



Republic of the Philippines
 Supreme Court
 Baguio City

FIRST DIVISION

JOSEPH T. SORIANO,

G.R. No. 238282

Petitioner,

Present:

GESMUNDO, C.J., Chairperson,
 CAGUIOA,
 INTING,
 GAERLAN,* and
 DIMAAMPAO, JJ.

- versus -

Promulgated:

PEOPLE OF THE PHILIPPINES,
Respondent.

APR 26 2022

X-----

DECISION

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*¹ seeking the reversal of the Decision² dated January 19, 2018 and the Resolution³ dated February 27, 2018 of the Sandiganbayan in SB-14-CRM-0436. The Sandiganbayan found Joseph T. Soriano (petitioner), together with his co-accused, guilty of violation of Section 3(e) of Republic Act No. (RA) 3019,⁴ or the Anti-Graft and Corrupt Practices Act.

The Antecedents

George T. Li (Li), owner of San Vicente Dressing Plant (SVDP) and represented by Adora S. Escaño (Escaño), filed on April 23, 2009 a complaint for violation of paragraphs (c) and (e),⁵ Section 3 of RA 3019

* On official leave.

¹ *Rollo*, pp. 54-86.

² *Id.* at 90-125. Penned by Associate Justice Alex L. Quiroz and concurred in by Associate Justices Reynaldo P. Cruz and Bayani H. Jacinto.

³ *Id.* at 127-128.

⁴ Approved on August 17, 1960.

⁵ Section 3(c) and (e) of Republic Act No. 3019 provides:

against petitioner, a team member of the City Veterinary Office;⁶ as well as some employees of the City Government of Alaminos, Pangasinan, namely: Dr. Ronaldo B. Abarra (Abarra), City Veterinarian; Ryan R. Pagador (Pagador), Meat Inspector; and Lyndon R. Millan (Millan), Security Officer (collectively, co-accused).⁷

The complaint alleged that around 1:30 a.m. on April 17, 2009, the personnel of the City Veterinary Office, headed by Abarra, and the Public and Safety Office (POSO) of Alaminos City flagged down a delivery van owned by Li which was loaded with approximately 2,455 kilograms of meat and by-products worth around ₱250,000.00. The contents of the delivery van were confiscated for purportedly being “hot meat.”⁸

The reason for the confiscation was that the National Meat Inspection Service (NMIS) Certificate No. 0544131 presented by the employees of SVDP contained incomplete entries. Although the SVDP employees tried to explain that the missing information could be obtained from the documents attached to the certificate, Abarra and his co-accused refused to accept the explanation and insisted that the van be impounded.⁹

By 9:00 a.m. that day, the cargo was unloaded and its contents were distributed to the different government agencies in Alaminos City Hall.¹⁰

SECTION 3. *Corrupt practices of public officers.* — In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x x

(c) Directly or indirectly requesting or receiving any gift, present or other pecuniary or material benefit, for himself or for another, from any person for whom the public officer, in any manner or capacity, has secured or obtained, or will secure or obtain, any Government permit or license, in consideration for the help given or to be given, without prejudice to Section thirteen of this Act.

x x x x

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

x x x x

⁶ Petitioner states that he “is employed as a Meat Inspector.” *Rollo*, p. 57.

⁷ *Id.* at 90, 93.

⁸ *Id.* at 93-95 and 836.

⁹ *Id.* at 93-96 and 836-837.

¹⁰ *Id.* at 836-837.

Findings of the Office of the Deputy Ombudsman

In the Resolution dated June 1, 2012, the Office of the Deputy Ombudsman for Luzon recommended that petitioner and his co-accused be charged with violation of Section 3(e) of RA 3019.¹¹ Thus, an Information¹² against them was filed with the Sandiganbayan on November 11, 2013 that reads as follows:

That on April 17, 2009 or sometime prior or subsequent thereto, in Alaminos City, Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the above-named accused RONALDO ABARRA y BERGONIA, a high-ranking public officer, being then the City Veterinarian of Alaminos City, RYAN PAGADOR y RABANAL, JOSEPH SORIANO y TRIAS and LYNDON MILLAN y RAMISCAL, also public officers, then the Meat Inspector, Team Member and Security Officer respectively, of the City Veterinary Office and Public Order and Safety Office of the said City, committing the offense in relation to office and in the performance of their official functions though in abuse thereof, taking advantage of their office, conspiring and confederating with each other, acting with evident bad faith, gross inexcusable negligence or manifest partiality, did then and there willfully, unlawfully and criminally confiscate, seize and condemn TWO THOUSAND FOUR HUNDRED FIFTY FIVE (2,455) kilograms of chicken meat and its by-products valued at TWO HUNDRED FIFTY THOUSAND PESOS (P250,000.00), processed by the San Vicente Dressing Plant (SVDP) in partnership with San Miguel Foods Incorporated (SMFI), consigned to Mrs. Concepcion Santiago of Seony's Frozen Foods, which are loaded in a refrigerated van owned by Mr. George T. Li, without any valid, legal or justifiable ground as the shipment was covered by a National Meat Inspection Certificate and other supporting documents, and did not come from unaccredited slaughterhouse or processing plant, or misrepresented, mislabelled or adulterated, or violated City Ordinance 2003-31 of the City of Alaminos, thereby causing undue injury or damage to SVDP, SMFI and Mrs. Concepcion Santiago in the aforesaid amount.

CONTRARY TO LAW.¹³

Upon arraignment, petitioner, Abarra, and Millan pleaded "not guilty."¹⁴ On February 26, 2015, the Sandiganbayan received a letter

¹¹ *Id.* at 90-91.

¹² *Id.* at 204-205.

¹³ *Id.*

¹⁴ *Id.* at 92-93.

from the Pangasinan Police Provincial Office that Pagador had left for Canada.¹⁵

Version of the Prosecution

During trial, the prosecution presented the following witnesses: Escaño, administrative head of SVDP; Cristito Nicomedez, Jr. (Nicomedez), van helper or *pahinante*; Francisco Jeffrey B. Reyes (Reyes), area operations manager of San Miguel Foods Inc. (SMFI); Eleazar A. Enriquez (Enriquez), warehouseman of SMFI; and Dr. Lilia Juliana I. Fermin (Fermin), senior meat control officer of the NMIS.¹⁶

Based on their testimonies, the prosecution established that on the night in question, there were three people in the van: driver Arnold Soriano, “invoicer” Laila Juderial (Juderial), and Nicomedez. There were also three personnel at the checkpoint area wearing civilian clothes. Upon checking their NMIS certificate, the personnel told the SVDP employees that there were issues with their certificate: the NMIS certificate had erasures with no counter-signatures and lacked material details such as the “destination, date of issue, type of issue, conveyance used, plate number and transport.”¹⁷

Juderial explained that the missing information could be found in the attached documents, particularly the issue form. The personnel on duty, however, did not consider the supporting documents.¹⁸

Upon learning of the situation, warehouseman Enriquez asked Margarita Mejia (Mejia), the meat inspector assigned to SVDP, to validate the permit and remedy the situation. Mejia called Pagador, who in turn directed her to talk to Abarra. Abarra however turned down her request to release the confiscated products.¹⁹

Mejia then sought the help of Fermin, the senior meat control officer of the NMIS. According to Fermin, Mejia admitted that the latter missed some of the blanks in the meat products inspection certificate of NMIS which had to be filled up.²⁰

¹⁵ *Id.* at 92.

¹⁶ *Id.* at 93.

¹⁷ *Id.* at 96-98, 101.

¹⁸ *Id.* at 98.

¹⁹ *Id.* at 102-103.

²⁰ *Id.* at 104-105.

Meanwhile, an inspector boarded the van and brought it to the city hall. A few hours later, the contents of the van were loaded into an L300 van and patrol car; the contents were distributed to different government offices and people in the area.²¹

Upon cross-examination, Nicomedez admitted that the issue form was a company-issued document.²² Meanwhile, Reyes testified that the NMIS certificate could only be rectified by the NMIS officer on duty, while the issue form is accomplished by the warehouse personnel of SVDP.²³ Fermin also admitted that her subordinate, Mejia, did not perform her duty of filling up the NMIS certificate.²⁴

Version of the Defense

For the defense, Abarra and Millan gave their testimonies.

