



REPUBLIC OF THE PHILIPPINES
Sandiganbayan
Quezon City

FOURTH DIVISION

PEOPLE OF THE PHILIPPINES,
Plaintiff,

- versus -

GWENDOLYN BURAY ECLEO,
Accused.

CRIM. CASES NOS. SB-17-
CRM-1672 to 1674

For: Perjury under Article
183 of the Revised Penal
Code

Present:


QUIROZ, J., *Chairperson*
CRUZ, J.
JACINTO, J.

Promulgated on:

29 NOVEMBER 2019

X-----X

DECISION

 CRUZ, J.

Accused Gwendolyn Buray Ecleo ("Ecleo") is charged with three (3) counts of Perjury defined and penalized under Article 183 of the Revised Penal Code, as amended, in Criminal Cases Nos. SB-17-CRM-1672, SB-17-CRM-1673 and SB-17-CRM-1674. Save for the dates of alleged commission of the offense and the years covered by the Sworn Statements of Assets, Liabilities and Net Worth with Disclosure of Business Interests and Financial Connections and Identification of Relatives in the Government Service ("SALNs"),¹ the

¹ In Criminal Case No. SB-17-CRM-1673, the date alleged is "in May 2008, or sometime prior or subsequent thereto" and the subject SALN is for the year 2007. Records, pp. 4-6. In Criminal

γ

X-----X
accusatory allegations in the three (3) Informations similarly read as follows:

That in January 2007, or sometime prior or subsequent thereto, in the Municipality of Dinagat, Province of Dinagat Islands, Philippines, and within the jurisdiction of this Honorable Court, accused **GWENDOLYN BURAY ECLEO**, a high-ranking public officer being then the Municipal Mayor of Dinagat, Province of Dinagat Islands, in such capacity, committing the offense in relation to office and taking advantage thereof, did then and there willfully, unlawfully and feloniously make a false statement upon a material matter in her Sworn Statement of Assets, Liabilities, and Net Worth with Disclosure of Business Interest and Financial Connections and Identification of Relatives in the Government Service for the year 2006, subscribed under oath, before a competent person authorized to administer oaths, when she made it appear that she did not own the following five motorcycles: 1) Honda NF 100 with plate number MS-5954 and engine number HC08E-5033016; 2) Honda BRAVO 100 with plate number MS-6954 and engine number KVM00E-006146; 3) Honda Bravo 100 with plate number MS-6952 and engine number KVM00E-007971; 4) Honda Bravo 100 with plate number MS-6953 and engine number KVM00E-006953; and 5) Honda BRAVO 100 with plate number MS-6955 and engine number KVM00E-007350; when in truth and in fact as the said accused very well knew that the said statement is false as she owned these motorcycles which she purchased in 2006 and registered the same in her name, thereby making a willful and deliberate assertion of a falsehood in a sworn statement required to be filed under Section 7 of Republic Act No. 3019 and Section 8 of Republic Act No. 6713, to the damage and prejudice of the public interest.

CONTRARY TO LAW.²

The Court issued a hold-departure order against Ecleo on 15 September 2017.³

On 18 September 2017, before a warrant of arrest could be issued against her, Ecleo posted cash bond in the amount of ₱18,000.00 for her provisional liberty.⁴

She filed a Motion to Quash the Informations and to Dismiss the Cases⁵ that the Court denied in its Resolution⁶ dated 21 March 2018.

Case No. SB-17-CRM-1674, the date alleged is "in May 2011, or sometime prior or subsequent thereto" and the subject SALN is for the year 2010. *Id.*, pp. 7-9.

² Information in Criminal Case No. SB-17-CRM-1672. *Id.*, pp. 1-3.

³ *Id.*, p. 63.

⁴ Order dated 18 September 2017. *Id.*, p. 68.

⁵ *Id.*, pp. 99-106.

⁶ *Id.*, pp. 148-155.

x-----x
On 16 April 2018, she was arraigned and pleaded "not guilty" to the charges against her in the three (3) Informations.⁷

The parties did not enter into a joint stipulation of facts.

ISSUES

As stated in the Pre-Trial Order,⁸ the prosecution proposed the following issues for the consideration of the Court:

Whether or not Accused at the time material to the allegations in the Information, being then the Municipal Mayor of Dinagat, Dinagat Islands, made a false statement upon a material matter in her SALN for the years 2006, 2007, and 2010, subscribed under oath, when she made it appear that she did not own the following five motorcycles:

- A. Honda NF100 with plate [n]umber MS 5954 and engine number HC08E-5033016,
- B. Honda BRAVO 100 with plate number MS 6954 and engine number KVM00E-006146,
- C. Honda BRAVO 100 with plate number MS-6952 and engine number KVM00E-007971,
- D. Honda BRAVO 100 with plate number MS-6953 and engine number KVM00E-006953, and
- E. Honda BRAVO 100 with plate number MS-6955 and engine number KVM00E-007350,

when in truth and in fact, accused very well knew that the said statement is false as she owned these motorcycles which she purchased in 2006 and registered the [s]ame in her name, thereby making a wilful and deliberate assertion of a falsehood in a sworn statement required to be filed under Section 7 of the Republic Act No. 3019 and Section 8 of Republic Act No. 6713, to the damage and prejudice of the public interest.

The defense proposed the following issues:

1. Whether or not the five (5) motorcycles alleged in the Informations filed in these cases were disclosed in the SALNs of the accused for FY 2006, 2007 and 2010;
2. Whether or not accused was under legal obligation to disclose said five (5) motorcycles in her SALNs for 2006, 2007 and 2010;
3. Whether or not accused personally prepared said SALNs and whether or not she personally appeared before a notary public

⁷ Order dated 16 April 2018. *Id.*, p. 164. *g*

⁸ *Id.*, pp. 250-263.

m

x-----x

or any person authorized to administer oath on her said SALNs for 2006, 2007 and 2010;

4. Whether or not the said five (5) motorcycles, at the time of its purchase in 2006 from EduHome Enterprises, were conjugal properties of accused, her former husband Baltazar Robert B. Durano;
5. Whether or not the signature/initial of the accused appear in any document issued by EduHome Enterprises evidencing the purchase/payments of the said five (5) motorcycles or in any document issued by LTO evidencing registration of same motorcycles; and
6. Whether or not the different signatures/initials found in the charge invoices by EduHome Enterprises under "Received By" and above "Customer" for the said five (5) motorcycles purportedly in the name of the accused belong to her or are forged.

In the main, the issue is whether or not Ecleo is guilty beyond reasonable doubt of the crime of Perjury as charged in the three (3) Informations.

EVIDENCE FOR THE PROSECUTION

The prosecution presented witnesses **Cecile Jacqueline P. Larena, Mary Sol A. Ariate, Jeraldine B. Camporedondo and Laila J. Bacolod.**

1. **Cecile Jacqueline P. Larena** ("Larena"),⁹ Associate Graft Investigation Officer III, Office of the Deputy Ombudsman for Mindanao, testified on **direct examination**¹⁰ that, based on a letter-complaint filed by a certain Bernabe Imaden, she conducted a fact-finding investigation on Ecleo's properties. During the investigation, she found that there were five (5) motorcycles registered in the name of Ecleo which were not declared in her SALNs for the years 2006, 2007 and 2010. Larena identified a letter from the Land Transportation Office (LTO), certificates of registration and official receipts respectively marked as Exhibits "L," "F," "G," "H," "I," "J" and their sub-markings, as well as Ecleo's SALNs for the years 2006, 2007 and 2010, respectively marked as Exhibits "C," "D" and "E."

