



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

FELICIANO PALAD LEGASPI, SR.,
Petitioner,

G.R. No. 241986

Present:

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

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

AUG 22 2022

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DECISION

LOPEZ, J., J.:

This Court resolves a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court (*Rules*) assailing the Decision² and the Resolution³ of the Sandiganbayan in SB-16-CRM-0272 to 0309, finding Feliciano Palad Legaspi, Sr. (*Legaspi*) guilty beyond reasonable doubt of usurpation of official functions punished under Article 177 of the Revised Penal Code.⁴

¹ *Rolla*, pp. 8–62

² *Id.* at 65–96. The May 11, 2018 Decision was penned by Associate Justice Ma. Theresa Dolores C. Gomez-Estoesta, concurred in by Associate Justices Zaldy V. Trespeses and Karl B. Miranda of the Seventh Division, Sandiganbayan, Quezon City.

³ *Id.* at 98–106. The September 18, 2018 Resolution was penned by Associate Justice Ma. Theresa Dolores C. Gomez-Estoesta, concurred in by Associate Justices Zaldy V. Trespeses and Karl B. Miranda of the Seventh Division, Sandiganbayan, Quezon City.

⁴ *Id.* at 95.

The Antecedents

Legaspi was the duly elected Municipal Mayor of Norzagaray, Bulacan from 2007 to 2013. He reassigned Yolanda C. Ervas (*Ervas*), Municipal Budget Officer, to the Norzagaray Public Market.⁵ Unsatisfied, Ervas filed an administrative complaint for oppression or grave abuse of authority against Legaspi docketed as OMB-L-A-11-0338-F. Ervas claimed that Legaspi's act of reassigning her is an act of oppression and grave abuse of authority as her new position does not match her qualifications and involves diminution of rank and salary. On August 31, 2012, the Office of the Deputy Ombudsman for Luzon rendered a Decision⁶ against Legaspi, the dispositive portion of which reads:

WHEREFORE, premises considered, finding substantial evidence against respondent FELICIANO P. LEGASPI[,] [SR.] for the charge of Oppression or Grave Abuse of Authority, it is respectfully recommended that a penalty of suspension of six (6) months and one (1) day be imposed against him pursuant to Section 10, Rule III of Administrative Order No. 7, as amended.

The Honorable Secretary of the Department of Interior and Local Government is hereby directed to implement this DECISION immediately upon receipt thereof pursuant to Section 7, Rule III of Administrative Order No. 7, as amended, in relation to OMB Memorandum Circular No. 1, Series of 2006, dated 11 April 2006, and to promptly inform this Office of the action taken hereon.

SO DECIDED.⁷ (Emphasis in the original, underscoring supplied)

Thereafter, Florida M. Dijan (*Dijan*), Regional Director of the Department of the Interior and Local Government (*DILG*) Region III, received a Memorandum dated December 3, 2012 from DILG Undersecretary Austere A. Panadero instructing her to cause the immediate implementation of the OMB Decision dated August 31, 2012 suspending Legaspi.⁸ With this, Dijan issued an Order⁹ dated December 12, 2012 directing the implementation of Legaspi's suspension.¹⁰ Darwin David (*David*), Officer-in-Charge (*OIC*) of the Bulacan Office, DILG Region III, and Atty. Myron C. Cunanan (*Cunanan*), Legal Officer, DILG Region III, were tasked to serve a copy of the order of suspension to Legaspi and cause the immediate implementation thereof.¹¹

⁵ *Id.* at 506–507.

⁶ *Id.* at 471–474.

⁷ *Id.* at 474.

⁸ *Id.* at 412–413.

⁹ *Id.* at 414.

¹⁰ *Id.*

¹¹ *Id.* at 415.

As such, David and Cunanan proceeded to the Municipal Hall of Norzagaray to implement the suspension order. However, they did not find Legaspi therein. Silangan Rivas (*Rivas*), the Municipal Human Resource Management Officer accommodated David and Cunanan.¹² Thereat, Rivas called Legaspi and handed the phone to Cunanan. Initially, Legaspi refused to receive the suspension order but Cunanan cautioned him that a valid substituted service may be done. After the phone was returned to Rivas, she then informed Cunanan and David that she would receive the suspension order based on Legaspi's instruction. Thus, at 3:00 p.m. on December 12, 2012, Rivas received the suspension order on behalf of Legaspi and this was witnessed by Dr. Jimmy Corpus, a consultant of the municipal government.¹³

The following day, Rivas wrote a letter¹⁴ to the DILG Region III, seeking to return the suspension order of Legaspi due to the following reasons:

1. That as the Municipal Human Resource Management Officer, I am not duly authorized to receive such document on behalf of the Municipal Mayor;
2. That since the nature of the document is an order from your office, the undersigned believes that the same should be directly received by Mayor Feliciano P. Legaspi, M.D.¹⁵

The DILG Region III, through Dijan, responded to the letter of Rivas and explained that her authority was categorically acknowledged by the counsel of Legaspi in a pleading entitled "Appearance, Urgent Manifestation and Motion to Recall Undated 1st Indorsement"¹⁶ wherein it was stated that:

.....

(c) On 12 December 2012 respondent Mayor Legaspi received the Memorandum (ANNEX "D") of even date from DILG Regional Director Dijan directing him to cease and desist from exercising the powers and performing his duties and responsibilities as Municipal Mayor of Norzagaray, Bulacan, for the period of six (6) months and one (1) day pursuant to the Decision, and that the elected Vice-Mayor shall temporarily assume the function as Acting Mayor while the suspension is in effect unless the Court orders otherwise.¹⁷ (Emphasis in the original)

¹² *Id.* at 1110–1115.

¹³ *Id.* at 415; 418–420; 1130–1131.

¹⁴ *Id.* at 460.

¹⁵ *Id.*

¹⁶ *Id.* at 744–750.

¹⁷ *Id.* at 461; 745–746.

For the DILG Region III, the clear import of the quoted statement was that Rivas' receipt was honored by Legaspi as if he personally received it.¹⁸

In the meantime, Vice Mayor Rogelio P. Santos, Jr. (*Santos, Jr.*) was furnished a copy of the suspension order and was sworn in as acting mayor of Norzagaray.

While under preventive suspension from December 12, 2012 to June 13, 2013, Legaspi solemnized 37 marriages and issued a mayor's permit in favor of Wacuman Incorporated (*Wacuman*). Thus, the OMB, through the Office of the Special Prosecutor (*OSP*), filed 38 Informations against Legaspi for usurpation of official functions punishable under Article 177 of the Revised Penal Code. The accusatory portion of the 37 similarly worded Informations docketed as SB-16-CRM-0272 to 0291 and SB-16-CRM-0293 to 0309, except with respect to their material particulars, states:

That on or about . . . , or sometime prior or subsequent thereto, in the Municipality of Norzagaray, Bulacan, Philippines, and within the jurisdiction of the Honorable Court, the said above-named accused, Feliciano Palad Legaspi, Sr, a public officer, being then the elected Municipal Mayor of Norzagaray, Bulacan, taking advantage of his official function and committing the offense in relation to his office, did then and there willfully, unlawfully and feloniously and under pretense of official position, assume the duties and functions of the Office of the Mayor by solemnizing the marriage between . . . under Marriage Certificate Registry No. . . . , while under suspension and without being lawfully authorized or entitled to do so, to the damage and prejudice of public interest.

CONTRARY TO LAW.¹⁹

The details of each Information are as follows:

Criminal Case No.	Date of Commission	Marriage Certificate Registry No.	Contracting Parties.
SB-16-CRM-0273	December 14, 2012	2012-358	Allan P. Hernandez and Clarisse S. Benguelo
SB-16-CRM-0274	December 14, 2012	2012-359	Michael D. Galan and Ma. Cristina P. Cruz
SB-16-CRM-0275	December 19, 2012	2012-363	Errol V. Casuyon and Laarni C. Endino
SB-16-CRM-0276	December 21, 2012	2012-370	Mark P. Malano and Shermane M. Versoza

¹⁸ *Id.*

¹⁹ *Id.* at 65-66.

SB-16-CRM-0277	December 22, 2012	2012-372	Khentner L. Madchalang and Mary Ann H. Cipriano
SB-16-CRM-0278	December 28, 2012	2012-375	Mario L. Reyes, Jr. and Jhonalyn S. Francia
SB-16-CRM-0279	December 28, 2012	2012-376	Jose Emanuel Lopez and Milarose Cortes
SB-16-CRM-0280	December 28, 2012	2012-377	Mark Ace F. Samiano and Ruby O. Sta. Maria
SB-16-CRM-0281	December 28, 2012	2012-378	Rolando P. Pascual, Jr. and Rens Carla V. Payumo
SB-16-CRM-0282	January 4, 2013	2013-7	Adolfo Jose Grijalva and Cristina S. Ariola
SB-16-CRM-0283	January 18, 2013	2013-13	Sherwin L. Hitois and Carol R. Pulayan
SB-16-CRM-0284	January 18, 2013	2013-14	Mark Gerald C. Tanseco and St. Jures F. Lasala
SB-16-CRM-0285	January 18, 2013	2013-15	Edward P. Lising and Melanie D. Marañon
SB-16-CRM-0286	January 28, 2013	2013-18	Leomar A. Seva and Shirlyn A. Sabordo
SB-16-CRM-0287	February 8, 2013	2013-31	Roderto C. Santoalla and Eunila C. Velasco
SB-16-CRM-0288	February 14, 2013	2013-34	Antonio G. Caliso and Haide C. Bondesto
SB-16-CRM-0289	February 15, 2013	2013-25	Bryan D. Gales and Ellaine Nucup
SB-16-CRM-0290	February 17, 2013	2013-36	Richard B. Palomata and Rachelle D. Labesores
SB-16-CRM-0291	February 20, 2013	2013-39	Ricardo B. Abat and Ma. Teresa C. Celestino
SB-16-CRM-0292	February 22, 2013	2013-316	Wacuman, Inc.
SB-16-CRM-0293	March 1, 2013	2013-42	Honey C. Patria and Josephine H. Florig
SB-16-CRM-0294	March 7, 2013	2013-47	Darwin S. Guddaran and Lhabdie G. Paje
SB-16-CRM-0295	March 8, 2013	2013-53	Jose Rey C. Bayking and Marites E. Pales
SB-16-CRM-0296	March 8, 2013	2013-54	Joey P. Pasangkay and Ivy Joy P. Belza
SB-16-CRM-0297	March 22, 2013	(No Certificate Number Indicated)	Randy S. Cardeno and Monisa F. Lumantao
SB-16-CRM-0298	March 22, 2013	2013-60	Ricky B. Monera and Armida O. Deleña
SB-16-CRM-0299	March 22, 2013	2013-61	Jessie D. Ramirez and Jacqueline P. Del Valle
SB-16-CRM-0300	April 5, 2013	2013-65	Alberto A. Mendoza and Mary Gane L. Aliñabo
SB-16-CRM-0301	April 5, 2013	2013-71	Mark Jayson M. Mendoza and Kris R. Punsalan

SB-16-CRM-0302	April 12, 2013	2013-72	Felix D. Longcop, Jr. and Leonora P. Cornico
SB-16-CRM-0303	April 14, 2013	2013-73	Elipidio S. Bau and Mary Ann P. Gaspe
SB-16-CRM-0304	April 19, 2013	2013-80	Allan E. Quiricon and Melanie V. Patricio
SB-16-CRM-0305	April 29, 2013	2013-90	Mark Anthony P. Lucas and Lourdes J. Aquino
SB-16-CRM-0306	May 3, 2013	2013-95	Ronnel D. Buluran and Zyrille O. Cruz
SB-16-CRM-0307	May 8, 2013	2013-103	Jerwin C. Mari and Maribel B. Jemilla
SB-16-CRM-0308	May 10, 2013	2013-105	Reynaldo R. Bello and Rose Ann L. Mandapat
SB-16-CRM-0309	May 10, 2013	2013-104	Gilbert Guadayo and Leni DL. Lacsina ²⁰

Meanwhile, the accusatory portion of the Information docketed as SB-16-CRM-0292 read:

That on or about 22 February 2013, or sometime prior or subsequent thereto, in the Municipality of Norzagaray, Bulacan, Philippines, and within the jurisdiction of the Honorable Court, the said above-named accused, Feliciano Palad Legaspi, Sr., a public officer, being then the elected Municipal Mayor of Norzagaray, Bulacan, taking advantage of his official function, and committing the offense in relation to office, did then and there willfully, unlawfully and feloniously and under pretense of official position, assume the duties and functions of the Office of the Mayor by issuing a Mayor's Permit No. 2013-316 to Wacuman Incorporated, while under suspension and without being lawfully authorized or entitled to do so, to the damage and prejudice of public interest.

....

CONTRARY TO LAW.²¹

The prosecution presented 37 Philippine Statistics Authority (PSA) certified marriage certificates marked as Exhibits "A" to "KK" which were identified by Ryan Anthony D. Amad (*Amad*), Prosecutor/Investigator Designate, Legal Services Division of the PSA.²² Amad explained that there are four original copies of each marriage certificate. The *first* copy is given to the contracting parties; the *second* copy is for the solemnizing officer; the *third* copy is retained by the Local Civil Registry office; and the *fourth* copy is transmitted to the PSA as the repository of civil registration documents.²³ The prosecution also presented the certified true copies of the duplicate

²⁰ *Id.* at 66-68.

²¹ *Id.* at 1343.

²² *Id.* at 72.

²³ *Id.* at 74; 316.

original copies of the marriage certificates that were certified by Paulina L. Santos (*Santos*), the Municipal Civil Registrar of Norzagaray, Bulacan. These were marked as Exhibits “JJJ” to “TTTT.”²⁴ Though Santos had no participation in the execution nor in the preparation of the marriage certificates, she confirmed that she certified them pursuant to her duty as the custodian of registrable certificates and documents presented for entry.²⁵ In their respective sworn statements, other witnesses such as Josephine Legaspi Torres,²⁶ Ma. Adora Bernabe Marcial,²⁷ Emmie Corea Cruz,²⁸ and Marivic Marcial Legaspi²⁹ also testified that they either personally assisted or witnessed Legaspi solemnize the said marriages during his suspension.³⁰ As regards the mayor’s permit issued to Wacuman, this was identified and authenticated by Portia H. German (*German*), the Local Assessment Operations Officer and Head of Business Permits and Licensing Office of Norzagaray, Bulacan.³¹

Prosecution witness Marlene S. Cruz, the former officer-in-charge Municipal Accountant, confirmed that in Legaspi’s Service Record, there is an entry stating that from “12/12/2012 to 06/13/2013,” Legaspi was “suspended” from service and that he did not receive his salary during said period.³²

On the other hand, the defense presented its lone witness, Legaspi, who denied all the allegations against him. He maintained that he does not remember signing the marriage certificates and the mayor’s permit during his purported suspension as he had signed many documents.³³ The defense questioned the genuineness of the marriage documents as they were merely colored photocopies and did not have a dry seal.³⁴ Legaspi argued that he could not have signed the marriage certificates as he was serving the penalty of suspension from office.³⁵

On May 11, 2018, the Sandiganbayan rendered its Decision,³⁶ the dispositive portion of which states:

WHEREFORE, in Criminal Case Nos. SB-16-CRM-0272 to SB-16-CRM-0309, inclusive, accused Feliciano Palad Legaspi, Sr. is found

²⁴ *Id.* at 74–77; 983–988.

²⁵ *Id.* at 77; 989–991.

²⁶ *Id.* at 1083–1085.

²⁷ *Id.* at 919–921.

²⁸ *Id.* at 356–358.

²⁹ *Id.* at 907–909.

³⁰ *Id.* at 77–78.

³¹ *Id.* at 78–79; 901.

³² *Id.* at 79; 366–369.

³³ *Id.* at 80, 230.

³⁴ *Id.* at 80, 232–233.

³⁵ *Id.* at 81, 232–233.

³⁶ *Id.* at 65–96.

GUILTY beyond reasonable doubt of the crime of *Usurpation of Official Functions* defined and punishable under Article 177 of the *Revised Penal Code*.

There being no aggravating nor mitigating circumstances proven, accused is sentenced to suffer in *each* case the indeterminate penalty of **THREE (3) MONTHS AND ELEVEN (11) DAYS** of *arresto mayor* in its medium and maximum periods as minimum to **ONE (1) YEAR, EIGHT (8) MONTHS AND TWENTY-ONE (21) DAYS** of *prision correccional* in its minimum and medium periods as maximum.

SO ORDERED.³⁷ (Emphasis, italics, and underscoring in the original)

In convicting Legaspi, the Sandiganbayan stressed that he was not lawfully entitled to exercise his powers as Municipal Mayor from December 12, 2012 to June 13, 2013 because the OMB suspended him from public office for a period of six months and one day beginning December 12, 2012.³⁸ The Sandiganbayan found that despite his suspension, Legaspi solemnized marriages and issued a mayor's permit under the pretense that he could exercise the powers of a municipal mayor.³⁹ Credence was given to the documentary evidence which the prosecution presented comprising the copies of the subject marriage certificates and mayor's permit. The Sandiganbayan stated that Legaspi cannot downplay the act of solemnizing marriages as a mere act of signing documents that may easily be forgotten as he did it several times.⁴⁰

Legaspi filed a motion for reconsideration, which was denied in a Resolution⁴¹ dated September 18, 2018. The Sandiganbayan ruled that Legaspi's theory that his signatures may have been forged is, at best, a mere speculation, absent any proof in support thereof.⁴² The Sandiganbayan highlighted the identification made by the prosecution witnesses who were municipal employees tasked to assist Legaspi and were familiar with his signature.⁴³

Hence, the instant Petition.

In the present Petition,⁴⁴ Legaspi argues that the presentation of the documentary evidence of the prosecution did not comply with the Rules. He insisted that the said pieces of evidence were mere photocopies that were not

³⁷ *Id.* at 95–96.

³⁸ *Id.* at 82–85.

³⁹ *Id.* at 85–87.

⁴⁰ *Id.* at 94.

⁴¹ *Id.* at 98–106.

⁴² *Id.* at 104.

⁴³ *Id.* at 104–105.

⁴⁴ *Id.* at 8–62.

compared with the originals. They were allegedly not duly attested and officially sealed in accordance with the Rules. He maintained that since the genuineness of his purported signatures is at issue, the originals are required to be presented.⁴⁵ He also highlights that the service of the order of suspension issued by the DILG was defective.⁴⁶ In addition, the burden of proof lies in the prosecution that the signatures appeared in the documentary evidence was his signature.⁴⁷

Meanwhile, in its Comment,⁴⁸ the OSP maintains that the Petition must be dismissed for failing to raise only pure questions of law.⁴⁹ The OSP reiterates that Legaspi clearly violated Article 177 of the Revised Penal Code when he solemnized the marriages of 37 couples from December 14, 2012 to May 10, 2013 and issued Mayor's Permit No. 2013-315 on February 22, 2013 while he was suspended from office.⁵⁰

Issue

The issue to be resolved is whether Legaspi is guilty of 38 counts of usurpation of official functions under Article 177 of the Revised Penal Code.

This Court's Ruling

The Petition must be denied.

At the outset, it must be stressed that issues dealing with the sufficiency of evidence and the relative weight accorded to it by the lower court cannot be raised in a petition for review on *certiorari* under Rule 45 of the Rules as it is limited only to questions of law. This Court is not a trier of facts and it is not its function to analyze nor weigh all over again evidence already considered in the proceedings below.⁵¹ Here, the arguments raised by petitioner are factual and are not appropriate in a petition for review on *certiorari* under Rule 45. Nevertheless, even after taking a second hard look on the case, this Court is still convinced that Legaspi's guilt had been proven beyond reasonable doubt.

⁴⁵ *Id.* at 45–50.

⁴⁶ *Id.* at 51–52.

⁴⁷ *Id.* at 54–59.

⁴⁸ *Id.* at 1341–1384.

⁴⁹ *Id.* at 1346–1347.

⁵⁰ *Id.* at 1347–1381.

⁵¹ *Grageda v. Fact-Finding Investigation Bureau*, G.R. Nos. 244042, 244043 & 243644, March 18, 2021 [Per J. Carandang, First Division].

Article 177 of the Revised Penal Code states:

ARTICLE 177. *Usurpation of authority or official functions.* — Any person who shall knowingly and falsely represent [oneself] to be an officer, agent or representative of any department or agency of the Philippine Government or of any foreign government, or who, under pretense of official position, shall perform any act pertaining to any person in authority or public officer of the Philippine Government or any foreign government, or any agency thereof, without being lawfully entitled to do so, shall suffer the penalty of *prision correccional* in its minimum and medium periods.

The foregoing provision contemplates two offenses: (1) usurpation of authority; and (2) usurpation of official functions.⁵² The first offense is committed by knowingly and falsely representing oneself “to be an officer, agent or representative of any department or agency of the Philippine government or any foreign government.” Meanwhile, the second offense is committed through performing “any act pertaining to any person in authority or public officer of the Philippine government or any foreign government, or any agency thereof, under pretense of official position, x x x without being lawfully entitled to do so.”⁵³

Based on the Informations, petitioner is accused of 38 counts under the second mode of Usurpation of Official Functions of Article 177. Thus, the prosecution has the burden of proving beyond reasonable doubt the following elements:

1. The offender may be a private person or public officer.
2. The offender performs any act pertaining to any person in authority or public officer of the Philippine government, any of its agencies, or of a foreign government.
3. The offender performs the act under pretense of official function.
4. The offender performs the act without being legally entitled to do so.⁵⁴

As correctly determined by the Sandiganbayan, the guilt of petitioner was established beyond reasonable doubt.

It is not disputed that the first two elements are present. The acts complained against petitioner involve powers and duties conferred by

⁵² Luis B. Reyes, Revised Penal Code, Book II, 17th edition (2008), p. 254.

⁵³ REVISED PENAL CODE, art. 177.

⁵⁴ *Tiongco v. People*, G.R. Nos. 218709-10, November 14, 2018 [Per J. Carpio, Second Division].

Section 444, Article I, Chapter III of Republic Act No. 7160 to municipal mayors such as solemnizing marriages⁵⁵ and issuing permits and licenses.⁵⁶

Anent the third and fourth elements, it is worthy to highlight the fact that petitioner solemnized marriages, issued marriage certificates, and granted a mayor's permit, all while he was suspended. These acts were performed under the pretense of official functions, giving the appearance that he had authority to do such acts when he was actually precluded by his suspension from office. Noticeably, all marriage certificates bore the signature of the solemnizing officer, petitioner, and his designation as municipal mayor was clearly indicated under his name. The marriages were even solemnized at the Office of the Municipal Mayor. Likewise, the permit issued to Wacuman also specified that it was approved by petitioner as municipal mayor.

To recall, the OMB found petitioner administratively liable for oppression or grave abuse of discretion in the case docketed as OMB-L-A-11-0338-F and imposed the penalty of suspension for six months and one day. Pursuant to paragraph (c), Section 51 of the Revised Rules on Administrative Cases in the Civil Service (*RRACS*), the "penalty of suspension shall result in the temporary cessation of work for a period not exceeding one (1) year."⁵⁷ During the period of suspension, the public officer "shall not be entitled to all monetary benefits including leave credits."⁵⁸ As a consequence, the suspended public officer is barred from exercising the functions of his or her office during this period.

In refuting the charges against him, petitioner argues that the documentary evidence presented by the prosecution to prove that he solemnized the 37 marriages and issued a mayor's permit during the period of his suspension were not authenticated in accordance with the Rules. Petitioner essentially assails the genuineness and admissibility of the marriage certificates and the mayor's permit he purportedly issued during the period of his suspension that were presented by the prosecution during trial. In order to determine whether these documents may be given credence and used against petitioner to justify his conviction, this Court must necessarily discuss the nature of these documents and the appropriate authentication requirement under the Rules.

The copies of the marriage certificates and the mayor's permit that petitioner issued during the

⁵⁵ Republic Act No. 7160 (1991), art. I, chap. III par. (b) (1) (xviii), sec. 444.

⁵⁶ Republic Act No. 7160 (1991), art. I, chap. III par. (b) (3) (iv), sec. 444.

⁵⁷ Paragraph (c), Section 51 of the Revised Rules on Administrative Cases in the Civil Service.

⁵⁸ *Id.*

period of his suspension are admissible and constitute prima facie evidence of the facts stated therein.

There is no doubt that the marriage certificates submitted by the prosecution were public documents. Articles 408 and 410 of the Civil Code states:

ARTICLE 408. The following shall be entered in the civil register:

.....

(2) *marriages*;

.....

ARTICLE 410. The books making up the civil register and all documents relating thereto shall be *considered public documents and shall be prima facie evidence of the facts therein contained.* (Emphasis supplied)

Marriage certificates and mayor's permits are also considered public documents based on the definition provided in Section 19(a), Rule 132 of the Rules of Court which states:

SECTION 19. *Classes of documents.* – For the purpose of their presentation in evidence, documents are either public or private.

Public documents are:

- (a) *The written official acts, or records of the official acts of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country;*
- (b) Documents acknowledged before a notary public except last wills and testaments; and
- (c) Public records, kept in the Philippines, of private documents required by law to be entered therein.

All other writings are private.⁵⁹ (Emphasis supplied)

⁵⁹ The 2019 Proposed Amendments to the Revised Rules on Evidence (2019 Amendments) took effect on May 1, 2020 and shall cover (i) all cases filed after the said date; and, (ii) all pending proceedings except to the extent that, in the opinion of the court, their application would not be feasible or would work injustice.

Section 19, Rule 132 of the 2019 Amendments states:

SECTION 19. *Classes of documents.* – For the purpose of their presentation in evidence, documents are either public or private.

Public documents are:

- (a) The written official acts, or records of the sovereign authority, official bodies and tribunals, and public officers, whether of the Philippines, or of a foreign country;
- (b) Documents acknowledged before a notary public except last wills and testaments;

Marriage certificates and mayor's permits are public documents because these are issuances of a municipal mayor in the performance of his/her official powers under Republic Act No. 7160. These constitute *prima facie* evidence of the facts stated therein based on Section 23, Rule 132 of the Rules which states:

SECTION 23. *Public documents as evidence.* - Documents consisting of entries in public records made in the performance of a duty by a public officer are *prima facie* evidence of the facts therein stated. All other public documents are evidence, even against a third person, of the fact which gave rise to their execution and of the date of the latter.

Nevertheless, while a public document does not require the authentication imposed upon a private document, it must still be demonstrated that "a record of the official acts of official bodies, tribunals or of public officers exists."⁶⁰ Section 24, Rule 132 of the Rules, the governing provision at the time the case was heard in the Sandiganbayan,⁶¹ states:

SECTION 24. *Proof of official record.* - The record of public documents referred to in paragraph (a) of Section 19, when admissible for any purpose, may be evidenced by **an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy**, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody. If the office

(c) Documents that are considered public documents under treaties and conventions which are in force between the Philippines and the country of source; and

(d) Public records, kept in the Philippines, of private documents required by law to be entered therein.

All other writings are private.

⁶⁰ Willard B. Riano, *Evidence*, p. 235, (2009).

⁶¹ The 2019 Amendments took effect on May 1, 2020 and shall cover (i) all cases filed after the said date; and, (ii) all pending proceedings except to the extent that, in the opinion of the court, their application would not be feasible or would work injustice.

Section 24, Rule 132 of the 2019 Amendments states:

SECTION 24. *Proof of official record.* - The record of public documents referred to in paragraph (a) of Section 19, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his or her deputy, and accompanied, if the record is not kept in the Philippines, with a certificate that such officer has the custody.

If the office in which the record is kept is in a foreign country, which is a contracting party to a treaty or convention to which the Philippines is also a party, or considered a public document under such treaty or convention pursuant to paragraph (c) of Section 19 hereof, the certificate or its equivalent shall be in the form prescribed by such treaty or convention subject to reciprocity granted to public documents originating from the Philippines.

