

## THIRD DIVISION

[ G.R. Nos. 186739-960, April 17, 2013 ]

**LEOVEGILDO R. RUZOL, PETITIONER, VS. THE HON.  
SANDIGANBAYAN AND THE PEOPLE OF THE PHILIPPINES,  
RESPONDENTS.**

### D E C I S I O N

**VELASCO JR., J.:**

This is an appeal seeking to nullify the December 19, 2008 Decision<sup>[1]</sup> of the First Division of the Sandiganbayan in Criminal Case Nos. SB-08-CRIM-0039 to 0259, which convicted Leovegildo R. Ruzol (Ruzol), then Mayor of General Nakar, Quezon, of Usurpation of Official Functions penalized under Article 177 of the Revised Penal Code (RPC).

#### The Facts

Ruzol was the mayor of General Nakar, Quezon from 2001 to 2004. Earlier in his term, he organized a Multi-Sectoral Consultative Assembly composed of civil society groups, public officials and concerned stakeholders with the end in view of regulating and monitoring the transportation of salvaged forest products within the vicinity of General Nakar. Among those present in the organizational meeting were Provincial Environment and Natural Resources Officer (PENRO) Rogelio Delgado Sr. and Bishop Julio Xavier Labayen, the OCD-DD of the Prelature of Infanta Emeritus of the Catholic Church and Chairperson of TIPAN, an environmental non-government organization that operates in the municipalities of General Nakar, Infanta and Real in Quezon province. During the said assembly, the participants agreed that to regulate the salvaged forests products, the Office of the Mayor, through Ruzol, shall issue a **permit to transport** after payment of the corresponding fees to the municipal treasurer.<sup>[2]</sup>

Consequently, from 2001 to 2004, two hundred twenty-one (221) permits to transport salvaged forest products were issued to various recipients, of which forty-three (43) bore the signature of Ruzol while the remaining one hundred seventy-eight (178) were signed by his co-accused Guillermo T. Sabiduria (Sabiduria), then municipal administrator of General Nakar.<sup>[3]</sup>

On June 2006, on the basis of the issued Permits to Transport, 221 Informations for violation of Art. 177 of the RPC or for Usurpation of Authority or Official Functions were filed against Ruzol and Sabiduria, docketed as Criminal Case Nos. SB-08-CRIM-0039 to 0259.

Except for the date of commission, the description of forest product, person given the permit, and official receipt number, the said Informations uniformly read:

That, on ( **date of commission** ) or sometime prior or subsequent thereto, in General Nakar, Quezon, and within the jurisdiction of this Honorable Court, the above-named accused Leovegildo R. Ruzol and Guillermo M. Sabiduria, both public officers, being then the Municipal Mayor and Municipal Administrator, respectively, of General Nakar, Quezon, taking advantage of their official position and committing the offense in relation to their office, conspiring and confederating with each other did then and there willfully, unlawfully and criminally, issue permit to transport ( **description of forest product** ) to ( **person given the permit** ) under O.R. No. ( **official receipt number** ) under the pretense of official position and without being lawfully entitled to do so, such authority properly belonging to the Department of Environment and Natural Resources, to the damage and prejudice of the of the government.

CONTRARY TO LAW.<sup>[4]</sup>

The details for each Information are as follows:<sup>[5]</sup>

<b>Criminal Case No.</b>	<b>Date of Commission</b>	<b>Description of Forest Product</b>	<b>Person Given the Permit</b>	<b>Official Receipt No.</b>
0039	20 Jan. 2004	1,000 board ft malaruhath/ marang	David Villareal Jr.	1623446
0040	16 Jan. 2004	600 board ft lawaan	Pepito Aumentado	1623463
0041	15 Jan. 2004	100 pcs. malaruhath (assorted sizes)	Francisco Mendoza	1708352
0042	15 Jan. 2004	300 cubic m or 3,000 board ft good lumber	Edmundo dela Vega	1708353
0043	15 Jan. 2004	600 board ft good lumber	David Villareal, Jr.	1708321
0044	15 Jan. 2004	1,050 board ft good lumber	Romeo Sabiduria	1708322
0045	12 Jan. 2004	1,000 board ft malaruhath	Nestor Astejada	1625521
0046	09 Jan. 2004	4,000 board ft good lumber (assorted sizes)	Naty Orozco	1623421
0047	08 Jan. 2004	700 board ft lauan	Winnie Aceboque	1623415
0048	05 Jan. 2004	500 board ft lauan	Edmundo dela Vega	1623041
0049	07 Jan. 2004	4 x 5 haligi	Mercy Vargas	1623314
0050	06 Jan. 2004	good lumber	Mario Pujeda	1623310
0051	21 Oct. 2002	1,000 board ft	Conchita Odi	0830825

