

## THIRD DIVISION

[ G.R. No. 241164, August 14, 2019 ]

**CRIZALINA B. TORRES, PETITIONER, VS. THE HONORABLE COURT OF APPEALS AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.**

### DECISION

#### A. REYES, JR., J.:

This Petition for Review on *Certiorari*<sup>[1]</sup> filed by Crizalina B. Torres (petitioner) under Rule 45 of the Rules of Court seeks the reversal of the Decision<sup>[2]</sup> dated February 22, 2018 and Resolution<sup>[3]</sup> dated August 1, 2018, both issued by the Court of Appeals (CA) in CA-G.R. CR No. 39386.

#### The Factual Antecedents

The case stemmed from six (6) criminal cases for Falsification of Documents punishable under paragraphs (1), (2), (4), and (5) of Article 171 of the Revised Penal Code (RPC) filed against the petitioner, an Intelligence Agent I of the National Bureau of investigation Western Mindanao Regional Office (NBI-WEMRO). The Informations, as quoted by the CA, read:

#### **CRIMINAL CASE NO. 13-300681**

That in or about the month of August 2010 or sometime prior or subsequent thereto in the City of Manila, Philippines and within the jurisdiction of this Honorable Court, above-named accused, CRIZALINA B. TORRES, a low ranking public officer, being then an Intelligence Agent I of the National Bureau of Investigation-Western Mindanao Regional Office (NBI-WERMO) (sic) with Salary Grade 10, taking advantage of her position and committing the offense in relation to office, did then and there **willingly, unlawfully and feloniously falsified or caused to be falsified her Daily Time Record (DTR) for the month of August 2010, a public document, by counterfeiting or imitating NBI-WENRO (sic) Assistant Regional Director (ARD) Embido's signature thereby making it appear that ARD Embido verified her DTR as to the prescribed office hours, when in truth and in fact accused knew fully well that ARD Embido did not verify and sign her DTR, to the damage and prejudice of public interest.**

Contrary to law.<sup>[4]</sup> (Emphasis in the original)

#### **CRIMINAL CASE NO. 13-300682**

That in or about the month of September 2010 or sometime prior or

subsequent thereto in the City of Manila, Philippines and within the jurisdiction of this Honorable Court, above-named accused, CRIZALINA B. TORRES, a low ranking public officer, being then an Intelligence Agent I of the National Bureau of Investigation-Western Mindanao Regional Office (NBI-WERMO) (sic) with Salary Grade 10, taking advantage of her position and committing the offense in relation to office, did then and there **willingly, unlawfully and feloniously falsified or caused to be falsified her Daily Time Record (DTR) for the month of September 2010, a public document, by making it appear that she reported at the NBI-WENRO (sic) for all working days of September, when in truth and in fact, accused knew fully well that on 21 September 2010 she left the office and never reported back to work and by falsifying the signature of NBI-WEMRO Assistant Regional Director (ARD) Oscar L. Embido, accused made it appear that ARD Embido verified her DTR as to the prescribed office hours when in truth and in fact he did not, to the damage and prejudice of public interest.**

Contrary to law.<sup>[5]</sup> (Emphasis in the original)

#### **CRIMINAL CASE NO. 13-300683**

That in or about the month of October 2010 or sometime prior or subsequent thereto in the City of Manila, Philippines and within the jurisdiction of this Honorable Court, above-named accused, CRIZALINA B. TORRES, a low ranking public officer, being then an Intelligence Agent I of the National Bureau of Investigation-Western Mindanao Regional Office (NBI-WERMO) (sic) with Salary Grade 10, taking advantage of her position and committing the offense in relation to office, did then and there **willingly, unlawfully and feloniously falsified or caused to be falsified her Daily Time Record (DTR) for the month of October 2010, a public document, by making it appear that she reported at the NBI-WENRO (sic) for all working days of October, when in truth and in fact, accused knew fully well that on 21 September 2010 she left the office and never reported back to work and by counterfeiting or imitating the signature of NBI-WEMRO EX-O Vicente Essex E. Minguez, accused made it appear that EX-O Minguez verified her DTR as to the prescribed office hours for and in behalf of NBI-WEMRO Regional Director Manuel A. Almendares when in truth and in fact he did not, to the damage and prejudice of public interest.**