For documents originating from a foreign country which is not a contracting party to a treaty or convention referred to in the next preceding sentence, the certificate may be made by a secretary of the embassy or legation, consul general, consul, vice-consul, or consular agent or by any officer in the foreign service of the Philippines stationed in the foreign country in which the record is kept, and authenticated by the seal of [their] office.

A document that is accompanied by a certificate or its equivalent may be presented in evidence without further proof, the certificate or its equivalent being *prima facie* evidence of the due execution and genuineness of the document involved. The certificate shall not be required when a treaty or convention between a foreign country and the Philippines has abolished the requirement, or has exempted the document itself from this formality.

in which the record is kept is in a foreign country, the certificate may be made by a secretary of the embassy or legation, consul general, consul, vice consul or consular agent or by any officer in the foreign service of the Philippines station in the foreign country in which the record is kept, and authenticated by the seal of his office. (Emphasis supplied)

Based on the foregoing, the record of a public document kept in the Philippines may be evidenced by: (a) an official publication thereof; or (b) a copy of the document attested by the officer having legal custody of the record or by the attestation of his deputy if the record is kept in the Philippines.

Public documents are admissible in evidence even without further proof of their due execution and genuineness.⁶² However, in admitting public documents offered as proof of its contents, the best evidence rule, now known as the Original Documents Rule,⁶³ must still be observed. Section 3, Rule 130 of the Rules, the governing provision at the time of the trial, states:

SECTION 3. *Original document must be produced; exceptions.* – When the subject of inquiry is the contents of a document, no evidence shall be admissible other than the original document itself, except in the following cases:

....

(d) When the original is a public record in the custody of a public officer or is recorded in a public office.

....

⁶² *Iwasawa v. Gangan*, 717 Phil. 825, 830 (2013) [Per J. Villarama, Jr., First Division], citing *Salas v. Sta. Mesa Market Corporation*, 554 Phil. 343, 348 (2007) [Per J. Corona, First Division].

⁶³ The 2019 Amendments took effect on May 1, 2020 and shall cover (i) all cases filed after the said date; and, (ii) all pending proceedings except to the extent that, in the opinion of the court, their application would not be feasible or would work injustice.

Section 3, Rule 130 of the 2019 Amendments states:

Section 3. *Original document must be produced; exceptions.* – When the subject of inquiry is the contents of a document, writing, recording, photograph or other record, no evidence is admissible other than the original document itself, except in the following cases:

(a) When the original is lost or destroyed, or cannot be produced in court, without bad faith on the part of the offeror;

(b) When the original is in the custody or under the control of the party against whom the evidence is offered, and the latter fails to produce it after reasonable notice, or the original cannot be obtained by local judicial processes or procedures;

(c) When the original consists of numerous accounts or other documents which cannot be examined in court without great loss of time and the fact sought to be established from them is only the general result of the whole;

(d) When the original is a public record in the custody of a public officer or is recorded in a public office; and

(e) When the original is not closely-related to a controlling issue.

In *Iwasawa v. Gangan*,⁶⁴ this Court held that the trial court erred in disregarding the marriage certificates presented on the sole ground that the records custodian of the National Statistics Office, now PSA, was not presented to testify on their authenticity and due execution. This Court ruled that:

[N]ot only are said documents admissible, **they deserve to be given evidentiary weight because they constitute *prima facie* evidence of the facts stated therein.** And in the instant case, the facts stated therein remain unrebutted since neither the private respondent nor the public prosecutor presented evidence to the contrary.⁶⁵ (Emphasis supplied)

Similarly, in the recent case of *Patungan, Jr. v. People*,⁶⁶ this Court ruled that a public document such as death certificate is an admissible evidence even without further proof of their due execution and genuineness. This Court explained that even if the physician who issued the death certificate did not testify in court, the death certificate is admissible to prove the fact of death. This Court added that “the death certificate also deserves to be given evidentiary weight because it constitutes *prima facie* evidence of the facts stated therein.”⁶⁷

The principles highlighted in *Iwasawa* and *Patungan, Jr.* are consistent with the Rules and are relevant in justifying the admissibility of the questioned public documents.

This Court does not need to rely on the testimony of Santos and Amad to admit the marriage certificates. Exhibits “A” to “KK”⁶⁸ were duplicate originals and/or certified true copies of the marriage certificates issued by the PSA. Meanwhile, Exhibits “JJJ” to “TTTT” bear the mark stated that they were certified true copies of the duplicate original of the marriage certificates.⁶⁹ Therefore, the documentary evidence marked as Exhibits “A” to “KK” and “JJJ” to “TTTT” are considered official publications that prove the existence of the subject public documents and are *prima facie* evidence of the facts stated therein without the necessity of relying on the testimonies of Santos and Amad.

Petitioner also challenges the evidentiary value accorded to Exhibit “LL,” the certified photocopy of the mayor’s permit he purportedly issued to Wacuman. While the mayor’s permit issued in favor of Wacuman marked as

⁶⁴ *Iwasawa v. Ganga*, *supra* note 62.

⁶⁵ *Id.* at 830.

⁶⁶ G.R. No. 231827, January 20, 2020 [Per C.J. Peralta, First Division].

⁶⁷ *Id.*

⁶⁸ *Rollo*, pp. 319–355.

⁶⁹ *Id.* at 994–1030.

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Exhibit “LL” was a certified photocopy,⁷⁰ the same may still be given credence by this Court in convicting petitioner in Criminal Case No. SB-16-CRM-0292.

