



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

CHARITA M. CHAN,
Petitioner,

G.R. No. 238304

Present:

GESMUNDO, C.J.,
Chairperson,
HERNANDO,
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

JUL 27 2022

X-----X

DECISION

HERNANDO, J.:

This Petition for Review on *Certiorari*¹ assails the February 20, 2018 Decision² and the March 23, 2018 Resolution³ of the Sandiganbayan in SB-16-CRM-0511 to 0512. The Sandiganbayan convicted petitioner Charita M. Chan (Chan) for violation of Section 3(j)⁴ of Republic Act No. (RA) 3019⁵ or the

¹ Rollo, pp. 3-32.

² Id. at 33-48. Penned by Associate Justice Maryann E. Corpus-Mañalac and concurred in by Associate Justices Rafael R. Lagos and Maria Theresa V. Mendoza-Arcega.

³ Id. at 49-54. Penned by Associate Justice Maryann E. Corpus-Mañalac and concurred in by Associate Justices Rafael R. Lagos and Maria Theresa V. Mendoza-Arcega.

⁴ 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

(j) Knowingly approving or granting any license, permit, privilege or benefit in favor of any person not qualified for or not legally entitled to such license, permit, privilege or advantage, or of a mere representative or dummy of one who is not so qualified or entitled.

⁵ Entitled “ANTI-GRAFT AND CORRUPT PRACTICES ACT.” Approved: August 17, 1960.

Anti-Graft and Corrupt Practices Act in SB-16-CRM-0512, and acquitted her of the same charge in SB-16-CRM-0511 for insufficiency of evidence.

The Antecedents

On August 10, 2016, two Informations⁶ were filed against Chan for violation of Section 3(j) of RA 3019. The accusatory portions read:

For Criminal Case No. SB-16-CRM-0511:

That in or about the year 2012, or for sometime prior or subsequent thereto, in the Municipality of Babatngon, Province of Leyte, and within the jurisdiction of this Honorable Court, the above-named accused, a public officer being the Mayor of the Municipality of Babatngon, Province of Leyte, committing the offense in relation to office, with deliberate intent did then and there, willfully, unlawfully and criminally approve and grant a Mayor's Permit for the operation of the Babatngon Gallera, a cockpit, in favor of the owner thereof, Nicomedes Alde, knowing fully well that said Nicomedes Alde is not legally entitled to such permit, being a government official who at that time is a member of the Sangguniang Bayan of Babatngon and President of the *Liga ng mga Barangay* therefore prohibited under Section 89(2) of the Local Government Code (Republic Act No. 7160) from holding such interest in a cockpit licensed by said local government unit, to the detriment of public service.

CONTRARY TO LAW.⁷

For Criminal Case No. SB-16-CRM-0512:

That on or about [the] 13th of April 2012, in the Municipality of Babatngon, Province of Leyte, and within the jurisdiction of this Honorable Court, the above-named accused, a public officer being the Mayor of the Municipality of Babatngon, Province of Leyte, in such capacity and committing the offense in relation to office, did then and there, willfully, unlawfully and criminally approve and grant a Mayor's Permit in favor of the *Liga ng mga Barangay*, a juridical person not legally entitled to such license or permit as accused Mayor Charita Chan very well knew that the holding of cockfights every Saturday is prohibited by law, particularly, Section 5(d) and (e) of Presidential Decree No. 449 (The Cockfighting Law of 1974) and Municipal Ordinance No. 281 of the Municipality of Babatngon, Leyte, to the detriment of public service.

CONTRARY TO LAW.⁸

⁶ Records (Criminal Case No. SB-16-CRM-0511), pp. 1-2. Records (Criminal Case No. SB-16-CRM-0512), unpaginated.

⁷ Records (Criminal Case No. SB-16-CRM-0511), p. 1.

⁸ Records (Criminal Case No. SB-16-CRM-0512), unpaginated.

