

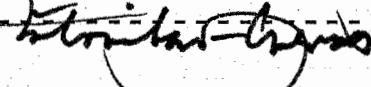
EN BANC

G.R. Nos. 242447-48 – PRESIDENT D. ELIPE and PRISTINE E. QUIZON, Petitioners, v. PEOPLE OF THE PHILIPPINES, represented by the Office of the Special Prosecutor, Respondent.

Promulgated:

May 20, 2025

X - - - - -



CONCURRING OPINION

CAGUIOA, J.:

Petitioners President D. Elipe (Elipe) and Pristine E. Quizon (Quizon) (collectively, petitioners) were charged and convicted by the Sandiganbayan as co-conspirators for violating Section 3(e)¹ of Republic Act No. 3019² for allegedly falsifying a Daily Time Record (DTR) to “unduly collect” PHP 1,894.08 in salaries. Quizon and Elipe were found by the Sandiganbayan to have acted with “evident bad faith, manifest partiality, or gross inexcusable negligence.”

I concur with the *ponencia* in acquitting Elipe and Quizon. The *ponencia* correctly applied *Martel v. People*,³ emphasizing that “any violation of Republic Act No. 3019 must be founded on graft and corruption, as the statute’s title suggests.”⁴ In *Martel*, the Court clarified how the elements of evident bad faith, manifest partiality, or gross inexcusable negligence are to be proven:

The presence of evident bad faith requires that the accused acted with a malicious motive or intent, or ill will. It is not enough that the accused violated a provision of law or that the provision of law violated is clear, unmistakable and elementary. To constitute evident bad faith, it must be proven that the accused acted with fraudulent intent.

As explained in *Sistoza*, “mere bad faith or partiality and negligence *per se* are not enough for one to be held liable under the law since the act of bad faith or partiality must in the first place be evident or manifest.”

¹ SECTION 3. *Corrupt practices of public officers*. — In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official, administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

² Anti-Graft and Corrupt Practices Act (1960).

³ 895 Phil. 270 (2021) [Per J. Caguioa, *En Banc*].

⁴ *Ponencia*, p. 15.



To stress anew, evident bad faith "contemplates a state of mind affirmatively operating with furtive design or with some motive or self-interest or ill will or for ulterior purposes." It connotes "a manifest deliberate intent on the part of the accused to do wrong or to cause damage. It contemplates a breach of sworn duty through some perverse motive or ill will."

*Because evident bad faith entails manifest deliberate intent on the part of the accused to do wrong or to cause damage, it must be shown that the accused was "spurred by any corrupt motive." Mistakes, no matter how patently clear, committed by a public officer are not actionable "absent any clear showing that they were motivated by malice or gross negligence amounting to bad faith."*⁵ (Emphasis supplied; citations omitted)

In this case, it is apparent that the prosecution failed to present evidence of bad faith, manifest partiality, or gross inexcusable negligence on the part of petitioners. To the contrary, the evidence proves Quizon and Elipe's innocence, particularly: "[1] Quizon ensured that she filed a request to avail of the flexi-time privileges before her planned days off; (2) her request/application for flexi-time was approved by the vice mayor[; and (3)] she actually rendered overtime work."⁶

Furthermore, while petitioners may have failed to comply with the internal rules of the *Sanggunian Panlungsod* of Cagayan de Oro in relation to the preparation of DTRs, the same does not automatically translate to a violation of Republic Act No. 3019. These internal rules are non-penal in character. Thus, violations of these rules may immediately result in other kinds of liability, such as administrative or civil, but the same cannot be said about criminal liability. In a criminal case, the prosecution has the burden of proving the presence of each element of the crime beyond reasonable doubt. Naturally, the prosecution cannot discharge this burden by proving violations of other laws, much less of an agency's internal rules. This is a *non sequitur*. Without evidence beyond reasonable doubt of a violation of the penal law, the Court cannot sustain a conviction.

To conclude, it is striking that the amount involved in the instant controversy is the incredibly small amount of PHP 1,894.08—barely three days' minimum wage in Metro Manila, and yet Quizon and Elipe's case was tried and decided under two years. Is this a sign of swift justice? Indeed, a trite adage comes to mind that, "Whoever can be trusted with very little can also be trusted with much, and whoever is dishonest with very little will also be dishonest with much."⁷ And yet, evident from the proceedings before the Sandiganbayan, there is an apparent disproportionality of zeal when it comes to prosecuting and deciding offenses against those charged with dishonesty of the "very little" in contrast to those who are "dishonest with much."

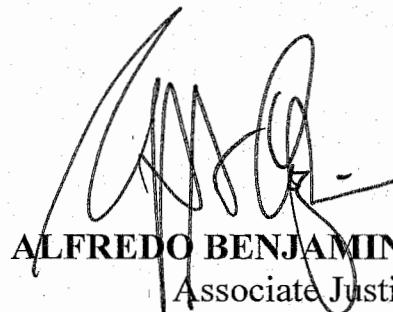
⁵ *Martel v. People*, *supra* note 3, at 297–298.

⁶ *Ponencia*, p. 16.

⁷ Luke 16:10, New International Version.



ACCORDINGLY, I vote to **GRANT** the Petition for Review on *Certiorari* and **ACQUIT** petitioners President D. Elipe and Pristine E. Quizon in Criminal Case Nos. SB-16-CRM-0725 and SB-16-CRM-0726.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice