THIRD DIVISION

[G.R. No. 254652. August 27, 2025]

ALICE R. RAGODON, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

D E C I S I O N

INTING, J.:

Before the Court is a Petition for Review on *Certiorari*[1] which assails the Decision[2] dated September 10, 2020, and Resolution[3] dated December 17, 2020, of the Sandiganbayan in Criminal Case No. SB-19-A/R-0018 that affirmed, with modification as to the penalty, the Decision[4] dated September 4, 2015, of Branch 82, Regional Trial Court (RTC), Odiongan, Romblon in Criminal Case No. OD-1772. The RTC found Alice R. Ragodon (petitioner) guilty beyond reasonable doubt of Malversation of Public Funds defined and penalized under Article 217 of the Revised Penal Code.

The Antecedents

In an Information, petitioner was indicted for Malversation of Public Funds committed as follows:

> That on or about 14 October 2002[,] or sometime prior or subsequent thereto at around 11:30 in the evening, more or less in Odiongan, Romblon, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, Alice R. Ragodon, an accountable public officer, being the Disbursing Officer of Romblon National High School, Romblon, Romblon, entrusted with and responsible for the encashment of the salaries and cash benefits of Teachers and school personnel at the Land Bank of the Philippines, Odiongan, Branch did then and there wilfully, unlawfully and feloniously permit/allow another person to take [PHP] 802,224.19 by negligently failing to convert the cash into PNB demand draft which is the usual procedure being undertaken whenever check (sic) are endorsed at LBP Odiongan for transport to Romblon, Romblon and by failing to take the necessary precaution and observe the requisite standard of care commensurate with the transportation of the aforesaid public funds from Odiongan to Romblon, Romblon, to the damage and prejudice of the public.
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> CONTRARY TO LAW.[5]

Upon arraignment, petitioner entered a plea of "Not Guilty" to the crime charged.[6]

Trial on the merits ensued.[7]

Version of the Prosecution

The prosecution presented the following witnesses: Maricel Montojo (Montojo) and Lupo Mazo (Mazo).[8]

Both the prosecution and defense stipulated that at the time pertinent to the case, petitioner held the position of Disbursing Officer of Romblon National High School (RNHS). As such, she was responsible for the withdrawal or encashment of checks from the Land Bank of the Philippines (LBP) Odiongan Branch which were designated for the salaries of RNHS personnel. During such transactions, a security officer or a school employee designated by the school principal was required to accompany the petitioner. Montojo, the Administrative Officer of RNHS, testified that the funds withdrawn by petitioner from LBP Odiongan Branch were sourced from the national government and specifically allocated for the salaries of teachers and other school staff. [9]

On October 7, 2002, at around 10:00 a.m., while reviewing the daily time records of school personnel at her desk, which is located adjacent to the office of then-school principal Fiorelio Faigao (Faigao), Montojo observed Faigao exit his office and heard him instruct petitioner to withdraw the sum of PHP 802,224.19 from LBP Odiongan Branch. Additionally, she heard Faigao direct petitioner to convert the cash into a demand draft at the Philippine National Bank (PNB) Odiongan Branch which was to be subsequently encashed.[10]

According to Montojo, the standard procedure for withdrawing the salaries of RNHS employees is: (1) the disbursing officer encashes the payroll checks at LBP Odiongan Branch; (2) the cash is then taken to PNB Odiongan Branch to be converted into a demand draft; and (3) the demand draft is presented at PNB Romblon Branch for encashment.[11]

During cross-examination, Montojo acknowledged that on certain occasions during her tenure as disbursing officer, she was unable to encash demand drafts at PNB Romblon Branch due to insufficient cash availability. On those occasions, she opted to transport the cash directly from LBP Odiongan Branch to Romblon. She also confirmed that the school principal orchestrated the assignment of security personnel to accompany the disbursing officer.[12]

Another witness, Mazo, who serves as a Security Guard at RNHS, testified that at the time relevant to the case, he was employed as a utility worker at RNHS. On October 14, 2002, he accompanied petitioner to withdraw funds from the LBP Odiongan Branch. He indicated that he had previously accompanied both petitioner and Montojo, when the latter was still the disbursing officer of RNHS. He confirmed his familiarity with the standard procedure for converting withdrawn cash into demand drafts, having

personally observed this process during his prior assignments. Following petitioner's withdrawal of money from the LBP Odiongan Branch, they did not proceed to the PNB Odiongan Branch to convert the cash into a demand draft. Instead, they traveled directly to the residence of a certain Mr. Arevalo, who is a relative of petitioner. They arrived there around noon and stayed until approximately 11:45 p.m.[13]

Subsequently, Mazo exited to call a vehicle—a tribike—for their transportation to the pier. However, during transit and near the new market, they encountered three individuals: one operating a motorcycle and two others riding a separate motorcycle. The individuals declared robbery and forcibly seized their bags while they remained seated on the tribike. He refrained from resisting, as he observed one of the attackers brandishing a firearm; being unarmed himself, he was rendered incapable of defending either himself or the petitioner. Petitioner attempted to resist; however, her bag was still taken from her. Later, they proceeded to the police station to file a report regarding the robbery. The robbers were never identified.[14]

During the cross-examination, Mazo affirmed that it was the then-principal, Faigao, who designated him to accompany petitioner for the check encashment in Odiongan. He hailed a tribike while petitioner remained at Mr. Arevalo's residence. He did not recognize the driver of the tribike. He explained that the delay in reporting the incident to the police was attributable to the robbers having confiscated the vehicle's keys which rendered the tribike temporarily inoperable.[15]

The Version of the Defense

On the other hand, the defense presented two witnesses, namely: Mazo and the petitioner.[16]

Mazo testified that there were four security personnel assigned to RNHS at the time of the incident. However, during the period pertinent to the case, he was a utility worker. When Faigao appointed him to accompany the petitioner to Odiongan, he expressed concern regarding the assignment, noting that there were other active security personnel who could have been designated for this task instead. As a utility worker, he was not authorized to carry a firearm; neither were the RNHS security guards. During cross-examination, Mazo estimated that he had accompanied petitioner to Odiongan on approximately 10 occasions. He stated that the funds that were regularly withdrawn were intended for the salaries of the RNHS teachers and staff. At the time of the robbery, the cash was in petitioner's possession, although Mazo was unaware of the specific amount. While at Mr. Arevalo's residence, he briefly exited to purchase peanut butter, leaving petitioner inside with the funds. During the robbery, as the assailants were seizing their belongings, Mazo attempted to intervene but stopped when one of the robbers brandished a firearm at him.[17]

Meanwhile, petitioner testified that Faigao issued her a travel memorandum to encash a check for official business in Odiongan, accompanied by Mazo on October 14, 2002. She successfully encashed the check at the LBP Odiongan Branch and brought the money to their residence. However, when she intended to convert the funds into a

demand draft at the PNB Odiongan Branch, the bank had already closed. While on their way to the pier on a tribike, four armed assailants on two motorcycles ambushed them. Petitioner reported that one assailant pointed a gun at Mazo, who exited the vehicle with his hands raised, while another pointed a gun at her neck and forcibly took her bag. The robbers also took Mazo's bag before fleeing. Thereafter, they reported the incident to the police station.[18]

Petitioner explained that she did not obtain a demand draft that day due to previous experiences where the bank had insufficient funds, which had previously compelled her to return to Romblon with cash. She recalled that during her tenure as RNHS cashier from 1999 to 2002, she seldom returned with a demand draft; on all other occasions, she brought back cash. Although she had informed the school principal about the unavailability of funds, she continued to receive travel orders without clear instructions regarding whether to return with cash or a demand draft. After the robbery on October 14, 2002, the Commission on Audit started deducting the lost amount from her salary beginning in August 2013.[19]

The Ruling of the RTC

In the Decision[20] dated September 4, 2015, the RTC found petitioner guilty as charged. It noted that petitioner, an accountable officer, negligently failed to convert a withdrawn amount of PHP 802,224.19 into a PNB demand draft—an essential precautionary measure. As a result, the money was lost. After reporting the loss, she began repaying the amount through salary deductions. However, the restitution of the misappropriated amount does not absolve an accused of criminal liability. Under the law, repayment—even before trial—does not extinguish criminal responsibility.[21] The RTC decreed as follows:

> IN THE LIGHT OF THE FOREGOING, the Court finds accused, Alice Ragodon GUILTY beyond reasonable doubt of the crime of Malversation penalized under Article 217 of the Revised Penal Code and hereby sentences her to suffer the indeterminate penalty of eight (8) years and one (1) day of prision mayor, as minimum to twelve (12) years and one (1) day of reclusion temporal as maximum and to perpetual special disqualification.
>
> The accused Alice Ragodon is likewise ordered to pay a fine equal to the amount of the funds malversed which is [PHP] 802,224.19.
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> SO ORDERED.[22]

Aggrieved, petitioner filed a motion for reconsideration[23] which the RTC denied in its Resolution dated July 25, 2016.

Unsatisfied, petitioner appealed to the Court of Appeals (CA). In the Decision dated March 29, 2019, the CA partly granted the appeal and remanded the case to the RTC for transmission to the Sandiganbayan.[24]

The Ruling of the Sandiganbayan

In the assailed Decision[25] dated September 10, 2020, the Sandiganbayan affirmed with modification the RTC ruling as to the penalty. The *fallo* of the Sandiganbayan Decision reads:

> WHEREFORE, in light of all the foregoing, the appeal is hereby DENIED. The Decision of the Regional Trial Court of Odiongan, Romblon, Branch 82, dated September 4, 2015, convicting accused-appellant Alice Ragodon of the crime of Malversation of Public Funds under Article 217 of the Revised Penal Code, as amended, is hereby AFFIRMED, except for the penalty imposed, and the lack of pronouncement of the civil liability of the accused-appellant.
>
> The accused-appellant is hereby sentenced to suffer the indeterminate penalty of two (2) years, four (4) months, and one (1) day of prision correccional as minimum, to seven (7) years, and four (4) months of prision mayor as maximum, and to perpetual special disqualification. She is also ordered to pay a fine of PHP 802,224.19. Finally, the accused-appellant is hereby ordered to pay the Romblon National High School the sum of PHP 802,224.19.
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> SO ORDERED.[26]

