

FIRST DIVISION

[G.R. No. 186329, August 02, 2017]

**DR. FRISCO M. MALABANAN, PETITIONER, V. SANDIGANBAYAN,
RESPONDENT.**

[G.R. Nos. 186584-86, August 2, 2017]

**ABUSAMA MANGUDADATU ALID, PETITIONER, V. THE HON.
SANDIGANBAYAN - 1st DIVISION, OFFICE OF THE SPECIAL
PROSECUTOR, HON. SECRETARY OF THE DEPARTMENT OF
AGRICULTURE, RESPONDENTS.**

[G.R. No. 198598, August 2, 2017]

**ABUSAMA MANGUDADATU ALID, PETITIONER, V. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

D E C I S I O N

SERENO, C.J.:

These three consolidated petitions stem from a common set of facts. Abusama M. Alid (Alid) was the Assistant Regional Director of the Department of Agriculture (DA), Regional Field Office No. XII, Cotabato City.^[1] Frisco M. Malabanan (Malabanan), on the other hand, was the Program Director of the *Ginintuang Masaganang Ani* Rice Program (GMA Rice Program) of the DA, Field Operations Office, Diliman, Quezon City.^[2]

On 27 July 2004, Alid obtained a cash advance of P10,496 to defray his expenses for official travel. He was supposed to attend the turnover ceremony of the outgoing and the incoming Secretaries of the DA and to follow up, on 28 to 31 July 2004, funds intended for the GMA Rice Program. The turnover ceremony did not push through, however, and Alid's trip was deferred.^[3]

On 22 August 2004, Alid took Philippine Airlines (PAL) Flight PR 188 from Cotabato City to Manila under PAL Ticket No. 07905019614316 (PAL Ticket).^[4] He attended the turnover ceremony at the DA Central Office in Quezon City on 23 August 2004.^[5] The following day, or on 24 August 2004, he took a flight from Manila to Cotabato City per another ticket issued in exchange for the PAL Ticket.^[6]

On 1 September 2004, Alid instructed his secretary to prepare the necessary papers to liquidate the cash advance.

In his Post Travel Report, he declared that his official travel transpired on 28 to 31 July 2004.^[7]

He likewise attached an altered PAL Ticket in support of his Post Travel Report. The date "22 AUG 2004" was changed to read "28 JULY 2004", and the flight route "Cotabato-Manila-Cotabato" appearing on the PAL Ticket was altered to read "Davao-Manila-Cotabato."^[8]

He further attached an undated Certificate of Appearance signed by Malabanan as Director of the GMA Rice Program.^[9] The document stated that Alid had appeared at the DA Central Office in Quezon City from 28 to 31 July 2004 for the turnover ceremony and to follow up the status of the funds intended for the GMA Rice Program.^[10]

During post-audit, discrepancies in the supporting documents were found and investigated. Thereafter, the Office of the Special Prosecutor charged Alid and Malabanan before the Sandiganbayan with falsification of public documents.^[11]

In SB-07-CRM-0072, Alid was indicted for falsifying his Post Travel Report, as follows:

That [on] or about July 2004, and sometime prior or subsequent thereto, in Cotabato City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, ABUSAMA MANGUDADATU ALID, a high ranking public officer holding the position of Assistant Regional Director with salary grade 27 of the Department of Agriculture, Regional Field Office No. XII, Cotabato City, taking advantage of his official position, with abuse of confidence, and committing the offense in relation to his office, did then and there willfully, unlawfully and feloniously falsify or cause to be falsified his Post Travel Report prepared on September 1, 2004, which is an official document, by making it appear therein that on July 28, 2004, he proceeded to Davao to take a flight bound for Manila and that he was in Manila up to July 30, 2004 to attend to the turn-over ceremony of incoming and outgoing DA Secretaries and to follow up the funds intended for the Ginintuang Masaganang Ani (GMA) Rice Program projects and that on July 31, 2004, he took a taxi from his hotel to the airport and boarded a flight back to Cotabato City, which document he submitted to support his Liquidation Voucher for Ten Thousand Four Hundred Ninety Six Pesos (P10,496.00) which he cash advanced [sic] for traveling expenses to Manila for the period July 28-31, 2004, when in truth and in fact, as the accused well knew, he did not take the aforesaid official trip to Manila for the said period of July 28 to 30, 2004 and that the turn-over ceremony between the incoming and outgoing DA Secretaries was postponed and moved to August 2004, nor did the accused follow up the funds for GMA projects in the said month, thus accused made [an] untruthful statement in a narration of facts, the truth of which he was legally bound to disclose.