⁹ TSN, 10 October 2018.

¹⁰ *Id.*, pp. 9-16.

γ

mn

x-----x
On **cross-examination**,¹¹ she admitted that she did not ask Eduhome Enterprises, Inc. who actually bought the subject five (5) motorcycles from it. She also did not inquire who personally registered such vehicles with the Land Transportation Office ("LTO"). She relied on the fact that the official receipts ("ORs") and certificates of registration ("CRs") for the motorcycles were registered in the name of Ecleo to conclude that they were actually owned by the latter. She was aware that Ecleo was still single in 2006, the year in which the motorcycles were purchased. She admitted that the CRs for the motorcycles do not have any signature on the portions stating "Registrant's Signature," although the name of Ecleo can be found thereon as the owner of the five (5) motorcycles.

2. The testimony of **Mary Sol A. Ariate**,¹² Administrative Officer I, Case Records Evaluation Monitoring and Enforcement Bureau of the Office of the Deputy Ombudsman for Mindanao, was dispensed with after the parties stipulated that as the records custodian, she would be able to identify Ecleo's SALNs for the years 2006, 2007 and 2010, respectively marked as Exhibits "C," "D" and "E," as among the documents in the custody of her office.

3. The testimony of **Jeraldine B. Camporedondo**,¹³ Administrative Officer IV (HRMO II) of the Human Resource Office of the Municipal Government of Dinagat, Dinagat Islands, was also dispensed with after the parties stipulated on the authenticity and due execution of Ecleo's Service Record, marked as Exhibit "B," that is in the custody of her office.

4. The testimony of **Laila J. Bacolod**,¹⁴ Administrative Aide VI of the LTO in Surigao City, was also dispensed with after the parties stipulated: that she is the Records Officer of the LTO in Surigao City and the custodian of the CRs and ORs marked as Exhibits "F" to "J" and its sub-markings for the subject five (5) motorcycles registered with the LTO in Surigao City under the name of Ecleo; that she has no knowledge as to whom the ORs and CRs for such vehicles were released; and that she has no knowledge as to the preparation and submission of such ORs and CRs to the LTO.

The prosecution formally offered in evidence¹⁵ the following documentary exhibits:

¹¹ *Id.*, pp. 16-31.

¹² TSN, 11 October 2018, pp. 5-12.

¹³ *Id.*, pp. 12-16.

¹⁴ TSN, 24 October 2018, pp. 7-19.

¹⁵ Records, Vol. 1, pp. 334-345.

X-----X

EXHIBITS	DESCRIPTION
A	Complaint-Affidavit of Associate Graft Investigation Officer III Cecile Jacqueline P. Larena and its attachments
B	Service Record of Gwendolyn Buray Ecleo (<i>admitted as to due execution and authenticity</i>)
C	Statement of Assets, Liabilities and Net Worth of Accused as of December 2006
D	Statement of Assets, Liabilities and Net Worth of Accused as of December 2007
E	Statement of Assets, Liabilities and Net Worth of Accused as of December 2010
F	Land Transportation Office Certificate of Registration No. 2395579-4 dated 5 September 2006
F-1	Official Receipt No. 740752703
F-2	Official Receipt No. 99473264
F-3	Official Receipt No. 710578153
G	Land Transportation Office Certificate of Registration No. 2397087-0 dated 29 December 2006
G-1	Official Receipt No. 402032665
H	Land Transportation Office Certificate of Registration No. 2397054-2 dated 29 December 2006
H-1	Official Receipt No. 710551391
H-2	Official Receipt No. 402032691
I	Land Transportation Office Certificate of Registration No. 2397085-5 dated 29 December 2006
I-1	Official Receipt No. 18050911
I-2	Official Receipt No. 402032654
J	Land Transportation Office Certificate of Registration No. 2397084-4 dated 29 December 2006
J-1	Official Receipt No. 402032643
K	Certification dated 01 March 2016 ¹⁶
L	Letter dated 10 May 2012 from Cesario E. Espejon, SVTRO District Head of Land Transportation Office – Surgao City (LTO)

The Court admitted into evidence the foregoing documentary exhibits for the prosecution for the purposes for which they were offered but subject to the Court's proper appreciation of their respective probative values.¹⁷

EVIDENCE FOR THE DEFENSE

The defense presented accused **Gwendolyn B. Ecleo-Pols** and **Jose Jundy L. Castillo** ("Castillo") as its witnesses.

¹⁶ Additional documentary exhibit for the prosecution. *Id.*, pp. 441-443.

¹⁷ Resolution dated 26 November 2018. *Id.*, p. 391; Resolution dated 8 May 2019 (for Exh. "K"). *Id.*, p. 455.

g

m

X-----X
1. **Gwendolyn B. Ecleo-Pols** ("Ecleo"),¹⁸ former Provincial Administrator of Dinagat Islands and former Municipal Mayor of Dinagat, Dinagat Islands from 2004 to 2013, testified on **direct examination**¹⁹ that she was still single in 2007 and got married to Baltazar Robert B. Durano ("Durano") on 8 May 2008. Their marriage was declared void *ab initio* on 8 May 2012.

She also testified that when she received an Order from the Office of the Ombudsman, she spoke to a certain "Jundy," the manager of Eduhome Enterprises, to ask for documents related to the motorcycles allegedly owned by her. She was given copies of the Charge Invoices which, upon her inspection, bore four (4) different signatures that she purportedly affixed. This prompted her to go to a forensic expert who found that the signatures were indeed forged. Then she gave the findings of the forensic expert to her lawyers.

She stated that, based on what the manager of Eduhome Enterprises told her, her former spouse, Durano, bought the motorcycles. She tried to look for Durano but was unable to talk to him because he was wanted by the police and in hiding. She supported her claim by saying that the manager issued a Certification²⁰ that her former husband Durano was the person who purchased the motorcycles. Upon inquiry from the Court,²¹ she clarified that she was first married from 2008 to 2012 and that the motorcycles were purchased in 2007.

Ecleo stated that she prepared her own SALNs in 2007, 2008 and 2011, but not their notarization. She explained that the practice in their municipal government was that the Human Resource Office personnel would collect all the SALNs of the employees and would have them notarized.

The Court asked her on the mode of payment for the motorcycles that she purportedly owned, to which she replied that according to the manager, it was through a financing agreement.

On **cross-examination**,²² she confirmed that, despite finding out that her signature was forged, she did not file any complaint against the person who allegedly committed the forgery. She likewise clarified that she did not personally prepare her SALNs for the years 2006, 2007, and 2010 but they were just printed by the Human

¹⁸ TSN, 23 January 2019.

¹⁹ *Id.*, pp. 22-43.

²⁰ Exhibit "1."

²¹ TSN, 23 January 2019, pp. 37-38.

²² *Id.*, pp. 44-50.

mw

x-----x
Resource Office because there were no changes in the entries for those years. She agreed with the prosecution that while her defense is grounded on the alleged purchase by Durano of the motorcycles in 2006, during that time she was not yet married to him.

2. **Jose Jundy L. Castillo** ("Castillo"),²³ Branch Manager of Eduhome Enterprises, Inc. ("Eduhome") San Jose, Dinagat Islands Branch, testified on **direct examination**²⁴ that he issued a Certification (Exhibit "1") dated 29 May 2017 stating therein that he was then a Credit Investigator/Collector and in his capacity as such, he transacted with Durano, allegedly representing Ecleo, who bought five (5) motorcycles from their company. He explained that when Durano failed to pay the monthly installments, his company repossessed the vehicles from the latter. He also testified that Eduhome allowed the transaction because they knew that Durano was a member of the office staff of then incumbent Mayor Ecleo and that she has a good reputation. When shown the copies of the Charge Invoices, he confirmed that all of the documents were signed by Durano in his presence.

He told the Court²⁵ that he was with Eduhome as Credit Investigator from 1995 to 2011. In reply to the Court's inquiry,²⁶ he reiterated that since Durano used Ecleo's name in applying for the financing agreement, they approved it because of the latter's good reputation. But he maintained that it was Durano who appeared in their office and bought the motorcycles as a representative of Ecleo. He also admitted that their company did not verify if Ecleo was actually the one who applied for financing for the payment of the motorcycles.

During **cross-examination**,²⁷ he confirmed that he issued the Certification (Exhibit "K") dated 1 March 2016 that did not mention Durano but only stated that the five (5) motorcycles were purchased by Ecleo. When confronted with Exhibit "1," he admitted that he voluntarily added the second paragraph which stated that Durano alleged that he was representing Ecleo when he purchased the motorcycles.

When asked by the Court²⁸ as to why he failed to indicate in the Certification dated 1 March 2016 that Durano was the one who

²³ TSN, 4 March 2019.

²⁴ *Id.*, pp. 8-13.

²⁵ *Id.*, p. 14.

²⁶ *Id.*, pp. 15-17.

²⁷ *Id.*, pp. 14-21.

²⁸ *Id.*, pp. 20-21. ↑

x-----x
actually purchased the motorcycles, Castillo clarified that the truth was that Durano was the actual buyer and that he voluntarily added such fact in his Certification dated 29 May 2017. He replied that almost a year's worth of monthly amortizations was paid before Durano stopped paying. However, Castillo did not go to then Mayor Ecleo directly to collect the payments because he knew that he could not just approach her and ask for payment. Besides, Durano had always been the one who transacted with him regarding the amortizations for the motorcycles. He also mentioned that, as far as he knew, he was transacting with Ecleo through a member of her office staff, Durano. Upon inquiry of the Court, Castillo confirmed that Ecleo went to his office and asked for the Certification (Exhibit "1") dated 29 May 2017 containing the paragraph about Durano.

The defense formally offered in evidence the following documentary exhibits:²⁹

EXHIBITS	PARTICULARS
"1"	Original copy of CERTIFICATION dated May 29, 2017 ³⁰ issued by Jose Jundy L. Castillo, Branch Manager, Eduhome Enterprises, Inc.
"1-A"	Charge Invoice No. 19660 dated Aug. 15, 2006 for one unit Honda MC with engine no. HC08E-5033016
"1-A-1"	Signature/initial under received by and above the name of customer
"1-B"	Charge Invoice No. 19985 dated Dec. 7, 2006 for one unit Honda MC Honda BRAVO 100 engine number KVM006-146
"1-B-1"	Signature/initial under received by and above the name of customer
"1-C"	Charge Invoice No. 19988 (with erasure of date) for one unit Honda MC Honda Bravo 100 engine number KVM00E-007971
"1-C-1"	Signature/initial under received by and above the name of customer
"1-D"	Charge Invoice No. 19984 (with erasure of date) for one unit Honda MC with engine number KVM006953
"1-D-1"	Signature/initial under received by and above the name of customer
"1-E"	Charge Invoice No. 19986 dated December 7, 2006 for one unit Honda MC with engine number KVN00E-007350
"1-E-1"	Signature/initial under received by and above the name
"4" (Exhibit "F" for the prosecution)	Certificate of Registration No. (encumbered) dated 09/05/2006 covering the motorcycle described as: Make – Honda; Type – MC; Model – NF100; Engine No. HC08E-50233016; Chassis No. – KTL00-064-033016 which is the same motorcycle and listed as no. 1 in the three information filed in these cases

²⁹ *Id.*, pp. 402-406.

³⁰ In a Resolution dated 15 April 2019, *id.*, p. 448, the Court observed that the date stated in Exh. "1" in the Accused's Formal Offer of Evidence should be "May 29, 2017" instead of "March 01, 2016."

X-----X

"7" (Exhibit "I" for the prosecution)	Certificate of Registration No. (encumbered) dated 12/29/2006 covering Motorcycle described as: Make – Honda; Type – MC; Model – ANP100; Engine No. KVM00E006953; Chassis No. – KVM00006975 (ending 3 in the Certificate of Registration), which is the same motorcycle and listed as no. 4 in the three information filed in these cases
"9" (Exhibit "J" for the prosecution)	Certificate of Registration No. (encumbered) dated 12/29/2006 covering motorcycle with engine no. KVM00E-007350 which is the same motorcycle and listed as no. 5 in the three information filed in these cases
"13-A" (Exhibit "G" for the prosecution)	Certificate of Registration (ENCUMBERED) dated 12/29/2006 covering motorcycle with engine no. KVM00E-006146 ³¹ which is the same motorcycle listed as no. 2 in the three information filed in these cases
"15-a" (Exhibit "H" for the prosecution)	Certificate of Registration No. 14796150-5 dated 02/26/2006 covering motorcycle with engine no. KVM00E-007971 which is the same motorcycle listed as no. 3 in the three information filed in these cases
"17"	Questioned Document Report No. 06-2017-26 with Annexes marked "Q-1" to "Q-5"; "S-6" to "S-10"
"17-A" to "17-J"	Questioned documents/signatures Annexes marked "Q-1" to "Q-5"; Standard document/signatures Annexes marked "S-6" to "S-10"
"18"	Certification dated November 11, 2015 issued by Lisa Grace S. Bersales, Ph.D., National Statistician and Civil Registrar General, Philippine Statistics Office [sic] (PSA) that based on the records of 1945-2[0]15 enrolled in the database as of October 31, 2015, Gwendolyn B. Ecleo and Baltazar Robert B. Durano were married on May 8, 2008 at San Jose, Surigao del Norte with remarks/annotation: WITH DECLARATION OF ABSOLUTE NULLITY OF MARRIAGE
"19" (admitted by P[r]osecution) TSN 1-23-19 p. 17	Original copy of the Certificate of Marriage of Baltazar Robert B. Durano and Gwendolyn B. Ecleo issued by the Office of the Civil Registrar General, with notation: "Pursuant to the Decision dated May 08, 2012 rendered by Presiding Judge Fernando L. Felicen of the Regional Trial Court, Fourth Judicial Region, Branch 20, Imus, Cavite, under Civil Case No. 5256-11, the marriage of Gwendolyn B. Ecleo Durano and Baltazar Robert B. Durano is hereby declared VOID AB INITIO."
"19-a"	Computer generated Official Receipt
"20"	Certified true copy of the Certification dated July 6, 2012 issued by Allen Sly M. Marasigan, Clerk of Court V stating that the marriage of Gwendolyn B. Ecleo-Durano and Baltazar Robert B. Durano was declared void ab initio; that the Decision dated May 8, 2012, the Certificate of Finality dated July 5, 2012, and the DECREE OF ABSOLUTE NULLITY OF MARRIAGE dated July 5, 2012 signed by Presiding Judge Fernando L. [F]elicen are authentic
"20-A"	Certified true copy of the Decision in Civil Case No. 5256-11

³¹ The Court also observed in Resolution dated 15 April 2019 that the engine number indicated in Exh. "13-A" in the Accused's Formal Offer of Evidence should be "KVM00E-006146" instead of "KVM00E-006". *Id.*

X-----X	
(admitted by Prosecution) TSN 1-23-19 p. 1, 18-19.	entitled GWENDOLYN B. ECLEO-DURANO vs. BALTAZAR ROBERT B. DURANO (4 pages) dated 08 May 2012, signed by FERNANDO L. FELICEN, Presiding Judge.
"20-B" (admitted by prosecution) TSN 1-23-19 p. 1, 18-19.	Certified true copy of the CERTIFICATE OF FINALITY of the Decision in Civil Case No. 5256-11 entitled GWENDOLYN B. ECLEO-DURANO vs. BALTAZAR ROBERT B. DURANO dated 05 July 2012, signed by Allan Sly M. Marasigan, Branch Clerk of Court
"20-C"	Certified true copy of the DECREE OF ABSOLUTE NULLITY OF MARRIAGE in Civil Case No. 5256-11 entitled GWENDOLYN B. ECLEO-DURANO vs. BALTAZAR ROBERT B. DURANO dated 05 July 2012, signed by FERNANDO L. FELICEN, Presiding Judge.
"21"	Certified true copy of the CERTIFICATE OF AUTHENTICITY of the Decision/Order issued by Hon. Judge Fernando L. Felicen of RTC Branch 20, dated 30 October 2013 issued by Violeta P. Sanez, City Civil Registrar, City of Imus, Cavite

The Court admitted into evidence the foregoing exhibits for the defense for the purposes for which they were offered but subject to the Court's proper appreciation of their respective probative values.³²

The prosecution no longer presented rebuttal evidence in view of the admission by the Court of its additional documentary exhibit (Exh. "K"). The Court directed the parties to file their Memoranda.³³ Both Ecleo and the prosecution filed their respective Memoranda on 13 August 2019.³⁴

THE FACTS

The facts established by the documentary and testimonial evidence on record are as follows:

Accused Gwendolyn Buray Ecleo ("Ecleo") is the former Municipal Mayor of Dinagat, Province of Dinagat Islands from 2004 to 2013.³⁵ She was married to Baltazar Robert B. Durano ("Durano") on 8 May 2008³⁶ but their marriage was declared void *ab initio* on 8 May 2012.³⁷

³² *Id.*

³³ Resolution dated 5 July 2019. *Id.*, pp. 458-459.

³⁴ Memorandum for Ecleo, *Id.*, pp. 462-487. Memorandum for the prosecution, *Id.*, pp. 488-497.

³⁵ Exh. "B."

³⁶ Exh. "19."

³⁷ Exh. "20" and its sub-markings.

x-----x
During her consecutive terms as municipal mayor, Ecleo filed her SALNs as required by law.

On 4 December 2015, the Field Investigation Unit, Mindanao Area Office, Office of the Ombudsman, represented by Associate Graft Investigation Officer III Cecile Jacqueline P. Larena, filed a Complaint-Affidavit³⁸ with the Office of the Deputy Ombudsman for Mindanao against Ecleo for Violation of Section 7, R.A. No. 3019, Section 8 in relation to Section 11 of R.A. No. 6713 and Perjury under Article 183 of the Revised Penal Code. The Complaint-Affidavit was based on the letter-complaint³⁹ of one Bernabe Imaden who requested the Office of the Ombudsman to conduct a lifestyle check on Ecleo.

The Complaint-Affidavit further alleges that verification made with the Land Transportation Office (LTO)⁴⁰ in Surigao City reveals that Ecleo owns five (5) motorcycles ("the Motorcycles") registered in her name and described as follows:

- | | | |
|----------------|---|--|
| 1. Make/Type | : | Honda/MC |
| Series | : | NF100 |
| Engine Number | : | HC08E-5033016 |
| Chassis Number | : | KTL00-064-033016 |
| Plate Number | : | MS 5954 |
| MV File Number | : | 1520-00000040129 |
| CR No./Date | : | 2395579-4 ⁴¹ /09-05-2006 |
| OR No./Date | : | 740752703 ⁴² /04-30-2010;
99473264 ⁴³ /08-16-2006;
710578153 ⁴⁴ /07-30-2009 |
| Owner | : | GWENDOLYN B. ECLEO |
| 2. Make/Type | : | Honda/MC |
| Series | : | Bravo 100 |
| Engine Number | : | KVM00E006146 |
| Chassis Number | : | KVM00006151 |
| Plate Number | : | MS 6954 |
| MV File Number | : | 1520-00000041086 |
| CR No./Date | : | 2397087-0 ⁴⁵ /12-29-2006 |

³⁸ Exh. "A."

³⁹ Annex "A" of Complaint-Affidavit (Exh. "A").

⁴⁰ Exh. "L."

⁴¹ Exh. "F"/Exh. "4."

⁴² Exh. "F-1."

⁴³ Exh. "F-2."

⁴⁴ Exh. "F-3."

⁴⁵ Exh. "G"/Exh. 13-A."

M

x-----x

OR No./Date	:	402032665 ⁴⁶ /12-13-2006
Owner	:	GWENDOLYN B. ECLEO
3. Make/Type	:	Honda/MC
Series	:	Bravo 100
Engine Number	:	KVM00E007971
Chassis Number	:	KVM00007907
Plate Number	:	MS 6952
MV File Number	:	1520-00000041090
CR No./Date	:	2397054-2 ⁴⁷ /12-29-2006
OR No./Date	:	710551391 ⁴⁸ /07-03-2009
	:	402032691 ⁴⁹ /12-13-2006
Owner	:	GWENDOLYN B. ECLEO
4. Make/Type	:	Honda/MC
Series	:	Bravo 100
Engine Number	:	KVM00E006953
Chassis Number	:	KVM00006973
Plate Number	:	MS 6953
MV File Number	:	1520-00000041087
CR No./Date	:	2397085-5 ⁵⁰ /12-29-2006
OR No./Date	:	402032654 ⁵¹ /12-13-2006
	:	18050911 ⁵² /06-01-2011
Owner	:	GWENDOLYN B. ECLEO
5. Make/Type	:	Honda/MC
Series	:	Bravo 100
Engine Number	:	KVM00E007350
Chassis Number	:	KVM00007306
Plate Number	:	MS 6955
MV File Number	:	1520-00000041085
CR No./Date	:	2397084-4 ⁵³ /12-29-2006
OR No.	:	402032643 ⁵⁴ /12-13-2006
Owner	:	GWENDOLYN B. ECLEO

For failure of Ecleo to declare under oath the Motorcycles in her SALNs for the years 2006,⁵⁵ 2007⁵⁶ and 2010,⁵⁷ the Office of the

⁴⁶ Exh. "G-1."

⁴⁷ Exh. "H"/Exh. "15-A."

⁴⁸ Exh. "H-1."

⁴⁹ Exh. "H-2."

⁵⁰ Exh. "I"/Exh. "7."

⁵¹ Exh. "I-2."

⁵² Exh. "I-1."

⁵³ Exh. "J"/Exh. "9."

⁵⁴ Exh. "J-1."

⁵⁵ Exh. "C."

g

m

x-----x
Ombudsman found probable cause to indict her for three (3) counts of Perjury under Article 183 of the Revised Penal Code.⁵⁸ The Office of the Ombudsman denied her Motion for Reconsideration in its Order⁵⁹ dated 8 May 2017.

On 11 September 2017, the Office of the Ombudsman filed with the Court the present three (3) Informations for Perjury against Ecleo.

DISCUSSION

Perjury is defined and penalized under Article 183 of the Revised Penal Code that reads as follows:

Art. 183. False testimony in other cases and perjury in solemn affirmation. — The penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period shall be imposed upon any person who, knowingly making untruthful statements and not being included in the provisions of the next preceding articles, shall testify under oath, or make an affidavit, upon any material matter before a competent person authorized to administer an oath in cases in which the law so requires.

Any person who, in case of a solemn affirmation made in lieu of an oath, shall commit any of the falsehoods mentioned in this and the three preceding articles of this section, shall suffer the respective penalties provided therein.

Perjury is the willful and corrupt assertion of a falsehood under oath or affirmation administered by authority of law on a material matter.⁶⁰ This crime has the following elements:

- a. That the accused made a statement under oath or executed an affidavit upon a material matter.
- b. That the statement or affidavit was made before a competent officer, authorized to receive and administer oath.
- c. That in the statement or affidavit, the accused made a willful and deliberate assertion of a falsehood.
- d. That the sworn statement or affidavit containing the falsity is required by law or made for a legal purpose.⁶¹

⁵⁸ Exh. "D."

⁵⁷ Exh. "E."

⁵⁸ Resolution dated 28 February 2017. Records, pp. 11-17.

⁵⁹ Records, pp. 19-22. Ecleo filed a Supplement to the Motion for Reconsideration on 20 April 2017 that was noted by the Office of the Ombudsman in its Order dated 11 July 2017. *Id.*, pp. 24-25.

⁶⁰ *Villanueva v. Secretary of Justice*, G.R. No. 162187, 18 November 2005.

X-----X

The Court now determines if all the elements of Perjury are present in these cases.

First element: Execution of sworn statement on a material matter

In prosecutions for perjury, a matter is material if it is the main fact that is the subject of the inquiry, or any circumstance which tends to prove that fact.⁶²

Public officials and employees are required by the Constitution and the law to truthfully declare under oath and in detail their assets, liabilities, net worth, financial and business interests and relatives in the government service. The requirement of filing a SALN is enshrined in the Constitution to promote transparency in the civil service and serves as a deterrent against government officials bent on enriching themselves through unlawful means.⁶³ Section 17, Article XI of the Constitution provides:

Section 17. A public officer or employee shall, upon assumption of office and as often thereafter as may be required by law, submit a **declaration under oath of his assets, liabilities, and net worth**. In the case of the President, the Vice-President, the Members of the Cabinet, the Congress, the Supreme Court, the Constitutional Commissions and other constitutional offices, and officers of the armed forces with general or flag rank, the declaration shall be disclosed to the public in the manner provided by law. (Emphasis supplied)

Section 7 of R.A. No. 3019 reads:

Section 7. Statement of assets and liabilities. – Every public officer, within thirty days after the approval of this Act or after assuming office, and within the month of January of every other year thereafter, as well as upon the expiration of his term of office, or upon his resignation or separation from office, shall prepare and file with the office of the corresponding Department Head, or in the case of a Head of Department or chief of an independent office, with the Office of the President, or in the case of members of the Congress and the officials and employees thereof, with the Office of the Secretary of the corresponding House, a **true detailed and sworn statement of assets and liabilities**, including a statement of the amounts and sources of his income, the amounts of his personal and family expenses and the amount of income taxes paid

⁶¹ *Union Bank v. People*, G.R. No. 192565, 28 February 2012.

⁶² *Acuña v. Deputy Ombudsman for Luzon*, G.R. No. 144692, 31 January 2005.

⁶³ *Casimiro v. Rigor*, G.R. No. 206661, 10 December 2014.

X-----X
for the next preceding calendar year: Provided, That public officers assuming office less than two months before the end of the calendar year, may file their first statements in the following months of January. (Emphasis supplied)

In a similar manner, the first paragraph of Section 8 of R.A. No. 6713 states:

Section 8. Statements and Disclosure. - Public officials and employees have an obligation to accomplish and submit **declarations under oath** of, and the public has the right to know, their **assets, liabilities, net worth and financial and business interests** including those of their spouses and of unmarried children under eighteen (18) years of age living in their households. (Boldface supplied)

As former municipal mayor during the times material to these cases, Ecleo filed her SALNs that declared her assets, liabilities, net worth, financial and business interests and relatives in the government service. These are material matters that must be stated completely, truthfully and in detail in SALNs of public officials and employees. The subject of inquiry in the present cases relate to the declaration of assets of Ecleo in her SALNs for the years 2006, 2007 and 2010 that, based on the Informations against her, deliberately omitted the Motorcycles that she allegedly owned.

Therefore, the first element of perjury exists in these cases.

Second element: Sworn statement made before an authorized administering officer

In Ecleo's 2006 and 2007 SALNs, the name that appears as the officer who administered the oath is that of Judge Leonora R. Edera.

Ecleo's 2010 SALN indicates the name of Luceniano E. Lancin, Notary Public, as the one who administered her oath.

The two (2) above-named officers, in their respective official capacities as a member of the Judiciary and a notary public, are among the officers duly authorized to administer oath based on Section 41⁶⁴ of the Administrative Code of 1987,⁶⁵ as amended.

⁶⁴ Section 41 of Executive Order No. 292, as amended by R.A. No. 6733 reads:

SEC. 41. Officers Authorized to Administer Oath.—The following officers have **general authority to administer oaths**: President; Vice-President; Members and Secretaries of both Houses of the Congress; **Members of the Judiciary**, Secretaries of Departments; provincial governors and lieutenant-governors; city mayors; municipal mayors; bureau directors; regional directors; clerks of courts; registrars of deeds; other civilian officers in the public service of

x-----x

Thus, the second element is present.