Section 7, Rule 130 of the Rules states:

SECTION 7. Evidence admissible when original document is a public record. – When the original of a document is in the custody of a public officer or is recorded in a public office, **its contents may be proved by a certified copy issued by the public officer in custody thereof.** (Emphasis supplied)

At this juncture, it is worthy to highlight this Court’s ruling in *Quintano v. National Labor Relations Commission*,⁷¹ wherein it was declared that there is no substantial distinction between a photocopy and a “true copy” for as long as the photocopy is certified by the proper officer of the court, tribunal, agency or office involved, or [their] duly-authorized representative and that it is a faithful reproduction of the original.⁷² Though not in all fours as the present case, the ruling of this Court in *Quintano* is instructive on this issue. This Court explained that:

Indeed, for all intents and purposes, a “certified xerox copy” is no different from a “certified true copy” of the original document. The operative word in the term “certified true copy” under Section 3, Rule 46 of the Rules of Court is “certified.” The word means “made certain.” It comes from the Latin word *certificare* — meaning, to make certain. Thus, as long as the copy of the assailed judgment, order, resolution or ruling submitted to the court has been certified by the proper officer of the court, tribunal, agency or office involved or [their] duly-authorized representative and that the same is a faithful reproduction thereof, then the requirement of the law has been complied with. **It is presumed that, before making the certification, the authorized representative had compared the xerox copy with the original and found the same a faithful reproduction thereof.**⁷³ (Emphasis supplied)

Here, the public officer in custody of the mayor’s permit, German, who is the local assessment operations officer, head of business permits and licensing office of Norzagaray, Bulacan, attested that Exhibit “LL” is a true and authentic photocopy of the record on file.⁷⁴ Similar to *Quintano*, it is presumed that before German made the certification, she compared the photocopy with the original record on file and found the former to be a faithful reproduction of the latter. Thus, there is compliance with the Rules.

⁷⁰ *Id.* at 906.

⁷¹ 487 Phil. 412 (2004) [Per J. Callejo, Sr., Second Division].

⁷² *Id.* at 423.

⁷³ *Id.*

⁷⁴ *Rollo*, p. 901.

Finally, the Sandiganbayan, correctly gave credence to the marriage certificates and mayor's permit presented to establish that petitioner issued these under the pretense of official function without being authorized to do so.

*The service of the copy of the OMB
Decision was proper.*

Based on DILG Memorandum Circular No. 2012-09, "the Rules of Court shall apply in a suppletory character, or by analogy whenever practicable and convenient."⁷⁵ Accordingly, in the service of decisions, resolutions, or orders received by the DILG for implementation, the modes of service prescribed in the Rules are applicable. In determining whether petitioner can excuse himself from liability on the ground that he was not properly served with a copy of the suspension order, this Court must necessarily determine whether there was a compliance with the requirements of personal service under Section 6, Rule 13 of the Rules, the governing rule at the time the suspension order was served. The provision states:

SECTION 6. *Personal service.* – Service of the papers may be made by delivering personally a copy to the party or his counsel, *or by leaving it in his office with his clerk or with a person having charge thereof.* If no person is found in his office, or his office is not known, or he has no office, then by leaving the copy, between the hours of eight in the morning and six in the evening, at the party's or counsels' residence, if known, with a person of sufficient age and discretion then residing therein.⁷⁶ (Emphasis supplied)

Petitioner is mistaken in arguing that he was not properly served a copy of his suspension order. The service made to Rivas, even if she attempted to return the suspension order the following day, constitutes a valid service under Section 6, Rule 13 of the Rules. The copy was served by leaving it at the petitioner's office with his clerk or with a person having charge thereof.⁷⁷ Rivas' position qualifies her to receive the suspension order for the petitioner.

⁷⁵ *Rollo*, p. 242.

⁷⁶ The 2019 Amendments took effect on May 1, 2020 and shall cover (i) all cases filed after the said date; and, (ii) all pending proceedings except to the extent that, in the opinion of the court, their application would not be feasible or would work injustice.

Section 6, Rule 13 of the 2019 Amendments states:

Section 6. *Personal service.* – Court submissions may be served by personal delivery of a copy to the party or to the party's counsel, or to their authorized representative named in the appropriate pleading or motion, or by leaving it in his or her office with his or her clerk, or with a person having charge thereof. If no person is found in his or her office, or his or her office is not known, or he or she has no office, then by leaving the copy, between the hours of eight in the morning and six in the evening at the party's or counsel's residence, if known, with a person of sufficient age and discretion residing therein.

⁷⁷ RULES OF COURT, Rule 13, sec. 6.

Furthermore, petitioner is now estopped from challenging the service of the suspension order because he acknowledged in his “Appearance, Urgent Manifestation and Motion to Recall Undated 1st Indorsement”⁷⁸ that “[O]n 12 December 2012 . . . Mayor Legazpi received the Memorandum (ANNEX “D”) of even date from DILG Regional Director Dijan directing him to cease and desist from exercising the powers and performing his duties and responsibilities as Municipal Mayor of Norzagaray, Bulacan, for the period of six (6) months and one (1) day pursuant to the Decision[.]”⁷⁹

It must also be pointed out that petitioner maintained in his sworn statement that he could not have signed the marriage certificates as he was serving the penalty of suspension from office,⁸⁰ yet he now argues that he was not properly served a copy of the suspension order.⁸¹ These are inconsistent arguments and do not deserve this Court’s consideration. Between the self-serving and incompatible statements of petitioner and the evidence of the prosecution, this Court affords greater weight to the latter.

The defense of forgery was not supported by evidence.

Having settled that the documents are admissible, this Court shall now address the allegation of forgery. Petitioner denies his participation in the issuance of the documents in question, insisting that he has no recollection of such acts because he signed many documents during his tenure. In effect, he impliedly claims that his signatures in the questioned documents may have been forged. However, the issue of whether the signatures of petitioner appearing in the marriage certificates and the mayor’s permit are forged is a question of fact that is beyond the scope of a petition for review on *certiorari* under Section 1, Rule 45.⁸²

Moreover, it is settled that as a rule, allegations of forgery, like all other allegations, must be proved by clear, positive, and convincing evidence by the party alleging it. It should not be presumed but must be established by comparing the alleged forged signature with the genuine signature.⁸³ Here, other than the self-serving claim that he does not recall signing the questioned documents, petitioner failed to adduce any proof to substantiate his claim of forgery.

