointed student laborers under the Regular College Student Laborer Program. He was even responsible for formalizing the program during his term. At the very least, this only shows that petitioner was not impelled by any ill-motive nor did he act in gross inexcusable negligence in

⁷¹ *Id.* at 44-47.

⁷² *Id.* at 141-158.

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appointing his children as student laborers. He simply believed that the decade of practice was aboveboard, considering too DBM Circular Letter No. 11-96.

For another, prosecution witness Grappa confirmed in his testimony that ISCOF has been implementing two (2) types of Student Labor Programs. The Regular College Student Labor Program governed by DBM Circular Letter No. 11-96 is different from the Special Program for the Employment of Students under the DOLE. The prosecution failed to establish, however, that the criteria being observed in hiring students for the Special Program also covered the Regular Program. Notably, Grappa even admitted during the trial that he was responsible for checking the qualifications of the applicants for student laborers and forwarding their applications to the Administrative Officer.⁷³ Yet he did not exercise his authority as Student Laborer Supervisor and bring to fore the supposed ineligibility of petitioner's children to avail of the program.

In fine, petitioner acted in good faith when he appointed his children as student laborers.

In *Ysidoro v. Leonardo-De Castro*,⁷⁴ the Court upheld Mayor Ysidoro's acquittal of violation of Section 3(e) of RA 3019 for the prosecution's failure to discharge its burden of proving that Ysidoro acted in bad faith and the presence of the exculpatory proof of good faith.

The prosecution failed to establish that petitioner acted in gross inexcusable negligence when he signed his children's DTR

To reiterate, the Amended Informations were only able to charge petitioner with gross inexcusable negligence in signing his children's DTRs which allegedly allowed them to collect payment without actually rendering labor services. According to the Sandiganbayan, the prosecution was able to prove this charge to a moral certainty, viz.:⁷⁵

The assertion of the Prosecution that the children were playing basketball and riding bicycle around the campus instead of rendering work was not successfully refuted by the defense. The prosecution witnesses all corroborated each other on this material point. The defense for its part likewise presented witnesses to attest to the fact that the children worked. It likewise tried to discredit the witnesses presented by the prosecution alleging ill motive on their part. However, the allegations and reasons forwarded in imputing ill motive fail to persuade this Court. There was no reason to doubt the testimony of the prosecution witnesses consisting of professors in the school and a student labor supervisor himself.

The Court is not persuaded by the testimonies of the defense witnesses. With respect to the security guard assigned in the Administration Building, he testified that he was likewise assigned the duty of training

⁷³ *Rollo* (Vol. 2), p. 1085.

⁷⁴ See *Ysidoro v. Leonardo-De Castro*, 681 Phil. 1 (2012).

⁷⁵ *Rollo* (Vol. 1), pp. 40-42.

assistant in addition to his usual duties as security guard. It is intriguing that he would leave his post to perform the duty of training assistant for the children of the accused. In any event, witness himself admitted during cross-examination that when inside the conference room, he cannot see the people going in and out. With respect to the other defense witnesses, it likewise appears that their testimonies lacked candor. As to witness Bedia, it seems convenient for him to specifically remember that the children rendered labor services in 1997 and 1998, but when asked regarding the time before and after the period subject of the Informations, he already lacks knowledge for no plausible reason. Another curious admission is that of witness Asuelo, where he states that throughout the year, he needs the assistance of only one or two student laborers in the Integrated Farming System. However, he admitted during cross-examination that while in April, there was only one student laborer therein, in May, there were already four of them thereby accommodating the children of the accused.

Likewise, the logbook presented as allegedly evidencing the attendance of the children did not contain any time "in" or "out". Furthermore, it is suspicious that the Reports of Disbursements from August 1997 to August 1998 were only partially submitted. The Resident Auditor himself testified that there was no findings as to the Student Labor Program since the liquidating instruments pertaining to the same were not submitted to him. Oddly, the documents were forwarded to the Office of the President and received by his Secretary, Melahi Baylas instead of being submitted to the OCA. The Court therefore finds itself unable to give much credence to said exhibits.⁷⁶ (emphasis added)

We do not agree.