According to Abarra, he was not at the checkpoint on April 17, 2009, but he received a call around 1:30 a.m. from Mejia who demanded the release of 2,455 kilograms of meat. Mejia said that she was sick and had fallen asleep so that she was not able to inspect the meat products. Fermin also called Abarra and asked about the status of the products. Fermin agreed that there were blatant lapses in the inspection of the meat products. Abarra then ordered the confiscation of the meat products and Pagador issued a Post-Abattoir Control Receipt dated April 17, 2009, which detailed the confiscated products and the reason for confiscation. Afterwards, the meat, deemed to be still fit for human consumption, were donated to charitable institutions such as the Social Welfare and Development, inmates of the Philippine National Police, and the charity ward of the Western Pangasinan District Hospital.²⁵

Abarra declared that his office conducted inspections every night, pursuant to City Ordinance No. 2003-31, the objective of which is to make Alaminos City free from "hot-meat." The practice was also observed during the outbreak of diseases, such as ebola, and foot and

²¹ *Id.* at 98, 103.

²² *Id.* at 99.

²³ *Id.* at 100.

²⁴ *Id.* at 107.

²⁵ *Id.* at 113.

mouth disease.²⁶

For his part, Millan testified that he was ordered by Pagador to escort the van from the checkpoint to the city hall grounds. His participation was only to secure the van and wait for further orders from the office that confiscated the meat products.²⁷

Petitioner was not presented as a witness for the defense. However, the following exhibits were offered in his defense: copies of newspaper clippings; Executive Order No. 10-A, Series of 2005 of the City of Alaminos, Pangasinan; photographs of the turnover and receipt of confiscated chicken and chicken by-products; various certifications, citations, and awards; the Omnibus Motion dated December 9, 2013; NMIS Meat and Meat Products Inspection Certificate No. 0544131; and Confiscation/Condemnation Report dated April 17, 2009.²⁸

Ruling of the Sandiganbayan

On January 19, 2018, the Sandiganbayan rendered its Decision:

WHEREFORE, in light of the foregoing, the Court renders judgment finding Dr. Ronaldo B. Abarra, Joseph T. Soriano, and Lyndon R. Millan, GUILTY beyond reasonable doubt of the violation of Section 3(e) of R.A. No. 3019, sentencing each of them to imprisonment of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum, perpetual disqualification from public office, and to return, jointly and solidarily, the amount of Two Hundred Twenty-Six Thousand, Nine-Hundred Fifty-Four Pesos and Eighty Centavos (P226,954.80), with interest thereon.

LET this case be ARCHIVED with respect to Ryan R. Pagador, who is at large.

SO ORDERED.²⁹

The Sandiganbayan found that all the accused acted with evident bad faith when they immediately caused the confiscation of the meat products upon discovery at the Alaminos checkpoint that there were missing entries in the NMIS certificate. Supporting documents could

²⁶ *Id.* at 114-115.

²⁷ *Id.* at 116-117.

²⁸ *Id.* at 119.

²⁹ *Id.* at 125.

have supplied the information required; however, the accused did not consider them.³⁰

Petitioner and his co-accused filed their respective motions for reconsideration, but the Sandiganbayan denied them on February 27, 2018.³¹

Hence, the present petition with the following allegations:

THE SANDIGANBAYAN DECIDED THIS CASE IN A MANNER CONTRARY TO LAW AND JURISPRUDENCE WHEN IT RENDERED THE *ASSAILED DECISION AND RESOLUTION*, IN THAT:

A.

THE SANDIGANBAYAN GRAVELY ABUSED ITS PREROGATIVES WHEN IT FOUND PETITIONER GUILTY, AS A CO-CONSPIRATOR, FOR HIS MERE PRESENCE AT THE CONFISCATION SCENE, WITHOUT ESTABLISHING HIS SPECIFIC ACT CONTRIBUTING TO THE ALLEGED CRIMINAL DESIGN.

B.

THE SANDIGANBAYAN COMMITTED A PALPABLE MISTAKE, AND GROSSLY MISAPPRECIATED THE FACTS, WHEN IT HELD PETITIONER LIABLE AS CO-CONSPIRATOR, EVEN IF THE CONFISCATION COMPLAINED OF DOES NOT AMOUNT TO A CRIME.³²

Petitioner argues that there is no basis in finding him guilty as a co-conspirator as no other act was attributed to him other than his mere presence during the confiscation of the meat products.³³

Also, petitioner asserts that: (1) there is sufficient basis for confiscating the subject meat products as the meat inspection certificate suffers from patent deficiencies;³⁴ (2) he cannot be convicted on the erroneous ground that his co-accused, Abarra, was incorrect in believing

³⁰ *Id.* at 121-122.

³¹ *Id.* at 127-128.

³² *Id.* at 63.

³³ *Id.* at 64.

³⁴ *Id.* at 63

that the subject meat products had to be confiscated; and (3) a mere mistake in belief does not amount to “evident bad faith.”³⁵

Meanwhile, the People of the Philippines, through the Office of the Solicitor General, in its Comment³⁶ contends that: (1) all the elements of Section 3(e) of RA 3019 have been sufficiently established beyond reasonable doubt by the prosecution; and (2) only questions of law should be raised in a Rule 45 petition.³⁷

Issue

The issue to be resolved is whether the Sandiganbayan erred in finding petitioner guilty of violating Section 3(e) of RA 3019.

Our Ruling

The petition is granted.

Public office is a public trust and public officers are expected to meet a higher standard of accountability. This does not diminish, however, the constitutionally protected right of an accused to be presumed innocent. The guilt of public officers, as with any other person who stands accused, must be proven beyond reasonable doubt.³⁸

While there is no arguing that graft and corruption in government must be stamped out and that offenders must be punished accordingly, evidence adduced by the prosecution must always be closely scrutinized under the lens of the spirit that animates RA 3019 and pass the test of moral certainty.³⁹

To convict an accused under Section 3(e) of RA 3019, the prosecution must sufficiently establish the following elements: “(1) the offender is a public officer; (2) the act was done in the discharge of the public officer’s official, administrative, or judicial functions; (3) the act

³⁵ *Id.* at 64.

³⁶ *Id.* at 834-848.

³⁷ *Id.* at 841 and 845.

³⁸ See *Martel v. People*, G.R. Nos. 224720-23 and 224765-68, February 2, 2021.

³⁹ *Macairan v. People*, G.R. Nos. 215104, 215120 & 215147, 215212, 215354-55, 215377 & 215923 and 215541, March 18, 2021.

was done through manifest partiality, evident bad faith, or gross inexcusable negligence; and (4) the public officer caused any undue injury to any party, including the government, or gave any unwarranted benefits, advantage or preference.”⁴⁰

Although findings of fact of the Sandiganbayan are generally accorded great weight and respect, where there is misappreciation of facts, as in the present case, the Court will not hesitate to reverse the conclusions reached below.⁴¹

*Modalities and Component Acts
of Section 3(e), RA 3019*

There are three modalities for violating Section 3(e) of RA 3019: “manifest partiality,” “evident bad faith,” and “gross inexcusable negligence.”⁴²

“Partiality” was held synonymous with bias which excites a disposition to see and report matters as they are wished for rather than as they are. “Bad faith” meanwhile pertains not only to bad judgment or negligence but imputes a dishonest purpose or some moral obliquity and conscious doing of a wrong, while “gross negligence” is defined as negligence characterized by the want of even slight care, acting or omitting to act in a situation where there is a duty to act, not inadvertently but wilfully and intentionally with a conscious indifference to consequences in so far as other persons may be affected.⁴³

These modes are distinct and different from one another and proof of the existence of any of these modes in connection with the prohibited acts under Section 3(e) should suffice to warrant a conviction.⁴⁴

As for the final element of Section 3(e), above mentioned, there are two separate component acts which may be committed: (1) “causing undue injury to any party, including the Government;” or (2) “giving any

⁴⁰ *People v. Bacaltos*, G.R. No. 248701, July 28, 2020.

⁴¹ *Macairan v. People*, *supra* note 39.

⁴² *Camp John Hay Development Corp. v. Office of the Ombudsman*, G.R. No. 225565, January 13, 2021.

⁴³ *Id.*

⁴⁴ *Id.*

private party any unwarranted benefit, advantage or preference.”⁴⁵

An accused may be charged under either mode or both. The disjunctive term “or” connotes that either act qualifies as a violation of Section 3(e). Stated simply, the presence of one would suffice for conviction.⁴⁶

*Petitioner’s guilt was not proven
beyond reasonable doubt.*

There is no dispute that herein petitioner is a public officer and he was discharging an official function when the subject incident took place. However, the Court disagrees with the Sandiganbayan that the other elements of Section 3(e) of RA 3019 have been established beyond reasonable doubt.

