



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

Fifth Division

PEOPLE OF THE PHILIPPINES,
Plaintiff,

Criminal Case Nos. SB-16-CRM-
1087

- versus -

For: Direct Bribery under
Article 210, Revised Penal Code

EDGAR R. NAVALES,
Accused.

Present:
LAGOS, J., Chairperson,
MENDOZA-ARCEGA and
CORPUS-MAÑALAC, JJ.

Promulgated:

September 07, 2018 *lal*

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DECISION

LAGOS, J.:

Accused Edgar R. Navales stands charged with violation of Article 210 of the Revised Penal Code (RPC). The Information in SB-16-CRM-1087 against him reads as follows:

“On September 29 to 30, 2014, or thereabout, in Quezon City, Philippines, within the jurisdiction of this Honorable Court, accused EDGAR RIVERA NAVALES, a public officer being an Assistant City Prosecutor at the Office of the City Prosecutor of Quezon City with Salary Grade 27, taking advantage of and committing the felony in relation to his position and official duties as such, did then and there willfully, unlawfully and feloniously demand and receive the total amount of ONE HUNDRED THOUSAND PESOS (P100,000.00) from Reynaldo De Leon in consideration of a favorable resolution on the complaint filed by De Leon docketed as “Reynaldo De Leon vs. Randy Lao, Zulfrikar Lao and Edward Rumohr”, I.S.

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No. 4G-6693 and pending before accused Navales for preliminary investigation.

CONTRARY TO LAW.”

On December 1, 2016, the Court ordered the arrest of the accused and issued a warrant therefor.¹ On November 28, 2016, the Court issued a hold departure order against the accused.²

The accused posted his cash bond with this Court on December 13, 2016.³

On January 25, 2017, the accused was arraigned. He pleaded not guilty to all the charges against him.⁴

The pre-trial of these cases was concluded with the issuance of the Pre-Trial Order dated March 30, 2017.⁵

Thereafter, trial ensued.

The parties stipulated to the following facts:

1. Identity of the accused;
2. Accused's position as ACP II at the time material to this case;
3. The case of Reynaldo De Leon vs. Randy Lao, Sulfrikar Lao and Edward Rumohr docketed as I.S. No. 4G-6693 was raffled to accused Navales as handling prosecutor;
4. The complaint docketed as I.S. No. 4G-6693 was subject to preliminary investigation under accused Edgar Navales;
5. The cellphone with the number 09216964294 is owned by accused Navales; and
6. Metrobank Account No. 1983198045323 belongs to the accused.

¹Records, Vol. I, p. 38.

²Records, Vol. I, p. 42.

³Records, Vol. I, p. 47.

⁴Records, Vol. I, p. 69.

⁵Records, Vol. I, pp. 110-114.

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EVIDENCE FOR THE PROSECUTION

The prosecution presented Ronald A. San Gabriel, Renald Noel Alvir Feliciano, Emmanuel T. Domingo, and Reynaldo A. de Leon.⁶

Ronald A. San Gabriel

July 25, 2017

The prosecution presented its witness, Ronald Anciano San Gabriel, for direct examination. He is an employee (driver) of complainant Reynaldo de Leon. San Gabriel executed a six-page Judicial Affidavit, and he affirmed and confirmed the contents of said document. The witness was also able to identify accused Edgar R. Navales in the courtroom.

On cross-examination, San Gabriel stated that the first time he met the accused was during a conference on the carnapping complaint of de Leon which was held in the Old Building in City Hall. As the driver of the complainant, San Gabriel mentioned that de Leon would always bring him to the latter's appointments and that he also lives in the complainant's residence in San Agustin, Valenzuela City (San Gabriel's permanent residence is in Parañaque City). According to the witness, they left the complainant's shop in Guiguinto, Bulacan at around 1:30 or 2:00 PM on September 29, 2014 to proceed to Sangkalan restaurant located along Visayas Avenue, Quezon City. The witness said that Navales was already in the restaurant when they arrived and they seated at the same table. San Gabriel said that he was present when accused Navales asked for money from complainant de Leon in said restaurant at around 3:00 PM. During the conversation between the accused and the complainant, the witness heard that Navales was asking for P100,000.00 from de Leon. The witness also narrated that de Leon only gave P10,000.00 to Navales and the accused said that the balance be deposited to his bank account, and that the accused sent his Metrobank savings account number to de Leon through text message. San Gabriel stated that de Leon did not show the text message to him, and that he is not aware of the nature of the conversation between the complainant and the accused. San Gabriel stated that he was able to attend the preliminary investigation of the carnapping case around two times. In fact, he was inside the prosecutor's cubicle during the said preliminary investigation, but he cannot recall the dates of said meetings nor the time that the meetings ended.

Reynaldo A. de Leon

December 5, 2017

The prosecution presented the complainant, Reynaldo Aberin de Leon, for direct examination. De Leon executed a Complaint Affidavit previously marked as Exhibit "A" with the following annexes:

1. Exhibit "A-1" is the Investigating Data Form;
2. Exhibit "A-2" is a screenshot of text messages;
3. Exhibit "A-3" is a screenshot of text messages;

⁶The testimonies of Feliciano and Domingo were dispensed with as per the stipulations of the parties.

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4. Exhibit "A-4" is the photocopy of the Metrobank Deposit Slip;
5. Exhibit "A-5" is a screenshot of text messages;
6. Exhibit "A-6" is a screenshot of text messages;
7. Exhibit "A-7" is a screenshot of text messages;
8. Exhibit "A-8" is a screenshot of text messages; and
9. Exhibit "A-9" is a photocopy of the Metrobank Deposit Slip for account number 1983198045323.

The said Affidavit serves as the direct testimony of the complainant.

During the cross-examination, de Leon stated that accused Edgar Navales asked for P100,000.00 for the processing of the carnapping case filed by the former. On September 23, 2014, during the third preliminary investigation of the carnapping case, Navales got the complainant's mobile number. During this time, de Leon is being assisted by his counsel, Atty. Emmanuel Pascual. When the defense counsel asked the complainant if Atty. Pascual personally knows Chief Prosecutor Maynard Bautista, the complainant answered in the negative. It is the complainant's cousin, Jason Lim, who personally knows Bautista. It was Lim who introduced the complainant to Bautista. Only after said introduction did the complainant come to know the details about Bautista and the purpose for the personal visit to Bautista was the formal introduction to the latter. It was during this initial introduction that the accused went into the office of Bautista and saw the complainant there. The accused made a comment that Bautista and de Leon already know each other, but the conversation between Bautista, Lim and de Leon continued. The complainant also mentioned that Bautista is asking for the supplementary affidavit regarding the carnapping case but the former gave such copy to the secretary of Navales since this is the usual procedure in City Hall that was relayed to him. De Leon also mentioned that he no longer has the text messages starting from September 24 to 28, 2014 because he already changed his mobile phone; he does not have any copy of the screenshots of the text messages prior to September 29, 2014. De Leon did not bother to have a copy of the call logs of the accused; he did not also submit his mobile phone for forensic examination to determine the call logs of the accused. The defense counsel insists that the complainant only selected certain screenshots of the text messages to be presented to the Court to corroborate his claim of direct bribery on the part of the accused but de Leon denied the allegation. The complainant mentioned that there were no subsequent text messages between him and Navales after the September 29, 2014 conversation. Due to such, the counsel for the defense will request for the forensic examination of de Leon's SIM card in order to retrieve all the call logs and text messages that were exchanged between the accused and the complainant. At the same time, the defense counsel will also request for the forensic examination of the SIM card of Navales. The complainant said that he was not the one who deposited the P90,000.00 balance in the Metrobank account of the accused. De Leon also clarified that during their meeting in the Sangkalan restaurant in Visayas Avenue, Quezon City, Navales was not borrowing money but the latter was asking for money. After the Sangkalan meeting, the complainant and the accused continued to convene in the subsequent hearings. According to de Leon, it was Navales who suggested, through direct conversation, that the complainant file a Supplemental Affidavit. When the carnapping case was assigned to another prosecutor, Atty. Vedaña, the case changed to estafa.

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After consideration of the prosecution's Formal Offer of Documentary Evidence and the accused's Comment/Objection, the Court resolved to admit all the exhibits offered by the prosecution, namely:

- 1) For lack of objection to their admission, Exhibits A-1- and A-11;
- 2) Over the objection of the accused on the ground that the same is self-serving, Exhibits A, A-1, A-2, A-3, A-4, A-5, and A-6;
- 3) Over the objection of the accused for being self-serving and irrelevant, Exhibits A-7, A-8 and A-9, as the relevancy thereof shall be considered in the preparation of the decision in this case and in view of the ratiocination of the Supreme Court in the Hernandez v. Court of Appeals (G.R. No. 104874, December 14, 1993) case;
- 4) Over the objection of the accused to the purpose for which they are being offered, Exhibits F, F-1, F-2, G, H, I and J, as the objection will be considered during the preparation of the decision in this case; and
- 5) Over the objection of the accused on the ground of relevancy, Exhibits K up to K-26, as the relevancy thereof shall be considered in the preparation of the decision in this case.

The Court noted that no Exhibits B, C, D, E and F were offered.⁷

EVIDENCE FOR THE ACCUSED

The accused testified on his own behalf.

Direct, Cross and Redirect Examinations of Edgar R. Navales

February 27, 2018

The defense presented the accused, Atty. Edgar Rivera Navales, for direct examination. The accused executed a Judicial Affidavit but the prosecutor, Atty. Lalaine Benitez, opposed Question No. 19 in the Affidavit, stating that this is merely speculation on the part of the accused. When this objection was overruled, Navales confirmed and affirmed the contents of Judicial Affidavit marked as Exhibit "6."

During the cross-examination, Navales stated that he was Assistant City Prosecutor of Quezon City in September 2014 and he knows Mr. Reynaldo de Leon who is the complainant in the case pending before him for preliminary investigation in said date. He admitted to having received the amount of P100,000.00 from the complainant around September of 2014 - the P10,000.00 was first given in cash and the balance of P90,000.00 was deposited in his Metrobank savings account. According to Navales, it is not his usual practice to borrow as much as P100,000.00 from a person who he just knew in less than a month. The accused also claimed that when he asked de Leon for a loan, they had an agreement that he will be paying the latter whenever he can pay him.

⁷ Records, Vol. I, pp. 493-494.

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Navales did not take the initiative to get the savings account number of the complainant in case the loan should be paid nor did he have the opportunity to give back the P100,000.00 since the bribery case was filed against him. The accused is not a prosecutor anymore because he was charged with an administrative case before the Office of the Ombudsman.

In the redirect examination that ensued, Navales explained that when he went to Prosecutor Meinard Bautista's office, he asked Bautista if he can borrow money from the complainant since Bautista is a friend of the companion (Jason Lim) of de Leon. The accused also explained that he willingly gave his bank account to the complainant to show his good faith that indeed there will be evidence of their transaction of borrowing of P100,000.00 from de Leon. Navales also narrated that in his entire government career, he never received bribe money in the performance of his duty. Even during his stint in the Office of the Ombudsman when he was still Graft Investigation Officer, he declined to sign a particular document in relation to the PIATCO case in exchange for the offer of 5 million pesos.

On May 4, 2018, the Court resolved accused Navales's formal offer and admitted all the exhibits offered by the accused.

ISSUE

Whether accused Edgar R. Navales is guilty of violating article 210 of the Revised Penal Code.

FINDINGS OF FACT

At the time material to this case, accused Edgar R. Navales was Assistant City Prosecutor in Quezon City. He was the Investigating Prosecutor for the case of Reynaldo De Leon vs. Randy Lao, Sulfrikar Lao and Edward Rumohr docketed as I.S. No. 4G-6693. The complainant in the case at bar was also the complainant in that case.

The cellphone with the number 09216964294 was owned by accused Navales. Money changed hands. The accused admitted having received a total of One Hundred Three Thousand Pesos (P103,000.00) from complainant Reynaldo De Leon.

Prosecution witness Emmanuel T. Domingo likewise testified on behalf of Metrobank that Metrobank Account No. 1983198045323 was registered in the name of the accused. Metrobank Account No. 1983198045323 belongs to the accused.

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The defense also stipulated that there was a deposit of Ninety Thousand Pesos (P90,000.00) on September 30, 2014 and another Three Thousand Pesos (P3,000.00) on October 21, 2014. The defense also admitted that an initial cash amount of Ten Thousand (P10,000.00) was given by the complainant to the accused in person. As corroborated by prosecution witness Ronald San Gabriel, who testified that he was present when the complainant and the accused met in Sangkalan restaurant, he saw the complainant give Ten Thousand Pesos (P10,000.00) to the accused.

The complainant wrote a letter dated February 18, 2015 to the City Prosecutor asking for the inhibition of the accused. On February 27, 2014, the motion for inhibition was granted.

RULING

The Information in this case charges the accused to have committed the felony of direct bribery. Article 210 of the Revised Penal Code, the provision defining the felony states that:

Art. 210. Direct bribery. – Any public officer who shall agree to perform an act constituting a crime, in connection with the performance of his official duties, in consideration of any offer, promise, gift or present received by such officer, personally or through the mediation of another, shall suffer the penalty of prison mayor in its medium and maximum periods and a fine [of not less than the value of the gift and] not less than three times the value of the gift in addition to the penalty corresponding to the crime agreed upon, if the same shall have been committed.

If the gift was accepted by the officer in consideration of the execution of an act which does not constitute a crime, and the officer executed said act, he shall suffer the same penalty provided in the preceding paragraph; and if said act shall not have been accomplished, the officer shall suffer the penalties of prison correccional, in its medium period and a fine of not less than twice the value of such gift.

If the object for which the gift was received or promised was to make the public officer refrain from doing something which it was his official duty to do,

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he shall suffer the penalties of prison correccional in its maximum period and a fine of not less than the value of the gift and not less than three times the value of such gift.

In addition to the penalties provided in the preceding paragraphs, the culprit shall suffer the penalty of special temporary disqualification.

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To prove that the accused is guilty of direct bribery, the prosecution must prove all the following elements:

1. The offender is a public officer;
2. The offender accepts an offer or promise or receives a gift or present by himself or through another;
3. That such offer or promise be accepted or gift or present be received by the public officer with a view to committing some crime, or in consideration of the execution of an act which does not constitute a crime but the act must be unjust, or to refrain from doing something which it is his official duty to do; and
4. The act which the offender agrees to perform or which he executes is connected with the performance of his official duties (Magno v. Commission on Elections, G.R. No. 147904, October 4, 2002, 390 SCRA 495, 499).

In criminal cases, the burden of proving guilt is with the prosecution. Rule 133, Section 2 of the Revised Rules on Evidence specifies the requisite quantum of evidence in criminal cases:

Section 2. Proof beyond reasonable doubt. — In a criminal case, the accused is entitled to an acquittal, unless his guilt is shown beyond reasonable doubt. Proof beyond reasonable doubt does not mean such a degree of proof, excluding possibility of error, produces absolute certainty. Moral certainty only is required, or that degree of proof which produces conviction in an unprejudiced mind.

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This rule places upon the prosecution the task of establishing the guilt of an accused, relying on the strength of its own evidence, and not banking on the weakness of the defense of an accused. Requiring proof beyond reasonable doubt finds basis not only in the due process clause of the Constitution, but similarly, in the right of an accused to be "presumed innocent until the contrary is proved." Undoubtedly, it is the constitutional presumption of innocence that lays such burden upon the prosecution. Should the prosecution fail to discharge its burden, it follows, as a matter of course, that an accused must be acquitted.⁸

Necessarily then, for accused Navales to be convicted, the prosecution here must prove all the essential elements of the crime of direct bribery beyond reasonable doubt. Failure to do so shall result in the dismissal of the charge and acquittal of the accused.

First Element: The offender is a public officer

There is no question that the first element of the crime is present as the accused himself stipulated as to his position as an Assistant City Prosecutor at the Office of the City Prosecutor of Quezon City.

Second Element: The offender accepts an offer or promise or receives a gift or present by himself or through another

The second element is likewise present. The complainant and the accused's testimonies and documentary evidence all show that the accused received a total of One Hundred and Three Thousand Pesos (P103,000.00) from the complainant in the form of cash given in person and through bank deposits.

Third Element: That such offer or promise be accepted or gift or present be received by the public officer with a view to committing some crime, or in consideration of the execution of an act which does not constitute a crime but the act must be unjust, or to refrain from doing something which it is his official duty to do

Given the evidence against the accused and his own admissions, it is clear to this Court that the prosecution was able prove beyond reasonable doubt that the money given by the complainant to the accused was in

⁸ Nilo Macayan, Jr. Y Malana v. People of the Philippines (G.R. No. 175842, March 18, 2015).

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consideration of a favorable resolution in the case with docket number I.S. No. 4G-6693 pending before the latter.

The complainant's testimony and the corroborating printouts of text messages paint a vivid and credible picture of the events that transpired and gave rise to this case. It is apparent from Exhibit A-2 to A-9 that the accused was asking money for himself, his alleged superior and, allegedly, even his church from the complainant in return for thwarting the respondents' alleged efforts at influencing the outcome of the case pending before him and, instead, issuing a favorable resolution for the complainant. This is particularly evident from Exhibit A-2 in which the accused talks of an "emissary" and from Exhibit A-6 where the accused asks for more money for a certain "Chief Meynard" who will review the accused's resolution. From the uncontroverted evidence presented by the prosecution and the accused's own admissions on his receipt of the money for the complainant, there is no room for any doubt as to the exact nature of the transaction between the accused and the complainant and it is *quid pro quo*, money in exchange for a resolution slanted towards the latter.

In juxtaposition, the accused's defense is incredibly weak. Not only is his story that he was merely borrowing money unsupported by any sort of evidence, it is inherently flawed for being implausible. It is simply implausible that of all the financing that the accused could secure, he innocently chooses to get one from a person who has a case pending before him. Any person of the right mind would comprehend that the money solicited from the complainant includes the promise of a favorable resolution of his case in return. Coupled with the corroborating text messages in which the accused asks for even more money for the alleged favorable review by his superior, the case against the accused is indubitable.

While the favorable resolution in the preliminary investigation in I.S. No. 4G-6693 does not by itself constitute a crime, nevertheless, it is an act that is unjust as it would be rendered based on the accused's partiality towards the complainant and not on the basis of the facts proven during the proceedings and the applicable law. Hence, the third element is present.

Fourth Element: The act which the offender agrees to perform or which he executes is connected with the performance of his official duties

Finally, the fourth element is likewise extant. As the parties have stipulated, the accused is the investigating prosecutor in the case of complainant. As such, his duties encompass the receipt, review and

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resolution of the case of the complainant which he had promised to do albeit in favor of the latter.

In sum, the prosecution was able to prove accused Navales' guilt beyond reasonable doubt. The moral conviction that may serve as a basis of a finding of guilt in criminal cases is only that which is the logical and inevitable result of the evidence on record, exclusive of any other consideration.⁹

As per paragraph two of Article 210 of the Revised Penal Code, if the promised non-criminal act shall not have been accomplished, as in this case where the accused did not actually render a favorable resolution for the complainant, the officer shall suffer the penalties of *prision correccional* in its medium period and a fine of not less than twice the value of the gift.

Furthermore, the records show that the accused was not arrested and that he voluntarily surrendered to the Court and posted bail.¹⁰ The Court thus credits him with the mitigating circumstance of voluntary surrender.¹¹

WHEREFORE, premises considered, the Court finds accused Edgar R. Navales GUILTY beyond reasonable doubt of violating Article 210 of the Revised Penal Code. Applying the Indeterminate Sentence Law and crediting him the mitigating circumstance of voluntary surrender, the accused is hereby sentenced to Six (6) Months and One (1) Day of *prision correccional* in its minimum period, as minimum, to Two (2) Years, Four (4) Months and One (1) Day of *prision correccional* in its medium period, as maximum, as well as the applicable accessory penalties and to pay a fine of Two Hundred Thousand Pesos (P200,000.00) with subsidiary penalty in case of insolvency. Aside from these, the accused is also sentenced to suffer the penalty of Special Temporary Disqualification.

SO ORDERED.


RAFAEL R. LAGOS
 Chairperson
 Associate Justice

⁹ People of the Philippines v. Anastacio Maisug (G.R. No. L-22187, March 28, 1969)

¹⁰ Records, Vol. I, p. 47.

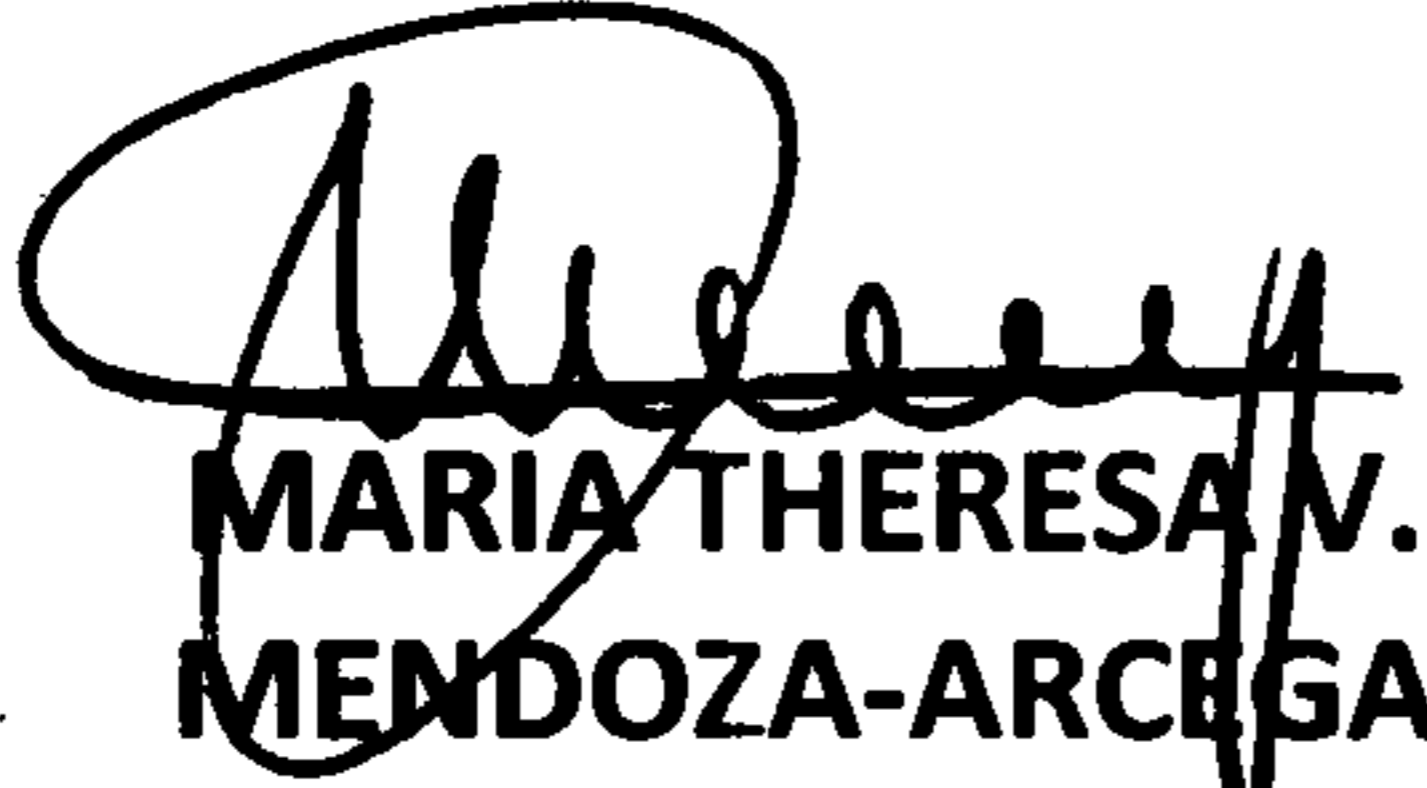
¹¹ Revised Penal Code, article 13(7).



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WE CONCUR:


**MARIA THERESA V.
MENDOZA-ARCEGA**
Associate Justice


**MARYANN E.
CORPUS-MAÑALAC**
Associate Justice

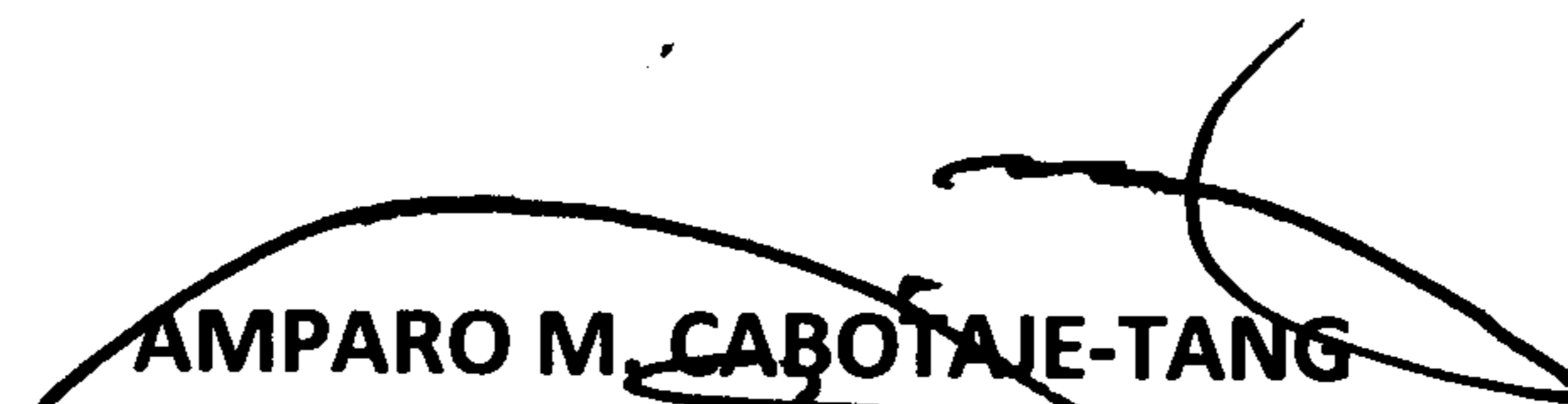
ATTESTATION

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


RAFAEL R. LAGOS
Chairperson, Fifth Division

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, and the Division Chairperson's Attestation, it is certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


AMPARO M. CABOTAJE-TANG
Presiding Justice