Contrary to law.<sup>[6]</sup> (Emphasis in the original)

#### **CRIMINAL CASE NO. 13-300684**

That in or about the month of January 2011 or sometime prior or subsequent thereto in the City of Manila, Philippines and within the jurisdiction of this Honorable Court, above-named accused, CRIZALINA B. TORRES, a low ranking public officer, being then an Intelligence Agent I of the National Bureau of Investigation-Western Mindanao Regional Office

(NBI-WERMO) (sic) with Salary Grade 10, taking advantage of her position and committing the offense in relation to office, did then and there **willingly, unlawfully and feloniously falsified or caused to be falsified her Application for Leave for 4 to 29 October 2010, a public document, by altering the true date of said application, thereby making it appear that she applied for a leave of absence on 17 September 2010, when in truth and in fact, accused knew fully well that she only applied and submitted her application for leave on 18 January 2011 or after she took her absences and by falsifying the signature of NBI-WEMRO Assistant Regional Director (ARD) Oscar L. Embido, accused made it appear that ARD Embido approved said application for leave when in truth and in fact he did not, to the damage and prejudice of public interest.**

Contrary to law.<sup>[7]</sup> (Emphasis in the original)

#### **CRIMINAL CASE NO. 13-300685**

That in or about the month of November 2010 or sometime prior or subsequent thereto in the City of Manila, Philippines and within the jurisdiction of this Honorable Court, above-named accused, CRIZALINA B. TORRES, a low ranking public officer, being then an Intelligence Agent I of the National Bureau of Investigation-Western Mindanao Regional Office (NBI-WERMO) (sic) with Salary Grade 10, taking advantage of her position and committing the offense in relation to office, did then and there **willingly, unlawfully and feloniously falsified or caused to be falsified her Daily Time Record (DTR) for the month of November 2010, a public document, by making it appear that she reported at the NBI-WENRO (sic) for all working days of November, when in truth and in fact, accused knew fully well that on 21 September 2010 she left the office and never reported back to work and by counterfeiting or imitating the signature of NBI-WEMRO EX-O Vicente Essex E. Minguez, accused made it appear that EX-O Minguez verified her DTR as to the prescribed office hours for and in behalf of NBI-WEMRO Regional Director Manuel A. Almendares when in truth and in fact he did not, to the damage and prejudice of public interest.**

Contrary to law.<sup>[8]</sup> (Emphasis in the original)

#### **CRIMINAL CASE NO. 13-300686**

That in or about the month of January 2011 or sometime prior or subsequent thereto in the City of Manila, Philippines and within the jurisdiction of this Honorable Court, above-named accused, CRIZALINA B. TORRES, a low ranking public officer, being then an Intelligence Agent I of the National Bureau of Investigation-Western Mindanao Regional Office (NBI-WERMO) (sic) with Salary Grade 10, taking advantage of her position and committing the offense in relation to office, did then and there **willingly, unlawfully and feloniously falsified or caused to be falsified her Application for Leave for 8 November to 10**

**December 2010, a public document, by altering the true date of said application, thereby making it appear that she applied for a leave of absence on 17 September 2010, when in truth and in fact, accused knew fully well that she only applied and submitted her application for leave on 18 January 2011 or after she took her absences and by falsifying the signature of NBI-WEMRO Assistant Regional Director (ARD) Oscar L. Embido, accused made it appear that ARD Embido approved said application for leave when in truth and in fact he did not, to the damage and prejudice of public interest.**

Contrary to law.<sup>[9]</sup> (Emphasis in the original)

The charges involved the petitioner's alleged falsification of the following: (1) August 2010 Daily Time Record (DTR); (2) September 2010 DTR; (3) October 2010 DTR; (4) November 2010 DTR; (5) Application for Leave for October 4 to 29, 2010; (6) and Application for Leave for November 8 to December 10, 2010. She allegedly falsified the respective signatures of officers on her DTRs, making it appear that they verified the same and that she reported for work despite not doing so. Also, she supposedly altered the date of filing of her Applications for Leave, making it appear that they were filed on September 17, 2010 instead of January 18, 2011.<sup>[10]</sup> The petitioner pleaded not guilty during her arraignment and after the termination of the pre-trial conference, trial on the merits ensued.<sup>[11]</sup>

Prompted by a request made by then NBI-WEMRO Regional Director Atty. Manuel A. Almendares (Almendares), the NBI-Internal Affairs Division (NBI-IAD) conducted an investigation on petitioner's continuous absence from work without leave in 2010. Allegedly, she last reported for work on September 21, 2010 where she left the office at 4:14 p.m. and had not reported back since. The NBI-IAD then procured copies of petitioner's records with the NBI-Personnel Division (Personnel) in Manila, among them included the abovementioned documents.<sup>[12]</sup>

Petitioner appeared to have two (2) DTRs on file with Personnel for the month of August 2010, which were received on November 3, 2010 and December 23, 2010, respectively. In both DTRs, NBI-WEMRO Assistant Regional Director Atty. Oscar Embido (Embido) appeared to be the signatory as the authorized officer. Meanwhile, the DTRs for the months of October and November 2010 bore the purported signatures of Executive Officer Vicente Essex Miguez (Miguez) for and in behalf of Almendares.<sup>[13]</sup> Also, as certified by the Chief of the Personnel Division, petitioner had no application for leave of absence for the period of September 21, 2010 to December 2010. Petitioner's Applications for Leave were also received by Personnel on January 18, 2011 and not September 17, 2010.<sup>[14]</sup>

Upon verification, NBI-WEMRO Acting Administrative Officer George S. Perez (Perez) certified that petitioner's DTRs for October and November 2010 were not filed with his office, as they should have been, before they were forwarded to the head office.<sup>[15]</sup> As a matter of procedure, WEMRO employees prepare their respective DTRs within the first five (days) of each month and submitted to him for counter-checking. Thereafter, he signs his initials on the DTRs before they are signed by Almendares and forwarded to the head office in Manila. Almendares, Embido, and Miguez, whose names and/or signatures appeared on the subject DTRs, also

denied having signed the same.<sup>[16]</sup>

A comparative examination was also conducted by the NBI-Questioned Document Division between Embido and Minguez's signatures on the subject DTRs and their twelve (12) sample signatures. It revealed that the signatures on the subject DTRs and the sample signatures of Embido and Minguez were not written by the same person.<sup>[17]</sup>

A notice to explain was sent to petitioner, but she did not respond. Upon the recommendation of the NBI-Legal and Evaluation Division, petitioner was officially dropped from the rolls effective November 2, 2010.<sup>[18]</sup>

As the lone witness for the defense, Minguez attested that he was directly in charge of supervision over petitioner and with respect to DTRs, he signs them in the absence of the regional director. However, Minguez admitted that he has not seen the subject DTRs or has signed any DTR of petitioner for October and November 2010. There is likewise no copy of the subject DTRs on file with their office where they are normally kept. He has not seen petitioner report to work for six (6) months. He also denied his signatures appearing on the DTRs.<sup>[19]</sup>

### **The RTC's Ruling**

After the conduct of due proceedings, the REGIONAL TRIAL COURT (RTC) rendered its Decision<sup>[20]</sup> dated October 26, 2016, the dispositive portion of which states:

**WHEREFORE**, the court finds the accused, Crizalina B. Torres, **GUILTY** beyond reasonable doubt of six (6) counts of Falsification of Public Document under Article 171 of the Revised Penal Code. Accordingly, there being neither aggravating nor mitigating circumstances attendant herein and applying the Indeterminate Sentence Law, she is hereby sentenced as follows:

1. In Criminal Case No. 13-300681 - 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 to pay a fine of FIVE HUNDRED PESOS (P500.00), without costs;
2. In Criminal Case No. 13-300682 - 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 to pay a fine of FIVE HUNDRED PESOS (P500.00), without costs;
3. In Criminal Case No. 13-300683 - 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 to pay a fine of FIVE HUNDRED PESOS (P500.00), without costs;