Third element: Willful and deliberate assertion of falsehood

Perjury in solemn affirmation is committed when the declarant **omits to declare material information** that is required of him/her under oath.⁶⁶ Failure to disclose a material matter in a statement under oath must be willful and deliberate. "Willful" means intentional, with evil intent and legal malice, with consciousness that the alleged perjurious statement is false with the intent that it should be received as a statement of what was true in fact. It corresponds to the word "knowingly" in Article 183 of the Revised Penal Code. "Deliberate" implies that the accused knows his/her statement to be false or is consciously ignorant of its truth. It is distinguished from "inadvertent."⁶⁷

In the present cases, the prosecution must prove beyond reasonable doubt: (1) that Ecleo actually knew that she owned the Motorcycles; and (2) that she maliciously and deliberately omitted to declare them as among her assets in her 2006, 2007 and 2010 SALNs.

To prove Ecleo's ownership of the Motorcycles, the prosecution offered in evidence the relevant Certificates of Registration ("CRs") and the Official Receipts ("ORs") that are all in her name.

On the other hand, Ecleo denies that she is the owner of the Motorcycles. She claims that, without her knowledge and consent, her former husband, Baltazar Robert B. Durano ("Durano"), purchased the Motorcycles in 2006 from Eduhome Enterprises, Inc. ("Eduhome") using her name.

The Court recognizes that knowledge by the accused of the falsity of his/her statement, being an internal act, may be proven by his/her admissions or by circumstantial evidence. The state of mind of the accused may be determined by the things he/she says and does, from proof of a motive to lie and of the objective falsity itself, and from

the government of the Philippines whose appointments are vested in the President and are subject to confirmation by the Commission on Appointments, all other constitutional officers; and **notaries public**. (Emphasis supplied)

⁶⁶ Executive Order No. 292.

⁶⁶ *Ombudsman v. Peláez*, G.R. No. 179261, 14 April 2008.

⁶⁷ *Monfort III v. Salvatierra*, G.R. No. 168301, 5 March 2007.

✓

mn

x-----x
other facts tending to show that the accused really knew the things he/she claimed not to know.⁶⁸

The facts established by evidence, taken altogether, convince the Court that Ecleo knew about her ownership of the Motorcycles and that she deliberately concealed the fact that she owns them by not declaring them as among her properties or assets in her 2006, 2007 and 2010 SALNs.

The Certificates of Registration ("CRs") and the Official Receipts ("ORs") for the Motorcycles indisputably show that Ecleo is the owner of the said motor vehicles. The defense admits the authenticity and due execution of the CRs, they being common exhibits,⁶⁹ and the fact that Ecleo was named therein as the registered owner of the Motorcycles. "A certificate of registration of a motor vehicle creates a strong presumption of ownership in favor of one in whose name it is issued, unless proven otherwise."⁷⁰

Aside from the CRs and ORs for the Motorcycles, the Certification⁷¹ issued by defense witness Jose Jundy L. Castillo dated 1 March 2016 confirmed that Ecleo was the buyer of the Motorcycles that were purchased on 16 August 2006 and 6 December 2006. This Certification is also attached as Annex "1" to the Counter-Affidavit⁷² filed by Ecleo with the Office of the Ombudsman,⁷³ thus she cannot assail its authenticity and due execution. Such Certification reads:

March 01, 2016

CERTIFICATION

This is to certify that Ms. GWENDOLYN B. ECLEO of White Beach, Dinagat, Dinagat Islands, was purchase (sic) a Brand new Unit of Honda Motorcycle Model: one (01) unit NF100 (WAVE) with Plate No. MS5954 on August 16, 2006 and four (04) units ANP100 (BRAVO) with Plate No. MS6952, MS6953, MS6954, MS6955 on December 06, 2006 respectively at Eduhome Enterprises, Inc., all in Installment basis.

This is to certify further that this (sic) five (05) units was (sic) already repossessed due to non-payment of the monthly installment on January 31, 2009 the Four (04) units Motorcycle and

⁶⁸ *Villanueva v. Secretary of Justice*, G.R. No. 162187, 18 November 2005.

⁶⁹ Exh. "F" to "J", Exh. "4," "13-A," "15-A," "7" and "9."

⁷⁰ *Amante v. Servelas*, G.R. No. 143572, 30 September 2005.

⁷¹ Exh. "K."

⁷² Records, pp. 45-52.

⁷³ *Id.*, p. 53.

x-----x
the remaining One (01) unit was repossessed on March 31, 2009
respectively.

This certification issued to (sic) upon the request of Ms.
Gwendolyn B. Ecleo this 1st day of March 2016 for whatever legal
purposes it may serve.


(Sgd.)
JOSE JUNDY L. CASTILLO
Branch Manager

In the 1 March 2016 Certification issued by Castillo, there is no
mention at all of the name of Durano as the one who bought the
Motorcycles from Eduhome. This belies the claim of Ecleo that the
actual buyer of the motor vehicles was Durano, who used her name
without her knowledge and consent.

The Motorcycles were purchased by Ecleo on different dates in
2006. As such, they should be declared as among her personal
properties in her 2006 SALN, as well as in SALNs for 2007 and 2010.
Not only are the CRs of the Motorcycles in the name of Ecleo as their
owner, their corresponding ORs for the years 2006, 2009, 2010 and
2011 are also still in her name. This fact of registration of the subject
motor vehicles and the renewal thereof in her name creates a strong
presumption that she is the owner thereof at the time the CRs and
ORs were issued.

Although good faith or lack of malice is a valid defense in
perjury,⁷⁴ Ecleo's insistent denial of knowledge of her ownership of the
Motorcycles fails to persuade the Court.

Disavowing any knowledge of ownership of the said vehicles,
Ecleo narrated in her Memorandum that:

- 
1. she only learned for the first time that the Motorcycles were
allegedly purchased by her and registered in her name when
she received an Order from the Office of the Ombudsman
directing her to submit her counter-affidavit;
 2. in her Counter-Affidavit that she filed on 10 March 2016, she
asserted that she was not the one who purchased the
Motorcycles and that she has no knowledge of such
purchase and her alleged ownership of the said motor
vehicles;

⁷⁴ *Aculfa v. Deputy Ombudsman for Luzon*, *supra*, at note 62.



- x-----x
3. she learned that the Motorcycles were purchased from Eduhome Enterprises, Inc. ("Eduhome") located at Surigao City;
 4. upon her inquiry from Eduhome's manager, Jose Jundy L. Castillo ("Castillo"), she was informed that a certain Baltazar Robert B. Durano ("Durano"), then an employee of the Municipal Government of Dinagat, Dinagat Islands, was the one who actually purchased the Motorcycles in installments;
 5. Castillo issued a Certification dated 29 May 2017 (Exh. "1") that mentioned Durano as the one who actually purchased the Motorcycles;
 6. she was also provided by Castillo with copies of the Charge Invoices for the Motorcycles;
 7. she examined the signatures appearing on the Charge Invoices and she claims that they were forged because their strokes appeared different from her actual signatures;
 8. she had the Charge Invoices examined by a forensic expert and the results were that the signatures purportedly hers were all found to be forged.

The Court is not convinced.

If, as she claims, Castillo told her that Durano was the one who actually purchased the Motorcycles under her name, Ecleo should have insisted that Castillo state such fact in his Certification that he issued on 1 March 2016 to clarify the matter. Instead, the Certification clearly showed that she was the one who purchased the Motorcycles. It was only more than a year later that Castillo, upon Ecleo's prodding, issued a Certification dated 29 May 2017, this time naming Durano, allegedly representing Ecleo, as the person who purchased the Motorcycles, which was the reason why the documents were all issued in the name of Ecleo.

Castillo's second Certification dated 29 May 2017 casts doubt on the truth of Ecleo's assertion that Durano was the actual buyer of the Motorcycles and not her.

When asked by the Court, Castillo admitted that Ecleo personally requested him to issue the 29 May 2017 Certification and

9

x-----x
to supply the paragraph mentioning Durano as the one who purchased the Motorcycles, thus:

CHAIRPERSON:

Mr. Witness, you issued the certification marked as Exhibit "1", correct?

A

Yes, Your Honors.

CHAIRPERSON:

How many certifications were there you issued? Is there another certification you issued in addition to that Exhibit "1"?

A

Nothing else, Your Honors.

CHAIRPERSON:

And what is the date of that Exhibit "1"?

A

May 29, 2017, Your Honors.

CHAIRPERSON:

Who personally requested you to issue that certification?

A

Ms. Gwendolyn Ecleo, Your Honors.

CHAIRPERSON:

You mean to say, Ms. Gwendolyn or then Mayor Gwendolyn Ecleo went to your office personally, is that correct?

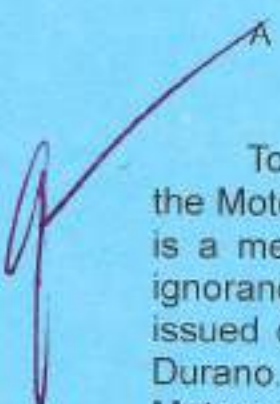
A

Yes, Your Honors.

CHAIRPERSON:

And the critical paragraph included in that certification was requested by then Mayor Gwendolyn Ecleo, is that correct?

Yes, Your Honors.⁷⁵ (Emphasis supplied)

 To the mind of the Court, the inclusion of Durano as the buyer of the Motorcycles in the Certification issued by Castillo on 29 May 2017 is a mere afterthought on the part of Ecleo so that she can feign ignorance of the ownership of the Motorcycles. The first Certification issued on 1 March 2016 by Castillo does not show any mention of Durano. Instead, it points to Ecleo as the actual buyer of the Motorcycles. Again, if Ecleo really believed what Castillo had


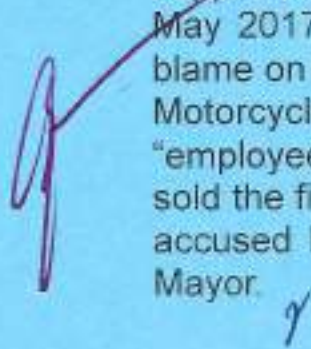
⁷⁵ TSN, 4 March 2019, pp. 23-24 *γ*

mn

x-----x
allegedly told him that Durano purchased the Motorcycles from his company in 2006 as her alleged representative, she could have told Castillo to state such fact. But she did not do so. In fact, in her Counter-Affidavit, she only assumed that it was Durano who bought the Motorcycles, and was therefore not sure that it was really him, when she alleged:

4. First with respect to the five (5) motorcycles, I did not purchase them nor was I aware that they were purchase (sic) in my name. I have no knowledge about these motorcycles until this was disclosed in the present complaint. I immediately verified with Eduhome Enterprises Incorporated where the said motorcycles were purchased and true enough there appears to be purchases made in my name in the year 2006. This was **apparently made by a former employee of the LGU Dinagat ROBERTO DURANO** who to facilitate a faster approval of the sale on installment, used my name for purposes of credit approval. These were eventually repossessed by Eduhome in the year 2009 for non-payment of monthly installment. Again, this [is] the first time I became aware of these facts. A Certification from Eduhome Enterprises is herein attached as Annex "1". (Emphasis supplied)

To reiterate, when Ecleo claimed that she immediately went to Eduhome after receiving the Order from the Office of the Ombudsman to file her counter-affidavit in order to verify the purchase of the Motorcycles allegedly registered in her name, she should have asked Castillo or any responsible officer of the company during that time to execute a sworn statement that it was Durano who purchased the Motorcycles and used the name of Ecleo. On the contrary, what she submitted as Annex "1" of her Counter-Affidavit was the Certification of Castillo dated 1 March 2016 with no mention of Durano as the buyer, but Ecleo. Upon realizing that the 1 March 2016 Certification would not serve the purpose of pinpointing Durano as the actual buyer of the Motorcycles, she belatedly made another request to Castillo to issue another Certification, this time pointing to Durano as the buyer who used her name without her knowledge and consent. But as it turned out, and as admitted by Castillo, such matter was supplied by Ecleo to be included in his second Certification dated 29 May 2017. Be that as it may, the Court finds accused's shifting the blame on Durano incredible. Not only is his name absent in any of the Motorcycles' documents, the Court cannot agree with her that a mere "employee of the LGU Dinagat" (her own words) could possibly be sold the five (5) Motorcycles and have them registered in the name of accused Ecleo on his mere say-so that he was acting for the then Mayor.



x-----x
Ecleo also tried another approach to wiggle out of the situation that she failed to declare the Motorcycles in her SALNs. This time, she offered in evidence a Questioned Document Report ("Report") No. 06-2017-26 (Exh. "17") dated 13 June 2017 that purportedly shows that the signatures on the Charge Invoices of Eduhome covering the Motorcycles are not hers; therefore, forged. The said Report, however, cannot be given any probative value. The one who allegedly prepared the Questioned Document Report, Romeo O. Varona, was not presented by the defense to testify in Court and identify his findings and the Report that he allegedly issued that claims that the signatures in the Charge Invoices purporting to be those of Ecleo were forged. As such, neither did the prosecution nor the Court have the opportunity to question the supposed expert and his findings. Since the Report also calls for an expert opinion on the signatures of Ecleo, her failure to present the so-called expert witness renders the Report inadmissible.⁷⁶

Also, the Report is a private document, being purportedly prepared by one Five R Forensic Examination and Consultancy and not by either the National Bureau of Investigation (NBI) Questioned Documents Section or the Philippine National Police Crime Laboratory. Failure to present in court the person who allegedly prepared and signed the Report in order to identify it renders such document without any probative value. On its own, the document, by its mere issuance, cannot prove the facts stated therein.⁷⁷

As a rule, forgery cannot be presumed and must be proven by clear, positive and convincing evidence. The burden of proof lies on the party alleging forgery. One who alleges forgery has the burden to establish his/her case by a preponderance of evidence, or evidence which is of greater weight or more convincing than that which is offered in opposition to it.⁷⁸ In this case, Ecleo was not able to prove by clear and convincing evidence the fact that her signatures on the Charge Invoices were forged. Presumption of validity and regularity prevails over allegations of forgery and fraud.⁷⁹ It follows, therefore, that the signatures appearing on the Charge Invoices below the notation "RECEIVED BY:" are presumed to be the genuine signatures of Ecleo, who is indicated therein as the buyer of the Motorcycles.

⁷⁶ Sections 48 and 49 of Rule 130 of the Rules of Court provide:

Section 48. General rule. — The opinion of witness is not admissible, except as indicated in the following sections.

Section 49. Opinion of expert witness. — The opinion of a witness on a matter requiring special knowledge, skill, experience or training which he shown to possess, may be received in evidence.

⁷⁷ *Republic v. Galeno*, G.R. No. 215009, 23 January 2017.

⁷⁸ *Philippine Trust Company v. Gabinete*, G.R. No. 216120, 29 March 2017.

⁷⁹ *Lamsen v. People*, G.R. No. 227069, 22 November 2017.

g

m

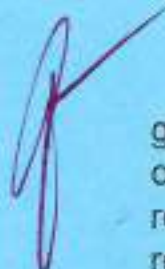
x-----x

Ecleo's knowledge of her ownership of the Motorcycles having been established, evidence must also sufficiently prove that she willfully and deliberately omitted to declare the said motor vehicles in her 2006, 2007 and 2010 SALNs.

When Ecleo purchased on installment basis the Motorcycles from Eduhome on or about 16 August and 6 December 2006, signed documents, e.g., Charge Invoices, in her name and had the vehicles registered in her name with the LTO, thereby created was the duty on her part as a public officer to declare the Motorcycles in her SALNs as among her properties acquired in 2006. The same goes with her 2007 and 2010 SALNs considering that she was still the owner of the Motorcycles during the years covered. Her failure to declare the Motorcycles despite full knowledge that she is the owner thereof, involves a deliberate effort on her part to omit the said property in her SALN declaration for the years 2006, 2007 and 2010. Such omission cannot be considered as mere inadvertence because her execution of, say, the sworn SALN for the year 2006 (Exh. "C") on 20 January 2007, was made only more than a month after she purchased from Ecohome four (4) Motorcycles on 6 December 2006 and more than five (5) months since she bought one (1) Motorcycle from the same company on 16 August 2006. Thus, the fact of purchase of the Motorcycles was still fresh in her mind so that she could not have simply forgotten to include, or through inadvertence, omitted them in her 2006 SALN. The proximity in the dates of purchase of the Motorcycles and the execution of her 2006 SALN leads to the conclusion that her failure to declare them in her SALN not only for the year 2006 but also for 2007 and 2010 is not simply due to inadvertence but is a deliberate omission on her part.

Therefore, the third element is proven to exist in these cases.

Fourth element: Sworn statement is required by law or for legal purpose.



By mandate of the Constitution⁸⁰ and the law,⁸¹ every government official or employee must make a **complete disclosure** of his/her assets, liabilities and net worth in order to avoid any issue regarding questionable accumulation of wealth. The importance of requiring the submission of a **complete**, truthful, and sworn SALN is necessary to particularly minimize, if not altogether eradicate, the

⁸⁰ Section 17, Article 11. Quoted in p. 15 of the Decision.

⁸¹ Section 7, R.A. No. 3019; Section 8, R.A. No. 6713. Quoted in pp. 15-16 of the Decision.

Y



DECISION

PP vs. Ecleo

Crim. Cases Nos. SB-17-CRM-1672 to 1674

Page 25 of 26

x-----x
opportunities for official corruption, and maintain a standard of honesty in the public service. Through the SALN, the public can monitor movement in the fortune of a public official; it serves as a valid check and balance mechanism to verify undisclosed properties and wealth.⁸²

As a former municipal mayor, hence a public officer, at the times material to these cases, Ecleo is required by law to submit her sworn SALNs. Therefore, the fourth element exists in all the three (3) cases under consideration.

The prosecution having successfully proven beyond reasonable doubt all the elements of Perjury present in the three (3) cases thus proving the guilt of Ecleo of the crime charged, the Court now determines the penalty that should be imposed against her.

The crime of Perjury carries a penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period, the duration of which is 4 months and 1 day to 2 years and 4 months. Taking into account the mitigating circumstance of voluntary surrender,⁸³ considering that Ecleo posted bail before a warrant of arrest could be issued against her, and in the absence of any aggravating circumstance, the proper penalty should be imposed in its minimum period,⁸⁴ that is, 4 months and 1 day to 1 year. Inasmuch as the maximum term of imprisonment does not exceed one (1) year, the provisions of the Indeterminate Sentence Law do not apply.⁸⁵ The imposition of straight penalty of one (1) year of *prision correccional* for each count of Perjury, therefore, is proper.

WHEREFORE, premises considered, the Court hereby finds accused Gwendolyn Buray Ecleo **GUILTY** beyond reasonable doubt of the crime of Perjury in Criminal Cases Nos. SB-17-CRM-1672, SB-17-CRM-1673 and SB-17-CRM-1674 and sentences her to suffer the penalty of imprisonment of one (1) year of *prision correccional* for each count. No civil liability is imposed on her due to the absence of any act or omission out of which the same may arise.

SO ORDERED.

⁸² *San Diego v. Fact-Finding Investigation Committee, OMB-MOLEO*, G.R. No. 214081, 10 April 2019, citing *Casimiro v. Rigor*, *supra*, note 63.

⁸³ Article 13(7), Revised Penal Code.

⁸⁴ Article 64(2), *Id.*

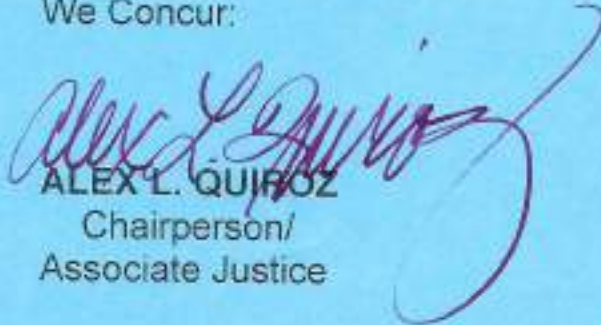
⁸⁵ Section 2, Act No. 4103, as amended. *g*

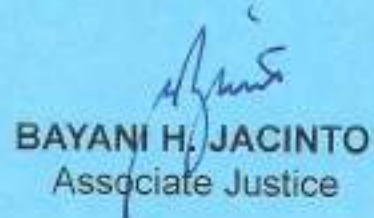
MW

x-----x


REYNALDO P. CRUZ
Associate Justice

We Concur:


ALEX L. QUIROZ
Chairperson/
Associate Justice


BAYANI H. JACINTO
Associate Justice

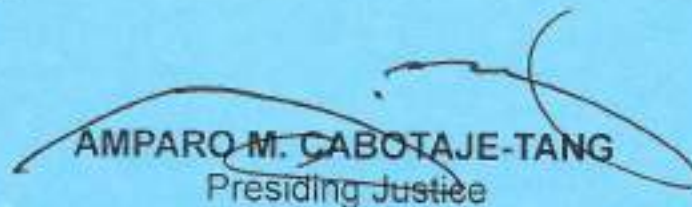
ATTESTATION

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.


ALEX L. QUIROZ
Chairperson, Fourth 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. CABOTAJE-TANG
Presiding Justice