		sliced lumber		
0052	21 Oct. 2002	400 board ft sliced lumber	Lita Crisostomo	0830826
0053	28 Oct. 2002	450 board ft marang lumber	Agosto Astoveza	0830829
0054	08 Jan. 2003	300 board ft sliced lumber (assorted sizes)	Edna E. Moises	0943941
0055	13 Jan. 2003	1,500 board ft sliced lumber (assorted sizes)	Dante Z. Medina	0943964
0056	16 Jan. 2003	400 board ft sliced lumber (assorted sizes)	Johnny A. Astoveza	0943975
0057	27 Jan. 2003	7 pcs sliced lumber & 1 piece 18 roda	Sonny Leynes	1181827
0058	14 Feb. 2003	2,000 pcs trophy (wood carvings)	Flordeliza Espiritu	1182033
0059	17 Feb. 2003	700 board ft sliced lumber (assorted sizes)	Nestor Astejada	1181917
0060	18 Feb. 2003	1,632 board ft hard wood, kisame & sanipa	Arthur/ Lanie Occeña	1182207
0061	20 Feb. 2004	126 pcs lumber	Lamberto Aumentado	1708810
0062	3 March 2003	450 board ft hard wood (assorted sizes)	Nestor Astoveza	1182413
0063	6 March 2003	160 pcs sliced lumber (assorted sizes)	Remedios Orozco	1182366
0064	10 March 2003	1,500 board ft malaruhut (assorted sizes)	Nestor Astejada	1181996
0065	11 March 2003	900 board ft sliced lumber (assorted sizes)	Fernando Calzado	1182233
0066	13 March 2003	1,408 board ft hard wood (assorted sizes)	Nestor Astejada	1182553
0067	20 March 2003	90 pcs. sliced lumber (assorted sizes)	Remy Orozco	1182157
0068	21 March 2003	90 pcs. sliced lumber (assorted sizes)	Rene Francia	1182168
0069	25 March 2003	500 board ft lumber (assorted sizes)	Thelma Ramia	1182179

0070	26 March 2003	1 pc. 60 x 75 bed (narra) finished product	Roy Justo	1182246
0071	14 April 2004	95 pcs. kalap (9 ft.); 6 pcs. post (10 ft.) & 500 pcs. anahaw	Anita Solloza	3651059
0072	08 April 2004	460 board ft lumber (assorted sizes)	Remy Orozco	3651101
0073	14 April 2004	69 pcs. sliced lumber (assorted sizes)	Dindo America	3651101
0074	23 April 2003	870 board ft hard lumber (assorted sizes)	Amado Pradillada	3651268
0075	24 April 2003	400 board ft lumber (assorted sizes)	Romy Buendicho	3651237
0076	24 April 2003	400 board ft rattan	Emmanuel Buendicho	3651324
0077	30 April 2004	1,000 board ft good lumber (assorted sizes)	Mylene Moises	3651335-C
0078	30 April 2004	500 board ft sliced lumber (assorted sizes)	Carlito Vargas	3651336
0079	08 May 2003	72 x 78 bed (narra); 3 pcs. 60 x 75 bed (ling manok) & 1 pc. 48 x 75 ed (kuling manok) finished product	Fely Justo	3651519
0080	12 May 2003	294 board ft lumber	Virgilio Cuervo	3650927
0081	13 May 2003	43 pcs. sliced lumber (assorted sizes)	Amando Lareza	3651783
0082	14 May 2003	750 board ft good lumber	Wilma Cuervo	3651529
0083	15 May 2003	440 board ft lumber	Marte Cuballes	3651532
0084	15 May 2003	214 pcs. 2x6x7 or 1,500 board ft finished product	Anneliza Vargas	3651531
0085	26 May 2003	57 pcs. sliced lumber (assorted sizes)	Danny Sanchez	3651585
0086	27 May 2003	400 board ft cut woods	Emy Francia	3651394

0087	30 May 2003	300 board ft lumber	Daisy Cuervo	3650943
0088	30 May 2003	1,000 board ft lumber (assorted sizes)	Lea Astoveza	3651161
0089	05 June 2003	130 pcs. or 1,500 board ft lumber cut woods	Jose Noly Moises	3651809
0090	06 June 2003	300 board ft lumber	Mercy Escaraga	3651169
0091	18 June 2003	800 board ft good lumber	Dante Medena	3651749
0092	24 June 2003	28 pcs. good lumber (assorted sizes)	Virgilio Cuervo	1247102
0093	25 June 2003	190 pcs. good lumber (assorted sizes)	Dante Medina	1247205
0094	02 July 2003	800 board ft. good lumber	Dante Medina	1247221
0095	02 July 2003	105 pcs. fresh cut lumber (assorted sizes)	Emmanuel Lusang	1247167
0096	04 July 2003	Assorted sizes of good lumber	Alberto dela Cruz	1247172
0097	07 July 2003	Bulukan woods	Conchita Ligaya	1247175
0098	07 July 2003	6 pcs. haligi	Jane Bulagay	1247173
0099	11 July 2003	700 board ft. cut woods	Dominador Aveno	1247452
0100	14 July 2003	800 board ft. cut wood/ lumber	Dante Medina	1247180
0101	16 July 2003	600 board ft. cut lumber	Rachelle Solana	1247182
0102	23 July 2003	1,200 board ft. hard lumber	Necito Crisostomo	1247188
0103	23 July 2003	700 board ft. good lumber	Nestor Astejada	1247129
0104	28 July 2003	959 board ft. cut lumber	Necito Crisostomo	1247428
0105	29 July 2003	600 board ft. lumber	Marilou Astejada	1247191
0106	01 Aug. 2003	1,000 board Malaruhut	Ruel Ruzol	1247198
0107	05 Aug. 2003	800 board ft. lumber	Virgilio Aumentado	1322853
0108	08 Aug. 2003	4.8 cubic ft. Amlang woods	Rosa Turgo	1322862
0109	12 Aug. 2003	788 Board ft. cut woods	Maria Teresa Adornado	1322865
0110	25 Aug. 2003	500 board ft.	Romy Buendicho	1322929