The cardinal rule is that the conviction of the accused must rest not on the weakness of the defense but on the strength of the prosecution. The burden is on the prosecution to prove guilt beyond reasonable doubt, not on the accused to prove his innocence. *People v. Tadeapa* elucidates:⁷⁷

To secure a conviction, the prosecution must prove the guilt of the accused beyond reasonable doubt. Proof beyond reasonable doubt does not mean such a degree of proof as, excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind. Nevertheless the burden of proof still rests on the state. The accused, if he so chooses, need not present evidence. He merely has to raise a reasonable doubt and whittle away from the case of the prosecution. The constitutional presumption of innocence demands no less.

The Court shares petitioner's observation that the Sandiganbayan focused more on the credibility of the defense evidence, or lack thereof, instead on the strength of the prosecution's evidence.

Here, the only evidence the prosecution offered to prove that petitioner's children did not actually render labor services were the testimonies of Grappa and Armentia that they always saw them playing

⁷⁶ *Id.* at 41-42.

⁷⁷ 314 Phil. 231 (1995).

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basketball or riding their bicycles. Too, Grappa claimed that Gelner Keats was enrolled in WVCST and could not have therefore rendered labor services during his schedule.

These testimonies hardly satisfy the quantum of evidence required to sustain a conviction.

Grappa merely made a sweeping declaration that petitioner's children did not render actual labor services during his direct examination testimony. More, his sweeping statement even got stricken out from the records, viz.:⁷⁸

Q: You have gone over the different Daily Time Records, Mr. Witness, and you indicated earlier that there was no signature of the immediate supervisor, and instead there is the signature of Dr. Elpidio Locsin?

A: Yes, ma'am.

Q: What did you do upon receipt of those Daily Time Records?

A: I just forwarded that to the administrative officer.

Q: Are you supposed to sign on the Daily Time Records?

A: I will not sign the DTR of the students because I have not seen them working.

AJ Villaruz:

Is it part of your responsibility to sign on the DTR?

Witness:

If the immediate supervisor is absent, Your Honor,

AJ Villaruz:

After the signing of the Daily Time Record by the immediate supervisor, what is supposed to be your subsequent functions:

Witness.

To scrutinize whether the immediate supervisor has signed the DTR, and if it is not being signed, I have to do the signing because I know that they are the students working, but instead for the children of Dr. Locsin which is not actually rendering services in the specified section.

Atty. Go:

We move to strike out the last portion of the answer, Your honor.

AJ ESTRADA

Strike out the last portion.

⁷⁸ Rollo (Vol. 2), pp 1115-1117.

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Neither is Grappa's singular statement during cross that he saw petitioner's children playing basketball and riding their bicycles inside the campus sufficient to sustain a verdict of conviction. His vague testimony did not even say who among petitioner's children he saw playing basketball and riding bicycles. He did not say how often he saw them and when.

It bears stress that Petitioner's children enrolled in ISCOF for four (4) years each while the charges here involve only four (4) work hours per day for four (4) months of the entire time they were enrolled. It was therefore incumbent upon Grappa to assert, nay establish, that he saw petitioner's children gallivanting during their supposed tour of duty.

Grappa's claim that it was physically impossible for Gelner Keats to have rendered labor services during the summer of 1998 is just as unconvincing. The one-and-a-half-hour travel between ISCOF and WVCST did not preclude Gelner Keats from rendering labor services during his tour of duty. For as Sobrepeña testified for the defense, Gelner Keats attended class in WVCST for only three (3) days.⁷⁹ Meanwhile, Grappa admitted that he never went to petitioner's office to check on the student laborers.⁸⁰

On the other hand, prosecution witness Armentia testified thus:⁸¹

PROS. SAGADAL

Q: Having said that, Mr. Witness, would you recall if during the school year 1997 to 1998 these children actually rendered labor services for the school?

