



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Baguio City

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **25 April 2022** which reads as follows:*

“G.R. No. 258899 (*Ralph Stephen Calderon v. People of the Philippines*). – The Court resolves to GRANT petitioner Ralph Stephen Calderon’s (petitioner) motion for extension of thirty (30) days from the expiration of the reglementary period within which to file a petition for review on *certiorari*.

This resolves the Petition for Review on *Certiorari*¹ filed by petitioner assailing the Decision² dated November 25, 2020 and the Resolution³ dated February 11, 2022 of the Court of Appeals (CA) in CA-G.R. CR No. 44455, which affirmed the Decision⁴ dated October 10, 2019 of the Regional Trial Court of Manila, Branch 32 (RTC) finding petitioner guilty beyond reasonable doubt of Falsification of Public/Official Document under Article 171 of the Revised Penal Code (RPC).

Petitioner was charged under the following Information:

That on July 27, 1999, or sometime prior or subsequent thereto, in the City of Manila, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused RALPH STEPHEN MOISES CALDERON, a low-ranking public officer having been duly appointed and qualified as Presidential Staff Officer III (Salary Grade 15), Protocol Office, Office of the President, and while in the performance of his official duties as such and taking advantage thereof, did then and there wilfully, unlawfully and feloniously make false statements in a narration of facts, the truth of which he is legally bound to disclose, by making it appear in his Personal

¹ *Rollo*, pp. 12-37.

² *Id.* at 50-74. Penned by Associate Justice Celia C. Librea-Leagogo, with the concurrence of Associate Justices Louis P. Acosta and Florencio M. Mamauag, Jr.

³ *Id.* at 40-41. Penned by Associate Justice Florencio M. Mamauag, Jr., with the concurrence of Associate Justices Louis P. Acosta and Bonifacio S. Pascua.

⁴ *Id.* at 76-91. Penned by Presiding Judge Thelma Bunyi-Medina.

Data Sheet (Civil Service Form 212) which he accomplished on July 27, 1999 that he studied in the Philippine Military Academy (PMA) in 1984-1987 earning the degree of “2nd Class,” and enrolled at the Far Eastern University (FEU) in 1987-1989 obtaining a degree in Bachelor of Science in Elementary Education (BSEE), when in truth and in fact, as accused well knew, he was neither admitted to the PMA nor enrolled at FEU during the said periods, to the prejudice of public interest.

CONTRARY TO LAW.⁵

Petitioner pleaded *not guilty* to the offense charged.⁶

Trial on the merits ensued.

The prosecution presented its witnesses, namely, Dr. Gerald Villar (Dr. Villar), Atty. Catherine Pascua-Castro (Atty. Castro), Ellenita G. Gatbonton⁷ (Ms. Gatbonton), and Major Anaclito G. Almoite, Jr. (Maj. Almoite).⁸

Dr. Villar, a registrar of Far Eastern University-Manila (FEU), confirmed that he issued a certification stating, among others, that petitioner does not have any record of enrollment with FEU, and that it follows that any information stating that he graduated from FEU is false and misleading.⁹

Atty. Castro, a Graft Investigation and Prosecution Officer IV from the Office of the Ombudsman, testified that she evaluated the documents that were gathered during the investigation of petitioner, particularly the certifications issued by FEU and the Philippine Military Academy (PMA), which were the bases for the criminal and administrative complaints which Atty. Castro filed against petitioner.¹⁰

Ms. Gatbonton, a Presidential Staff Officer VI at the Malacañang Records Office, was the custodian of the original Personal Data Sheet dated July 27, 1999 and the extracted copy of Mass Reappointment dated December 29, 2003.¹¹

Maj. Almoite confirmed that he issued a Certification dated October 24, 2017, which stated:

This is to CERTIFY that there exists no record of the Transcript of Records or other similar records of RALPH STEPHEN M. CALDERON in this office.

⁵ Id. at 92-93.

⁶ Id. at 52.

⁷ “Gatbunton” on p. 4 of the CA Decision, “Gatbunton” on p. 5; *rollo*, pp. 53 and 54; “Gatbunton” on p. 2 of the RTC Decision, “Gatbunton” on p. 4; *rollo*, pp. 77 and 79.

⁸ *Rollo*, p. 53.

⁹ Id. at 53-54.

¹⁰ Id. at 54.

¹¹ Id.

Based on our current and updated records, RALPH STEPHEN M. CALDERON never became a cadet at the Philippine Military Academy at any time. x x x¹²

In his defense, petitioner presented himself. The testimonies of his other witnesses, Janet Jacob, Ricky Abundo, and Renante Jordan, were stipulated on by the prosecution and the defense. Petitioner denied the allegations against him.¹³

In its Decision¹⁴ dated October 10, 2019, the RTC found petitioner guilty of Falsification of Public/Official Document, the dispositive portion of which states:

WHEREFORE, judgment is hereby rendered finding accused **RALPH STEPHEN MOISES CALDERON** guilty beyond reasonable doubt of Falsification of Public/Official Documents, sentencing him to suffer the indeterminate prison term of TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY OF *prision correccional* as minimum to EIGHT (8) YEARS and ONE (1) DAY of *prision mayor* as maximum, and for him to pay the fine of [P]100,000.00.