A Warrant of Arrest was issued on September 7, 2016.⁹ Subsequently, Chan posted a bond for her temporary liberty.¹⁰ During the arraignment on May 25, 2017, Chan pleaded not guilty to the offenses charged.¹¹ The parties likewise stipulated that Chan was the incumbent mayor of the Municipality of Babatngon, Leyte during the time material to the case, and that the members of the *Sangguniang Bayan* of Babatngon, Leyte were signatories to the resolution.¹²

The prosecution presented the following witnesses: (1) Francisco B. Balboa (Balboa), In-Charge of the Office of the Municipal Treasurer of Babatngon, Leyte from 2011 to 2017;¹³ (2) Marcelino B. Pulma (Pulma), Secretary of *Sangguniang Bayan* of Babatngon, Leyte in 2017;¹⁴ and (3) Maria Fe G. Rondina (Rondina), Mayor of Babatngon, Leyte in 2017 and Municipal Councilor of Babatngon, Leyte in 2012.¹⁵ Moreover, the prosecution filed its Formal Offer of Evidence¹⁶ which the Sandiganbayan admitted¹⁷ after the defense manifested that it will no longer file an opposition thereto.¹⁸

On the other hand, the defense presented no evidence, and just opted to submit a Memorandum¹⁹ on January 5, 2018.²⁰ The prosecution likewise filed its Memorandum²¹ on December 21, 2017.²²

The factual findings of the Sandiganbayan revolved on the testimonies of Balboa, Pulma, and Rondina.²³

Balboa testified that Chan was the Mayor of Babatngon, Leyte from June 2007 until 2016. He was aware of the existence and operation of a cockpit in Babatngon, Leyte. He issued a certification that taxes and penalties for the operation of Babatngon Gallera in the name of Nicomedes Alde (Nicomedes) were paid from January until March 2012. Such tax certification was necessary

⁹ *Rollo*, p. 34. See also Records (Criminal Case No. SB-16-CRM-0511), p. 65.

¹⁰ *Rollo*, p. 34. See also Records (Criminal Case No. SB-16-CRM-0511), p. 85.

¹¹ *Rollo*, p. 34. See also Records (Criminal Case No. SB-16-CRM-0511), p. 107.

¹² *Rollo*, p. 35. See also Records (Criminal Case No. SB-16-CRM-0511), p. 144.

¹³ TSN, August 7, 2017, pp. 118-144.

¹⁴ TSN, August 8, 2017, pp. 97-105.

¹⁵ *Id.* at 105-116.

¹⁶ Records (Criminal Case No. SB-16-CRM-0511), pp. 180-184.

¹⁷ *Id.* at 212.

¹⁸ *Rollo*, p. 35.

¹⁹ Records (Criminal Case No. SB-16-CRM-0511), pp. 242-255.

²⁰ *Rollo*, p. 35.

²¹ Records (Criminal Case No. SB-16-CRM-0511), pp. 225-237.

²² *Rollo*, p. 35.

²³ *Id.* at 35-37.

for the issuance of a Mayor's Permit. Also, Nicomedes was a councilor of Babatngon, Leyte at that time.²⁴

Pulma also testified that he knew that a cockpit owned by Nicomedes is regularly operating in their municipality. He did not know if Chan owned, managed, or had material benefit in the cockpit.²⁵

Lastly, Rondina testified that she was a councilor of Babatngon, Leyte in 2012, and passing of resolutions and ordinances was among the duties of a councilor. Chan, who was the mayor of Babatngon, Leyte in 2012, endorsed²⁶ to the *Sangguniang Bayan* the passing of a resolution for the holding of cockfights every Saturday at Barangay District III, Babatngon, Leyte as requested by the *Liga ng mga Barangay*. Rondina did not affix her signature on Resolution No. 2749-12²⁷ granting the operation of a cockpit because Municipal Ordinance No. 281²⁸ and Presidential Decree No. 449²⁹ prohibited cockfights during Saturdays. After the approval by the *Sangguniang Bayan*, Resolution No. 2749-12 was forwarded to Chan who was then the mayor. In 2012, the cockfights in Babatngon, Leyte were held regularly. Rondina averred that cockpits and other businesses were not allowed to operate without a permit during her term as mayor.³⁰

Without presenting any witnesses, Chan argued in her Memorandum³¹ that the prosecution failed to establish sufficient evidence to hold her guilty beyond reasonable doubt for the offenses charged,³² and that the prosecution's documentary evidence lacked evidentiary value.³³

Ruling of the Sandiganbayan

In a Decision³⁴ dated February 20, 2018, the Sandiganbayan acquitted Chan in Criminal Case No. SB-16-CRM-0511, but found her guilty beyond

²⁴ Id. at 35.

²⁵ Id. at 37.

²⁶ Records (Criminal Case No. SB-16-CRM-0511), p. 50.

²⁷ "RESOLUTION GRANTING THE LIGA NG MGA BARANGAY REPRESENTED BY ABC PRESIDENT NICOMEDES ALDE SPECIAL PERMIT TO HOLD COCKFIGHTING EVERY SATURDAY TO BE HELD AT THE LICENSED COCKPIT OF BABATNGON, LEYTE LOCATED AT BARANGAY DISTRICT III, BABATNGON, LEYTE." Records (Criminal Case No. SB-16-CRM-0511), pp. 52-53.

²⁸ AN ORDINANCE CODIFYING THE GENERAL ORDINANCES OF THE MUNICIPALITY OF BABATNGON, LEYTE. Records (Criminal Case No. SB-16-CRM-0511), pp. 42-48.

²⁹ Entitled "COCKFIGHTING LAW OF 1974." Dated May 9, 1974.

³⁰ *Rollo*, p. 37.

³¹ Records (Criminal Case No. SB-16-CRM-0511), pp. 242-255.

³² Id. at 245-248.

³³ Id. at 248-254.

³⁴ *Rollo*, pp. 33-48.

reasonable doubt for the crime charged in Criminal Case No. SB-16-CRM-0512. In SB-16-CRM-0512, the Sandiganbayan noted that Chan issued a Mayor's Permit in favor of the *Liga ng mga Barangay* whose members were *barangay* officials who are prohibited by existing law from having any interest in cockpit operation.³⁵ The Mayor's Permit marked as Exhibit "H" was a *prima facie* evidence that remained unrebutted by Chan. Hence, the charge in Criminal Case No. SB-16-CRM-0512 was established with moral certainty that produced a conviction in an unprejudiced mind.³⁶

The *fallo* of the Decision of the Sandiganbayan reads in this wise:

WHEREFORE, premises considered, this Court finds the accused Charita M. Chan GUILTY beyond reasonable doubt of violation of Section 3(j) of Republic Act No. 3019, as charged in SB-16-CRM-0512 and is hereby sentenced to suffer the indeterminate penalty of imprisonment from Six (6) years and One (1) month, as minimum, to Seven (7) years, as maximum, and perpetually disqualified to hold public office. However, the accused Charita M. Chan is ACQUITTED of the same charge for violation of Republic Act No. 3019, Section 3(j) in SB-16-CRM-0511, for insufficiency of evidence.

SO ORDERED.³⁷

Thereafter, the Sandiganbayan denied the respective motions for reconsideration filed by Chan and the prosecution in a Resolution³⁸ dated March 23, 2018. Thus, Chan filed the instant petition³⁹ before this Court raising the following issues, to wit:

FIRST ASSIGNMENT OF ERROR:

THE COURT ERRED IN RENDERING THE JUDGMENT OF CONVICTION DESPITE THE PROSECUTION HAVING FAILED TO PROVE THE PRESENCE OF ALL THE ELEMENTS OF THE OFFENSE; AND LIKEWISE FAILED TO PROVE THAT THE ACCUSED WAS THE PERPETRATOR OF THE OFFENSE CHARGED;

SECOND ASSIGNMENT OF ERROR:

THE COURT ERRED IN NOT FINDING THAT THE ACCUSED HAD NO CRIMINAL INTENT TO COMMIT THE CRIME CHARGED.⁴⁰

³⁵ Id. at 39-45.

³⁶ Id. at 46-47.

³⁷ Id. at 47.

³⁸ Id. at 49-54.

³⁹ Id. at 3-32.

⁴⁰ Id. at 7.

In her Petition,⁴¹ Chan alleges that the prosecution was amiss in its burden to prove the fact of the commission of the offense or that she was the perpetrator of the offense. The stenographic notes would show that she was not positively identified as the perpetrator.⁴² Chan insists that it was the *Sangguniang Bayan* which passed the resolution granting the operation of cockpits. With the absence of positive and direct statements pointing to the allegations in the Informations, the prosecution failed to prove her guilt beyond reasonable doubt.⁴³ In addition, she had no discretionary power to issue a permit to hold cockfights in Babatngon. Her act of issuing a business permit merely adopted the approval and grant of the *Sangguniang Bayan*. Hence, she had no intention to commit a wrong nor moved by evil motive in issuing the permit.⁴⁴ Chan prays that her conviction in Criminal Case No. SB-16-CRM-0512 be reversed and that she be acquitted of said offense.⁴⁵

The People, in its Comment,⁴⁶ points out that Chan already admitted the genuineness and execution of the Mayor's Permit when the exhibits of the prosecution were adopted as the exhibits of the defense. It follows that the Mayor's Permit marked as Exhibit "H," absent any proof that said document was falsified or forged, was genuine and executed by Chan herself.⁴⁷ Moreover, Chan was positively identified as the party who issued the Mayor's Permit through Pulma's testimony.⁴⁸ Lastly, criminal intent was presumed in the act of issuing the Mayor's Permit in violation of existing laws. Chan failed to overcome this presumption since she did not present any evidence to the contrary.⁴⁹

The sole issue before this Court is whether Chan is guilty beyond reasonable doubt for violation of Section 3(j) of RA 3019 in Criminal Case No. SB-16-CRM-0512.

Our Ruling

The Petition lacks merit.

⁴¹ Id. at 3-32

⁴² Id. at 8-24.

⁴³ Id. at 24.

⁴⁴ Id. at 25-29.

⁴⁵ Id. at 30.

⁴⁶ Id. at 72-86.

⁴⁷ Id. at 75-79.

⁴⁸ Id. at 79-80.

⁴⁹ Id. at 80-84.

The crux of the controversy is Section 3(j) of RA 3019⁵⁰ which reads:

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

(j) Knowingly approving or granting any license, permit, privilege or benefit in favor of any person not qualified for or not legally entitled to such license, permit, privilege or advantage, or of a mere representative or dummy of one who is not so qualified or entitled.

The prosecution bears the burden of proving every element of the offense beyond reasonable doubt, such that a verdict of conviction cannot merely rely on the weakness of the defense but rather on the strength of the prosecution's evidence. *People v. Lumikid*⁵¹ instructs:

In this jurisdiction, no less than proof beyond reasonable doubt is required to support a judgment of conviction. While the law does not require absolute certainty, the evidence presented by the prosecution must produce in the mind of the Court a moral certainty of the accused's guilt.⁵²

The Sandiganbayan correctly found Chan guilty beyond reasonable doubt for the crime charged in Criminal Case No. SB-16-CRM-0512. The prosecution proved each element of Section 3(j) of RA 3019 which are as follows: (1) that the offender is a public officer; (2) that he/she knowingly approved or granted any license, permit, privilege or benefit; and (3) that the license, permit, privilege or benefit was granted in favor of any person not qualified or not legally entitled to such license, permit, privilege or advantage, or in favor of a mere representative or dummy of one who is not qualified or entitled.

With regard to the first element, it was undisputed, even stipulated and admitted⁵³ that Chan was the incumbent Mayor of Babatngon, Leyte at the time material to this controversy. In order to promote efficiency of the proceedings, the parties enter into stipulations of fact and admissions during pre-trial. This

⁵⁰ Entitled "ANTI-GRAFT AND CORRUPT PRACTICES ACT." Approved: August 17, 1960.

⁵¹ G.R. No. 242695, June 23, 2020.

⁵² *People v. Lumikid*, G.R. No. 242695, June 23, 2020.

⁵³ Records (Criminal Case No. SB-16-CRM-0511), p. 144.

facilitates the entire proceedings because it has been a long-standing principle that admissions require no proof.⁵⁴ It cannot be gainsaid that Chan was the incumbent Mayor then, hence, a public officer as contemplated by the law. At this juncture, the prosecution established the first element through the stipulation of facts and admission.

The second element of the crime provides that the public officer knowingly approved or granted a permit. To recall, in Criminal Case No. SB-16-CRM-0512, Chan was accused of granting a permit in favor of the *Liga ng mga Barangay* to hold cockfights despite knowing that the holding of cockfights every Saturday is prohibited by law to the detriment of public service.

Perusing the prosecution's pieces of evidence, the Mayor's Permit⁵⁵ which was marked as Exhibit "H" when formally offered,⁵⁶ reads:

THIS IS TO CERTIFY that the LIGA NG MGA BARANGAY of the Municipality of Babatngon, Leyte is hereby granted this Mayor's Permit to hold COCKFIGHT at the Barangay District III, Babatngon, Leyte, every Saturday, as per SB Resolution Resolution No. 2749-12.