A: I'm sorry to tell this Honorable Court that I could see every time I go home in the afternoon these three (3) children playing basketball around or in the college basketball court or I could see them riding their own bicycle.

PJ NAZARIO

Q: What time do you go home?

WITNESS

A: Between 5:00 to 6:00 in the afternoon, Your Honor.

Q: And what were they supposed to have been doing during those hours?

A: They should have been working for the college because they are being paid as student laborers per hour from 5:00 to 6:00 in the afternoon.

Q: Where did you see them riding their bicycles?

A: Around the college campus because our campus is a ten (10) hectare campus, Your Honor.

⁷⁹ *Rollo* (Vol. 1), p. 25.

⁸⁰ *Id.* at 19.

⁸¹ *Rollo* (Vol. 3), pp. 1160-1163.

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Q: So, it is within the college campus?

A: Yes, Your Honor.

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Q: Was it every day?

A: **Occasional**, but sometimes I could see them every afternoon. Because they are children, they used to be very playful.

Q: Would you want us to understand that between 5:00 and 6:00 you would see them bicycling for one (1) hour?

A: Yes, Your Honor.

Q: Continuously?

A: I could see them playing, the other child riding in a bicycle sometimes they are playing with other children in the basketball court.

Q: For one (1) hour?

A: It could not be specifically within one (1) hour every day, but I said occasional.

Q: How often?

A: **It could be three (3) times every week. Normally, every time I go home I could see them once in a week, twice in a week, thrice in a week.**

Q: You said you saw them riding bicycles or playing basketball, you mean for one (1) hour they would be either playing basketball or riding bicycles or was it just a fleeting glance from you?

A: I used to go home late in the afternoon between 5:00 and 6:00 and that tempted me to testify in this Court, Your Honor

Q: No. Answer the question. What was the duration of your witnessing them to have been playing basketball or riding bicycles? Was it only fleeting or you would stop and watch them?

A: Yes, I could even watch them, Your Honor.

Q: You watched them?

A: **Yes, Your Honor. Stop and watch them for a while for about five (5) minutes.**

Q: **Five (5) minutes?**

A: **Yes, Your Honor.**

Notably, Armentia only saw petitioner's children playing basketball or riding their bicycles for about five (5) minutes a day for about one (1) to three (3) times a week. Assuming this to be true, this is still not sufficient to conclusively establish that petitioner's children did not render labor services.

For one, Armentia's testimony similarly lacked material details just as Grappa's statement did. For another, petitioner's children were only required to render labor services for at least 50 hours every month. With a tour of duty from 6 o'clock until 7:30 in the morning and from 3 o'clock to 5 o'clock or 5

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o'clock to 6 o'clock in the afternoon, petitioner's children would have completed their quota within 14 to 20 days. This leaves enough opportunity for Armentia to observe them play basketball or ride their bicycles for five (5) minutes a day for about one (1) to three (3) times a week.

Consider, too, that Grappa and Armentia had ill motive to testify against petitioner. They admitted during the trial that they had already filed several complaints against petitioner for various reasons, most of which had already been dismissed.⁸² Armentia also represented private complainant Mendoza before ISCOF's Grievance Committee to discuss the problem between her and petitioner. He had been vocal in his belief that petitioner's decision to terminate Mendoza was unjust though said decision had already been sustained by the Civil Service Commission on appeal.⁸³

Respondent People counters that the Court is not a trier of facts and the factual findings of the Sandiganbayan, including the credibility of prosecution witnesses Grappa and Armentia, are final or conclusive on the parties and upon this Court.⁸⁴

We reckon with Rule 45 of the 1997 Rules of Civil Procedure. Though it generally requires petitions filed under the rule to raise pure questions of law,⁸⁵ the rule recognizes several exceptions, viz.:⁸⁶