A cursory reading of the assailed Decision would readily show the lack of sufficient factual and legal bases upon which petitioner’s guilt is anchored:

From both parties’ accounts of what transpired on April 16 to 17, 2009, it is clear that herein accused conspired with each other in confiscating the meat products. Abarra allowed the seizure of the van, distributed the meat products to different institutions, and submitted a Confiscation Report. Pagador, who was at the checkpoint and had intercepted the van, issued a Post-Abattoir Control Receipt for the confiscation of the meat products. *Soriano had also been at the checkpoint during confiscation.* Millan then kept watch over the van from the time of confiscation until it was opened. It must be noted that conspiracy can be established “from the mode and manner by which the offense was perpetrated or inferred from the acts of the accused showing a joint or common purpose of design, concerted action and community of interest.” Hence, the acts of herein accused, taken collectively, have caused undue injury to the San Vicente Dressing Plant, San Miguel Foods, Incorporated, and to Mrs. Concepcion Santiago worth ₱226,954.80, which amount appears in the Written Report dated April 20, 2009, signed by Reyes x x x.⁴⁷ (Italics supplied)

Aside from the fact that petitioner “*had also been at the*

⁴⁵ *Id.*

⁴⁶ *Id.*, citing *Coloma, Jr. v. Sandiganbayan*, 744 Phil. 214 (2014).

⁴⁷ *Rollo*, pp. 123-124.

checkpoint during confiscation”⁴⁸ a review of the testimonies of the prosecution witnesses shows that petitioner’s only involvement in the incident was that Escaño “went to see him at the POSO to ask him what happened to their van. However [Escaño] was only able to talk to Millan.”⁴⁹ No other mention was made regarding petitioner’s supposed involvement in the questioned confiscation.

“[C]onspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it.”⁵⁰ While direct proof is not necessary, it is important for the prosecution to show, by proof beyond reasonable doubt, that all participants performed overt acts with such closeness and coordination as to indicate a common purpose or design to commit the felony. Mere knowledge, acquiescence, or agreement to cooperate, or mere companionship or presence at the scene of the crime at the time of its commission are insufficient to constitute one as part of a conspiracy.⁵¹

Petitioner, as averred in the Information, was a team member of the City Veterinary Office and Public Order and Safety Office of Alaminos City.⁵² Thus, he had every right to be at the checkpoint on the early morning in question as he was performing an official duty.

As for his co-accused, the Sandiganbayan found Abarra guilty of violating Section 3(e) of RA 3019 for allowing the seizure of the van, ordering the distribution of the confiscated meat products to the different offices of the municipality and for submitting a Confiscation Report. Millan, meanwhile, was held liable for keeping watch over the van from the time of confiscation until it was opened.⁵³

Just like petitioner, however, Abarra and Millan were merely performing their official duties.

Absence of Evident Bad Faith

The Sandiganbayan in its Decision found petitioner and his co-

⁴⁸ *Rollo*, p. 124.

⁴⁹ *Id.* at 96.

⁵⁰ *Macairan v. People*, *supra* note 39, citing *Oflasa v. People*, 73 Phil. 87 (1941), further citing Article 8 of the Revised Penal Code.

⁵¹ *Id.* Citations omitted.

⁵² *Rollo*, p. 91.

⁵³ *Id.* at 123-124.

accused to have “acted with evident bad faith when they immediately caused the confiscation of the meat products upon discovery at the Alaminos checkpoint that there were missing entries in the NMIS certificate, and the supporting documents were not even considered.”⁵⁴ The anti-graft court held that the “accused did not give [SVDP] the chance to rectify their deficiencies or to fill out the certificate.”⁵⁵ It declared that Abarra and his team members took it upon themselves to treat “an incomplete meat product inspection certificate” as equal to or the same as “absence of meat and meat product inspection certificates.”⁵⁶

Evident bad faith in Section 3(e) of RA 3019 is committed by *dolo*, as opposed to *culpa*, and entails the willfulness to do something wrong.⁵⁷

Case law has explained that “evident bad faith” punishable under Section 3(e) of RA 3019 pertains to “bad faith” which does not simply connote bad judgment or negligence. It imputes a dishonest purpose or some moral obliquity and conscious doing of a wrong; it is a breach of sworn duty through some motive or intent or ill will, and partakes of the nature of fraud. Bad faith *per se* is not enough. It contemplates a state of mind affirmatively operating with furtive design or some motive with a deliberate intent on the part of the accused to do wrong or to cause damage. “[A]n erroneous interpretation of a provision of law, absent any showing of some dishonest or wrongful purpose, does not constitute and does not necessarily amount to bad faith.”⁵⁸

As evident bad faith entails manifest deliberate intent on the part of the accused to do wrong or to cause damage, it must be shown that the accused was spurred by a corrupt motive. Mistakes committed by a public officer, no matter how patently clear, are not actionable absent any clear showing that they were motivated by malice or gross negligence amounting to bad faith.⁵⁹

Here, petitioner’s guilt was based merely on his presence at the checkpoint when the confiscation took place. However, he had every right to be at the said area as he was performing his duties as member of

⁵⁴ *Id.* at 121.

⁵⁵ *Id.*

⁵⁶ *Id.* at 122.

⁵⁷ *Buencamino v. People*, G.R. Nos. 216745-46, November 10, 2020.

⁵⁸ *People v. Bacaltos*, *supra* note 40, citing *Ysidro v. Leonardo-de Castro*, 681 Phil. 1, 19 (2012).

⁵⁹ *Id.*, citing *Collantes v. Marcelo*, 556 Phil. 794, 806 (2007).

the City Veterinary Office and Public Order and Safety Office.⁶⁰

As for Abarra, he acted well within his authority when he allowed the seizure of the van for failure of SVDP's personnel to present a valid and duly accomplished NMIS Certificate. The Court also does not see any wrongdoing on his part when he filed a corresponding Confiscation Report.

Millan was also merely performing his duty as security officer when he kept watch over the van from the time it was confiscated until it was opened.⁶¹

Apart from the fact that the acts committed by petitioner and his co-accused are consistent with their official duties and functions, there was also absence of any manifest deliberate intent on their part to do wrong or to cause damage, or any showing that they were spurred by corrupt motive.

Deficiencies in the NMIS Certificate

It was established that the NMIS certificate presented by the employees of SVDP at the checkpoint of Alaminos in the early morning of April 17, 2009 lacked the following material entries: date of issue, transportation, time of issue, conduct of meat inspection, destination, date of shipment, and conveyance used.⁶²

The prosecution witness, NMIS senior meat control officer, Dr. Fermin, testified that Mejia, the meat inspector assigned to SVDP, missed some of the blanks in the meat products inspection certification of NMIS which had to be filled up.⁶³

Contrary to the prosecution's stance that the accused-public officials should have referred to the documents attached to the NMIS certificate for the missing information, the Court finds nothing erroneous in the accuseds' decision not to refer to the said documents.

⁶⁰ *Rollo*, pp. 64-65 and 123-124.

⁶¹ *Id.* at 123-124.

⁶² *Id.* at 113.

⁶³ *Id.* at 105.

The documents being referred to were issue forms, which were company-issued documents accomplished by the warehouse personnel of SVDP.⁶⁴ The prosecution also admitted that only the NMIS officer on duty could rectify the NMIS certificate.⁶⁵

Given the facts, the Court finds no error on the part of accused public officials for refusing to rely on the company-issued forms to supply the missing entries in the NMIS certificate, which should have been accomplished by Mejia, the meat inspector assigned to SVDP. It would have been unwise on the part of the accused to rely on the representations of the very company which seeks to have its products declared compliant with the health and safety standards of the government.

Absence of Graft and Corruption

It is unfortunate that the private complainant suffered loss in the amount of ₱226,954.80, which is the value of the confiscated meat products. Such monetary loss on complainant's part, however, does not automatically equate to a finding of graft on the part of the accused.

As the name or title of RA 3019 implies, the Anti-Graft and Corrupt Practices Act was crafted as an anti-graft and corrupt measure, where graft is understood as acquisition of gain in dishonest ways.⁶⁶ By the very language of Section 3(e) of RA 3019, "the elements of manifest partiality, evident bad faith, and gross inexcusable negligence and of giving unwarranted benefit, advantage or preference to another must go hand in hand with a showing of fraudulent intent and corrupt motives."⁶⁷

Graft, defined, is the fraudulent obtaining of public money unlawfully by the corruption of public officers. It also refers to advantage or personal gain received because of the peculiar position or superior influence of one holding a position of trust and confidence without rendering compensatory services or dishonesty transaction in relation to public or official acts.⁶⁸

⁶⁴ *Id.* at 99-100.

⁶⁵ *Id.*

⁶⁶ *Martel v. People*, *supra* note 38, citing Black's Law Dictionary, 794 (9th ed. 2009).

⁶⁷ *Chung v. Office of the Ombudsman*, G.R. No. 239871, March 18, 2021.

⁶⁸ *People v. Pallasigue*, G.R. Nos. 248653-54, July 14, 2021.

Corruption, in its fundamental sense meanwhile, is defined as the act of an official or fiduciary person who unlawfully and wrongfully uses his station or charter to procure some benefit for himself or for another person, contrary to duty and the rights of others. It pertains to an act done with an intent to give some advantage inconsistent with official duty and the rights of others.⁶⁹

As a rule, the alleged irregular or anomalous act or conduct complained of under RA 3019 must not only be intimately connected with the discharge of the official functions of an accused. It must also be accompanied by some benefit, material or otherwise, and must have been deliberately committed for a dishonest and fraudulent purpose and in disregard of public trust.⁷⁰

It is not enough that unwarranted benefits were given to another or that there was damage to the government as a result of a violation of a law, rule, or regulation. The acts constituting the elements of a violation of RA 3019 must be effected with corrupt intent, a dishonest design, or some unethical interest.⁷¹ Here, there is no showing that petitioner and his co-accused were motivated by a desire to acquire gain by dishonest means when they confiscated the subject meat products, which were eventually distributed to different agencies in the province.

The demand for accountability should not be at the expense of well-meaning public officials who may have erred while performing their duties but have done so without a criminal mind. Our penal laws against corruption in the government are meant to enhance, rather than stifle, public service. If every mistake, error, or oversight is met with criminal punishment, then qualified individuals would be hindered in serving the government. To reiterate, while public office is a public trust, the constitutionally enshrined right to presumption of innocence encompasses all persons – private individuals and public servants alike.⁷²

*The Effect of the Decision on
Petitioner's Co-accused*

This Decision absolves not just petitioner but the other accused as

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Macairan v. People, supra* note 39.

⁷² *Martel v. People, supra* note 38.

well. As clearly provided in Section 11(a), Rule 122 of the Rules of Court:

SEC. 11. *Effect of appeal by any of several accused.* —

(a) An appeal taken by one or more of several accused shall not affect those who did not appeal, *except insofar as the judgment of the appellate court is favorable and applicable to the latter[.]* (Italics in the original and supplied)

An appeal in a criminal proceeding throws the whole case open for review of all its aspects. Thus, while only petitioner persisted with the present appeal, the Court may still pass upon the issue of whether his co-accused should also be exonerated, especially because the evidence and arguments presented against all of them are inextricably linked.⁷³ Consequently, a judgment of acquittal in favor of petitioner shall benefit Abarra and Millan as well.


WHEREFORE, the petition is **GRANTED**. The Decision dated January 19, 2018 and the Resolution dated February 27, 2018 of the Sandiganbayan in SB-14-CRM-0436 are hereby **REVERSED** and **SET ASIDE**. Petitioner Joseph T. Soriano and his co-accused Dr. Ronaldo B. Abarra and Lyndon R. Millan are **ACQUITTED**.

Let an entry of judgment be issued immediately.

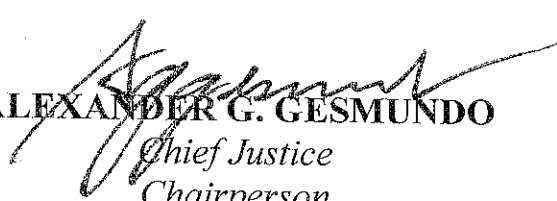
SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

⁷³ *Sama v. People*, G.R. No. 224469, January 5, 2021, citing *Lim v. Court of Appeals*, 524 Phil. 692 (2006).



WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice
Chairperson



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


On official leave
SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



ALEXANDER G. GESMUNDO
Chief Justice.