

Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PEOPLE OF THE G.R. No. 255703
PHILIPPINES,

Plaintiff-appellee,

Present:

- versus -

SIM O. MATA, JR.,
Accused-appellant.

LEONEN, S.A.J., Chairperson,
LAZARO-JAVIER,*
LOPEZ, M.,
LOPEZ, J., and
KHO, JJ.

Promulgated:

OCT 23 2024

X

X

DECISION

KHO, JR., J.:

Before the Court is an ordinary appeal¹ assailing the Decision² dated September 25, 2020 and the Resolution³ dated January 7, 2021 of the Sandiganbayan in Criminal Case No. SB-17-CRM-0250. The assailed Decision finds accused-appellant Sim O. Mata, Jr. (Mata) guilty beyond reasonable doubt of the crime of violation of Section 3(e) of Republic Act (R.A.) No. 3019, entitled the "Anti-Graft and Corrupt Practices Act."

* On official business but left a vote (concur).

¹ Rollo, pp. 58–60. See Notice of Appeal dated January 27, 2021.

² Id. at 4–56. The September 25, 2020 Decision was penned by Presiding Justice Amparo M. Cabotaje-Tang and concurred in by Associate Justices Bernelito R. Fernandez and Ronald B. Moreno of the Third Division, Sandiganbayan.

³ Not attached to the rollo. See id. at 58, 61.

100

The Facts

The instant case stemmed from an Information⁴ charging Mata, Edgardo A. Tallado (Tallado), and Mario T. Dela Cruz (Dela Cruz), in their respective capacities as provincial legal officer, provincial governor, and supervising administrative officer of the Province of Camarines Norte of the aforesaid crime. The accusatory portion of the said Information reads:

That on 19 November 2012, or sometime prior or subsequent thereto, in Daet, Camarines Norte Province, Philippines, and within the jurisdiction of this Honorable Court, accused public officers, EDGARDO A. TALLADO, being the Governor of Camarines Norte Province, SIM O. MATA, JR., Provincial Legal Officer[,] and MARIO T. DELA CRUZ, Supervising Administrative Officer of said province, committing the offense in relation to their office and taking advantage of their respective official positions, conspiring with one another did then and there willfully[,] unlawfully, and criminally cause undue injury and prejudice to Provincial Veterinarian Edgardo S. Gonzales, in the discharge of their official and/or administrative functions through evident bad faith, by adamantly ignoring the orders of the Civil Service Commission (CSC) directing TALLADO to *reinstate* Gonzales as Provincial Veterinarian from the Provincial Information Office back to the Provincial Veterinary Office (PVO), and with the cooperation of MATA and DELA CRUZ, TALLADO dropped Gonzales from the rolls and obstinately refused to effectuate CSC Decision No. 13-0841 dated 12 August 2013 directing him to *restore* Gonzales in the amount representing his compensation, salary[,] and allowances from the time he was removed from his station [or] specific position.

CONTRARY TO LAW.⁵ (Emphasis in the original)

As culled from the records, private complainant Dr. Edgardo S. Gonzales (Dr. Gonzales) was the provincial veterinarian of Camarines Norte stationed at the Provincial Veterinary Office (PVO). On March 1, 2012, Tallado issued Memorandum No. 120301-06⁶ ordering Dr. Gonzales's reassignment to the Provincial Information Office (PIO). Dr. Gonzales appealed his reassignment to the Civil Service Commission (CSC). Despite such appeal, Dr. Gonzales nevertheless complied with the Memorandum and performed his duties at the PIO—as evinced by the following: (a) the letters he wrote from March to November 2012 addressed to the different radio stations in Camarines Norte requesting that various programs of the province be announced during broadcast; and (b) his daily time records (DTRs) for all the months of 2012 where it was shown that he indeed reported to work.⁷

In its Decision No. 120494⁸ dated August 9, 2012, the CSC nullified Dr. Gonzales's reassignment to the PIO on the grounds that Dr. Gonzales is

⁴ Not attached to the *rollo*.

