



REPUBLIC OF THE PHILIPPINES  
SANDIGANBAYAN  
QUEZON CITY

FIFTH DIVISION

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**PEOPLE OF THE PHILIPPINES,**  
**Plaintiff,**

**-versus-**

**RENE MONDEJAR,**  
Municipal Mayor  
**ARNALDO PARTISALA,**  
Vice Mayor  
**FRANCISCO TOLENTINO,**  
SB Secretary  
**ILDEFONSO ESPEJO,**  
**MARGARITA GUMAPAS,**  
**MANUEL PIOLO**  
**ROBERTO B. VELASCO**  
SB Members  
All of Maasin, Iloilo  
**HELEN EDITH LEE TAN**  
Private Individual  
President/Proprietor of Int'l.  
Builders Corporation (IBC)  
Iloilo City

**Accused.**

**Crim. Case No. 25674**

*FOR: Violation of Section 3(e) of R.A. 3019*

**Crim Case No. 25675**

*FOR: Falsification of Public Document  
(Art. 171 of the RPC)*

**Present:**

**Mendoza-Arcega, J. Acting**  
*Chairperson\**

**Musngi, J.\*\***

**Cruz, J.\*\*\***

*Promulgated:*

November 23, 2018 *Jal*

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**DECISION**

**MENDOZA-ARCEGA, J.:**

\* Sitting as such pursuant to Administrative Order No. 086-2017 dated March 10, 2017.

\*\* Sitting as Special Member per Administrative Order No. 088-2017 dated March 13, 2017.

\*\*\* Sitting as Special Member per Administrative Order No. 025-2017 dated February 1, 2017.

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Accused Arnaldo Partisala (Partisala) then Vice Mayor of Maasin, Iloilo has been charged with Violation of Section 3(e) of Republic Act No. 3019<sup>1</sup> and Falsification of Public Documents under Article 171 of the Revised Penal Code (RPC). He was charged along with then Municipal Mayor, Rene Mondejar, Sangguniang Bayan Secretary, Francisco Tolentino, Sangguniang Bayan Members, Ildefonso Espejo, Margarita Gumapas, Manuel Piolo, Roberto Velasco, and in conspiracy with Helen Edith Lee Tan.

**INFORMATION**

Herein accused were charged under the Informations which reads as follows:

In Criminal Case No. 25674  
(For Violation of Section 3(e) of R.A. No. 3019)

That on or about the 27<sup>th</sup> day of June 1996, and for sometime prior to or subsequent thereto, in the Municipality of Maasin, Province of Iloilo, Philippines and within the jurisdiction of this Honorable Court, above-named accused, public officers, having been duly elected, appointed and qualified to such public positions above-mentioned, in such capacity and committing the offense in relation to Office, and while in the performance of their official functions, conniving, confederating and mutually helping with each other and with accused HELEN EDITH LEE TAN, a private individual and President/Proprietor of International Builders Corporation, (IBC) Iloilo City with deliberate intent, with manifest partiality and evident bad faith, did then and there willfully, unlawfully and feloniously make it appear that Resolution No. 30-B, series of 1996, was validly enacted by the Sangguniang Bayan of Maasin, Iloilo, authorizing Mayor Rene M. Modejar to exercise his emergency powers as in fact accused RENE M. MONDEJAR, entered into a Memorandum of Agreement with accused HELEN EDITH LEE TAN of IBC authorizing the said IBC to engage in massive quarrying in the guise of rechanneling the Tigum River in Maasin, Iloilo, thus accused in the performance of their official functions had given unwarranted benefits, advantage, and preference to Edith Lee Tan and themselves, to the damage and prejudice of the government, particularly the Municipality of Maasin.

*CONTRARY TO LAW.*

In Criminal Case No. 25675  
(For Falsification of a Public Document  
under Article 171 of the Revised Penal Code)

That on or about the 21<sup>th</sup> day of June 1996, and for sometime prior or subsequent thereto, in the Municipality of Maasin, Province of Iloilo, Philippines and within the jurisdiction of this Honorable Court, above-named accused, public officers, being incumbent Municipal officials of the aforementioned municipality, having been duly elected, appointed and qualified to such public positions above-mentioned, in such capacity and

<sup>1</sup> Anti-Graft and Corrupt Practices Act as amended.

*[Handwritten signatures and initials]*  
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committing the offense in relation to Office, taking advantage of their official positions, conspiring and confederating together and mutually helping one another with deliberate intent to defraud and falsify, did then and there willfully, unlawfully and feloniously falsify a Public Document consisting of the Minutes of the Regular Session of the Sangguniang Bayan of Maasin, Iloilo on 21 June 1996, by making it appear therein that the Sangguniang Bayan of Maasin, Iloilo validly enacted and passed Resolution Nos. 30-A and 30-B entitled “A Resolution Strongly Endorsing Resolution No. 9 of Barangay NASLO and Resolution No. 9, Series of 1996, of the Municipal Development Council” and “A Resolution Authorizing Mayor Rene M. Mondejar To Exercise His Emergency Powers” thereby making untruthful statements in a narration of facts and causing it to appear that persons participated in an act when they did not in fact so participate, when in truth and in fact, as above-named accused, very well knew, that Resolution No. 30-A and Resolution No. 30-B were never taken-up, deliberated nor acted upon by the Sangguniang Bayan of Maasin on its 21 June 1996 regular session.

*CONTRARY TO LAW.*

On October 15, 1999, the Court issued an order of arrest for the above named accused together with accused Partisala<sup>2</sup>. On even date, accused Partisala voluntarily surrendered before this Court<sup>3</sup>. Upon motion, he was granted reduction of the amount of bail and was issued a waiver of appearance<sup>4</sup>. Records disclose that orders by the court including subpoena duces tecum/ad testificandum for accused Partisala had been coursed thru his brother-in-law, John Cepeda<sup>5</sup>, however for failure to appear in the arraignment scheduled on September 1, 2003, despite due notice, the court ordered for his arrest and the cash bond posted for his provisional liberty was confiscated in favor of the government<sup>6</sup>.

Trial ensued insofar as all other accused of these cases are concerned, thus, on November 7, 2013, this Court rendered a Decision<sup>7</sup> convicting all the accused, except Arnaldo Partisala, who remained at large when the said judgment was promulgated. The dispositive portion<sup>8</sup> of which reads as follows:

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<sup>2</sup> Record, Volume 1, page 52, Order of Arrest.

<sup>3</sup> Id, page 80, Certification.

<sup>4</sup> Id, pages 55, Minutes of the proceedings dated October 19, 1999; and page 64, Waiver of Appearance.