(1) When the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (2) When the inference made is manifestly mistaken, absurd or impossible; (3) Where there is a grave abuse of discretion; (4) When the judgment is based on a misapprehension of facts; (5) When the findings of fact are conflicting; (6) When the Court of Appeals, in making its findings, went beyond the issues of the case and the same is contrary to the admissions of both appellant and appellee; (7) The findings of the Court of Appeals are contrary to those of the trial court; (8) When the findings of fact are conclusions without citation of specific evidence on which they are based; (9) When the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; and (10) The finding of fact of the Court of Appeals is premised on the supposed absence of evidence and is contradicted by the evidence on record. (emphases added)

We find the first, second, and sixth exceptions applicable here.

Indeed, the Sandiganbayan went beyond the issues of the case (*i.e.* the charge in the Amended Informations) when it tried and convicted petitioner essentially for alleged violation of RA 7323. To reiterate, the Amended Informations never alleged that his children were not eligible to avail of any student labor program. Worse, records show that petitioner's children were indeed qualified under DBM Circular Letter No. 11-96.

⁸² *Rollo* (Vol. 1), p. 22.

⁸³ *Id.* at 23.

⁸⁴ *Pascual v. Burgos*, 776 Phil. 167, 182 (2016).

⁸⁵ Rule 45, Section 1 of the 1997 Rules of Civil Procedure.

⁸⁶ *Pascual v. Burgos*, *supra* note 83, citing *Medina v. Mayor Asistio, Jr.*, 269 Phil. 225 (1990).

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Too, the Sandiganbayan haphazardly concluded that petitioner's children did not render labor services during their tour of duty based simply on the vague and sweeping testimonies of Grappa and Armentia. As stated, it could not have been reasonably deduced from their testimonies that petitioner's children were playing basketball or riding their bicycles the entire time they should have been rendering labor services for the specific periods of their appointments. The Sandiganbayan's findings on this matter could have only been conjectural.

The accused, being presumed innocent, carries no burden of proof on his or her shoulders; it is for the prosecution to demonstrate guilt and not for the accused to establish innocence. Here, the prosecution failed to overcome the *onus probandi* of establishing petitioner's guilt to a moral certainty. It failed to rise on its own merits just as the Sandiganbayan erred in rendering its verdict of conviction based on the weakness of the defense. A verdict of acquittal is therefore in order.

ACCORDINGLY, the petition is **GRANTED**. The Decision dated August 12, 2010 and Resolution dated October 1, 2015 of the Sandiganbayan in Criminal Case Nos. 26331-34 are **REVERSED** and **SET ASIDE**.


Petitioner **ELPIDIO A. LOCSIN, JR.** is **ACQUITTED** of all four (4) charges of violation of Section 3(e) of Republic Act No. 3019.

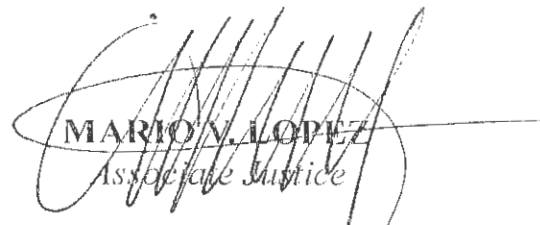
SO ORDERED.


AMY C. LAZARO-JAVIER
Associate Justice

WE CONCUR:


ESTELA M. PERLAS-BERNABE
Senior Associate Justice

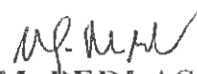

RAMON PAUL E. HERNANDO
Associate Justice


MARIO V. LOPEZ
Associate Justice


RICARDO R. ROSARIO
Associate Justice

ATTESTATION

I attest that the conclusion 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.


ESTELA M. PERLAS-BERNABE
Senior Associate Justice
Chairperson

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.


DIOSDADO M. PERALTA
Chief Justice