⁵ *Rollo*, p. 5.

⁶ Not attached to the *rollo*.

⁷ *Rollo*, pp. 36–37.

⁸ Not attached to the *rollo*.

X16

considered a health worker under R.A. No. 7305, otherwise known as the “Magna Carta of Public Health Workers” and that such reassignment was violative of such law; and consequently, directed Tallado “to immediately effectuate the return of Dr. Gonzales to his position as provincial veterinarian at the PVO.” Nevertheless, in a Letter dated September 21, 2012, Dr. Gonzales informed Tallado that despite the CSC ruling, he still performs his duties in the PIO *in addition* to his duties in the PVO.⁹

Tallado then asked Mata for guidance regarding the foregoing developments. In turn, Mata expressed his disagreement with the ruling that Dr. Gonzales’ reassignment was illegal; and hence, advised the provincial government to file a Motion for Reconsideration¹⁰ before the CSC, and, afterwards, file a Petition for *Certiorari* before the Court of Appeals (CA). Eventually, the motion before the CSC was denied, and the appellate court upheld the CSC ruling.¹¹ Despite these decisions, Mata still advised against Dr. Gonzales’ reinstatement at the PVO.¹²

Meanwhile, the CSC issued Resolution No. 1202089¹³ dated November 21, 2012 directing Tallado to submit his explanation why he should not be cited in contempt for failing to implement Decision No. 120494.¹⁴

Furthermore, Mata recommended to Tallado to drop Dr. Gonzales from the rolls of the service, with Mata purportedly acting on a letter dated November 19, 2012 from the provincial human resource and management officer that Dr. Gonzales was absent from his PIO post for more than 30 days. On even date, Tallado issued Memorandum No. 121119-02¹⁵ dropping Dr. Gonzales from the rolls of the service of the province due to the latter being absent without official leave (AWOL) at his PIO post for more than 30 days. Shortly after, Dela Cruz served the Memorandum to Dr. Gonzales which he refused to receive. This prompted Dr. Gonzales to again approach the CSC to protest his dropping from the rolls of service. In its Decision No. 130841¹⁶ dated August 12, 2013, the CSC nullified Memorandum No. 121119-02, and accordingly, directed Tallado “to immediately effectuate the restoration of [Dr.] Gonzales to his position as Provincial Veterinarian at the [PVO] with payment of back salaries and other benefits.”¹⁷

⁹ *Rollo*, pp. 37, 42.

¹⁰ Not attached to the *rollo*.

¹¹ *Rollo*, pp. 21, 37–38, 42.

¹² *See id.* at 47.

¹³ Not attached to the *rollo*.

¹⁴ *Id.* at 38.

¹⁵ Not attached to the *rollo*.

¹⁶ Not attached to the *rollo*.

¹⁷ *Rollo*, pp. 38–40, 42–43.

X

Finally, Dr. Gonzales claimed that since he was not officially reinstated to the PVO until his retirement on December 11, 2015, he was unable to receive his salaries, allowances, etc. during the relevant period.¹⁸

In defense, Mata admitted that he was the one who drafted the questioned Memorandum No. 120301-06 (which ordered the reassignment of Dr. Gonzales to the PIO) and Memorandum No. 121119-02 (dropping Dr. Gonzales from the rolls) and recommended to Tallado to sign the same. According to Mata, he disagreed with the CSC Decision No. 120494 which nullified Memorandum No. 120301-06, maintaining that Dr. Gonzales should not be considered as a "health worker" who is under the auspices of R.A. No. 7305. Hence, he advised Tallado not to implement the aforesaid CSC ruling and instead, move for the ruling's reconsideration and subsequent appeal to the CA. With respect to the latter memorandum, Mata maintained that he recommended its issuance due to Dr. Gonzales being AWOL from the PIO for more than 30 days.¹⁹