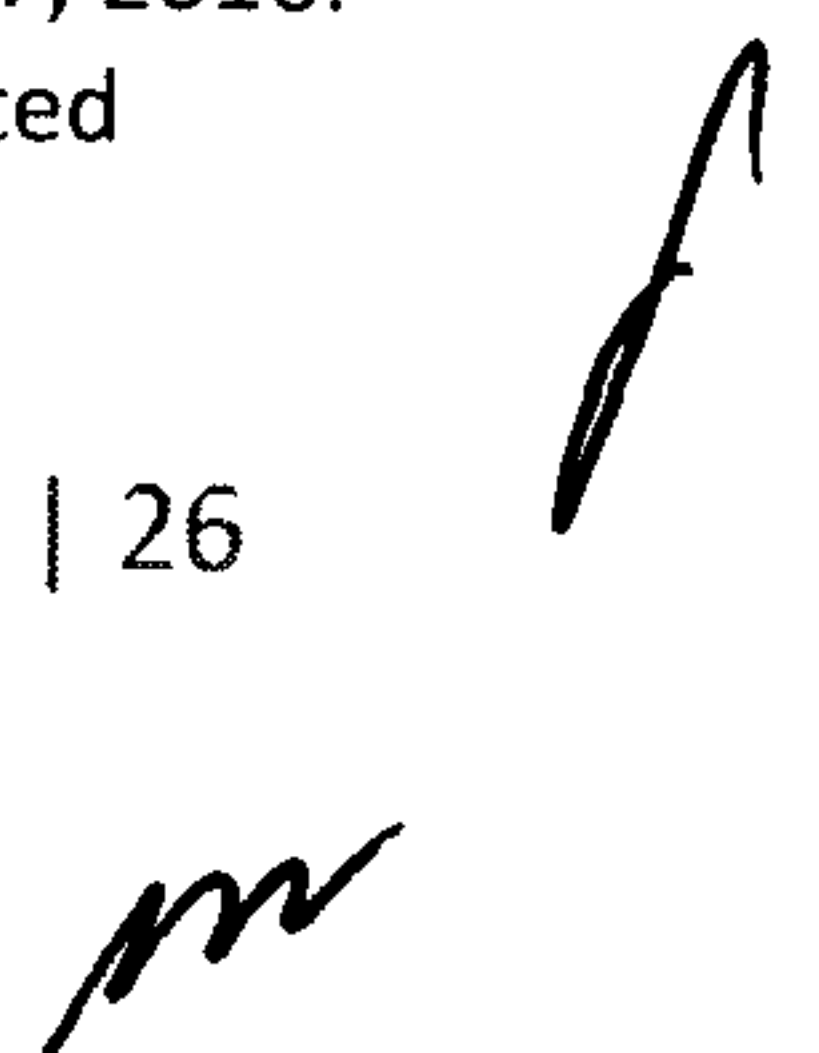
<sup>5</sup> Record, Volume 2, page 149, Indorsement letter of the Chief of Police of Maasin, Iloilo.

<sup>6</sup> Id, page 231, Order dated September 1, 2003.

<sup>7</sup> Record, Volume 7, pages 110-152.

GR 219692 (Rene Mondejar vs. People of the Philippines) Supreme Court Resolution dated June 27, 2016. The Court resolves to deny the Motion for Reconsideration of the Sandiganbayan’s Resolution dated December 2, 2015.

<sup>8</sup> Record, Volume 7, pages 150-151.



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Wherefore, premises considered, the Court hereby rules as follows:

1. In Criminal Case No. 25674, the Court finds the accused (MONDEJAR), (TOLENTINO), (ESPEJO), (GUMAPAS), (PIOLO), (VELASCO), AND (TAN) GUILTY beyond reasonable doubt of the offense of Violation of Section 3(e) of R.A. 3019, as amended, and sentences each of them to suffer an indeterminate penalty of six (6) years and one (1) month, as minimum, to ten (10) years, as maximum; and to suffer perpetual disqualification from public office. Insofar as (PARTISALA) is concerned, since he is still at large up to the present, let the case be ARCHIVED and let an alias warrant of arrest issue against him.
2. In Criminal Case No. 25675, the Court finds the accused (MONDEJAR), (TOLENTINO), (ESPEJO), (GUMAPAS), (PIOLO) AND (VELASCO) GUILTY beyond reasonable doubt of Falsification defined under Article 171 of the RPC and sentences each of them to suffer the penalty of imprisonment of six (6) months and one (1) day of prision correccional, as minimum, to eight (8) years and one (1) day of prision mayor, as maximum in the absence of any mitigating and aggravating circumstance in accordance with the provisions of the Indeterminate Sentence Law; to pay a fine of Five Thousand Pesos (P5,000) and to further suffer temporary absolute disqualification and that of perpetual special disqualification from the right of suffrage. Insofar as (PARTISALA) is concerned, since he is still at large up to the present, let the case be ARCHIVED and an alias warrant of arrest issue against him.

The accused separately filed their Motion for Reconsideration, which the Court denied in its Resolution dated 30 June 2015. Thereafter, accused Helen Edith Lee Tan questioned this Court's decision and resolution to the Supreme Court via a Petition for Review on Certiorari under Rule 45, insofar as Criminal Case No. 25674 is concerned, the High Court reversed the Sandiganbayan's decision and resolution. Thus, accused Tan was acquitted<sup>9</sup> from the charge of Violation of Section 3(e) of RA 3019.

In the same way, accused Rene Mondejar filed before the Supreme Court a Petition for Review on Certiorari assailing the Sandiganbayan's Decision dated November 7, 2013, whereby, the Court resolved to affirm with modification the said decision. Thus, accused Rene Mondejar was sentenced to suffer the penalty of imprisonment of six (6) years and one (1) month as minimum to ten (10) years as maximum and perpetual disqualification from public office for violation of Section 3(e) of R.A. 3019. However, the penalty imposed by the Sandiganbayan for violation of Article 171 of the RPC is amended to the indeterminate penalty of two (2) years, four (4) months and one (1) day to four (4) years and two (2) months as minimum to eight (8) years and one (1) day to ten (10) years as maximum penalty, fine of P5,000 and perpetual special disqualification from the right of suffrage.<sup>10</sup>

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<sup>9</sup> Helen Edith Lee Tan vs. People of the Philippines, G.R. No. 218902, 17 October 2016.

<sup>10</sup> Rene Mondejar vs. People of the Philippines, G.R. No. 219692, 2 December 2015.

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On the other hand, insofar as accused Partisala is concerned, an “Alias” Order of Arrest<sup>11</sup> was issued dated November 22, 2013. On December 23, 2013, through an order issued by the Office of Executive Judge of the 6<sup>th</sup> Judicial Region, Iloilo City, this Court was informed of Partisala’s apprehension and detention by the CIDG-Western Visayas, Iloilo City<sup>12</sup>. The accused was allowed temporary liberty after posting his bail. However, due to medical concerns, his arraignment only proceeded on September 29, 2014 in Iloilo City where he pleaded not guilty.