CONTRARY TO LAW.^[12]

In SB-07-CRM-0073, the Acting Deputy Special Prosecutor charged Alid with falsifying the PAL Ticket. The Information stated:

That on or about July 2004, and sometime prior or subsequent thereto, in Cotabato City, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, ABUSAMA MANGUDADATU ALID, a

high ranking public officer holding the position of Assistant Regional Director with salary grade 27 of the Department of Agriculture, Regional Field Office No. XII, Cotabato City, taking advantage of his official position and committing the offense in relation to his office, did then and there willfully, unlawfully and feloniously falsify or cause to be falsified the Philippine Airline (PAL) plane ticket No. 07905019614316[,] a genuine document which he attached and submitted as supporting document to his liquidation voucher for the purpose of liquidating his cash advance of Ten Thousand Four Hundred Ninety Six (P10,496.00) Pesos as traveling expenses for the period July 28-31, 2004 thereby rendering the said plane ticket a public/official document, which falsification was committed in the following manner to wit: that in the upper right corner of the said plane ticket indicating the date and place of issue, accused inserted the figure/number 8 after the figure/number 2 and erased the original word Aug (August) and superimposed the [word] July to make it appear that the plane ticket was purchased/issued on July 28, 2004, when the original date of purchase/issue was August 2, 2004; that in the portion of the ticket indicating the flight route, accused also erased the original word "Cotabato" and superimposed therein the word "Davao" and under the column "Date" of flight, accused erased the original figure 22 and superimposed the figure "28" and also erased the word "Aug." and superimposed the word "Jul" to make it appear that the flight took place on July 28 originating from Davao, thus accused made alterations and intercalations in a genuine document which changed its original meaning and perverting the truth to make it appear that he made an official trip to Manila, originating from Davao on July 28, 2004 using a plane ticket issued/purchased on July 28, 2004 to conform with the entries in his liquidation voucher when accused knew [full] well that he did not make such official trip on said date and route as indicated in the aforesaid falsified PAL plane ticket.

CONTRARY TO LAW.^[13]

In SB-07-CRM-0074, Alid and Malabanan were charged with falsifying the Certificate of Appearance that the former attached as a supporting document for the Post Travel Report. The Information reads:

That on or about July 2004, and sometime prior or subsequent thereto, in Quezon City, Philippines, and within the jurisdiction of this Honorable Court, accused ABUSAMA MANGUDADATU ALID, a high ranking public officer holding the position of Assistant Regional Director with salary grade 27 of the Department of Agriculture (DA), Regional Field Office No. XII, Cotabato City, conspiring and conniving with accused FRISCO MERCADO [MALABANAN], Chief Science Research Specialist of the Philippine Rice Research Institute (Philrice) and Program Director of the Ginintuang Masaganang Ani (GMA) [Rice] Program of the Department of Agriculture, Field Operations Service, Diliman, Quezon City, holding a salary grade of 26, taking advantage of their official positions, with abuse of confidence and committing the offense in relation to their respective offices, did then and there willfully, unlawfully and feloniously falsify or cause to be falsified an undated Certificate of Appearance issued in the name of ABUSAMA MANGUDADATU ALID noted by accused FRISCO M.

MALABANAN which is an official/public document and which the former submitted as one of the supporting document[s] to his liquidation voucher of his cash advance of Ten Thousand Four Hundred Ninety Six (P10,496.00) Pesos as traveling expenses for the period of July 28-31, 2004 by making it appear in the said Certificate of Appearance that accused Abusama Mangudadatu Alid appeared in the Office of the DA Central Office, Diliman, Quezon City for the period of July 28-31, 2004 to attend to the turn-over ceremony of incoming and outgoing DA Secretaries and to follow-up the funds intended for the GMA Projects Implementation; when in truth and in fact, as both accused well knew, accused Abusama Mangudadatu Alid did not travel to Manila on said date as the turn-over ceremony of the incoming and outgoing DA Secretaries was postponed and moved to August 2004 nor did accused Alid follow up with accused Malabanan on the said period the funds intended for the GMA projects, thus accused made an untruthful statement in a narration of facts, the truth of which they are legally bound to disclose.