For his part, Tallado maintained that his refusal to implement the CSC Decision No. 120494 was only due to the advice of his provincial legal officer, Mata, who maintained that the CSC ruling is not immediately executory and that they should first exhaust legal remedies available to them. Tallado then claimed that after such legal remedies were exhausted, he could no longer reinstate Dr. Gonzales as the latter had already retired. As such, he only ordered the payment of Dr. Gonzales's back salaries, leave benefits, allowances, retirement benefits, and other benefits due him. As regards Memorandum No. 121119-02, he only signed the same upon the representations and recommendations of Mata.²⁰

Finally, Dela Cruz maintained that he was only instructed to serve a copy of Memorandum No. 121119-02 to Dr. Gonzales; and was only apprised of the CSC rulings in favor of the latter when there was already a complaint filed against them.²¹

The Sandiganbayan Ruling

In a Decision²² dated September 25, 2020, the Sandiganbayan found Mata guilty beyond reasonable doubt of the crime of violation of Section 3(e) of R.A. No. 3019, and accordingly, sentenced him to suffer the penalties of imprisonment for an indeterminate period of six years and one month, as minimum, to 10 years, as maximum, and perpetual disqualification from

¹⁸ See *id.* at 11.

¹⁹ *Id.* at 18–21.

²⁰ *Id.* at 28–31.

²¹ *Id.* at 17–18.

²² *Id.* at 4–56.

Xico

holding public office. However, Tallado and Dela Cruz were acquitted on reasonable doubt.²³

In convicting Mata, the Sandiganbayan pointed out that as the provincial legal officer, he had the primary responsibility to soundly advise Tallado on all legal matters involving the Province of Camarines Norte consistent with upholding the rule of law. However, Mata, in utter breach of explicit provisions of law and prevailing rules, gave Tallado unsound legal advice, as may be evinced by the following: *first*, with respect to CSC Decision No. 120494, the then-prevailing Civil Service Rules, i.e., the Revised Rules on Administrative Cases in the Civil Service (RRACCS), provide that CSC rulings are immediately executory unless a restraining order or injunction is issued by a higher court. Despite this, Mata still advised Tallado not to immediately implement the aforesaid CSC ruling; *second*, evidence on record directly belies Mata's assertion that Dr. Gonzales was AWOL for 30 consecutive days, and yet, he turned a blind eye to the same and recommended that the latter be dropped from the rolls on this ground. The Sandiganbayan further found that due to Mata's acts, Dr. Gonzales was prejudiced in the amount of PHP 714,168.00 representing his unpaid salaries, allowances, etc. for the pertinent period.²⁴

On the other hand, the Sandiganbayan acquitted Tallado, finding that he trusted Mata's legal advice as the provincial legal officer. In this regard, the Sandiganbayan opined that while Tallado should have probed further into the correctness of Mata's representations and recommendations, his omission to do so does not constitute evident bad faith. As regards Dela Cruz, the Sandiganbayan found that his only participation in the acts complained of in the Information is his service of a copy of Memorandum No. 121119-02 to Dr. Gonzales. According to the Sandiganbayan, Dela Cruz's mere service should not be viewed as participation nor cooperation such acts.²⁵

Aggrieved, Mata moved for reconsideration but the same was denied in a Resolution dated January 7, 2021; hence, this appeal.

The Issue Before the Court

The issue for the Court's resolution is whether Mata is guilty beyond reasonable doubt of the crime of violation of Section 3(e) of R.A. No. 3019.

The Court's Ruling

The appeal is meritorious.

²³ *Id.* at 55–56.

²⁴ *Id.* at 41–47, 53–55.

²⁵ *Id.* at 47–53.

Handwritten signature/initials

I.

Section 3(e) of R.A. No. 3019 states:

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:

....

(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.

Verily, the elements of violation of Section 3(e) of R.A. No. 3019 are as follows: (a) that the accused must be a public officer discharging administrative, judicial, or official functions (or a private individual acting in conspiracy with such public officers); (b) that they acted with manifest partiality, evident bad faith, or inexcusable negligence; and (c) that their action caused any undue injury to any party, including the government, or gave any private party unwarranted benefits, advantage, or preference in the discharge of his functions.²⁶

The first element is self-explanatory. With respect to the second element, in *People v. Naciongayo*,²⁷ the Court explained that there are three means of committing the crime charged—i.e., through manifest partiality, evident bad faith, or gross inexcusable negligence—and proof of any of these in connection with the prohibited acts under Section 3(e) of R.A. No. 3019 is enough to convict.²⁸ Finally, as regards the last element, *Naciongayo* further expounded that “there are two ways by which a public official violates Section 3(e) of R.A. No., 3019 in the performance of his functions, namely: (1) by causing undue injury to any party, including the Government; or (2) by giving any private party any unwarranted benefit, advantage or preference. The 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) of R.A. No. 3019. In other words, the presence of one would suffice[.]”²⁹

²⁶ *People v. Naciongayo*, 873 Phil. 664, 672 (2020) [Per J. Perlas-Bernabe, Second Division], citing *Cambe v. Ombudsman*, 802 Phil. 190, 216-217 (2016) [Per J. Perlas-Bernabe, *En Banc*].

²⁷ *Id.*

²⁸ *Id.*, citing *Coloma, Jr. v. Sandiganbayan*, 744 Phil. 214, 229 (2014) [Per J. Mendoza, Second Division].

²⁹ *People v. Naciongayo*, 873 Phil. 664, 673 (2020) [Per SAI Perlas-Bernabe, Second Division], citing *Coloma, Jr. v. Sandiganbayan*, 744 Phil. 214, 231-232 (2014) [Per J. Mendoza, Second Division].

1766

The first element is present in this case as it is undisputed that at the time material to this case, Mata was the provincial legal officer of the Province of Camarines Norte, and he committed the acts subject in the performance of his official duties.

However, the prosecution failed to establish beyond reasonable doubt the presence of the second and third elements in this case, as will be explained.

Essentially, the Sandiganbayan hinged Mata's conviction on his act of giving erroneous legal advice to Tallado, namely: *first*, not to immediately implement CSC Decision No. 120494, and instead, to make use of the legal remedies available to them; and *second*, to drop Dr. Gonzales from the rolls due to his purported absences.

The Court is not convinced.

It is true that under Section 481³⁰ of R.A. No. 7160, otherwise known as the "Local Government Code of 1991," a legal officer, such as Mata, is

³⁰ Republic Act No. 7160, sec. 481 reads:

SECTION 481. *Qualifications, Terms, Powers and Duties.* — (a) No person shall be appointed legal officer unless he is a citizen of the Philippines, a resident of the local government concerned, of good moral character, and a member of the Philippine Bar. He must have practiced his profession for at least five (5) years in the case of the provincial and city legal officer, and three (3) years in the case of the municipal legal officer.

The term of the legal officer shall be coterminous with that of his appointing authority.

The appointment of legal officer shall be mandatory for the provincial and city governments and optional for the municipal government.

(b) The legal officer, the chief legal counsel of the local government unit, shall take charge of the office of legal services and shall:

(1) Formulate measures for the consideration of the sanggunian and provide legal assistance and support to the governor or mayor, as the case may be, in carrying out the delivery of basic services and provisions of adequate facilities as provided for under Section 17 of this Code;

(2) Develop plans and strategies and upon approval thereof by the governor or mayor, as the case may be, implement the same, particularly those which have to do with programs and projects related to legal services which the governor or mayor is empowered to implement and which the sanggunian is empowered to provide for under this Code;

(3) In addition to the foregoing duties and functions, the legal officer shall:

(i) Represent the local government unit in all civil actions and special proceedings wherein the local government unit or any official thereof, in his official capacity, is a party: Provided, That, in actions or proceedings where a component city or municipality is a party adverse to the provincial government or to another component city or municipality, a special legal officer may be employed to represent the adverse party;

Atto

required to render his opinion on any question of law when requested to do so by his appointing authority, and to recommend measures and advise on all other matters related to upholding the rule of law. However, and as keenly pointed out during the deliberations of this case, the act of rendering legal advice—by and of itself, and no matter how erroneous—does not constitute a violation of Section 3(e) of R.A. No. 3019. Otherwise, the dockets of the Court will be clogged with criminal cases against lawyers in the government for rendering legal advice, which eventually turned out to be incorrect.