Done, this 13th day of April 2012, Babatngon, Leyte, Philippines

(signed)
CHARITA M. CHAN
Municipal Mayor⁵⁷

Evident from the wordings of said Mayor's Permit is the grant in favor of the *Liga ng mga Barangay* to hold cockfights during Saturdays. The existence of a Mayor's Permit in favor of the *Liga ng mga Barangay* points to Chan's culpability such that she knowingly approved or granted a permit satisfying the second element of the offense.

The last element was also established. The permit was granted in favor of those not qualified or legally entitled thereto. The *Liga ng mga Barangay*, whose members were barangay officials are not qualified to such grant pursuant

⁵⁴ *Agbayani v. Lupa Realty Holding Corp.*, G.R. No. 201193, June 10, 2019.

⁵⁵ Records (Criminal Case No. SB-16-CRM-0511), p. 54.

⁵⁶ Id. at 184.

⁵⁷ Id. at 54

to the prohibition set forth by Section 89(a)(2)⁵⁸ RA 7160⁵⁹ or the Local Government Code of 1991.

Having found that each element of the offense had been proved beyond reasonable doubt, We arrive at the same conclusion as that of the Sandiganbayan: Chan is guilty as charged in Criminal Case No. SB-16-CRM-0512.

There is no merit in Chan's contention that she had no intent to commit the offense charged. Criminal intent is not necessary in *mala prohibita* offenses such as violation of Section 3(j) of RA 3019. *Luciano v. Estrella*⁶⁰ expounded the *ratio*:

In other words, the act treated thereunder [Section 3(g), RA 3019] partakes of the nature of a *malum prohibitum*; it is the commission of that act as defined by the law, not the character or effect thereof, that determines whether or not the provision has been violated. **And this construction would be in consonance with the announced purpose for which Republic Act 3019 was enacted, which is the repression of certain acts of Republic officers and private persons constituting graft or corrupt practices or which may lead thereto.** Note that the law does not merely contemplate repression of acts that are unlawful or corrupt per se, but even of those that may lead to or result in graft and corruption.⁶¹ (Emphasis supplied)

All told, the Court upholds the finding of the Sandiganbayan that Chan is guilty beyond reasonable doubt in Criminal Case No. SB-16-CRM-0512 for knowingly granting a permit to hold cockfights in favor of the *Liga ng mga Barangay* whose members are prohibited from having interest in any cockpit operation pursuant to RA 7160. The penalty imposed by the Sandiganbayan is likewise affirmed as the same is within the statutory penalty set forth in Section 9⁶² of RA 3019.

WHEREFORE, the Petition is hereby **DENIED**. The assailed February 20, 2018 Decision of the Sandiganbayan insofar as Criminal Case No. SB-16-CRM-0512 is hereby **AFFIRMED in toto**.

⁵⁸ SECTION 89. *Prohibited Business and Pecuniary Interest*. — (a) It shall be unlawful for any local government official or employee, directly or indirectly, to:

x x x x

(2) Hold such interests in any cockpit or other games licensed by a local government unit;

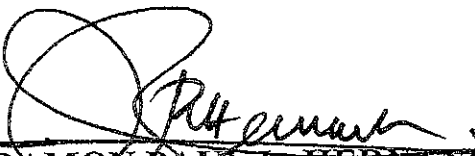
⁵⁹ Entitled "AN ACT PROVIDING FOR A LOCAL GOVERNMENT CODE OF 1991." Approved: October 10, 1991.

⁶⁰ 145 Phil. 454 (1970).


⁶¹ *Id.* at 464-465.

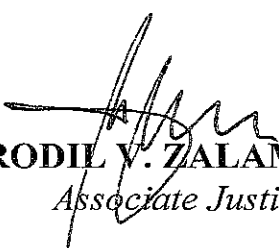
⁶² SECTION 9. *Penalties for violations*. — (a) Any public officer or private person committing any of the unlawful acts or omissions enumerated in Sections 3, 4, 5 and 6 of this Act shall be punished with imprisonment for not less than one year nor more than ten years, perpetual disqualification from public office, x x x.


SO ORDERED.


RAMON PAUL L. HERNANDO
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice
Chairperson


RODIL V. ZALAMEDA
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JOSE MIDAS P. MARQUEZ
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