CONTRARY TO LAW.^[14]

Upon arraignment, both Alid and Malabanan entered pleas of "not guilty."^[15]

While the cases were pending before the Sandiganbayan, the prosecution filed a Motion to Suspend Accused *Pendente Lite*, praying for their preventive suspension pending trial.^[16]

In a Minute Resolution dated 29 October 2008, the Sandiganbayan granted the motion and ordered the suspension *pendente lite* of Alid and Malabanan for 90 days.^[17]

Both of the accused sought reconsideration, but the Sandiganbayan denied their motions in a Minute Resolution dated 30 January 2009.^[18]

Malabanan then filed before this Court a Rule 65 Petition for Certiorari and Prohibition^[19] praying that the order of preventive suspension be set aside, and that a writ of prohibition be issued against the Sandiganbayan to forestall the threatened implementation of the Minute Resolutions.^[20] This petition was docketed as **G.R. No. 186329**.

Alid filed a separate Rule 65 Petition for Certiorari and Prohibition^[21] before us, likewise praying that the order of preventive suspension be set aside, and that a writ of prohibition be issued against the Sandiganbayan's implementation of the Minute Resolution dated 29 October 2008.^[22] He further prayed for the issuance of a temporary restraining order pending the resolution of the principal case.^[23] This petition was docketed as **G.R. Nos. 186584-86**.

In the meantime, the Sandiganbayan proceeded with the criminal cases and eventually rendered a Decision convicting Alid of falsification of a private document for altering the PAL Ticket.^[24] The Sandiganbayan, however, acquitted both of the accused of the other charges. The dispositive portion of its ruling reads:

IN VIEW OF ALL THE FOREGOING, judgment is hereby rendered as follows

1. In *SB-07-CRM-0072* - **ACQUITTING** accused ABUSAMA M. ALID for insufficiency of evidence, with costs *de officio*;
2. In *SB-07-CRM-0073* - finding accused ABUSAMA M. ALID **GUILTY** beyond reasonable doubt of the crime of falsification of a private document under paragraph 2 of Article 172 of the Revised Penal Code and, with the application of the Indeterminate Sentence Law and without any mitigating or aggravating circumstance, hereby sentencing him to suffer the indeterminate penalty of ONE (1) YEAR and ONE (1) DAY to THREE (3) YEARS, SIX MONTHS and TWENTY-ONE (21) DAYS of *prision correccional*, as minimum and maximum, respectively, and to pay a fine of FIVE HUNDRED PESOS (P500.00) with costs against the accused; and
3. In *SB-07-CRM-0074* - **ACQUITTING** accused ABUSAMA M. ALID and FRISCO M. MALABANAN for insufficiency of evidence, with costs *de officio*.

SO ORDERED.^[25]

Alid moved for the reconsideration of the Sandiganbayan's decision convicting him of the crime of falsification of a private document under paragraph 2 of Article 172 of the Revised Penal Code.^[26] The prosecution likewise moved for a partial reconsideration insofar as the acquittals were concerned.^[27] However, the Sandiganbayan denied both motions.^[28]

Alid thereafter filed the present Rule 45 Petition for Review^[29] before this Court, praying for the reversal of the Decision and the Resolution of the Sandiganbayan insofar as SB-07-CRM-0073 is concerned. This petition was docketed as **G.R. No. 198598**.

THE COURT'S RULING

We dismiss the petitions in G.R. Nos. 186329 and 186584-86 for being moot and academic. However, we grant the petition in GR. No. 198598 and rule that the Sandiganbayan committed a reversible error in convicting Alid of the crime of falsification of a private document under Article 172, paragraph 2 of the Revised Penal Code.

I

The petitions questioning the order of preventive suspension are moot and academic.

A case becomes moot and academic when, by virtue of supervening events, it ceases to present a justiciable controversy, such that a declaration thereon would no longer be of practical value.^[30] As a rule, courts decline jurisdiction over such a case or dismiss it on the ground of mootness.^[31]

In G.R. Nos. 186329 and 186584-86, Alid and Malabanan pray that the Sandiganbayan's order imposing preventive suspension be set aside and its implementation restrained. It appears from the records, however, that the order of preventive suspension had already been implemented by the DA on 17 March 2009,^[32] and that Alid had already retired from government service on 30 June 2009.^[33] Clearly, therefore, by virtue of supervening events, there is no longer any justiciable