741 PHIL. 198

FIRST DIVISION

[G.R. No. 194390, August 13, 2014]

VENANCIO M. SEVILLA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

D E C I S I O N

REYES, J.:

Before this Court is a Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court seeking to annul and set aside the Decision[2] dated February 26, 2009 and the Resolution[3] dated October 22, 2010 of the Sandiganbayan in Criminal Case No. 27925, finding Venancio M. Sevilla (Sevilla) guilty of falsification of public documents through reckless imprudence punished under Article 365 of the Revised Penal Code (RPC).

Antecedent Facts

Sevilla, a former councilor of Malabon City, was charged with the felony of falsification of public document, penalized under Article 171(4) of the RPC, in an Information,[4] which reads:

> That on or about 02 July 2001, or for sometime prior or subsequent thereto, in the City of Malabon, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, Venancio M. Sevilla, a public officer, being then a member of the [S]angguniang [P]anlunsod of Malabon City, having been elected a [c]ouncilor thereof, taking advantage of his official position and committing the offense in relation to duty, did then and there wilfully, unlawfully, and feloniously make a false statement in a narration of facts, the truth of which he is legally bound to disclose, by stating in his C.S. Form 212, dated 02 July 2001 or Personal Data Sheet, an official document, which he submitted to the Office of the Secretariat, Malabon City Council and, in answer to Question No. 25 therein, he stated that no criminal case is pending against him, when in fact, as the accused fully well knew, he is an accused in Criminal Case No. 6718-97, entitled "People of the Philippines versus Venancio Sevilla and Artemio Sevilla", for Assault Upon An Agent Of A Person In Authority, pending before the Metropolitan Trial Court of Malabon City, Branch 55, thereby perverting the truth.
>
> CONTRARY TO LAW.[5]

Upon arraignment, Sevilla entered a plea of not guilty. Trial on the merits ensued thereafter.

The prosecution alleged that on July 2, 2001, the first day of his term as councilor of the City of Malabon, Sevilla made a false narration in his Personal Data Sheet (PDS).[6] That in answer to the question of whether there is a pending criminal case against him, Sevilla marked the box corresponding to the "no" answer despite the pendency of a criminal case against him for assault upon an agent of a person in authority before the Metropolitan Trial Court of Malabon City, Branch 55.

Based on the same set of facts, an administrative complaint, docketed as OMB-ADM-0-01-1520, was likewise filed against Sevilla. In its Decision dated March 26, 2002, the Office of the Ombudsman found Sevilla administratively liable for dishonesty and falsification of official document and dismissed him from the service. In *Sevilla v. Gervacio*,[7] the Court, in the Resolution dated June 23, 2003, affirmed the findings of the Office of the Ombudsman as regards Sevilla's administrative liability.

On the other hand, Sevilla admitted that he indeed marked the box corresponding to the "no" answer *vis-à-vis* the question on whether he has any pending criminal case. However, he averred that he did not intend to falsify his PDS. He claimed that it was Editha Mendoza (Mendoza), a member of his staff, who actually prepared his PDS.

According to Sevilla, on July 2, 2001, since he did not have an office yet, he just stayed in his house. At around two o'clock in the afternoon, he was informed by Mendoza that he needs to accomplish his PDS and submit the same to the personnel office of the City of Malabon before five o'clock that afternoon. He then instructed Mendoza to copy the entries in the previous copy of his PDS which he filed with the personnel office. After the PDS was filled up and delivered to him by Mendoza, Sevilla claims that he just signed the same without checking the veracity of the entries therein. That he failed to notice that, in answer to the question of whether he has any pending criminal case, Mendoza checked the box corresponding to the "no" answer.

The defense likewise presented the testimony of Edilberto G. Torres (Torres), a former City Councilor. Torres testified that Sevilla was not yet given an office space in the Malabon City Hall on July 2, 2001; that when the members of Sevilla's staff would then need to use the typewriter, they would just use the typewriter inside Torres' office. Torres further claimed that he saw Mendoza preparing the PDS of Sevilla, the latter having used the typewriter in his office.

Ruling of the Sandiganbayan

On February 26, 2009, the Sandiganbayan rendered a Decision,[8] the decretal portion of which reads:

> WHEREFORE, accused VENANCIO M. SEVILLA is found GUILTY of Falsification of Public Documents Through Reckless Imprudence and pursuant to Art. 365 of the Revised Penal Code hereby imposes upon him in the absence of any modifying circumstances the penalty of four (4) months of *arresto mayor* as minimum to two (2) years ten (10) months

> and twenty one (21) days of *prision correccional* as maximum, and to pay the costs.
>
> There is no pronouncement as to civil liability as the facts from which it could arise do[es] not appear to be indubitable.
>
> SO ORDERED.[9]

The Sandiganbayan found that Sevilla made an untruthful statement in his PDS, which is a public document, and that, in so doing, he took advantage of his official position since he would not have accomplished the PDS if not for his position as a City Councilor. That being the signatory of the PDS, Sevilla had the responsibility to prepare, accomplish and submit the same. Further, the Sandiganbayan pointed out that there was a legal obligation on the part of Sevilla to disclose in his PDS that there was a pending case against him. Accordingly, the Sandiganbayan ruled that the prosecution was able to establish all the elements of the felony of falsification of public documents.

Nevertheless, the Sandiganbayan opined that Sevilla cannot be convicted of falsification of public document under Article 171(4)[10] of the RPC since he did not act with malicious intent to falsify the aforementioned entry in his PDS. However, considering that Sevilla's PDS was haphazardly and recklessly done, which resulted in the false entry therein, the Sandiganbayan convicted Sevilla of falsification of public document through reckless imprudence under Article 365[11] of the RPC. Thus:

> Moreover, the marking of the "no" box to the question on whether there was a pending criminal case against him was not the only defect in his PDS. As found by the Office of the Honorable Ombudsman in its Resolution, in answer to question 29 in the PDS, accused answered that he had not been a candidate in any local election (except barangay election), when in fact he ran and served as councilor of Malabon from 1992 to 1998. Notwithstanding the negative answer in question 29, in the same PDS, in answer to question 21, he revealed that he was a councilor from 1992 to 1998. Not to give premium to a negligent act, this nonetheless shows that the preparation of the PDS was haphazardly and recklessly done.
>
> Taking together these circumstances, this Court is persuaded that accused did not act with malicious intent to falsify the document in question but merely failed to ascertain for himself the veracity of narrations in his PDS before affixing his signature thereon. The reckless signing of the PDS without verifying the data therein makes him criminally liable for his act. Accused is a government officer, who prior to his election as councilor in 2001, had already served as a councilor of the same city. Thus, he should have been more mindful of the importance of the PDS and should have treated the said public document with due respect.
>
> Consequently, accused is convicted of Falsification of Public Document

> through Reckless Imprudence, as defined and penalized in Article 171, paragraph 4, in relation to Article 365, paragraph 1, of the Revised Penal Code. x x x.[12]

Sevilla's motion for reconsideration was denied by the Sandiganbayan in its Resolution[13] dated October 22, 2010.

Hence, this appeal.

In the instant petition, Sevilla asserts that the Sandiganbayan erred in finding him guilty of the felony of falsification of public documents through reckless imprudence. He claims that the Information that was filed against him specifically charged him with the commission of an intentional felony, *i.e.* falsification of public documents under Article 171(4) of the RPC. Thus, he could not be convicted of falsification of public document through reckless imprudence under Article 365 of the RPC, which is a culpable felony, lest his constitutional right to be informed of the nature and cause of the accusation against him be violated.

Issue

Essentially, the issue for the Court's resolution is whether Sevilla can be convicted of the felony of falsification of public document through reckless imprudence notwithstanding that the charge against him in the Information was for the intentional felony of falsification of public document under Article 171(4) of the RPC.

Ruling of the Court

The appeal is dismissed for lack of merit.

At the outset, it bears stressing that the Sandiganbayan's designation of the felony supposedly committed by Sevilla is inaccurate. The Sandiganbayan convicted Sevilla of reckless imprudence, punished under Article 365 of the RPC, which resulted into the falsification of a public document. However, the Sandiganbayan designated the felony committed as "falsification of public document through reckless imprudence." The foregoing designation implies that reckless imprudence is not a crime in itself but simply a modality of committing it. Quasi-offenses under Article 365 of the RPC are distinct and separate crimes and not a mere modality in the commission of a crime.

In *Ivler v. Modesto-San Pedro*,[14] the Court explained that:

> Indeed, the notion that quasi-offenses, whether reckless or simple, are distinct species of crime, separately defined and penalized under the framework of our penal laws, is nothing new. As early as the middle of the last century, we already sought to bring clarity to this field by rejecting in *Quizon v. Justice of the Peace of Pampanga* the proposition that "reckless imprudence is not a crime in itself but simply a way of committing it x x x" on three points of analysis: (1) the object of punishment in quasi-crimes (as opposed to intentional crimes); (2) the legislative intent to treat quasi crimes as distinct offenses (as opposed to

subsuming them under the mitigating circumstance of minimal intent) and; (3) the different penalty structures for quasi-crimes and intentional crimes:

> The proposition (inferred from Art. 3 of the Revised Penal Code) that "reckless imprudence" is not a crime in itself but simply a way of committing it and merely determines a lower degree of criminal liability is too broad to deserve unqualified assent. There are crimes that by their structure cannot be committed through imprudence: murder, treason, robbery, malicious mischief, etc. In truth, criminal negligence in our Revised Penal Code is treated as a mere quasi offense, and dealt with separately from willful offenses. It is not a mere question of classification or terminology. *In intentional crimes, the act itself is punished; in negligence or imprudence, what is principally penalized is the mental attitude or condition behind the act, the dangerous recklessness, lack of care or foresight, the imprudencia punible.* x x x
>
> *Were criminal negligence but a modality in the commission of felonies, operating only to reduce the penalty therefor, then it would be absorbed in the mitigating circumstances of Art. 13, specially the lack of intent to commit so grave a wrong as the one actually committed.* Furthermore, the theory would require that the corresponding penalty should be fixed in proportion to the penalty prescribed for each crime when committed willfully. For each penalty for the willful offense, there would then be a corresponding penalty for the negligent variety. But instead, our Revised Penal Code (Art. 365) fixes the penalty for reckless imprudence at arresto mayor maximum, to prision correccional [medium], if the willful act would constitute a grave felony, notwithstanding that the penalty for the latter could range all the way from prision mayor to death, according to the case. It can be seen that the actual penalty for criminal negligence bears no relation to the individual willful crime, but is set in relation to a whole class, or series, of crimes. (Emphasis supplied)

This explains why the **technically correct way to allege quasi-crimes is to state that their commission results in damage, either to person or property**.[15] (Citations omitted and emphasis ours)

Further, in *Rafael Reyes Trucking Corporation v. People*,[16] the Court clarified that:

> Under Article 365 of the Revised Penal Code, criminal negligence "is treated as a mere quasi offense, and dealt with separately from willful offenses. It is not a question of classification or terminology. **In intentional crimes, the act itself is punished; in negligence or**