During the preliminary conference<sup>13</sup>, the prosecution manifested that it will adopt the Prosecution’s Formal Offer of Exhibit dated March 21, 2004, and the Supplemental Formal Offer of Exhibits. In the same way, the defense also manifested that Partisala will adopt the admitted exhibits contained in the formal offer of exhibits of accused Tolentino, Espejo, Gumapas, Piolo, Velasco, Tan, and Mondejar. Furthermore, the documentary evidence listed in the pre-trial order dated September 2, 2003, are also adopted by the defense. Upon stipulation, it is admitted that the accused Partisala was holding an official position in the government being then the Municipal Vice Mayor of Maasin, Iloilo at the time material to this case<sup>14</sup>.

Trial against accused Partisala followed and the prosecution moved to adopt the witnesses already presented, however, upon objection of accused Partisala, the witnesses admitted were limited only to those whom he cross-examined. Thus, the prosecution presented and adopted the testimonies of the following witnesses: (1) Mrs. Elisa L. Trojillo<sup>15</sup>; (2) Dr. Vicente Albacete<sup>16</sup>; (3) Mrs. Imelda Maderada<sup>17</sup>; (4) Mrs. Solidad Sucaldito<sup>18</sup>; and (5) Engr. Rogelio Rentoy. The testimony of witnesses Mr. Darell A. Cabanero<sup>19</sup> and Rogelio Trinidad<sup>20</sup>, are also adopted but the defense waived its right to cross-examine them. The Court finds it appropriate to restate the pertinent portions of the Decision promulgated on 7 November 2013, in addition to the defense counsel’s cross-examination. Thus:

<sup>11</sup> Record, Volume 7, pages 162-163.

<sup>12</sup> Record, Volume 7, page 362.

<sup>13</sup> Record, Volume 8, pages 205-210, Preliminary Conference dated September 29, 2014.

<sup>14</sup> Record, Volume 8, page 208.

<sup>15</sup> TSN dated April 25, 2005 is adopted; TSN dated March 17, 2015.

<sup>16</sup> TSN dated April 27, 2005 is adopted; TSN dated May 20, 2015.

<sup>17</sup> TSN dated May 31, 2004; TSN dated June 1, 2004; and TSN dated June 2, 2004 are adopted; TSN dated May 21, 2015.

<sup>18</sup> TSN dated September 27, 2004; TSN dated September 28, 2004; and TSN dated September 29, 2004 are adopted; TSN dated September 29, 2015.

<sup>19</sup> TSN dated May 20, 2015 pages 27-28 stating no further cross-examination for the defense.

<sup>20</sup> TSN dated August 4, 2015.

*ajr*

*m*

**EVIDENCE FOR THE PROSECUTION**

**I. Mrs. Elisa L. Trojillo**

“She served as a member of the Sangguniang Bayan of the Municipality of Maasin, Iloilo, from 1992 to 2001.

“She was asked by Vice-Mayor Partisala to sign a document described as the “Minutes of the Regular Session of the Sangguniang Bayan of the Municipality of Maasin, Iloilo, held in the Municipal Session hall on June 21, 1996 in the afternoon”<sup>21</sup>. The vice-mayor explained that the said minutes will be submitted to the Ad Hoc Committee of the Sangguniang Panlalawigan of Iloilo as evidence in connection with the complaint filed by Mrs. Maderada. She did not read the other minutes<sup>22</sup> and believed that the document shown to her by the vice-mayor was a true copy.

“When she discovered that the minutes she signed contained insertions, she consulted Atty. Aguadera who drafted her “Affidavit of Retraction:<sup>23</sup> dated December 19, 1997.

“Sometime in October 1995, their province was hit by typhoon “Pepang” which caused an erosion of the bank of the Tigum River in Barangay Naslo. In fact, the flood created by said typhoon almost reached the bank of the cockpit in the said barangay. In order to protect Barangay Naslo, the Sangguniang Bayan requested IBC to rechannel the Tigum River. The rechanneling of the Tigum River was actually done by IBC.

“She obtained the alleged true minutes of the regular session on June 21, 1996<sup>24</sup> from Mrs. Maderada, who gave her a photocopy thereof. She does not know where Mrs. Maderada obtained the minutes she gave her.

“The municipal mayor does not participate in the session of the Sangguniang Bayan. It is the municipal secretary who prepares the minutes of their sessions. The resolutions and ordinances enacted by the body are signed by the vice-mayor then forwarded to the office of the mayor for approval.”<sup>25</sup>

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<sup>21</sup> Exhibit “F”.

<sup>22</sup> Exhibit “B”.

<sup>23</sup> Exhibit “Z”.

<sup>24</sup> Exhibit “B”.

<sup>25</sup> Decision dated November 7, 2013.



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During cross-examination<sup>26</sup>, she admitted that they corrected the Minutes of the June 24, 1996 meeting, however, they were not able to sign the same. She reiterated that she was approached by Vice Mayor Partisala to sign the minutes of the regular session of June 21, 1996 because that minutes will be presented to the Ad Hoc Committee of the Sangguniang Panlalawigan of Iloilo City. She claimed that there was an insertion in the minutes which the Vice Mayor presented. It was only after Mrs. Maderada filed the case when the true minutes was given to her. The Minutes<sup>27</sup>, alleged to be genuine, was not signed by Vice Mayor Partisala, the Presiding Officer for that session. Upon inspection, her copy of the said Minutes is also the same copy given to her by Mrs. Maderada.

During re-direct<sup>28</sup>, witness explained that the Ad Hoc Committee to whom the falsified minutes was submitted, was the investigating committee for the complaint filed by Mrs. Maderada. The Ad Hoc Committee referred to is also composed of the Sangguniang Panlalawigan of Iloilo.

## II. Dr. Vicente Albacete

“He is 47 years old, a physician and a resident of Poblacion, Maasin, Iloilo. In 1996, he was elected as a member of the Sangguniang Bayan of Maasin, Iloilo. On June 21, 1996, he attended the session of the Sangguniang Bayan but he cannot recall if the subject matter of the rechanneling of the Tigum River was taken up that day. There was a minutes prepared for their regular session on June 21, 1996<sup>29</sup>. There was another minutes<sup>30</sup> that was prepared for the same date but this minutes contained items<sup>31</sup> which were never taken up by the body.

“On April 29, 1998, he executed an affidavit relative to the rechanneling of the Tigum River and in connection with the aforementioned minutes of the Sangguniang Bayan for their regular session on June 21, 1996<sup>32</sup>. It was Mrs. Imelda Maderada who prompted him to execute said affidavit and even prepared the same for him. Before signing his affidavit, he verified the records of Mr. Malaga, a Sangguniang Bayan Member, but these records were likewise given to him by Mrs. Maderada.”<sup>33</sup>

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<sup>26</sup> TSN dated March 17, 2015, pages 5-15.