SO ORDERED.¹⁵

The RTC held that all the elements of Falsification of Public/Official Documents under Article 171 (4) of the Revised Penal Code were proven beyond reasonable doubt.

Aggrieved, petitioner appealed to the CA.

The CA denied the appeal and affirmed the RTC Decision, but reduced the fine from P100,000.00 to P5,000.00, considering that the crime was committed prior to the enactment of Republic Act No. (RA) 10951,¹⁶ which expressly provides for retroactive effect only insofar as it is favorable to the accused.¹⁷

Petitioner filed a Motion for Reconsideration¹⁸ which the CA denied for being a mere restatement of the arguments that the CA had already considered and addressed.

Unsatisfied with the CA's disposition, petitioner filed the present petition, raising the main issue of whether or not he is guilty of Falsification

¹² Id. at 54-55.

¹³ Id. at 57-58.

¹⁴ Id. at 76-91.

¹⁵ Id. at 91.

¹⁶ Entitled, "An Act Adjusting the Amount or the Value of Property and Damage on which a Penalty is Based and the Fines Imposed under the Revised Penal Code, Amending for the Purpose Act No. 3815, Otherwise Known as *The Revised Penal Code*, As Amended." Approved on August 29, 2017.

¹⁷ *Rollo*, pp. 69-70.

¹⁸ Id. at 42-48.

of Public/Official Documents. In particular, petitioner raises the following issues: (1) whether or not a positive identification by a witness is necessary for a conviction; (2) whether or not petitioner, in perpetrating the crime, took advantage of his official position; (3) whether or not petitioner was merely negligent in perpetrating the crime charged; and (4) whether or not the crime charged is barred by double jeopardy.

At the outset, We enunciate the basic rule that the findings of the trial courts which are factual in nature and which involve credibility are accorded respect when there are no glaring errors, gross misapprehension of facts and speculative, arbitrary and unsupported conclusions, for the trial court is in a better position to decide the credibility of witnesses, having heard their testimonies and observed their deportment and manner of testifying during the trial.¹⁹ The foregoing rule demands an even more stringent application where said findings are sustained by the CA,²⁰ as in this case.

In resolving the present case, therefore, the Court will no longer disturb the RTC and the CA's findings of fact and those which involve the credibility of witnesses. Rather, the Court will only look into the application of the law to the findings made by the courts *a quo*.

The petition is partly meritorious.

After a judicious review of the case, We find that the prosecution failed to prove all the elements of Article 171 (4) of the RPC. Nonetheless, petitioner is still criminally liable for falsification under Article 172 (1) of the RPC, which is necessarily included in the crime charged under the Information.

The essential elements of the crime of Falsification of Public Document under Article 171 (4) of the RPC are the following:

- (1) that the offender is a public officer, employee, or notary public;
- (2) that the offender takes advantage of his/her official position;
- (3) that the offender makes in a public document untruthful statements in a narration of facts;
- (4) that the offender has a legal obligation to disclose the truth of the facts which he/she narrated; and
- (5) that the facts narrated by the offender are absolutely false.

It is undisputed that petitioner, at the time the crime was committed, was a public officer serving as Presidential Staff Officer III in the Protocol Office of the Office of the President. Petitioner, however, posits that the

¹⁹ See *People of the Philippines v. Aspa*, 838 Phil. 302, 312 (2018).

²⁰ *Id.*

prosecution failed to prove that he took advantage of his official position in perpetrating the crime. He argues that he did not prepare the PDS subject of the case, but merely “filled the blanks with entries later found erroneous.”

The Court agrees that the prosecution failed to prove that petitioner took advantage of his official position when he made false statements in his PDS.

In *Department of Finance v. Office of the Ombudsman*,²¹ the Court, in acquitting therein accused, held as follows:

In this case, the element of taking advantage of one’s position is patently lacking. There is no showing that private respondent had the duty to make or prepare, or otherwise, to intervene in the preparation of the SALNs, or he had the official custody of the same. Taking advantage of one’s official position for the purpose of committing falsification of public document under Article 171 “is considered present when the offender falsifies a document in connection with the duties of his office which consist of either making or preparing or otherwise intervening in the preparation of a document.” A public officer is said to have taken advantage of his or her position if he or she has the duty to make or prepare or otherwise to intervene in the preparation of a document or if he or she has the official custody of the document which he or she falsifies.

The preparation and filing of a SALN is not a special duty of any particular office. It is not based on rank or salary grade. The preparation and filing of a SALN is required of all public officers and employees “except those who serve in an honorary capacity, laborers and casual or temporary workers.” Hence, when it comes to the preparation of SALNs, no office has an advantage over the other.

Private respondent is a security guard. To be sure, the documents he is required to make or prepare as part of the official duties of his position are security reports and attendance reports. These are the documents that he could prepare to give undue advantage to himself since he controls these reports. The SALN is a document he is required to prepare not because of the specific duties of a security guard, but by virtue of private respondent being a government employee. Hence, private respondent’s failure to disclose in his SALNs several other real properties is not tantamount to taking advantage of his position as customs security guard.²²

The foregoing ruling applies to the present case.

Just like a Statement of Assets, Liabilities and Net Worth (SALN), the preparation of the PDS is not a special duty of any particular office, but a general requirement of all public officers. As such, petitioner’s statement of false entries in the PDS he accomplished cannot be said to have been perpetrated by taking advantage of his official position.

²¹ G.R. No. 238660, February 3, 2021.

²² Id.

Nonetheless, the Court is convinced that all the other elements have been proven beyond any reasonable doubt, which already constitutes falsification under Article 172 (1) of the RPC, an offense that is necessarily included in Article 171 (4) of the RPC.

Section 5, Rule 120 of the Rules of Court provides how to determine when an offense charged necessarily includes or is necessarily included in the offense proved:

An offense charged necessarily includes the offense proved when some of the essential elements or ingredients of the former, as alleged in the complaint or information, constitute the latter. And an offense charged is necessarily included in the offense proved, when the essential ingredients of the former constitute or form part of those constituting the latter.

That Article 172 (1) is necessarily included in a charge for Article 171 (4) of the RPC is settled. In *Tanenggee v. People*,²³ the Court enunciated the elements of Article 172 (1) of the RPC in the following wise:

Falsification of documents under paragraph 1, Article 172 in relation to Article 171 of the Revised Penal Code (RPC) refers to **falsification by a private individual or a public officer or employee, who did not take advantage of his official position, of public, private or commercial document**. The elements of falsification of documents under paragraph 1, Article 172 of the RPC are: (1) that the offender is a private individual or a public officer or employee who did not take advantage of his official position; (2) that he committed any of the acts of falsification enumerated in Article 171 of the RPC; and, (3) that the falsification was committed in a public, official or commercial document.²⁴ (underlining and emphasis Ours)

Hence, even if petitioner did not take advantage of his official position, We still find him guilty for having made a false narration of facts in his PDS, which is a public document.

In the proceedings in the trial court, the prosecution was able to show that petitioner's statements that he studied in PMA in 1984-1987 earning the degree of "2nd Class," and that he was enrolled at FEU in 1987-1989 were untruthful. Considering that the basis for this finding was witness testimony and documentary evidence, which both the RTC and the CA found credible, the Court will no longer disturb the same.

The nature of the PDS as a public document is also settled. In *Villordon v. Avila*,²⁵ the Court pronounced:

²³ 712 Phil. 310 (2013).

²⁴ Id. at 332-333.

²⁵ 692 Phil. 388 (2012).

The declarations that every government personnel makes in accomplishing and signing the PDS are not empty statements. **Duly accomplished forms of the Civil Service Commission are considered official documents, which, by their very nature are in the same category as public documents,** and become admissible in evidence without need of further proof. As an official document made in the course of official duty, its contents are prima facie evidence of the facts stated therein.²⁶

Considering that all the elements of Article 172 (1) of the RPC have been proven, We adjudge petitioner **GUILTY**.

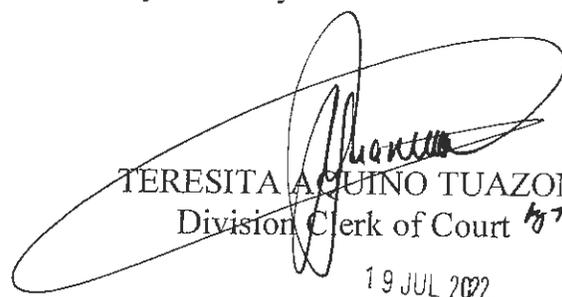
Article 172 (1) of the RPC provides for a penalty of *prision correccional* in its medium and maximum periods and a fine of not more than ₱1,000,000.00. Prior to the amendment of RA 10951, the fine was not more than ₱5,000.00.

Applying the Indeterminate Sentence Law, We hereby sentence petitioner to an indeterminate sentence of a minimum period of four (4) months and one (1) day of *arresto mayor* and a maximum period of six (6) years of *prision correccional*. As to the fine imposed, We affirm the CA's imposition of ₱5,000.00, applying the provision prior to the amendment of RA 10951, the older provision being more favorable to petitioner.

WHEREFORE, the petition is **PARTLY GRANTED**. The Decision dated November 25, 2020 and the Resolution dated February 11, 2022 of the Court of Appeals in CA-G.R. CR No. 44455 are hereby **MODIFIED**. Petitioner Ralph Stephen Calderon is hereby found **GUILTY** beyond reasonable doubt of falsification under Article 172 (1) of the Revised Penal Code. He is sentenced to serve an indeterminate penalty of four (4) months and one (1) day of *arresto mayor*, as minimum, to six (6) years of *prision correccional*, as maximum, and is imposed a fine of Five Thousand Pesos (₱5,000.00).

SO ORDERED." (*Perlas-Bernabe, S.A.J., on official leave; Hernando, J., Acting Chairperson per Special Order No. 2887 dated April 8, 2022*)

By authority of the Court:


TERESITA AGUIÑO TUAZON
Division Clerk of Court *by 7/18*
19 JUL 2022

²⁶ Id. at 397.

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