



REPUBLIC OF THE PHILIPPINES  
 SUPREME COURT  
 Manila

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SECOND DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Second Division, issued a Resolution dated **16 October 2019** which reads as follows:

**"G.R. No. 247242 — EDITHA E. OMPOC, and CHANGLYN A. OMPOC, petitioners, versus PEOPLE OF THE PHILIPPINES, respondent.**

X-----X

After reviewing the Petition and its annexes, the Court resolves to deny the Petition and AFFIRM the Decision<sup>1</sup> dated April 6, 2018 of the Court of Appeals – Cagayan de Oro City in CA-G.R. CR No. 01431-MIN finding petitioners Changlyn A. Ompoc (petitioner Changlyn) and Editha E. Ompoc (petitioner Editha) guilty beyond reasonable doubt of the crime of perjury. It is well-settled that in the absence of facts or circumstances of weight and substance that would affect the result of the case, appellate courts will not overturn the factual findings of the trial court.<sup>2</sup>

Before completely disposing of the case, however, this Court will address an argument even though the same should be denied for being raised for the first time on appeal in the instant Petition. Citing *Masangkay v. People*,<sup>3</sup> petitioners assert that the statements regarding the forgery of petitioner Editha's signature in the *Kasabutan* is a legal conclusion or opinion which cannot be taken as intentional false statements of fact. The Court disagrees.

The statements of petitioners Changlyn and Editha that petitioner Editha's signature in the *Kasabutan* was forged should not be taken in isolation. Placed in context with the rest of the statements in their affidavits, petitioners used the word "forged" to mean that petitioner Editha's signature was "imitated." Petitioners averred that although petitioner Editha did not sign the *Kasabutan*, private complainants Jeffrey Neri and Mary Ann Neri, in conspiracy with barangay officials, made it appear that she signed the same. Petitioner Changlyn made the following statements in his Affidavit:

2. That the signature appearing in the KASABUTAN of the [complainants'] reply-affidavit right above the name of my wife EDITHA ESTROLOGO OMPOC is not her signature. Same was forged by the complainants in conspiracy with the Barangay Secretary CORAZON MARQUEZ and Barangay Councilor DOMINADOR AMISOLA;

X X X X

4. That she did not sign it, because it appeared therein that she begged pardon from the complainants for allegedly having disseminated false statements or rumors against the latter which act she did not commit.<sup>4</sup>

<sup>1</sup> *Rollo*, pp. 41-52. Penned by Associate Justice Edgardo A. Camello, with Associate Justices Perpetua T. Atal-Paño, and Walter S. Ong concurring.

<sup>2</sup> *People v. Gerola*, 813 Phil. 1055, 1064 (2017).

<sup>3</sup> 635 Phil. 220 (2010).

<sup>4</sup> *Rollo*, p. 20.

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He reiterated the same in his supplemental affidavit, to wit:

3. That it was our previous Barangay Captain Licencio Cuesta who conducted the mediation conference on that date and the supposed handwritten agreement (KASABUTAN) between my wife and the said spouses was not signed by my wife. Although, a few days thereafter, JEFFREY NERI had signified to me that he was already settling the dispute between them and my wife amicably, but still [no] written agreement was made to that effect.<sup>5</sup>

On the other hand, petitioner Editha made the following statements in her Affidavit-Complaint:

7. That on July 12, 2013, spouses JEFFREY NERI and MARY ANN NERI, with malicious intent, and in conspiracy with the Barangay Secretary Corazon Marquez and Barangay Kagawad Dominador Amisola who, taking advantage of their position and in grave abuse of their official function, and to my damage and great prejudice, falsified a document purporting to be an agreement (KASABUTAN) dated March 15, 2010 between me and spouses JEFFREY NERI and MARY ANN NERI by causing it to appear that I signed the document for forging or imitating my signature and attribute (*sic*) to me statements to the effect that I begged pardon from JEFFREY NERI and MARY ANN NERI for allegedly having disseminated false statements or rumors against them, which in fact and in truth I did not make. It is also stated in the document that I promised not to do such act again x x x.<sup>6</sup>

Even if this Court disregards the word “forged” for purportedly being a legal conclusion or opinion, the rest of the statements of petitioners — to the effect that private complainants made it appear that petitioner Editha signed the *Kasabutan* — remain. The lower courts found these statements perjurious. The Court agrees.

The Court quotes with approval the discussion of the handling prosecutor when dismissing the falsification case filed by petitioner Editha against private complainants and the barangay officials, *viz.*:

The contrary claim of the complainant runs counter to the ordinary course of events. If, in truth, no settlement was reached, why would the spouses Neri resort to falsifying an agreement to make it appear that the complainant begged pardon from them? Is it not ridiculous to suppose that the spouses instituted an action before the *barangay lupon* for redress of their grievance only to allow such grievance to melt and die down in their hearts by the false relief of a falsified agreement. Such a supposition is very difficult for a reasonable mind to accept.

Even assuming *arguendo* that the spouses are willing to get their redress by means of a falsified document, why would the barangay officials allow themselves to be a party to such a stupid shenanigan or tomfoolery? What interest [would] respondent public officers have in the positive outcome of the case? What benefit have they received from the purported falsification of the minutes and the agreement? What impelled these officials to conspire with the spouses to effect such falsification?<sup>7</sup>

<sup>5</sup> Id. at 21.

<sup>6</sup> Id.

<sup>7</sup> Id. at 120-121.

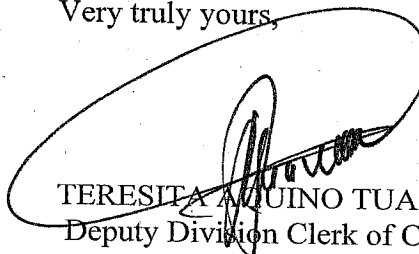
In perjury cases, the alleged intentionally false statement, including an apparent legal conclusion or opinion, should be read side by side with other statements made by the affiant in his or her sworn document. Otherwise, an intentionally false statement, peppered in the right places with legal conclusions or opinions, will never be a ground for perjury. This will open the floodgates for devious affiants to circumvent the policy behind penalizing the act of knowingly lying under oath.

In *People v. Cainglet*,<sup>8</sup> the Court stressed that every interest of public policy demands that perjury be not shielded by artificial refinements and narrow technicalities. For perjury strikes at the administration of the laws. It is the policy of the law that judicial proceedings and judgments be fair and free from fraud, and that litigants and parties be encouraged to tell the truth, and that they be punished if they do not.<sup>9</sup>

**WHEREFORE**, premises considered, the Petition is hereby **DENIED** for lack of merit. The Court hereby **ADOPTS** the findings of fact and conclusions of law in the Decision dated April 6, 2018 of the Court of Appeals – Cagayan de Oro City in CA-G.R.CR No. 01431-MIN.

**SO ORDERED.** "

Very truly yours,



TERESITA AQUINO TUAZON

Deputy Division Clerk of Court *whh, 12/2*

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<sup>8</sup> 123 Phil. 568 (1966).

<sup>9</sup> Id. at 575.

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Regional Trial Court, Branch 7  
Tubod, Lanao del Norte  
(Crim. Case Nos. 5106-08)

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