<sup>27</sup> Exhibit “B”.

<sup>28</sup> TSN dated March 17, 2015, pages 16-17.

<sup>29</sup> Exhibit “B”.

<sup>30</sup> Exhibit “F”.

<sup>31</sup> Nos. 9-12 Exhibit “F-A”

<sup>32</sup> Exhibit “D”.

<sup>33</sup> Supra note 25.

During cross examination, he acknowledged that during the time of SB (Vice Mayor) Partisala, the Members of the Sanggunian were not used to signing the Minutes of the meeting even though it was approved and they were authorized to make corrections before approving them. It is also the Sangguniang Bayan's practice that after approval of the Minutes the same remains in the custody of Mr. Seth Casco.<sup>34</sup>

Upon inspection of Exhibit "8" for the defense/Exhibit "F" for the prosecution, it was shown that the Exhibit "F" was certified by the former SB Secretary, Francisco Tolentino while, Exhibit "8" was shown to be certified by Mr. Seth Casco. Witness Albacete claims to have a personal knowledge of Seth Casco's signature since the latter is the SB Secretary for nine (9) years while the former was the Vice Mayor of the Municipality of Maasin.

During re-direct examination, he could not recall Item No. 11 of the Minutes which states that "Resolution No. 9, a resolution requesting for the rechanneling of the Tigum River of Maasin Development Council." However, he admitted that they had an ocular inspection with respect to this item.<sup>35</sup>

During re-cross, it was shown that there is no signature of the Presiding Officer in Exhibit "F" but there appears a signature of the Vice Mayor Arnaldo Partisala on Exhibit 8.<sup>36</sup>

### III. Mrs. Imelda Maderada

"She is the clerk of court of the 12<sup>th</sup> MCTC, Cabatuan, Iloilo, and a resident of Barangay Madriz, Maasin, Iloilo.

"She and other concerned citizens filed a petition dated September 25, 1997<sup>37</sup> before the Office of the Municipal Mayor and the Sangguniang Bayan calling the attention of these public officers about the massive quarrying of the Tigum River, Barangay Naslo, Maasin. Their petition was ignored by the then incumbent mayor, Rene Mondejar, while Ildefonso Espejo, a member of the Sangguniang Bayan, challenged them to hire a lawyer who can stop the quarrying.

"They approached the other members of the Sangguniang Bayan, namely Messrs. Malaga and Navarra, and they were furnished with a copy of the Memorandum of Agreement<sup>38</sup> executed between the municipality of Maasin, Iloilo, and

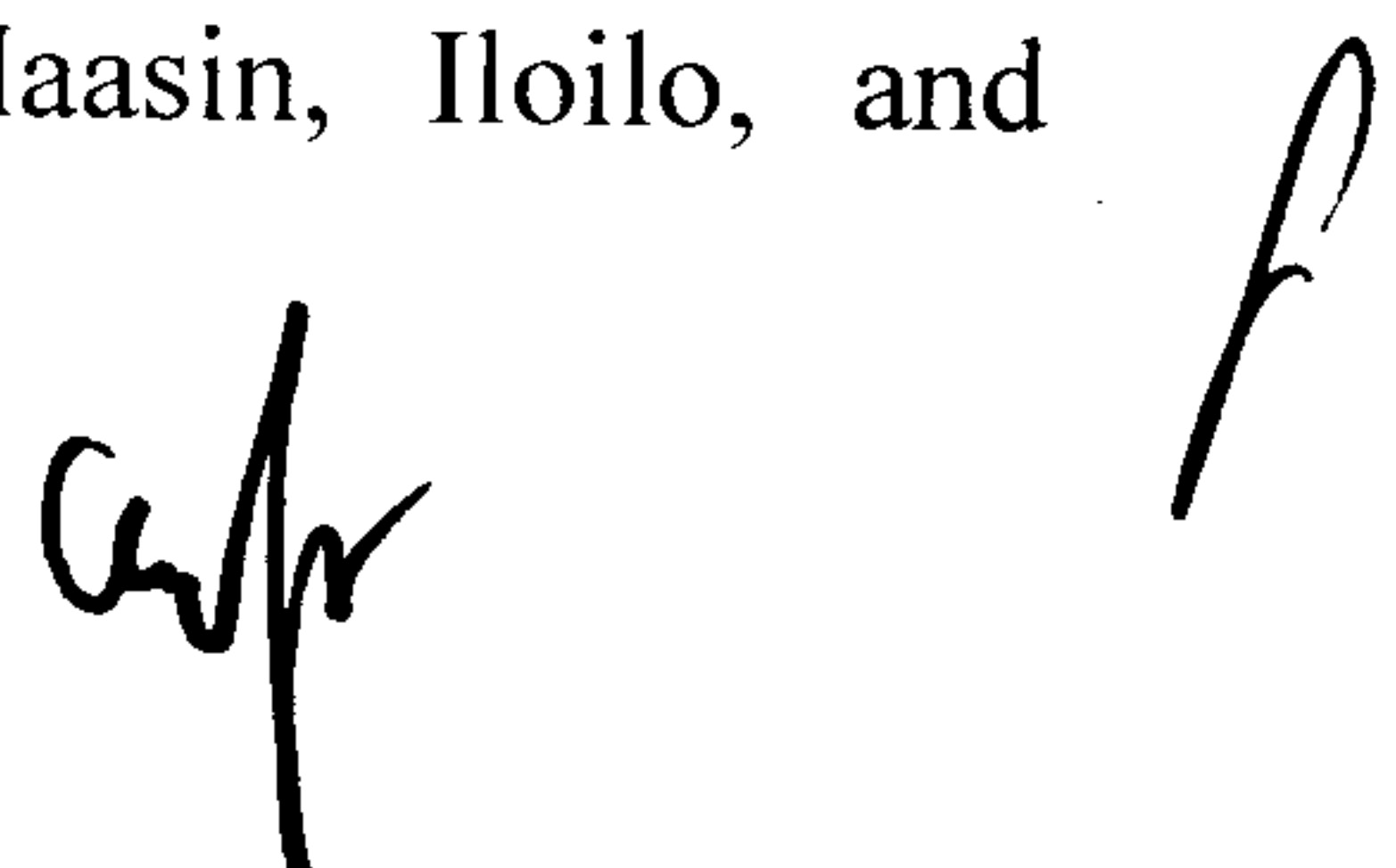
<sup>34</sup> TSN dated May 20, 2015, pages 6-18.

<sup>35</sup> TSN dated May 20, 2015, pages 19-24.

<sup>36</sup> TSN dated May 20, 2015, pages 25-28.

<sup>37</sup> Exhibit "N".

<sup>38</sup> Exhibit "A".





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International Builders Corporation (IBC). They also obtained a copy of the minutes of the session<sup>39</sup> of the Sangguniang Bayan held on June 21, 1996, from Mr. Malaga and it was then that they discovered that the body never passed Resolutions No. 30-A and 30-B, which authorized Mayor Mondejar to contract with IBC.

“In the complaint she filed against Mayor Mondejar before the Sangguniang Panlalawigan of Iloilo, the latter filed an answer<sup>40</sup> with an attachment marked as Annex “A” thereof and described as “Minutes of the Regular Session of the Sangguniang Bayan of Maasin, Iloilo, held in the Municipal Session Hall on June 21, 1996 in the afternoon”<sup>41</sup>. Paragraphs 9, 10, 11, and 12 of this minutes submitted by the Mayor contained items not found in the minutes furnished to him by Mr. Malaga. Hence, she filed another complaint for grave misconduct against Mayor Mondejar but the same was rendered moot and academic when his term expired.

“She filed another complaint against Mayor Mondejar before the Governor of Iloilo of the continued massive quarrying of sand and gravel at the Tigum. In response, the Governor formed a task force headed by Atty. Teofilo Leonides, Jr., of the Provincial Legal Office and Soledad R. Sucaldito the OIC-PENRO (Provincial Environment and Natural Resources Office) to conduct an investigation into her complaint.

“On October 21, 1997, Ms. Sucaldito indorsed to Atty. Leonides her investigation report addressed to the Governor of Iloilo, confirming that there was unauthorized quarrying of sand and gravel in the municipality of Maasin, Iloilo<sup>42</sup> and recommending that the rechanneling project of the municipality be temporarily suspended. On October 24, 1997, Governor Arthur Defensor issued a memorandum addressed to Supt. Pedro Sanchez, PNP Provincial Director, suspending all sand and gravel concessions/extraction activities along the Tigum River<sup>43</sup>.

“On November 28, 1997, the task force investigating the subject quarrying submitted its final investigation report<sup>44</sup> to the Governor, which report stated that the Memorandum of Agreement executed between Mayor Mondejar and IBC suffers from some infirmity.

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<sup>39</sup> Exhibit “B”.

<sup>40</sup> Exhibit “O”.

<sup>41</sup> Exhibit “F”.

<sup>42</sup> Exhibit “P”.

<sup>43</sup> Exhibit “Q”.

<sup>44</sup> Exhibit “R”.

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“The task force formed by the Governor to investigate the alleged quarrying in the Tigum River conducted an ocular inspection of the said river but she was not present during that ocular inspection. She does not know the present condition of Barangay Naslo, not even the area affected by the passage of the Tigum River.

“She was not present at the June 21, 1996 session of the Sangguniang Bayan. Neither was she present during the preparation of Resolution No. 30-A and 30-B. Her basis in saying that these resolutions were never passed was the minutes given to her by Mr. Malaga, which came from the latter’s files. She wrote letters to Mr. Tolentino, the Sangguniang Secretary<sup>45</sup>, and Vice-Mayor Partisala<sup>46</sup> requesting for certified copies of these resolutions and the 1996 minutes of the sessions of the Sangguniang Bayan but her requests were not acted upon. She also found out that the records of the minutes of the 1995-1996 regular session of the Sangguniang Bayan were missing from the Office of the Sangguniang Bayan<sup>47</sup>.

“She filed an administrative complaint<sup>48</sup>, dated November 7, 1997, for grave misconduct against Engineer Ariel Gloria, Charisse Majella Catellano and Stella Tipanan, all personnel of DENR, Iloilo, who were responsible for issuing the Ocular Inspection Report dated July 10, 1997<sup>49</sup> favouring the rechanneling of the Tigum River. It was this Ocular Inspection Report, which became the basis of Directors Raul Geollegue, OIC, Regional Executive Director, DENR, Iloilo, Rogelio Trinidad, PENRO, Iloilo, and Rosario N. Pangahas, OIC, Regional Technical Director, DENR, Iloilo, in the issuance of Environmental Compliance Certificate (ECC) No. 0697-0714-250-120A in favour of Mayor Mondejar and IBC. She also filed an administrative complaint<sup>50</sup> against Directors Geollegue, Trinidad and Pangahas for the issuance of the said ECC. He also filed criminal cases against these aforementioned DENR officials before the Ombudsman of Cebu but the cases were dismissed.”<sup>51</sup>

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<sup>45</sup> Exhibit “S”.

<sup>46</sup> Exhibit “T”.

<sup>47</sup> Exhibit “V”.

<sup>48</sup> Exhibit “7”.

<sup>49</sup> Exhibit “6”.

<sup>50</sup> Exhibit “8”.

<sup>51</sup> Supra note 25.

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During cross examination<sup>52</sup>, she added that she asked SB Malaga for a copy of the minutes, the latter said that he will verify his records, thereafter he gave her a photocopy of the minutes. She was not able to verify the documents given by Malaga when the other SB members failed to furnish her a copy.

Witness Maderada reiterated that she requested to then SB Secretary Tolentino and Vice Mayor Partisala for copies of the Minutes of the June 21, 1996 session, but the same were never acted upon. In the same way that she requested from SB Secretary Casco the Minutes of 1996 and Resolution No. 30 and 31. In the latter case, she was issued a certified true copy of the records of the Sanggunian.

She was the one who composed and typed the affidavit of Dr. Albacete, SB Malaga, and Abad since they requested her to prepare the said affidavits. She also gave the copy of Malaga's affidavit to the other witnesses. When she learned that some of the SB Members signed the falsified Minutes, she gave them the copies of the affidavit for their information. After receiving the same, Elsa Trojillo executed an Affidavit of Retraction taking back her signature to the Minutes which was submitted by SB Partisala to the Sangguniang Panlalawigan. She claimed that it was Vice Mayor Partisala who approached SB Trojillo to sign the falsified Minutes.

On re-direct examination<sup>53</sup>, she testified that after she secured a copy of the Minutes, she found out that there was no subject taken about Resolution 30-A as reflected in the MOA.

Witness Maderada believed that Exhibit "F" as attached to the letter of then Mayor Mondejar was a falsified copy of the Resolution because of the following badges of falsity (1) they changed the absences in the names of Bienvenido Espino and Annalisa M. Garrido instead of Roberto Velasco, Jr. and Margarita Gumapas; (2) there were insertions of phrases and words in items No. 9, 10, 11, and 12 of Exhibit "8"; (3) the absence of Item No. 17 which states in part; "SB Member Espino commented that the amount of P40,000.00 program for service vehicles of barangay will be used for the acquisition of dump truck x x x"; and (4) in the falsified Minutes, there appear the signature of some of the SB members and the same was signed by the SB members, except Elisa L. Trojillo, who executed her Affidavit of Retraction while only Secretary Tolentino signed the original Minutes.

In the original document<sup>54</sup>, both SB Members Espino and Espejo were present however, in the falsified document<sup>55</sup>, Espino was already declared as



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<sup>52</sup> TSN, 21 May 2015.

<sup>53</sup> TSN, 21 May 2015.

<sup>54</sup> Exhibit "B".

<sup>55</sup> Exhibit "F".



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absent. Bienvenido P. Espino was declared absent since at the time the falsified Minutes was prepared, Espino was declared dead.

**IV. Soledad R. Sucaldito**

“She is 44 years old, married, and the Provincial Environment and Natural Resources Officer (PENRO) of the Iloilo Provincial Government.

“Sometime in October 1997, she was directed by the provincial governor of Iloilo, Arthur D. Defensor, to conduct an investigation on the reported ecological imbalance caused by the massive quarrying of sand and gravel in the municipality of Maasin, Iloilo. Pursuant to the directive, she and her team, composed of Benedicto Montiague, Chief of Mines Unit, Rogel Juanitas, photographer-draftsman, and Leni Supena, records keeper, proceeded to inspect the subject area in Barangay Naslo, Maasin. They determined from their inspection that 1) the dike constructed by IBC, which was supposed to be 950 meters as stipulated in the ECC issued to IBC, was only 315 meters; 2) that IBC extracted 18,100 cubic meters of sand and gravel from the Tigum River when they were allowed to extract only 6,000 cubic meters thereof, in accordance with the ECC granted to them. They further discovered that the materials extracted by IBC were hauled to their crushing plant then disposed in favour of private persons.

“They conducted their investigation for a week. Thereafter, she prepared her report<sup>56</sup> which she indorsed to the provincial governor, with a copy furnished to the provincial legal officer. Upon receiving a copy of her report, the provincial governor ordered her and the provincial legal officer to conduct a reinvestigation on the matter for purposes of affirming her first report. She and Atty. Leonides, together with the barangay captain and barangay chairman of Naslo, then proceeded with the inspection of the project site, the crushing plant of IBC and the unfinished bridge. They confirmed that the materials extracted by IBC were more than what IBC had officially reported. They also observed that the river bed was not even, indicating that there was uneven extraction done thereon. Based on their findings, they recommended the cancellation of the Memorandum of Agreement between IBC and the municipality of Maasin, Iloilo<sup>57</sup>, and the cancellation of the permit of IBC.

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<sup>56</sup> Exhibit “P”.

<sup>57</sup> Exhibit “A”.

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“Rechanneling a river means directing the flow of the water and reinforcing the weakest points of its embankment by pushing the sand and gravel from the center. In quarrying, one extracts then hauls the materials from the river for private or public purpose.

“It is only the provincial governor who has the power to issue quarrying permits. In this case, the municipality of Maasin, never obtained any quarrying permit from the governor.

“The memorandum of agreement between IBC and the municipality of Maasin, Iloilo<sup>58</sup>, was actually implemented.

“Her statement that IBC pushed the sand and gravel from the Tigum River to the dike, then carried the same to its crushing plant was based on information she obtained from the barangay captains of Barangay Naslo and her other informants.

“As PENRO of the province of Iloilo, she issued quarrying permits to several entities, particularly, Sand and Quarry Permit No. CP-0027 (97) – (PI) (MA)<sup>59</sup> to Allencon Corporation, which is a sister company of IBC, and Quarry Permit No. CP-008(97) (PI) (ma)<sup>60</sup> to IBC. There was also a quarrying permit granted to a certain Robles. The area where the rechanneling project was undertaken was not covered by a quarrying permit because it is within the one (1)-kilometer buffer zone area and the provincial government is prohibited by law from issuing a permit within said area.

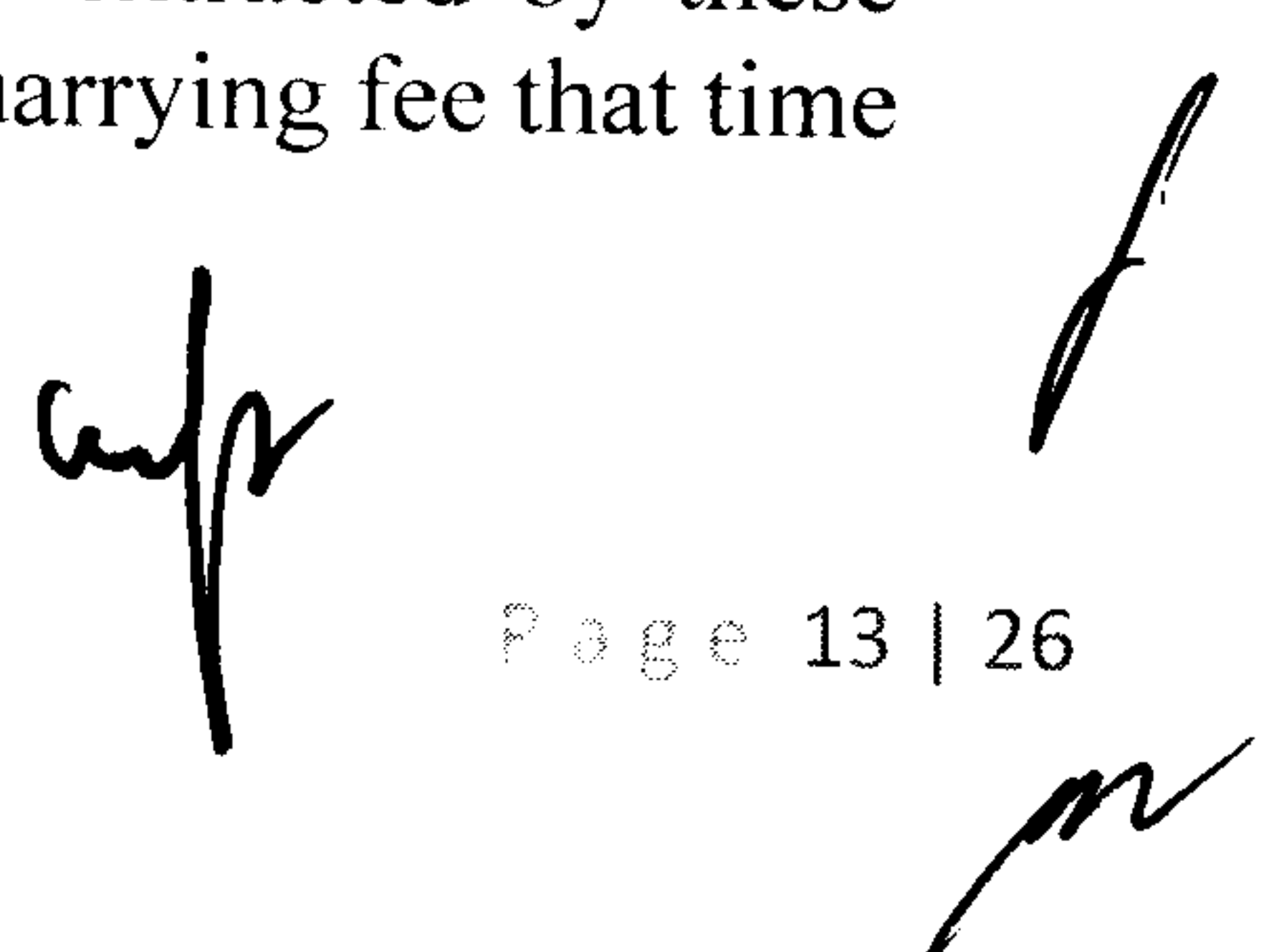
“They did not personally determine the exact volume of sand and gravel extracted by IBC from the Tigum River. Her statement that IBC extracted 18,000 cubic meters of sand and gravel from the Tigum River is based on the report provided to her by the Save Naslo Movement, which consists of a record of the plate number of the trucks, the date of the extraction and the volume hauled by each truck from the subject area.

“Based on the quarrying permits presented by the defense, IBC, Allencon and Robles were allowed only to extract 5,000, 5,000, and 1,000 cubic meters respectively, of materials from the quarrying site. According to the report of the Save the Naslo Movement, the actual volume of materials extracted by these grantees was more than 18,000. Since the quarrying fee that time

<sup>58</sup> Exhibit “A”.

<sup>59</sup> Exhibit “1-Tan”.

<sup>60</sup> Exhibit “2-Tan”.



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was P8.00 per cubic meter, the IBC owes the provincial government P56,000.00 representing quarrying fees on the 7,000 cubic meters which it extracted in excess of the volume allowed in their permits. They concluded that it was IBC who was responsible for these excess extraction because when they measured the length of the temporary dike constructed by IBC on the Tigum river, it was only 315 cubic meters, and since they did not construct the 950 cubic meters of the temporary dike as required in their ECC, this implies that the materials they extracted from the river were hauled or transported, instead of being used to construct the dike along the embankment.”<sup>61</sup>

During cross examination, she testified that she was designated by Governor Arthur Dy Defensor in 1992 and became the PENRO in 2001. He was only informed that prior to 1995, there were rechanneling activities in the barangay. Correspondingly, she conducted two (2) investigations. The first investigation was with her staff and some Barangay chairmen and the second was with Atty. Chopenil Leonidas and representatives of IBC and Alencon.

It was also reiterated that apart from IBC, Alencon is also a permittee in the area, and both of them failed to submit their August 1997 production report. It was emphasized that her report was based on the submissions made by the Save Naslo Movement together with the production reports submitted by the permittees.

In allowing the quarrying, the Barangay should install their own monitoring team and from time to time, the PENRO conducts spot monitoring, however, since the office has only a few staff, she only relied on the Barangay Chairman and Barangay Tanod to monitor the quarrying activity in their area of jurisdiction.

She testified that as protocol for monitoring the quarrying activities, the Barangay Captain or the Chairman acts as deputies of the governor in regulating the instruction at their area of jurisdiction. They have to have a copy of their requirement of compliance certificate and permit. The granted volume in the permit is stipulated in the permit and the SCC commissions. As a standard operating procedure when the Governor grants a permit, the Barangays, the Municipal Mayor, the PNP Personnel, and the Barangay Captain are immediately informed that the Governor has issued a cerographic permit and the volume was stipulated in the regional sales and the term of the permit.

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<sup>61</sup> Supra note 25.

The Barangay Captain of Barangay Naslo did not submit the report to the PENRO as to the extraction volume, thus, she had to base her reports<sup>62</sup> as to the volume stated on the report of Save Naslo Movement.

The four (4) permittees as of October 1997 were Alencon IBC, Robles, and Korea. And the 18,000 cubic meters extracted materials were for the areas of Alencon and IBC as based on the Save Naslo Movement report. The granted volume of Alencon was 5,000 cubic meters and it has only extracted 730 cubic meters based on their production report. Correspondingly, based on the said report, she was aware of the Memorandum of Agreement of IBC and the Municipality.

The said Memorandum of Agreement was actually and partially implemented. Based on the compliance certificate of the Municipality, the Municipality should conduct the re-channelling activity and they should have a temporary dike to be constructed near the embankment, 2x3 meters by 950 meters in length, however, the construction was only partially accomplished, as compared to the 950-meter stipulated length.

#### V. Darell A. Cabanero

“He is 39 years old, married, and has been a resident of Barangay Naslo, Maasin, Iloilo, since birth. He is the Chairman of the Save Naslo Movement, which was created in August, 1996, to stop the massive quarrying being done on the Tigum River, Barangay Naslo. It was in the early part of 1996, before forming Save Naslo Movement, that he noticed the quarrying being done by International Builders Corporation on the river. Their organization wrote a letter complaint<sup>63</sup> to Governor Defensor about the said quarrying and in response, the latter appointed Sol Sucaldito to conduct an ocular inspection at the subject site.




“They accompanied Mrs. Sucaldito and her team to the river. Mrs. Sucaldito used a measuring tape to measure the dike constructed there while he took photographs<sup>64</sup>.

“Their house is adjacent to the Tigum River so they were able to observe and monitor the IBC dump trucks hauling the sand and gravel from the IBC crusher plant near the river to the

<sup>62</sup> Exhibit “P” for the prosecution, Exhibit “P-1”, “P-2”, “P-3”, “P-4”

<sup>63</sup> Exhibit “AA”.

<sup>64</sup> Exhibit “BB”, “BB-1” to “BB-5”.

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direction of Iloilo City. He, his mother, Benedicta, and his wife, Violy, listed these trucks going out of the quarrying site<sup>65</sup>.

“On September 23, 1996, he wrote Vice Mayor Arnaldo Partisala asking him to include in the agenda for the coming regular session of the Sangguniang Bayan the problem of the Save Naslo movement regarding the rechanneling of the Tigum River<sup>66</sup>

“The trucks used by the IBC to haul the sand and gravel from the Tigum River have a capacity of 12 cubic meters more or less.”<sup>67</sup>

**VI. Rogelio Trinidad**

“He is 58 years old, married and Director III, DENR, Iloilo.

“The parties stipulated on the existence of the following documents and the fact that the witness prepared them: 1) letter dated October 21, 1997 addressed to Arthur D. Defensor, governor of the province of Iloilo<sup>68</sup>; 2) 2<sup>nd</sup> Indorsement dated October 21, 1997<sup>69</sup>.”<sup>70</sup>

**EVIDENCE FOR THE DEFENSE**

**Seth Emmanuel Tolentino Casco<sup>71</sup>**

He is 44 years old, married, and presently the Sangguniang Bayan Secretary of Maasin, Iloilo, residing at No. 008 Hughes Street, Maasin, Iloilo; the incumbent custodian of the official records of the Sangguniang Bayan and the SB Secretary from 1998 to the present.

He produced a document which appears to be the original copy of the Minutes of the Regular Session held in the afternoon of June 21, 1996, consisting of four (4) pages. It is a certified true copy of the Regular session

<sup>65</sup> Exhibit “CC”, “CC-1” to “CC-10”.

<sup>66</sup> Exhibit “DD”.

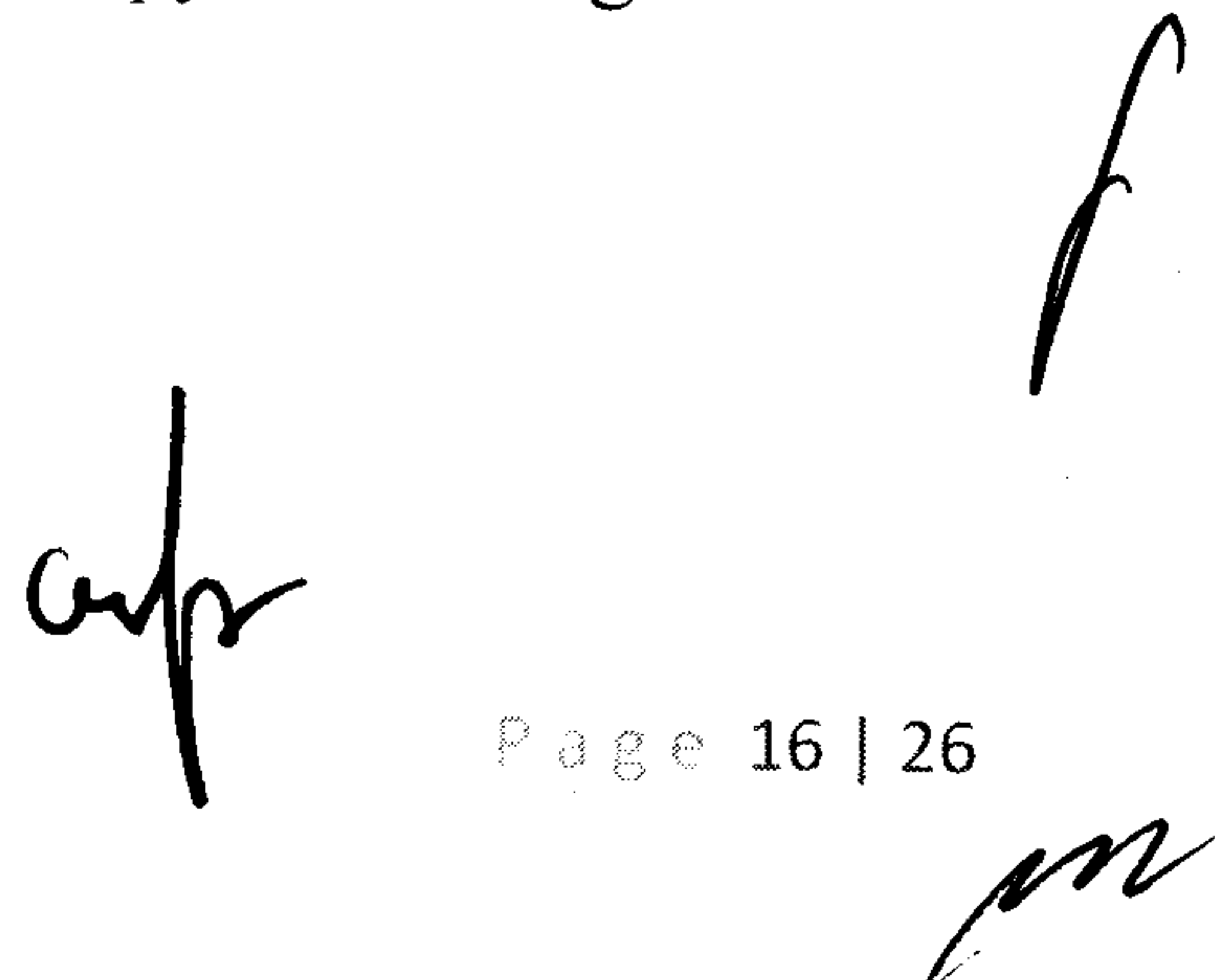
<sup>67</sup> Supra note 25.

<sup>68</sup> Exhibit “Y”.

<sup>69</sup> Exhibit “Y-1”.

<sup>70</sup> Supra note 25.

<sup>71</sup> TSN dated June 29, 2016.





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of the Sangguniang Bayan on June 21, 1996 and the same is marked as Exhibit "8". There is a stamp mark or rubber stamp, with the certified copy with the name Seth Emmanuel T. Casco as SB Secretary with his signature above it.

He examined the Minutes<sup>72</sup>, presented by the prosecution, which allegedly is the Official Minutes for June 21, 1996, and testified that they are not basically the same. He confirmed that Exhibit "8" is the only record of the Minutes in his possession and custody. Finally, he confirmed that there were no moves to correct or change the Minutes of the session for June 21, 1996, during his term.

During cross examination, he testified that he is a relative of Mr. Tolentino. However, when the Resolution was enacted, he was not connected with the Sangguniang Bayan. Thus, he would not know if the circumstances surrounding the execution of the resolution are correct. And he does not know if the persons, specifically the SB members, who were listed as present on that time actually attended the meeting. He also does not know if the contents of the resolution were actually the subject matter of the resolution that was taken up on June 21, 1996. He would not know these because he was not present at that time.

He only testified before the Court based on the record that Exhibit "8" is the copy of the resolution that is on file with his office, during which, Mayor Mondejar was still the incumbent Mayor of Municipality of Maasin. In sum, he testified as to the existence of a Resolution on file with the Sangguniang Bayan.

**REBUTTAL WITNESS FOR THE PROSECUTION**

**Imelda Yabut Maderada<sup>73</sup>**

The witness is 57 years old, widow, Clerk of Court II of the 12<sup>th</sup> Municipal Circuit Trial Court Cabatuan and Maasin Cabatuan, Iloilo, residing at 043 Confesor Subdivision, Rizal Street, Barangay Mabini Rizal, Maasin, Iloilo.

As the private complainant in these cases, she is familiar with the cases filed. The documents that were allegedly falsified are the Minutes of June 21, 1996 with the Sangguniang Bayan of Maasin, Iloilo; Resolution No. 30-A; and Resolution No. 30-B.

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<sup>72</sup> Exhibit "B"

<sup>73</sup> TSN dated October 12, 2016.

