

THIRD DIVISION

[G.R. No. 211751, May 10, 2021]

MARK E. JALANDONI, PETITIONER, VS. THE OFFICE OF THE OMBUDSMAN, ORLANDO C. CASIMIRO, AND THE HON. SANDIGANBAYAN, THROUGH ITS THIRD DIVISION, RESPONDENTS.

[G.R. Nos. 217212-80]

MARK E. JALANDONI, PETITIONER, VS. THE HON. SANDIGANBAYAN THROUGH ITS THIRD DIVISION, THE PEOPLE OF THE PHILIPPINES, REPRESENTED BY THE OFFICE OF THE OMBUDSMAN THROUGH THE OFFICE OF THE SPECIAL PROSECUTOR, RESPONDENTS.

[G.R. Nos. 244467-535]

MARK E. JALANDONI, PETITIONER, VS. THE HON. SANDIGANBAYAN THROUGH ITS THIRD DIVISION, THE PEOPLE OF THE PHILIPPINES, REPRESENTED BY THE OFFICE OF THE OMBUDSMAN THROUGH THE OFFICE OF THE SPECIAL PROSECUTOR, RESPONDENTS.

[G.R. Nos. 245546-614]

NENNETTE M. DE PADUA, PETITIONER, VS. THE HON. SANDIGANBAYAN, THROUGH ITS THIRD DIVISION, THE PEOPLE OF THE PHILIPPINES, REPRESENTED BY THE OFFICE OF THE OMBUDSMAN THROUGH THE OFFICE OF THE SPECIAL PROSECUTOR, RESPONDENTS.

DECISION

LEONEN, J.:

As a rule, this Court does not interfere with the Office of the Ombudsman's finding of probable cause. Determining probable cause is a factual matter best left to its expertise as an investigatory and prosecutory body.^[1]

Before this Court are four consolidated Petitions for Certiorari, which assail several rulings of the Office of the Ombudsman and the Sandiganbayan as to the charges of falsification of public documents and infidelity in the custody of public documents by way of concealment filed against Mark E. Jalandoni (Jalandoni) and Nennette M. De Padua (De Padua).

Jalandoni was the former Deputy Ombudsman for Luzon, while De Padua was a

former Assistant Ombudsman.^[2]

Jalandoni was appointed by Ombudsman Ma. Merceditas N. Gutierrez (Ombudsman Gutierrez) as Assistant Ombudsman in 2005. He was tasked to, among others, prepare and review draft resolutions, decisions, and orders from Ombudsman Gutierrez and to oversee the daily operations of the Office of the Ombudsman-*Proper*.^[3]

In 2010, Jalandoni was appointed as Deputy Ombudsman for Luzon. He then learned from De Padua that a substantial number of cases were still pending review and approval in the Office of the Ombudsman-*Proper*.^[4] Allegedly, Ombudsman Gutierrez delegated the final approval of the pending cases to Jalandoni.^[5]

The following year, Jalandoni and Ombudsman Gutierrez resigned from office. Then Overall Deputy Ombudsman Orlando C. Casimiro (Ombudsman Casimiro) assumed office as Acting Ombudsman.^[6]

Soon after, Ombudsman Casimiro ordered the inventory of pending cases and administrative matters in the Office of the Ombudsman-*Proper*.^[7] He discovered that some cases already approved were not released for unknown reasons, while others were superimposed with a patch of paper indicating Jalandoni as the approving authority.^[8]

Fifty-six tampered cases were summarized as follows: *Group A*, consisting of 28 cases, had unsigned patches bearing Jalandoni's name superimposed on Ombudsman Casimiro's signed name; *Group B*, with 15 cases, also had unsigned patches bearing Jalandoni's name on Ombudsman Gutierrez's signed name; and *Group C*, with 13 cases, similarly had unsigned patches bearing Jalandoni's name on Ombudsman Gutierrez's signed name.^[9]

For these irregularities, Ombudsman Casimiro filed a Complaint before the Office of the Ombudsman Internal Affairs Board, charging Jalandoni and De Padua, among others, with falsification of public documents under Article 171 and removal, concealment, and destruction of documents under Article 226 of the Revised Penal Code.^[10]

In his defense, Jalandoni argued that he was given the authority to act on the cases. He cited the April 20, 2010 Office Order No. 136 and Memoranda dated June 11, 2010, July 21, 2010, and March 9, 2011, all of which were issued by Ombudsman Gutierrez.^[11]

Justifying his actions, Jalandoni explained that some cases already acted upon by Ombudsman Casimiro were not yet approved by Ombudsman Gutierrez, which required him to review the documents first. Meanwhile, other cases had to be put on hold and reviewed further because of questionable patterns of dismissals.^[12]

Jalandoni admitted that he instructed his staff to tamper the documents to indicate that he was the new approving authority, but claimed that this was done in the regular course of his authority. He added that he may not be held liable for falsification because it was not shown that his office had actual custody over the

documents, and that he altered their meaning.^[13]

For her part, De Padua denied participating in the "patching" of the documents^[14] or having custody over them.^[15]

On the other hand, Ombudsman Casimiro questioned the veracity of the issuances cited by Jalandoni. He called attention to a 2011 Court of Appeals Decision that ruled that the March 9, 2011 Memorandum could not be found despite diligent search. He added that the issuances submitted by Jalandoni were not certified true copies.^[16]

In its March 19, 2013 Resolution,^[17] the Office of the Ombudsman found probable cause to charge Jalandoni and De Padua, among other respondents, with the two crimes:

WHEREFORE, premises considered, this Board respectfully submits the following findings and recommendations:

- (1) Finding probable cause to **CHARGE** respondents [Jalandoni], [De Padua] ... of falsifying documents pertaining to the "Group C" cases as listed herein, it is respectfully recommended that corresponding **INFORMATIONS for THIRTEEN (13) COUNTS of FALSIFICATION OF PUBLIC DOCUMENTS** defined and penalized under Article 171, paragraph 6 of the Revised Penal Code be **FILED** in the proper court against the said respondents;
- (2) Finding probable cause to **CHARGE** respondents [Jalandoni], [De Padua] ... of concealing documents pertaining to the "Group A", "Group B" and "Group C" cases as listed herein, it is respectfully recommended that corresponding **INFORMATIONS for FIFTY-SIX (56) counts of INFIDELITY IN THE CUSTODY OF PUBLIC DOCUMENTS BY WAY OF CONCEALMENT OF DOCUMENTS** defined and penalized under Article 226 of the Revised Penal Code be **FILED** in the proper court against the said respondents; and

....

SO RESOLVED.^[18] (Emphasis in the original)

The Office of the Ombudsman ruled that all the elements of falsification were present: (1) an alteration or intercalation (insertion) on a document was made; (2) it was made on a genuine document; (3) this changed the meaning of the document; and (4) the changes made the document speak of something false.^[19]

First, the Office of the Ombudsman observed from the inventory that 56 cases bore alterations and intercalations on the signature pages. In the cases under Groups A and B, pieces of paper bearing Jalandoni's name were superimposed on the

signatures of Ombudsmen Casimiro and Gutierrez. In several cases, liquid eraser was applied on both sides of the document so the outlines of the two ombudsmen's signatures would not be recognized. In the Group C cases, signatures were covered by papers bearing Jalandoni's name and signature to make it appear that he signed the documents.^[20]

Second, the alterations and intercalations were held to be made on genuine documents—not merely drafts, but final and original copies of official actions already signed by approving authorities.^[21]

In finding the third and fourth elements present in the Group C cases, the Office of the Ombudsman saw that Jalandoni's act of superimposing his name and signature erroneously evinced that the certification made by the previous Ombudsmen were set aside.^[22] Moreover, by substituting his signature, he arrogated unto himself the authority to give legal effect to the documents. The changes further gave an impression that the documents' execution was put on hold and that Jalandoni was the only final approving authority who evaluated the document. The documents falsely signified that Jalandoni acted on these matters based on a validly delegated authority.^[23]

Jalandoni's contention that this was a common and recognized practice was deemed baseless. The Office of the Ombudsman stated that rubber-stamping of names of new signing authorities was being carried out only to substitute a final authority who has already retired, resigned, or ceased to hold office, only if necessary, and if the rubber-stamped names were placed on the same page as the previous approving authority's name, not superimposed.^[24]

As to De Padua, the Office of the Ombudsman held that she knew and actively participated in Jalandoni's scheme. She was deemed to have known a substantial number of pending cases and instructed the staff to carry out the alteration and intercalation of the documents.^[25]

The Office of the Ombudsman likewise found that the elements of infidelity in the custody of public documents by means of concealment were present: (1) the offender was a public officer; (2) there was a document abstracted, destroyed, or concealed; (3) the document abstracted, destroyed, or concealed was entrusted to the public officer by reason of their office; and (4) the removal, destruction, or concealment caused damage and prejudice to public interest or a third person.^[26]

In holding the first and second elements present, the Office of the Ombudsman found that Jalandoni was a public officer^[27] who concealed the documents, which were kept in his office despite being approved by final signing authorities. It likewise deemed that there was concealment when the marks of final approval on the documents were deliberately removed, preventing them from being released.^[28]

On the third element, it found that the documents were entrusted to Jalandoni by reason of his office.^[29] The fourth element was deemed present as the documents' integrity was destroyed and their meaning distorted,^[30] leading to a loss of public trust and inordinate delay in the resolution of cases.^[31]

The same circumstances were deemed present for De Padua's case.^[32]

Jalandoni moved for reconsideration, but this was denied in the Office of the Ombudsman's October 25, 2013 Order.^[33]

Consequently, similarly worded Informations were filed before the Sandiganbayan against Jalandoni and De Padua. They were charged with 56 counts of infidelity in the custody of public documents by way of concealment and 13 counts of falsification of public documents.^[34]

One of the Informations for infidelity in the custody of public document reads:

That during the period from March 2010 to April 2011 or thereabouts, in Quezon City, and within the jurisdiction of this Honorable Court, the above named- (sic) accused, MARK E. JALANDONI and NENNETTE M. DE PADUA, both public officers, being then the Deputy Ombudsman for Luzon and Assistant Ombudsman, respectively, of the Office of the Ombudsman, taking advantage of their official position and committing the crime in relation to their office, did then and there willfully, unlawfully, and criminally, while conspiring and confederating with each other, conceal the Order ..., a genuine and official document entrusted to them by reason of their office and which was already duly signed by then Acting Ombudsman Orlando C. Casimiro, and ready for release, by covering Acting Ombudsman Casimiro's name and signature with a patch of paper bearing the name of accused Jalandoni, making it appear that he, and not Acting Ombudsman Casimiro, was the official authorized to sign and approve the said document, thereby withholding the release of the said document to the proper parties, to the damage and prejudice of public interest.

CONTRARY TO LAW.^[35]

One of the Informations for falsification reads:

That during the period from March 2010 to April 2011 or thereabouts, in Quezon City, and within the jurisdiction of this Honorable Court, the above named-accused, MARK E. JALANDONI and NENNETTE M. DE PADUA, both public officers, being then the Deputy Ombudsman for Luzon and Assistant Ombudsman, respectively, of the Office of the Ombudsman, taking advantage of their official position and committing the crime in relation to their office, did then and there willfully, unlawfully, and criminally, while conspiring and confederating with each other, make alterations and intercalations in the Review Resolution . . . , a genuine and official document already duly signed by then Acting Ombudsman Orlando C. Casimiro, and ready for release, by covering Acting Ombudsman Casimiro's name and signature with a patch of paper bearing the name and signature of the accused Jalandoni, making it