⁷⁸ *Rollo*, pp. 744-750.

⁷⁹ *Id.* at 461; 745-746.

⁸⁰ *Id.* at 232-233.

⁸¹ *Id.* at 51-52.

⁸² *Gatan v. Vinarao*, 820 Phil 257, 265 (2017) [Per J. Leonardo-De Castro, First Division].

⁸³ *Id.* at 267-268.

5

Penalty.

The indeterminate penalty imposed by the Sandiganbayan is within the range of the penalty prescribed under the Revised Penal Code. Pursuant to Article 177 of the Revised Penal Code, the crime of usurpation of official functions is punishable with the penalty of *prision correccional* in its minimum and medium periods. Since there is no aggravating nor mitigating circumstances present in the case, the maximum penalty shall be within the medium range of the prescribed penalty equivalent to one (1) year, eight (8) months, and twenty-one (21) days to two (2) years, eleven (11) months, and ten (10) days. Meanwhile, the minimum penalty shall be within the range of the penalty one (1) degree lower than that prescribed by the Revised Penal Code—*arresto mayor* in its medium and maximum periods, which is equivalent to two (2) months and one (1) day to six (6) months. Here, the penalty imposed by the Sandiganbayan for each count is within the range prescribed by law. Hence, this Court affirms the indeterminate penalties imposed.

Considering that petitioner is convicted of 38 counts of usurpation of official functions, the threefold rule found in Article 70 of the Revised Penal Code on successive service of sentences shall be observed, the pertinent portion of which states:

ARTICLE 70. *Successive service of sentences.* — . . .

Notwithstanding the provisions of the rule next preceding; the maximum duration of the convict's sentence shall not be more than threefold the length of time corresponding to the most severe of the penalties imposed upon him. No other penalty to which he may be liable shall be inflicted after the sum of those imposed equals the said maximum period.

Such maximum period shall in no case exceed forty years.

Nonetheless, despite the threefold rule in Article 70, this should not affect the imposition of the appropriate penalties. In *People v. Santos*,⁸⁴ this Court explained that:

[T]he application of Article 70 of the [Revised Penal Code] should not yet to be taken into account in the court's imposition of the appropriate penalty. Article 70 speaks of “service” of sentence, “duration” of penalty and penalty “to be inflicted.” Nowhere in the article is anything mentioned about the “imposition of penalty.” It merely provides that the prisoner cannot be made to serve more than three times the most severe of these penalties the maximum of which is forty years. Thus, courts should still

⁸⁴ G.R. No. 237982, October 14, 2020 [Per C.J. Peralta, First Division].

impose as many penalties as there are separate and distinct offenses committed, since for every individual crime committed, a corresponding penalty is prescribed by law. Each single crime is an outrage against the State for which the latter, thru the courts of justice, has the power to impose the appropriate penal sanctions.⁸⁵ (Citations omitted)

Hence, this Court must still impose the proper penalties for each count of the crime of usurpation of official functions duly proven.

ACCORDINGLY, the instant petition is **DENIED**. The Decision dated May 11, 2018 and the Resolution dated September 18, 2018 of the Sandiganbayan in Criminal Case Nos. SB-16-CRM-0272 to 0309 are **AFFIRMED**. Petitioner Feliciano Palad Legaspi, Sr. is found **GUILTY** of 38 counts of usurpation of official functions under Article 177 of the Revised Penal Code. He is sentenced to suffer imprisonment for each count, the indeterminate penalty of three (3) months and eleven (11) days of *arresto mayor*, as minimum, to one (1) year, eight (8) months and twenty-one (21) days of *prision correccional*, as maximum.

Pursuant to the threefold rule under Article 70 of the Revised Penal Code, petitioner Feliciano Palad Legaspi, Sr. shall serve not more than threefold the indeterminate penalty of three (3) months and eleven (11) days of *arresto mayor*, as minimum, to one (1) year, eight (8) months and twenty-one (21) days of *prision correccional*, as maximum.

SO ORDERED.

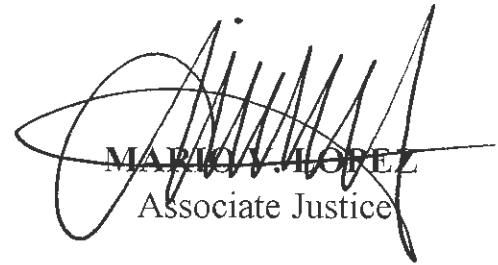

JHOSEP Y. LOPEZ
Associate Justice


WE CONCUR:


MARVIC M.V.F. LEONEN
Senior Associate Justice

⁸⁵ *Id.*, citing *Mejorada v. Sandiganbayan*, 235 Phil. 400, 410-411 (1987) [Per J. Cortes, *En Banc*]; *People v. Escares*, 102 Phil. 677, 679 (1957) Per J. Bautista Angelo].



AMY C. LAZARO-JAVIER
Associate Justice


MARIO V. FLOREZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

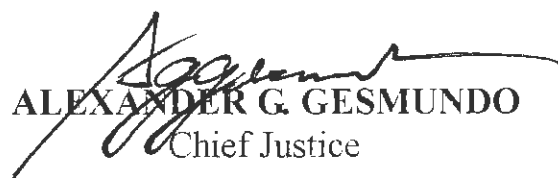
ATTESTATION

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


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

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice