



REPUBLIC OF THE PHILIPPINES
SANDIGANBAYAN
Quezon City

FIRST DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

-versus-

SB-17-CRM-0497

**For: Violation of Section
3(e), Republic Act No.
3019**

**RANDY JAMES E. AMO and
SEVERINO A. ENDAYA, JR.,**
Accused.

X-----X

Present:

DE LA CRUZ, J., *Chairperson*
ECONG, J. and
CALDONA, J.

Promulgated:

X-----X
September 24, 2018 [Signature]

DECISION

CALDONA, J.:

The accused, Randy James E. Amo and Severino A. Endaya, Jr., stand charged with the crime of violation of Section 3 (e) of Republic Act No. 3019, as amended, otherwise known as the Anti-Graft and Corrupt Practices Act, in an information that reads:

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On 16 November 2012, or thereabout in Laurel, Batangas, Philippines, and within the jurisdiction of this Honorable Court, accused RANDY JAMES E. AMO, then municipal Mayor of Laurel, Batangas, and SEVERINO A. ENDAYA, JR., then Barangay Captain of Barangay Poblacion 3 of Laurel, Batangas, both public officers, committing the offense in relation to their office, conspiring with each other, and with manifest partiality, evident bad faith or gross inexcusable negligence, did then and there willfully, unlawfully and criminally cause undue injury to Eusebio C. Bilog by causing his removal as President of the Association of Barangay Captains (ABC) of Laurel, Batangas and thereafter withholding his salary and causing the election of accused Severino A. Endaya, Jr., as the new ABC President which removal and election were not in accordance with the Constitution and By-Laws of the Liga ng mga Barangay sa Pilipinas, thereby giving unwarranted benefit, advantage or preference to Severino A. Endaya, Jr.

CONTRARY TO LAW.

Upon being arraigned, the accused, assisted by counsel, entered the plea of "Not guilty" to the offense for which they stand charged.

During the pre-trial conference, the prosecution and the defense entered into the following stipulations of fact which are embodied in the undated Amended Pre-Trial Order¹ and quoted hereunder for ready reference, to wit:

As proposed by the prosecution:

1. Accused Randy James E. Amo is the same person charged in the Information;
2. Accused Severino A. Endaya, Jr. is the same person charged in the Information;
3. Accused Randy James E. Amo was a public officer, being then the Municipal Mayor of Laurel, Batangas, at the time material to the case;

¹ Records, Volume I, pp. 224-238.



4. Accused Severino A. Endaya, Jr. was a public officer, being then the Barangay Captain of Barangay Poblacion 3, Laurel, Batangas, at the time material to the case;

As proposed by the accused:

5. It was the members of the Liga ng mga Barangay who conducted the election and elected accused Endaya, Jr. as their new President.

Thereafter, trial on the merits ensued.

The prosecution presented as witnesses a) Eusebio C. Bilog; b) Angelica M. Sagun; c) Herminigildo J. Dolor; d) Elvira L. Calinisan; d) Sylvia E. Austria; and e) Samson B. Noche, whose respective testimonies are summarized, as follows:

Complainant Eusebio C. Bilog² was the barangay captain of Bugaan West, Laurel, Batangas from 2002 to 2013. He was elected and served as the ABC President from 2007 to 2010 then as the ABC Vice President from 2010 to 2012. After the death of then ABC President Cantucan Carsocho on April 26, 2012, he was confirmed as the ABC President.

According to the complainant, the election held on November 16, 2012 in which twelve (12) barangay captains participated was illegal considering that there was no vacancy in the position of ABC President. Neither was there a legal ground to remove him from the position as there was no formal charge signed by two-thirds (2/3) of the *Liga ng mga Barangay sa Pilipinas (Liga)* members, specifically, at least fifteen (15) barangay captains in the town. Moreover, the election was

² Judicial Affidavit dated November 3, 2017, Records, Vol. II, pp. 4-219; TSN dated January 15, 2018.

conducted by the raising of hands and not by secret ballot contrary to Article XI, Section 5 of the Constitution and By-Laws of the *Liga*.

Complainant Bilog further testified that he has been recognized by the *Sangguniang Bayan* (SB) of Laurel as ABC President inasmuch as he was the one who attended its regular sessions and prepared the Committee Reports on Barangay Affairs. To substantiate the same, he identified the Certification dated September 4, 2017 issued by Vice-Mayor Felimon P. Austria to the effect that he was the one who attended the regular sessions. He also presented copies of the minutes of the regular sessions, resolutions and committee reports, among others.

The complainant went on to state that he filed the Criminal Complaint dated January 9, 2013 against the accused, Mayor Amo and Endaya, Jr., before the Office of the Ombudsman by reason of the memorandum of the accused mayor relative to the withholding of his salaries and benefits. Despite demands for the release thereof, the accused mayor failed to take action up to the present.

On cross-examination, complainant Bilog recalled that all the twenty-one (21) barangays were represented by the barangay captains during the special session on November 16, 2012. Twelve (12) of their members participated in the election. Accused Mayor Amo was not present and did not participate in the said meeting.

He further testified that he filed a case against accused Endaya, Jr. for usurpation of authority but the same was dismissed. He maintained that he (Bilog) and the vice-mayor wrote separate letters to the accused mayor for the release of his salaries; but to no avail.

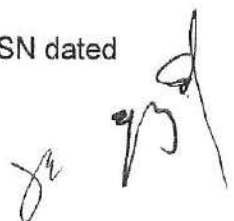
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On re-direct examination, the complainant recounted that the other nine (9) barangay captains, including himself, were not in favor of the elections on November 16, 2012 and left the venue before it could be conducted. As regards the case for usurpation of authority, he said that it was dismissed in a way on technicality because accused Endaya, Jr., did not take his oath of office as duly elected ABC President. He further maintained that copies of the letter sent by Vice-Mayor Villanueva were furnished to the accounting and budget offices and that the office of the mayor received a copy thereof. However, accused mayor did not act on it.

Angelica M. Sagun,³ designated as Municipal Local Government Operations Officer (MLGOO) of the Department of Interior and Local Government (DILG) and presently assigned in the Municipality of Balete, Batangas, testified that in 2012 to 2013, she was assigned as the MLGOO of Laurel, Batangas. Their office supervises local government units (LGUs) from the municipal level down to the barangay level. Among the main functions of her office is the indorsement of various documents from the municipal and barangay levels to their cluster, provincial and regional offices as well as other national government agencies where they may be deemed it appropriate to be indorsed. She attends meetings of the *Liga* such as those of barangay secretaries, treasurers and *punong barangays* for purposes of informing them of the circulars and other communications from the head office relative to national and local program implementations.

Ms. Sagun also testified that she usually attends the *Liga* sessions, both regular and special, especially when invited. For special sessions, the Liga President informs her either through text messages or calls.

³ Judicial Affidavit dated November 6, 2017, Records, Vol. II, pp. 244-259; TSN dated January 16, 2018, pp. 1-9.



For the special session on November 16, 2012, she received a written invitation. She attended the meeting and narrated that it was presided by the late *Punong Barangay* (PB) Nejemias Ariola of Barangay Leviste. It appeared that the majority of the *punong barangays* wanted to elect a new set of officers because they felt that the *Liga* was not functioning properly as there were no sessions called by the incumbent officers. They then declared all the positions as vacant and elected a new set of officers. A few days after the session, the witness received a copy of the memorandum of accused Mayor Amo dated November 19, 2012, addressed to the budget officer, treasurer and accountant relative to the temporary holding of the grant of salary and other monetary benefits of PB Bilog.

With respect to the regular sessions, the witness stated that she cannot recall the specific dates when she attended the same but she mentioned that there were one (1) or two (2) instances when these were supposed to be held in her office but did not push through due to lack of quorum. In particular, she identified the *Liga* Attendance for sessions on August 7, 2012, September 4, 2012, November 6, 2012 and December 4, 2012.

Herminigildo J. Dolor,⁴ Mayor of Bauan, Batangas, was the *Panlalawigang Liga ng mga Barangay* (PLMB) President, Batangas Chapter, in 2012-2013. He testified that he received a letter with attachments dated May 8, 2012 from the Secretary of the PLMB, requesting an election for the vacated position of Cantucan Carsocho as ABC President who passed away on April 26, 2012. He also received a letter dated May 14, 2012 from accused Mayor Amo, stating that the majority of the members of the association wanted to have an

⁴ Judicial Affidavit dated November 7, 2017, Records, Vol. II, pp. 260-277; TSN dated January 16, 2018, pp. 10-18.


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election. From that time, the PLMB board started to convene and study its position on the matter. Thereafter, it issued Resolution No. 01-13 declaring its stand to uphold, affirm and defend the mandates of the 2010 Constitution and By-Laws of the *Liga ng mga Barangay sa Pilipinas*, citing in particular Article XII, Section 2 on Vacancies and Succession. They furnished a copy of the resolution to the office of PLMB, Laurel Chapter, as well as to accused Mayor Amo and the DILG.

Sylvia E. Austria⁵ was a barangay captain of *Poblacion Dos* and at the same time, Secretary of the PLMB, Laurel, Batangas. As *Liga* Secretary, her duties include attending the sessions; taking down the minutes of the sessions; informing the members through text messages regarding scheduled meetings; keeping custody of documents of the *Liga*; and preparing letters and invitations to the barangay captains relative to scheduled meetings, among others.

Upon being cross-examined, the witness stated that even prior to the death of ABC President Carsocho in April 2012, the group already wanted a change of leadership. She recounted that during the meeting on November 16, 2012, majority of the members no longer wanted Bilog as president because they were not having meetings under his watch. When it was suggested that the position of president be declared vacant and that an election be conducted, nine (9) barangay captains left. Thereafter, accused Endaya, Jr. was elected as ABC President. She was then tasked to inform those who were listed in the minutes of the session about what transpired. She furnished a copy of the minutes to the Office of the Mayor and wrote a letter informing him that there was a newly-elected ABC President.

⁵Judicial Affidavit dated October 27, 2017, Records, Vol. I, pp. 377-389; TSN dated January 5, 2018, pp. 11-25.



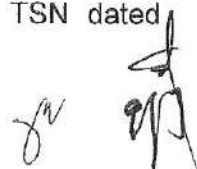
She went on to state that after the election of accused Endaya, Jr., only a few meetings were held and were attended by the twelve (12) barangay captains who voted for him. These were on a few instances when he would call a meeting and invite them to his house.

On re-direct examination, the witness said that after the election in November 2012, she was no longer active in the *Liga* and failed to perform her duties as secretary as she became busy with the candidacy of her husband who was running for vice mayor. She maintained that she was not the one who prepared the *Liga* Attendance for August 7, September 4, November 6, December 4, all in 2012, as well as on January 15, 2013. Moreover, she confirmed that she was not present during the meetings on the said dates.

Witness Austria revealed, upon clarification by the court, that accused Endaya, Jr. is the incumbent ABC President and that complainant Bilog no longer holds any position, having served as a barangay captain in 2000 up to 2013, similar to her term as a barangay captain.

Elvira L. Calinisan,⁶ the Municipal Treasurer of Laurel, Batangas since September 2008, testified that she received the Memorandum dated November 19, 2012 from accused Mayor Amo. She, together with the municipal budget officer and the municipal accountant, complied with it and withheld the salary as well as other monetary benefits of Eusebio Bilog. At present, the money is in a trust fund in their municipality and not yet released to Bilog.

⁶Judicial Affidavit dated October 26, 2017, Records, Vol. I, pp. 398-470, TSN dated February 5, 2018, pp. 1-10.



On cross-examination, she stated that there was no memorandum from the accused mayor authorizing the release of the payroll to accused Endaya, Jr. Neither was there any order nor resolution from the DILG authorizing the release of the salary either to accused Endaya, Jr. or to Bilog.

Samson B. Noche,⁷ Municipal Government Department Head of Human Resource Management Office of Laurel, Batangas, was the Secretary of the *Sangguniang Bayan* in 2012-2013. Among his duties as secretary were taking down minutes of the sessions of the *Sanggunian* as well as preparing communications for the vice mayor and other *Sangguniang Bayan* members. He testified that then Vice-Mayor Florencio Villanueva gave him a draft letter in *Tagalog* addressed to accused Mayor Amo and directed him to prepare the same. He then translated the draft and finalized the same into an official communication bearing the date March 25, 2013. Thereafter, he personally gave the printout to Vice-Mayor Villanueva.

The letter contained a request by the vice-mayor for accused Mayor Amo to lift his Memorandum in connection with the holding of the salaries and other monetary benefits of ABC President Bilog. The vice-mayor pointed out that R.A. No. 7160, otherwise known as the Local Government Code, on the separation of powers and functions of the executive and the legislative departments, provides that the grant of Bilog's compensation and other monetary benefits is within the power of the vice-mayor, he being the signatory in all warrants drawn from the municipal treasury for all expenditures appropriated for the *Sangguniang Bayan*.

⁷Judicial Affidavit dated November 20, 2017, Records, Vol. I, pp. 390-397, TSN dated February 5, 2018.



On cross-examination, the witness admitted that he has no knowledge if the said letter was forwarded to the Office of the Mayor.

Thereafter, the prosecution rested its case with the admission of its documentary evidence marked as Exhibits "A" to "U" with submarkings.

For its part, the defense presented both of the accused as witnesses. Their testimonies are summed up as follows:

Accused Mayor Randy James Amo⁸ testified that the complainant filed the instant case against him because he issued the Memorandum dated November 19, 2012 relative to the temporary withholding of the latter's salaries. He explained that he issued the said memorandum by reason of the controversy in the position of ABC President at the time. He issued the same based on the documents forwarded to him by the secretary of the *Liga* after the election. He maintained that he was not present and did not participate during the meeting and election on November 16, 2012. He further mentioned that he issued the said memorandum in order to protect the funds of the municipality until they can ascertain who, between Bilog and Endaya, Jr., is the ABC President entitled to receive the salaries and benefits.

Accused Mayor Amo recalled that after the death of ABC President Carsocho, then Vice President Bilog assumed office. There being no meetings held, a majority of the barangay officials probably motioned that the position be vacated. He disavowed any knowledge, however, as to who they wanted to elect and when they were to conduct an election. It was only when the members forwarded to him a *manifesto* that he learned that they had plans to hold an election. He inquired from

⁸ TSNs dated May 7, 2018 (morning and afternoon).



the DILG, through Ms. Sagun, as to who they should consider as ABC President.

In response to the inquiry of the court, accused Mayor Amo stated that he decided to forward the matter to the PLMB. According to him, it is the DILG or any agency involved with the *Liga* that should direct to whom the municipality should give the salaries of ABC President. He mentioned that the DILG did not give any advice and that he was waiting for the said office to take action considering that an official thereof was present during the election. Consequently, both Bilog and Endaya, Jr. were attending the meetings of the *Sanggunian*. As the mayor, his solution was to temporarily hold the salaries for the position until the issue is resolved. He went on to testify that the funds are still available at the Office of the Municipal Treasurer and identified the certification to that effect.

Accused Mayor Amo reiterated on cross-examination that the basis for his Letter dated May 14, 2012 addressed to the DILG was the manifesto of the *punong barangays* to hold an election. At the time, he was not aware that Bilog already took his oath of office inasmuch as the latter did not approach his office nor take the oath before him. With respect to his letter to Herminigildo Dolor, then PLMB President, the accused mayor maintained that he is not aware if there was any resolution or letter in response thereto.

The accused mayor admitted that when he issued the subject memorandum, he had no copy of any oath of office of accused Endaya, Jr. Based on his understanding, he is the only official who is authorized to receive and release the funds of the municipal government, including the salary of the ABC President. Up to the present, the subject



memorandum had not been lifted. He confirmed that he received a demand letter from complainant Bilog in connection with the latter's salaries but he did not act on it because he did not receive any advice from the proper authorities.

He further mentioned that he personally saw both Bilog and Endaya, Jr. attend the meetings of the *Sanggunian* although he is not aware of their exact participation during the meetings. He did not inquire, however, from the *Sanggunian* as to who between them was performing the functions of ABC President. According to the accused, he verbally asked Ms. Sagun of the DILG regarding the legitimate ABC President but she kept silent. He no longer formally inquired from the DILG regarding the issue.

Accused Severino Endaya, Jr.⁹ is the incumbent Barangay Chairman of *Poblacion 3* of Laurel, Batangas and ABC President of the *Liga ng mga Barangay* in the same municipality. As ABC President, his duties and functions include representing the *Liga*, holding meetings and acting as *ex-officio* member of the *Sangguniang Bayan*.

The accused testified that after he was elected as ABC President on November 16, 2012, the Secretary of the *Liga* forwarded copies of several documents relative thereto to the Office of the Mayor. Thereafter, accused Mayor Amo issued the Memorandum dated November 19, 2012.

Accused Endaya, Jr. went on to say that complainant Bilog filed a case against him for usurpation of authority before the Office of the Provincial Prosecutor, Batangas which was dismissed in the

⁹ Judicial Affidavit dated April 27, 2018, Records, Vol. II, pp. 384-410; TSN dated May 8, 2018.

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Resolutions dated April 22, 2013 and July 24, 2013. As regards the salary for ABC President, he maintained that neither he nor complainant Bilog received any, the funds being still in the Office of the Treasurer.

Upon being cross-examined, the accused testified that complainant Bilog failed to call for regular meetings which is part of his duties as ABC President. He admitted that after he was elected by the majority of their members on November 16, 2012, he did not take his oath as ABC President, unlike when he was thereafter elected in 2013. After his election in November 2012, he attended the regular sessions and meetings of the *Sangguniang Bayan*, just like complainant Bilog. He mentioned that he was made to sign by the staff of the *Sanggunian* on a separate sheet, not on the attendance sheet where the *Sanggunian* members usually affix their signatures. He also did not prepare any committee report. He was only an observer during the meetings and did not talk nor participate therein. Moreover, he confirmed that there was no memorandum issued by the National LMB upholding his election as ABC President. Neither did the DILG issue any resolution, order or opinion confirming him as ABC President. The MLGOO of Laurel, Batangas, however, was present as an observer during the election.

The accused recalled that in April 2012, after the death of Carsocho, majority of the *Liga* members, of which he was part, wrote a letter to the DILG stating that they wanted to hold an election instead of applying the law on succession. Twelve (12) members, including himself, signed a manifesto to that effect. He asserted that complainant failed to call for regular meetings by reason of which they wanted to have an election. The accused stated that regular sessions were scheduled every second Tuesday of the month but it can be changed



anytime. According to him, he did not attend the meetings because they did not receive any invitation.

Upon clarification by the court, accused Endaya, Jr. revealed that complainant Bilog previously served as ABC President in 2007 to 2010 but he did not effectively lead the association. He went on to state that during the election on November 16, 2012, he had no opponent for the position of ABC President.

On re-direct examination, the accused mentioned that the election was held only in November because they gave complainant Bilog the chance to perform his duties. After the election, majority of the members of the *Liga* issued a Declaration of Support in his favor as ABC President.

The accused confirmed on re-cross that *Liga* Secretary Sylvia Austria was the one who prepared the manifesto. She likewise did not attend the regular meetings and was among those who voted for him during the election in November 2012.

Thereafter, the defense rested its case with the admission of its documentary evidence consisting of Exhibits "1" to "9" and "11" to "14".

On July 13, 2018, the parties filed their respective memoranda.

In its Memorandum, the prosecution asseverated that the accused public officers acted with evident bad faith, manifest partiality and gross inexcusable negligence. According to the prosecution, the following acts of the accused are characteristic of evident bad faith:

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1. As early as May 8, 2012, just twelve (12) days after the death of Carsocho, accused Endaya, Jr., together with other members of the LMB manifested their desire to disregard the provision of the law on succession when they executed and signed the manifesto which stated their intent to conduct an election;
2. This was followed by the Letter dated May 14, 2012 of accused Mayor Amo regarding the manifesto;
3. The intent of both accused Mayor Amo and Endaya, Jr. was to oppose the succession of then Vice President Bilog to the position of ABC President;
4. When Bilog was confirmed and acknowledged as the successor, having taken his oath, the accused made it difficult for Bilog to dispense his duties as ABC president.
5. Having the majority of the *Liga* members on their side, they were behind the intentional non-attendance of the majority in all regular meetings, thereby resulting in the lack of quorum to convene;
6. They used the very same reason of not holding regular meetings as a ground to oust complainant Bilog;
7. The ouster of Bilog was effected in a special meeting through an illegal election conducted by the raising of hands, not by ballots, and during which accused Endaya, Jr. was unlawfully declared as the new ABC President;
8. Accused Mayor Amo issued the subject memorandum, directing the holding of the salary and other benefits of complainant Bilog;

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9. Despite the demand letter of Bilog for the release of his salaries and benefits, accused Mayor Amo did not take any action;
10. Accused Mayor Amo admitted on cross-examination that there was no other claimant of the salaries nor is there any issue or case filed or pending on the matter of who the legitimate ABC President is;
11. Under R.A. No. 7160, the granting of Bilog's compensation and other benefits is within the power of the vice mayor.

The prosecution also averred that manifest partiality is demonstrated when both accused connived and conspired with each other to effect the ouster and withholding of salaries of Bilog. Accused Mayor Amo showed manifest partiality when he chose to stand by the legality of the election. On the other hand, accused Endaya, Jr. participated in the illegal calling of election to oust complainant Bilog despite the absence of any complaint or petition to remove the latter from office. The acts and respective participations of the accused when taken together, indicate a common understanding in the commission of the offense and cause undue injury to the complainant. That the accused mayor directed the withholding of the salaries of the complainant shows his partiality in favor of accused Endaya, Jr. whom he has supported from the start.

Assuming that the withholding of the salaries was done in good faith to protect the funds of the government, the prosecution asserted that there was gross inexcusable negligence on the part of the accused when they connived and conspired to cause undue injury to Bilog. Under the Local Government Code, it is the vice-mayor who exercises authority with respect to the expenditures of the *Sanggunian*. Accused Mayor Amo, however, upheld the election and directed the withholding



of the salaries of Bilog. He did so despite the absence of any pending matter on the determination of the legitimate ABC President. Without legal basis, he withheld the salaries of the complainant. The prosecution contended that the accused mayor should have sought the opinion of the DILG before he issued the memorandum. Neither did he ask the National *Liga*. Notwithstanding the resolution of the PLMB which acknowledged and recognized Bilog as the ABC President, the accused mayor continued to withhold the salaries and benefits of the complainant.

Anent the element of undue injury, the prosecution pointed out that the municipal payrolls show that complainant Bilog was receiving a monthly salary of P34,890.00, later increased to P39,800.00 as of January 1, 2013, plus Representation and Transportation Allowance (RATA) of P3,600.00 monthly until the subject memorandum was issued. He stopped receiving these for the period November 16-30, 2012 up to the end of his term as ABC President in November 2013. Likewise withheld were his 2013 Mid-Year and Year-End Bonuses of P39,800.00 each or P79,600.00; his Performance Enhancement Incentive Bonus for 2013; Clothing Allowance and Productivity Pay for 2013 in the amount of P5,000.00. The prosecution then asked that these accumulated salaries and benefits¹⁰ be released to the complainant subject to the legal interest rate of six percent (6%) per annum.

Both accused, on the other hand, maintained that the prosecution failed to prove all the elements of the offense charged and that conspiracy was not properly alleged and proven.

¹⁰ Exhibits "D-20" to "D-64".



According to the accused, the element that the accused must be a public officer only applies with respect to accused Mayor Amo.

Another element, that the accused acted with manifest partiality, evident bad faith or gross inexcusable negligence, is lacking. Accused Mayor Amo issued the Memorandum dated November 19, 2012 based on the Minutes dated November 16, 2012 and the Letter dated November 19, 2012. The use of the term "advice" in the memorandum shows that the same was merely recommendatory in nature. The discretion on whether to follow the advice was left to the persons to whom it was addressed. The accused further asseverated that the memorandum was issued in good faith to save the funds of the local government until the issue on the *Liga* presidency is settled. Thus, there is no undue injury to the government to speak of. On the part of accused Endaya, Jr., he merely performed the functions of the LMB President. Having been elected, he believed he was entitled to such position.

Accused Mayor Amo did not give unwarranted benefit, advantage nor preference to accused Endaya, Jr. The salary or monetary benefits of the LMB president were not received by the latter. Accused Mayor Amo did not release the amounts to the latter nor to any other person. The Municipal Treasurer certified that the funds are still available. There was no undue injury to the complainant because the funds remained with the municipal treasury.

Both accused posited that conspiracy was not properly alleged and proven. They maintained that there was no allegation of conspiracy in the complaint, but only in the information. Conspiracy was likewise not proven in the course of the trial. According to the accused, the charge



for violation of Section 3 (e) of R.A. No. 3019 has no basis without clearly showing how the crime was committed as well as the means, methods or schemes which may show their participation in the alleged conspiracy.

As stipulated by the parties during the pre-trial conference, the issue to be resolved may be summed up as whether or not both accused, in conspiracy with each other, are guilty of the crime of violation of Section 3 (e), R.A. No. 3019, by causing the removal of Eusebio C. Bilog as President of the ABC of Laurel, Batangas, through the election of accused Endaya, Jr. for the post, and thereafter withholding the latter's salary and benefits.

The pertinent provisions of R.A. No. 3019, as amended, are herein quoted for ready reference, viz:

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

X X X

(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.

In the case of *People vs. Sandiganbayan*,¹¹ the elements of the crime of violation of Section 3 (e) of R.A. No. 3019 are enumerated as follows: (1) the accused must be a public officer discharging

¹¹ G.R. No. 160619, September 9, 2015.

administrative, judicial or official functions; (2) he must have acted with manifest partiality, evident bad faith or gross inexcusable negligence, and (3) his action caused any undue injury to any party, including the government, or giving any private party unwarranted benefits, advantage or preference in the discharge of his functions.

Manifest partiality, evident bad faith and/or gross inexcusable negligence refer to the means by which an offense for violation of Section 3 (e) of R.A. No. 3019 may be committed. Thus, in *Coloma, Jr. vs. Sandiganbayan*,¹² on the meaning of "partiality," "bad faith," and "gross negligence," it was elucidated that "partiality" is synonymous with "bias" which excites a disposition to see and report matters as they are wished for rather than as they are. "Bad faith" does not simply connote bad judgment or negligence; it imputes a dishonest purpose or some moral obliquity and conscious doing of a wrong; a breach of sworn duty through some motive or intent or ill will; it partakes of the nature of fraud. "Gross negligence" has been so defined as negligence characterized by the want of even slight care, acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally with a conscious indifference to consequences in so far as other persons may be affected. It is the omission of that care which even inattentive and thoughtless men never fail to take on their own property.

A conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. Once an express or implied conspiracy is proved, all of the conspirators are liable as co-principals regardless of the extent and character of their respective active participation in the commission of the crime or crimes perpetrated in furtherance of the conspiracy because in

¹² G.R. No. 205561, September 24, 2014.

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contemplation of law *the act of one is the act of all*. The foregoing rule is anchored on the sound principle that "when two or more persons unite to accomplish a criminal object, whether through the physical volition of one, or all, proceeding severally or collectively, each individual whose evil will actively contributes to the wrong-doing is in law responsible for the whole, the same as though performed by himself alone."¹³

The case of *People vs Geronimo*¹⁴ cited by the accused is instructive that although the acts of the accused are apparently independent but in fact have the same object, are concerted and cooperative, they are considered to be engaged in conspiracy:

It has been laid down as a rule that when the defendants by their acts aimed at the same object, one performing one part and another performing another part so as to complete it, with a view to the attainment of the same object, and their acts, though apparently independent were in fact concerted and cooperative, indicating closeness of personal association, concerted action and concurrence of sentiments, the court will be justified in concluding that said defendants were engaged in a conspiracy.

It can be gleaned from the collective evidence presented that after the death of then ABC President Cantucan Carsocho on April 26, 2012, complainant Eusebio Bilog, as Vice President, succeeded the former and took his oath the next day, April 27, 2012, as evidenced by his *Panunumpa sa Katungkulan*.¹⁵

In a Letter dated May 8, 2012,¹⁶ Liga Secretary Sylvia Austria informed PLMB President Herminigildo Dolor, of Batangas Provincial Chapter, regarding the request of the majority to conduct an election for the position vacated by the deceased president. Attached to the said

¹³ *People vs. Go*, G.R. No. 168539, March 25, 2014, citing *People vs. Peralta*, G.R. No. L-19069, October 29, 1968.

¹⁴ G.R. No. L-35700, October 15, 1973.

¹⁵ Exhibit "C".

¹⁶ Exhibit "Q".

letter is a copy of the Indorsement dated May 7, 2012¹⁷ and the Manifesto dated April 30, 2012¹⁸ addressed to MLGOO Angelica Sagun with eleven (11) *Liga* members as signatories who wanted to have an election.

On May 11, 2012, the Executive Board of the National *Liga* issued Resolution No. CA-PRJME-05-000038 s. 2012,¹⁹ confirming the assumption of Bilog as President. On May 14, 2012, MLGOO Angelica Sagun endorsed a copy of the oath of office of Bilog to the President of the National *Liga*, Ricojudge Echiverri.²⁰

In a Letter dated May 14, 2012 addressed to PLMB President Dolor,²¹ accused Mayor Amo declared his support for the manifesto of the *Liga* to hold an election and mentioned therein that while the law on succession may apply, the rule of majority of the members may also prevail to command leadership among them.

During the regular sessions of the LMB, Laurel Chapter, on August 7, September 4 and November 6, all in 2012,²² only nine (9) members attended. Twelve (12) *punong barangays* did not attend for which reason it was declared that there was no quorum.

On November 16, 2012, a special session was held during which there was a complete attendance of the twenty-one (21) members of the *Liga*. Based on the minutes²³ thereof, the positions were declared vacant and an election was held after nine (9) members, including

¹⁷ Exhibit "Q-1".

¹⁸ Exhibits "Q-2" and "Q-3".

¹⁹ Exhibit "B".

²⁰ Exhibit "C-1".

²¹ Exhibit "R".

²² Exhibits "S" to "S-2", respectively.

²³ Exhibit "H".



Bilog, walked out. Twelve (12) members remained and participated in the election wherein accused Endaya, Jr. was elected as president.

To her cover letter dated November 19, 2012 addressed to the accused mayor,²⁴ *Liga* Secretary Austria attached a copy of the minutes of the special session dated November 16, 2012, together with other documents, particularly, the letters of invitation for the special session to the barangay captains²⁵ and to MLGOO Sagun,²⁶ as well as the proof of service²⁷ of the invitation to the barangay captains.

In a Memorandum dated November 19, 2012²⁸ to the municipal budget officer, municipal treasurer and municipal accountant, accused Mayor Amo gave advice to temporarily hold the salary and other monetary benefits of complainant Bilog until further notice and resolution of the situation concerning the representation of the LMB to the *Sanggunian*. The memorandum was to take effect immediately.

During the regular session on December 4, 2012,²⁹ the lack of quorum was again declared as only seven (7) members attended. On December 12, 2012, complainant Bilog wrote a demand letter³⁰ addressed to accused Mayor Amo for the release of his salaries for the period November 30, 2012. He mentioned therein the Resolution dated May 11, 2012 of the National *Liga* recognizing him as the LMB President of Laurel Chapter.

²⁴ Exhibit "7"

²⁵ Exhibit "F".

²⁶ Exhibit "J"

²⁷ Exhibit "E"

²⁸ Exhibit "G".

²⁹ Exhibit "S-3".

³⁰ Exhibit "L".

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Through a Memorandum dated January 7, 2013,³¹ Bilog informed the *Liga* members of the special session to be held on January 15, 2013. Eleven (11) members were in attendance during the scheduled date.³² On the same day, January 15, 2013, the board of directors of the PLMB, Batangas Chapter unanimously approved Resolution No. 01-13³³ which upheld, affirmed and defended the mandates of the 2010 Constitution and By-Laws of the LMB *sa Pilipinas*, particularly Article XII, Section 2 on Vacancies and Succession, and thereby resolved to proclaim and authorize Bilog to assume as President for the unexpired term of Cantucan Carsocho.

Vice Mayor Florencio Villanueva also wrote the accused mayor a Letter dated March 25, 2013³⁴ to request the lifting of the subject memorandum. He pointed out that under the provisions of the Local Government Code on the separation of powers and functions of the executive and legislative departments, the granting of Bilog's compensation and other benefits is within his power as the vice-mayor, he being the signatory in all warrants drawn from the municipal treasury for all expenditures appropriated for the operation of the *Sangguniang Bayan*.

In a Letter dated August 30, 2013,³⁵ Regional Director Josefina E. Castillo-Go, DILG-Region IV-A (CALABARZON), in response to the letter of SB Member Marivic A. Mayuga of Laurel, Batangas, and quoting her (Castillo-Go) Letter dated August 29, 2013 addressed to Bilog, who had a similar concern, categorically stated that the DILG-Region IV-A respects the confirmation by the National *Liga*, in

³¹ Exhibit "S-4".

³² Exhibit "S-5".

³³ Exhibit "N".

³⁴ Exhibit "O".



³⁵ Exhibit "M".



accordance with the *Liga* Constitution and By-Laws, the assumption of Bilog as President. She further stated that their record does not show any certificate of confirmation nor any similar document issued by the National *Liga* which indicates its affirmation of the results of the election on November 16, 2012.

The above facts established that there were concerted efforts clearly apparent from the overt acts of both accused to unseat Bilog and hold an election. The plan to oust Bilog was already apparent as early as April 30, 2012, or four (4) days after the death of the LMB President, when accused Endaya, Jr. and ten (10) other members signed a manifesto expressing their desire to conduct an election in disregard of the law on succession. Around two (2) weeks later, on May 14, 2012, the accused mayor himself wrote PLMB President Dolor, saying that he stood by the desire of the majority. This was certainly uncalled for considering that the dispute concerned purely the affairs of the *Liga* in the Municipality of Laurel free from any partisan or political intervention especially from the accused mayor.

Confident that they had the support of the accused mayor relative to their intentions to unseat Bilog and having the majority on their side, accused Endaya, Jr. and his group crippled and undermined the leadership of Bilog by deliberately absencing themselves from the regular sessions thereby resulting in a lack of quorum. Consequently, Bilog cannot hold a meeting nor go forward with any activity or agenda for the association. Based on the minutes of the meeting on November 16, 2012, the last regular session was held on June 4, 2012. To make matters more difficult for Bilog, his salaries and benefits were withheld upon the behest of the accused mayor which again was beyond his authority to undertake under the Local Government Code. In effect, it

was in recognition of the election of accused Endaya, Jr. in the guise of claiming that there was an issue as to who between them was the legitimate president; when there was actually none.

The undue intervention of the accused mayor in what otherwise was non-partisan affairs of the *Liga* could only be due to the fact that Bilog was not affiliated with the political party of the accused mayor. In his complaint, Bilog alleged that accused Mayor Amo was politically motivated to have control of the LMB of Laurel as it is known that complainant Bilog does not belong to the political faction of the mayor and does not give him any political support. While the accused posited in their memorandum that the allegations of the complainant were not proven in the course of trial, accused Mayor Amo did not deny that complainant Bilog does not belong to his political faction. It can be discerned from their acts that Bilog was not a political ally, as it were, hence, the sustained efforts of the two (2) accused to remove him as president even if it was in violation of the Constitution and By-Laws of the *Liga*.

In the case of *The National Liga ng mga Barangay vs. Paredes, et al.*,³⁶ the Supreme Court had the occasion to discuss the nature of the barangays and the *Liga ng mga Barangay*. At the onset, the high court declared that at stake in that case was "the realization of the constitutionally ensconced principle of local government autonomy; the statutory objective to enhance the capabilities of barangays and municipalities 'by providing them opportunities to participate actively in the implementation of national programs and projects;' and the promotion of the avowed aim to ensure the independence and non-

³⁶G.R. Nos. 130775 and 31939, September 27, 2004.



partisanship of the *Liga ng mga Barangay*. It went on to discuss as follows:

Indeed, it is the declared policy of the State that its territorial and political subdivisions should enjoy genuine meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals.

X X X

As the basic political unit, the barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects and activities in the community, and as a forum wherein the collective views of the people may be expressed, crystallized and considered, and where disputes may be amicably settled.

On the other hand, the *Liga ng mga Barangay* is the organization of all *barangays*, the primary purpose of which is the determination of the representation of the *Liga* in the *sanggunians*, and the ventilation, articulation, and crystallization of issues affecting *barangay* government administration and securing solutions thereto, through proper and legal means.

X X X

The *Ligas* are primarily governed by the provisions of the Local Government Code. However, they are empowered to make their own constitution and by-laws to govern their operations. Sec. 507 of the Code provides:

Sec. 507. *Constitution and By-Laws of the Liga and the Leagues.* - All other matters not herein otherwise provided for affecting the internal organization of the leagues of local government units shall be governed by their respective constitution and by-laws which are hereby made supplementary to the provision of this Chapter: *Provided*, that said Constitution and By-laws shall always conform to the provision of the Constitution and existing laws.

Pursuant to the Local Government Code, the *Liga ng mga Barangay* adopted its own Constitution and By-Laws. It provides that the corporate powers of the *Liga*, expressed or implied, shall be vested in the board of directors of each level of the *Liga* which shall:

- a) Have jurisdiction over all officers, directors and committees of the said *Liga*; including the power of appointment, assignment and delegation;
- b) Have general management of the business, property, and funds of said *Liga*;

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- c) Prepare and approve a budget showing anticipated receipts and expenditures for the year, including the plans or schemes for funding purposes; and
- d) Have the power to suspend or remove from office any officer or member of the said board on grounds cited and in the manner provided in hereinunder provisions.

It is glaringly clear from the above disquisitions that *barangays* and the *Ligas* are independent and non-partisan. They should be insulated from politics. The *Ligas* are governed by the provisions of the Local Government Code and are empowered to make their own constitution and by-laws which shall govern their operations.

In the instant case, upon the death of then president Carsocho, Section 2, Article XII of the 2010 Constitution and By-Laws of the *Liga*, particularly, "Term and Tenure of Office and Vacancies", applies:

Section 2. Vacancies and Succession. In case of a permanent vacancy in the Office of the President due to x x x death, x x x the Vice-President, in the case of local liga at all levels, shall assume the office for the unexpired term of the former. Succession shall take effect only after confirmation of the National Liga Executive Board. The Vice President who assumed the vacant position shall represent the Liga Chapter in the Sanggunian concerned.

As Vice President, Bilog succeeded Carsocho and assumed as President, pursuant to the aforequoted provision. His succession took effect upon the confirmation by the National *Liga* Executive Board in its Resolution dated May 11, 2012.

However, majority of the members did not want him for the position and expressed their desire to conduct an election instead. It is worthy to note, and as pointed out by the prosecution, that the members who complained of the lack of meetings called by complainant Bilog were



the very same ones who were consistently absent during the scheduled meetings, thereby resulting in the lack of quorum. The supposed lack of meetings therefore cannot be attributed to the complainant and should not constitute sufficient ground to declare his post vacant. Their claim that they did not receive any invitation is rather flimsy considering that MLGOO Sagun was able to attend and was present during the meetings. In fact, she testified there were one (1) or two (2) instances when the meetings were supposed to be held at her office but these did not push through due to lack of quorum. It is highly improbable that Ms. Sagun and the nine (9) barangay captains were notified of the meetings and were able to attend the same while the twelve (12) others were not supposedly invited. In other words, there was absolutely no valid nor legal basis to oust the complainant save for the fact that they simply did not want him to remain in his post, and they happened to have the numbers.

In fact, a reading of the minutes of the session on November 16, 2012 reveals that the majority had every intention to remove Bilog and cut his legs out from under him, so to speak. Notably, the twelve (12) members who did not bother to attend the regular sessions were present during the special session. The late PB Nejemias Ariola, temporary presiding officer, opened the meeting by saying that majority of the members called for the meeting because of the inaction and failure on the part of Bilog to lead the organization. He pointed out that for the past five (5) consecutive regular sessions, not one meeting was conducted by Bilog. PB Marciana Ramos voiced her objection and remarked that the meetings did not push through because majority of the members had not been attending, pointing to the group of Ariola and Endaya, Jr. When this issue on the non-attendance of the group and the lack of quorum was brought up, they did not offer any



explanation. No mention was made that it was due to the supposed lack of invitation.

Too, it can be noted from the same minutes that accused Endaya, Jr. was insistent on declaring the positions vacant. That he was eyeing the presidency or any position and that the group intended to sabotage the presidency of Bilog is thus not far-fetched. The pertinent portion of the minutes, written in Filipino, reads:

Matapos nito, naging pahayag ni Kgg. Severino A. Endaya, Jr. na sa pagkakataong iyon ay kanyang iminumungkahi na mabakante ang lahat ng mga kasalukuyang posisyon ng Liga ng mga Barangay at maghalal ng bagong pamunuan na kikilalanin ng lahat at nakararam. Ang mungkahi ay agad na pinangalawahan ni Kgg. Domingo T. Tenorio at sinang-ayunan naman ng nakararaming Punong Barangay.

Accused Endaya, Jr. also paid no attention to the reminder of MLGOO Sagun that the proposed election is not provided for under the Constitution and By-Laws of the *Liga*. He was emphatic that while no such provision exists, there is no prohibition either. They can do so, being under a democratic form of government:

Samantalang sa pulong na iyon ay naging panauhin din ang MLGOO Angelica Sagun ay kanyang sinabi na noong nakaraang April 30, 2012 ay nakatanggap siya ng sulat galing sa majority ng mg Punong Barangay at dahil dito ay isang manifesto na nagsasaad na gusto nilang magkaroon ng halalang muli, ay kanyang sinabi at ibinalik niya ito sa Liga Board of Directors, kanya ring sinabi na nagpunta din daw naman sina Kap. Endaya, Jr. at Kap. Austria sa National Liga ay tinanong niya kung anong naging sagot ng National Liga, na naging katugunan ni Kap. Endaya, Jr. na nagpareceive lamang siya ng ilang mga papeles dahil hindi naman nila natagpuan ang National President. Naging saloobin ni DILG Sagun na anong basehan at kailangan maghalalan samantalang wala namang nakasaad sa batas na pwedeng maghalalan muli. Ang tanong na ito ay mariing tinugon ni Kgg. Endaya, Jr. na wala naman ngang sinabi sa Batas na pwedeng maghalalang muli pero hindi rin naman sinabi na hindi rin pwede, sa kadahilanang tayo naman ay nasa democratic form of government, kung kaya sa pagkakataong iyon ay ipinahayag

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ni Kgg. Endaya, Jr. na magbotohan para malaman ang pulso ng nakararami.

As the discussions heated up, complainant Bilog moved to close the session. Accused Endaya, Jr., however, questioned why the session should be adjourned when there were still matters to be discussed. He then reiterated his proposal that the positions be declared vacant. MLGOO Sagun again commented on the declaration of vacancies but he shut her off, saying she was merely an observer:

Sa pagkakataong iyon ay nagsalita ang MLGOO Sagun tungkol sa pagdeklara na bakantehin ang pwesto pero sinabi ni Kgg. Endaya, Jr. na: Ma'am kayo po ay aming inimitahan para mag-observe, kung anuman po ang mangyari sa aming kagustuhang ito ay maluwag naming tatanggapin, ito po ay aming dadalihin sa mga *concerned agencies* para maipakita ang aming sinseridad hinggil sa usapin, x x x.

Thereupon, PB Ulitin nominated Endaya, Jr. to the position of president. At this juncture, nine (9) *punong barangays* walked out while twelve (12) were left and participated in the election.

Such actuations of accused Endaya, Jr. of going to the National *Liga* to submit some documents and looking for the National President, his consecutive absences in the regular sessions, his active participation during the special session and recommending the declaration of the present positions as vacant, all point to his refusal to recognize the presidency of Bilog and wanting the position for himself in violation of the *Liga* rules on automatic succession. His acts are characteristic of evident bad faith. Together with his allies, they were confident to remove Bilog as they enjoyed the support of accused Mayor Amo as early as May 2012, and all throughout, as clearly manifested by his directive in the guise of a memorandum to withhold the salaries and benefits of complainant Bilog.

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As pointed out by the complainant, the conduct of the election was not by secret ballots as provided by the Constitution and By-Laws. Neither did the group of accused Endaya, Jr. raise the grounds provided by law for his removal nor did they follow the proper procedure outlined in their rules. Therefore, the conduct of the election and the manner of removing Bilog is in question for being in violation of the rules of the *Liga*.

After the election, *Liga* Secretary Austria was tasked to inform the concerned agencies and offices of the results of the election. Accordingly, on November 19, 2012, three (3) days after the election, Austria furnished copies of the minutes and other documents to the accused mayor. Her cover letter, written in Filipino, ended with the note, "*Para po sa inyong lubos na kabatiran at kaukulang aksiyon.*"

On November 19, 2012, the same day the accused mayor received the letter of Austria of even date, accused Mayor Amo immediately issued the subject memorandum, the body of which is entirely quoted hereunder:

In view of the current situation concerning the status and merit of the representation of Ex-Officio member of the so[-]called *Liga ng mga Punong Barangay* to the Sangguniang Bayan of Laurel, Batangas, Advice is hereby given to temporary (sic) hold the granting of salary and other monetary benefits to Punong Barangay Eusebio Bilog until further notice and resolution of the issue at hand of the *Liga ng mga Punong Barangay* by proper authorities.

This memorandum is issued with reference to the minutes of the meeting of the aforementioned *Liga ng mga Punong Barangay*.

This memorandum shall take effect immediately.

Apparently on cue, accused Mayor Amo sprang into action on the very same day that he received the letter and documents from Austria. No other observation can be made except that he acted posthaste after his



co-accused was elected, clearly indicative of another prior design and unity of purpose between them. The court cannot help but wonder why the mayor was furnished a copy of the documents, and why he was supposed to take action on the affairs of the *Liga*. His uncanny reaction of acting so swiftly within the day by directing the withholding of the salaries and benefits of the complainant, and intransigent attitude against lifting the same, could only yield the unmistakable conclusion that he was part of the conspiracy to remove Bilog from his post. As aforestated, among the primary purposes of the *Liga* is the determination of its representation to the *Sanggunian*, of which the accused mayor is not part.

That there were talks behind the scenes between and among the allies, including accused Mayor Amo and Endaya, Jr., in the interim from April 30, 2012 when they made the manifesto up to the time they conducted the elections on November 16, 2012, cannot simply be ignored. While the accused mayor was categorical that he did not participate in the meetings and the elections, he was very much updated about what transpired during the special session relative to the removal of Bilog and the conduct of the elections, similar to the time when he was given a copy of the manifesto way back in April or May 2012. In record time, he issued the memorandum holding the latter's salaries and benefits "effective immediately."

The court cannot subscribe to the contention of the accused that the memorandum was merely recommendatory in nature. A reading of the memorandum in its entirety leads one to understand that the term "advice" is not to be construed as a recommendation but a clear directive to the municipal officers who were the addressees. Too, the holding of the salaries is to take effect immediately and shall remain

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“until further notice” which could only mean that the memorandum was a directive for them to hold the salaries and benefits of Bilog. Nothing is therefore left to the discretion of the municipal officers concerned. This is bolstered by the fact that the memorandum ends with the statement that it “shall take effect immediately.”

That the memorandum was issued to avoid undue payment of public funds is a shallow excuse, and therefore but a ruse. The accused mayor cannot deny the fact that he gave undue interest over the situation despite his lack of authority. He could, and should, have shied away from the internal wranglings between the two factions because he had no authority to actively get entangled in the mess. Yet, at the pretense of safeguarding public funds, he allowed himself to get embroiled in it. By doing so, he clearly made an impression of recognizing the validity of the illegal takeover by accused Endaya, Jr.

In contrast, the glaring fact is that the *Sangguniang Bayan* continued to recognize and consider Bilog as LMB President. The minutes of the sessions categorically reflect his name and attendance with the description “Kagawad/LMB *Pangulo*” opposite his name. While accused Endaya, Jr. supposedly attended the sessions, nowhere does his name appear in the minutes and official documents of the legislative body. Neither did he accomplish committee reports or perform other duties as *ex officio* member thereof.

It bears stressing that the complainant performed his concomitant duties as ABC president to sit as an *ex officio* member of the *Sangguniang Bayan*. The minutes of the sessions from June 2012 to June 2013³⁷ show that he attended the regular sessions of the

³⁷ Exhibits “P-2” to “P-2-v”.

Sangguniang Bayan and prepared the committee reports and recommendation letters³⁸ in connection therewith. This is notwithstanding the fact that he did not receive his salary and benefits as an *ex officio* member of the *Sanggunian* commencing from the second half of November 2012 by reason of the memorandum issued by the accused mayor. This is supported by the Certification dated September 4, 2017³⁹ issued by Vice Mayor Felimon P. Austria to the effect that, save for two (2) occasions on April 1, 2013 and November 8, 2013, Bilog attended the regular sessions from May 21, 2012 up to November 25, 2013. To reiterate, the fact that his name is reflected in the corresponding minutes of the sessions, not that of accused Endaya, Jr., strongly indicates that he was the recognized member thereof.

Notably, too, the involvement of accused Mayor Amo with the affairs of the *Liga* can be determined early on. In May 2012, he acted on the manifesto of the group of accused Endaya, Jr. dated April 30, 2012 when he wrote PLMB President Dolor to declare his support for the desired election. In stark contrast to the swift action of accused Mayor Amo on the manifesto as well as the election of co-accused Endaya, Jr., he refused and failed to take action on the letters of the vice-mayor and the complainant in December 2012 and March 2013, respectively, for the lifting of the memorandum and the release of the latter's salaries. Their requests simply fell on deaf ears, so to speak. He took his own sweet time and did not take heed up to the present. His partiality towards accused Endaya, Jr. and his group is therefore manifest and glaring.

Accused Mayor Amo cannot feign ignorance over the confirmation of complainant Bilog by the National *Liga* as of May 2012 considering

³⁸ Exhibits "P-1" to "P-1-b".

³⁹ Exhibit "P".

that this was embodied in the Letter dated December 12, 2012 of the complainant, questioning the memorandum and demanding the release of his salaries. In fact, the accused mayor admitted in open court that he received the said demand letter. Likewise, PLMB President Dolor testified that the provincial chapter furnished the accused mayor a copy of their resolution in January 2013, upholding the assumption of Bilog as LMB President pursuant to the Constitution and By-Laws of the *Liga*. Furthermore, Regional Director Castillo-Go, of DILG-Region IV-A, also expressed in her letter-replies in August 2013 that, in view of the confirmation by the National *Liga* of the assumption of Bilog after the death of LMB President Carsocho, their office accords respect to such confirmation and recognizes Bilog as President. Thus:

x x x We also are not unaware that in the event of permanent vacancy in the Office of the President, succession shall take effect only after confirmation of the National Liga Executive Board.

In the instant case, our record does not show any certificate of confirmation or any similar document issued by the National *Liga* Board indicating affirmation of the results of the November 16, 2012 election held by the 12 punong barangays you have mentioned. Record instead yields Resolution No. CA-PRJME-05-000038 s. 2012 issued by the National Executive Board, Liga ng mga Barangay sa Pilipinas confirming your assumption to the position of and as President of Laurel, Batangas Chapter, by reason of the death of then President PB Cantucan C. Carsocho.

As the Liga Constitution and By-Laws confers upon the National Liga ng Barangay sa Pilipinas the authority to exercise power and control over all its officers and members and the internal affairs of liga chapters, we accord respect to such confirmation and accordingly, recognize the person whose name and position appearing in Resolution No. CA-PRJME-05-000038 s. 2012, as the President of the Liga ng mga Barangay, Laurel Chapter.

It can be gathered further from the said letter that the results of the elections on November 16, 2012 and other pertinent documents were not submitted to the DILG. Neither was any oath of office of accused

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Endaya, Jr., who was supposedly the newly-elected president, submitted to the DILG.

Likewise, it must be mentioned that the said letter of the DILG was in reply to the query of SB member Marivic Mayuga to the DILG, seeking its legal opinion relative to the *Liga* presidency issue between Bilog and Endaya, Jr. It bears emphasis that accused Mayor directed the temporary holding of salaries and benefits of Bilog "until further notice and resolution of the issue at hand." However, he did not lift a finger despite the opinion of the DILG recognizing the legitimacy of succession by Bilog. Up to the present, he has also failed to act on the demand of Bilog to release his salaries and benefits despite the recognition by the National *Liga*. There was thus no bonafide dispute to speak of as to who should be at the helm of the LMB of Laurel despite the lame excuse to the contrary by the accused mayor.

Meddling with the affairs of the *Liga* to suit his political agenda, supporting the manifesto to hold an election thereby showing complicity in the removal of Bilog as president, and later on unjustly depriving Bilog of his salary and other benefits for an overly extended period of time despite demands to release the same, constitute evident bad faith and/or gross inexcusable negligence on the part of the accused mayor. His acts were in utter disregard of the recognition of the presidency of Bilog by the National *Liga* in May 2012, by the Provincial *Liga* in January 2013 and by the DILG in August 2013. Moreover, he knew fully well that the elections proposed and led by co-accused Endaya, Jr. ran counter to the provisions of the *Liga* on vacancies and succession. Nonetheless, he used the alleged issue on the presidency as an excuse to hold the salaries of Bilog and deprive him of his benefits despite being the legitimate and recognized president.

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From the foregoing, there is overwhelming evidence to hold that conspiracy between the two (2) accused has been established. The court likewise finds that the accused acted with manifest partiality, evident bad faith or gross inexcusable negligence.

Anent the element of undue injury, the court also finds the same in the affirmative. By reason of the concerted acts of the accused to unseat Bilog, to conduct the elections without valid grounds, and to hold his salaries and benefits, Bilog was deprived of his salaries and monetary benefits from November 2012 up to November 2013⁴⁰ when his term expired. Up to the present, the amounts have not been released to him. The acts of the accused caused undue injury to the complainant who was unduly deprived of his salaries and benefits despite his assumption of the presidency recognized by the national and provincial *Liga*, the *Sangguniang Bayan* and the DILG. Moreover, accused Mayor Amo gave unwarranted advantage, preference and benefit in favor of accused Endaya, Jr. whose election as president was not recognized or confirmed by the said offices.

The totality of the acts of the accused, taken together, indubitably point to a concerted action and conspiracy to invalidate the succession of Bilog as President of LMB Laurel, Batangas and remove him from office. After the election of accused Endaya, Jr., Bilog was deprived of the salaries and benefits to which he was otherwise entitled. This was adequately proven by the prosecution through Exhibits "D-20" to "D-64".

WHEREFORE, in light of the foregoing, judgment is hereby rendered finding both accused, Randy James E. Amo and Severino A. Endaya, Jr., , GUILTY beyond reasonable doubt of violation of

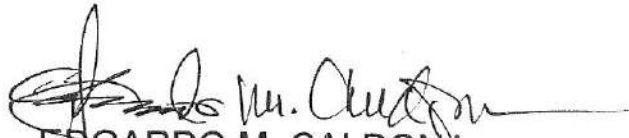
⁴⁰ Exhibits "D-20" to "D-64".



Section 3(e) of R.A. No. 3019 and, pursuant to Section 9 thereof, are hereby sentenced to suffer the indeterminate penalty of imprisonment of six (6) years and one (1) month, as minimum, up to ten (10) years, as maximum, with perpetual disqualification from holding public office.

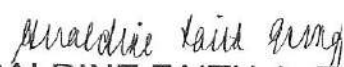
SO ORDERED.

Quezon City, Metro Manila, Philippines


EDGARDO M. CALDONA
Associate Justice

WE CONCUR:


EFREN N. DE LA CRUZ
Associate Justice
Chairperson


GERALDINE FAITH A. ECONG
Associate Justice

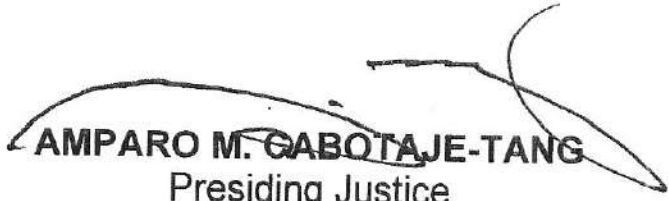
ATTESTATION

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.


EFREN N. DE LA CRUZ
Chairperson, First Division

CERTIFICATION

Pursuant to Article VIII, Section 13, of the Constitution, and the Division Chairperson's Attestation, it is hereby 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. GABOTAJE-TANG
Presiding Justice