In this light, the Court rules that Mata's act of giving the aforementioned erroneous legal advice to Tallado cannot have been done: *first*, with evident bad faith, manifest partiality, and/or gross negligence; and *second*, to cause and undue injury or give any private party any unwarranted benefit advantage or preference. There being an absence of the second and third elements of the crime of violation of Section 3(e) of R.A. No. 3019, Mata's acquittal should be in order.

II.

While Mata's act of rendering legal advice does not amount to a violation of Section 3(e) of R.A. No. 3019, his legal advice not to implement

-
- (ii) When required by the governor, mayor or sanggunian, draft ordinances, contracts, bonds, leases and other instruments, involving any interest of the local government unit and provide comments and recommendations on any instrument already drawn;
 - (iii) Render his opinion in writing on any question of law when requested to do so by the governor, mayor or sanggunian;
 - (iv) Investigate or cause to be investigated any local official or employee for administrative neglect or misconduct in office, and recommend appropriate action to the governor, mayor or sanggunian, as the case may be;
 - (v) Investigate or cause to be investigated any person, firm or corporation holding any franchise or exercising any public privilege for failure to comply with any term or condition in the grant of such franchise or privilege, and recommending appropriate action to the governor, mayor or sanggunian, as the case may be;
 - (vi) When directed by the governor, mayor, or sanggunian, initiate and prosecute in the interest of the local government unit concerned any civil action on any bond, lease or other contract upon any breach or violation thereof; and
 - (vii) Review and submit recommendations on ordinances approved and execute orders issued by component units;
- (3) Recommend measures to the sanggunian and advise the governor or mayor as the case may be on all other matters related to upholding the rule of law;
 - (4) Be in the frontline of protecting human rights and prosecuting any violations thereof, particularly those which occur during and in the aftermath of man-made or natural disasters or calamities; and
 - (5) Exercise such other powers and perform such other duties and functions as may be prescribed by law or ordinance.

XTC

CSC Decision No. 120494 despite the irrefutable finding—as the parties stipulated in open court³¹—that the CA did not issue a restraining order or injunction against such Decision, could potentially expose him to other liabilities.

First, it is noted that under Section 73 of the RRACCS, “[a]n official or employ or any person found guilty of, disobedience of[,] or resistance to a lawful writ, process, order, decision, resolution, ruling, summons, subpoena, command[,] or injunction of the [CSC] may be punished for indirect contempt.” In the same vein, Section 121 of the RRACCS provides that “[a]ny officer or employee who willfully refuses or failed to implement the final resolution, decision, order[,] or ruling of the Commission to the prejudice of the public service and the affected party, may be cited in indirect contempt of the Commission and may be administratively charged with Conduct Prejudicial to the Best Interest of the Service or Neglect of Duty or be held criminally liable under Section 67, Book V, of Executive Order No. 292[,] otherwise known as the Administrative Code of 1987.” Thus, if the proper parties so wish, they could avail of these remedies against Mata.

Second, under the Code of Professional Responsibility and Accountability (CPRA)—which provides for a retroactive application in proper cases³²—particularly Canon VI, Section 33(1), lists “open defiance to any order of the court, tribunal or other government agency” as a serious offense that could be committed by lawyers. In this regard, and pursuant to Canon VI, Section 2 of the CPRA, the Court hereby *motu proprio* institutes an administrative disciplinary proceeding against Mata. For this purpose, he is required to show cause as to why he should not be disciplined as a member of the Bar for refusing to immediately implement CSC Decision No. 120494, which in turn, is a violation of Sections 119 and 120 of the RRACCS, which respectively read:

SECTION 119. *Execution of the Decisions of the Commission.* — The decisions of the Commission shall be immediately executory after fifteen (15) days from receipt thereof, unless a motion for reconsideration is seasonably filed, in which case the execution of the decision shall be held in abeyance.

For this purpose, the CSCROs shall monitor and assist in the effective and immediate implementation of these decisions.

SECTION 120. *Effect of Pendency of Petition for Review/Certiorari with the Court.* — The filing and pendency of a petition for review with the Court of Appeals or *certiorari* with the Supreme Court shall not stop the

³¹ See rollo, p. 46.

³² Code of Professional Responsibility and Accountability, General Provisions, sec. 1 reads:

SECTION 1. *Transitory provision.* — The CPRA shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.

Yulo

execution of the decision of the Commission *unless the Court issues a restraining order or an injunction.* (Emphasis supplied)

ACCORDINGLY, the Appeal is **GRANTED**. The Decision dated September 25, 2020 and the Resolution dated January 7, 2021 of the Sandiganbayan in Criminal Case No. SB-17-CRM-0250 are **REVERSED** and **SET ASIDE**. Accused-appellant Sim O. Mata, Jr. is **ACQUITTED** of the crime of of violation of Section 3(e) of Republic Act No. 3019, entitled the "Anti-Graft and Corrupt Practices Act."


Let entry of judgment be issued immediately.

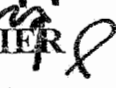
Sim O. Mata, Jr. is required to **SHOW CAUSE** within thirty (30) days from receipt of this Decision as to why he should not be disciplined as a member of the Bar in accordance with the Code of Professional Responsibility and Accountability for his refusal to immediately implement CSC Decision No. 120494, in violation of prevailing civil service rules.

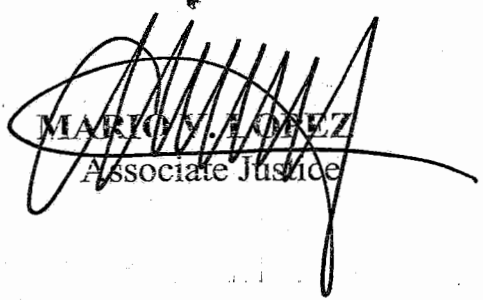
SO ORDERED.



ANTONIO T. KHO, JR.
Associate Justice

WE CONCUR:


MARVIC M.V.F. LEONEN
Associate Justice

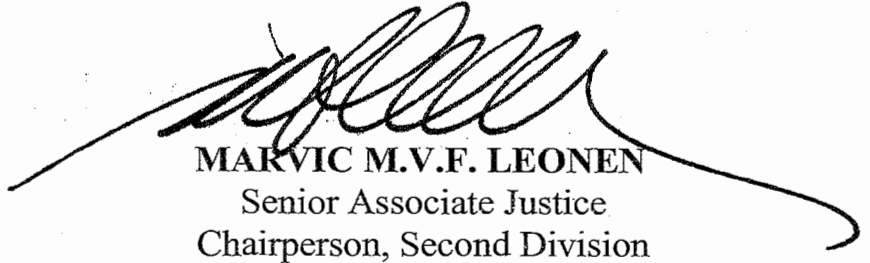
*an official business but left
vote counting*

AMY C. LAZARO-JAVIER
Associate Justice


MARIO N. LOPEZ
Associate Justice


JHOSEP L. LOPEZ
Associate Justice

ATTESTATION

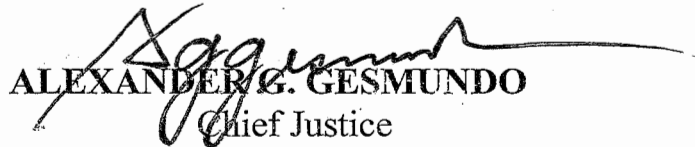
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second Division

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, and the Division Chairperson's Attestation, 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