The Sandiganbayan noted that the first three elements of the crime of Malversation are undisputed: (1) petitioner is a public officer; (2) she had custody or control of public funds due to her official position; and (3) the funds involved were public in nature, sourced from the national government. The fourth element—allowing, through negligence, another person to take the funds—was also established.[27] Testimonial evidence confirmed that the RNHS principal, Faigao, specifically instructed petitioner to withdraw PHP 802,224.19 from LBP Odiongan Branch and deposit it at PNB Odiongan Branch to obtain a demand draft, which was to be encashed at PNB Romblon. Instead of following this directive, petitioner went straight to the residence of a relative, Mr. Arevalo, immediately after completing the LBP transaction—without even attempting to go to PNB.[28] Accordingly, her failure to comply with explicit instructions and her decision to retain a large sum of public money in unsecured circumstances constituted clear negligence. While the robbery that occurred later that evening was unfortunate, the Sandiganbayan found that the loss could have been avoided had she exercised proper diligence and followed protocol.[29]

Displeased, petitioner moved for a reconsideration[30] which the Sandiganbayan denied in the assailed Resolution.[31]

Hence, the present Petition.

Petitioner contends that the prosecution did not establish negligence beyond a reasonable doubt. She asserted that she resisted the assailants, was threatened with a firearm, and experienced fear.[32] Furthermore, she was just following instructions from her principal, and her customary practice, which the principal tolerated, involved encashing the check and transporting the cash.[33] Besides, there was no evidence presented indicating that the missing funds were utilized for her personal advantage or benefit.[34]

In its Comment[35] dated December 4, 2023, the People, represented by the Office of the Ombudsman-Office of the Special Prosecutor, insists that the testimonial evidence presented contradicted petitioner's counter-allegations, indicating that she was indeed instructed to secure the funds through a demand draft at a specific bank but failed to do so, providing an alibi that was subsequently refuted by a witness's testimony placing her in a different location immediately following the withdrawal. Accordingly, the prosecution established petitioner's position as a disbursement officer, her custody of public funds, the public nature of those funds, and critically, her negligence in handling them as instructed, which ultimately facilitated their loss.[36]

The Issue

The core issue to be resolved in the case is whether the Sandiganbayan erred in finding petitioner guilty beyond reasonable doubt of Malversation of Public Funds.

The Ruling of the Court

The Court grants the Appeal.

The Court's appellate jurisdiction over decisions and final orders of the Sandiganbayan is limited to questions of law. The Court does not examine the factual determinations made by the Sandiganbayan, which are generally regarded as conclusive upon the Court.[37]

A question of law arises when there exists uncertainty or disagreement regarding the interpretation of the law in relation to a specific set of facts, and this question does not necessitate an evaluation of the probative value of the evidence submitted by the litigating parties. Conversely, a question of fact is presented when the inquiry inherently requires a thorough assessment of all evidence, primarily focusing on the credibility of witnesses, the existence and relevance of the surrounding circumstances, their relations to each other, as well as, the overall probabilities of the situation.[38]

The adequacy of evidence, be it circumstantial or otherwise, to substantiate a conviction for a crime constitutes a factual matter best determined by the lower court. Such determinations are regarded with respect and deemed conclusive, acknowledging the court's inherent proficiency in evaluating evidence based on experience.[39]

Nevertheless, as declared by the Court in *Villarosa v. People*,[40] while the Court is not a trier of facts, it may analyze, review, and even reverse findings of facts if there is compelling reason to do so. Moreover, the unique nature of an appeal in a criminal case is that the appeal throws the whole case open for review of all its aspects. The Court, acting in its appellate jurisdiction over the decisions and final orders of the Sandiganbayan, is duty-bound to correct, cite, and appreciate errors in the appealed judgment, whether they are assigned or unassigned. It is incumbent upon the Court to render such judgment as law and justice dictate, whether it be favorable or unfavorable to the accused.[41]

Based on the facts and governing law, the Court acquits petitioner of the charge.

The law cannot be stretched to criminalize a forced or compelled surrender of funds under the compulsion of armed robbery. Here, the prosecution failed to prove beyond reasonable doubt the specific element that, "through abandonment or negligence", petitioner *permitted* another to take the money under her custody.

The Court shall explain.

Malversation may be committed through the appropriation of public funds or property; by unlawfully taking or misappropriating such assets; by acquiescing, or through negligence or abandonment, thereby *allowing* another individual to take said public funds or property; or by being otherwise guilty in the misappropriation or malversation of such funds or property.[42] Article 217 of the Revised Penal Code states:

> ARTICLE 217. *Malversation of public funds or property. Presumption of malversation*. – Any public officer who, by reason of the duties of his office, is accountable for public funds or property, shall appropriate the same, or shall take or misappropriate or shall consent, or through abandonment or negligence, shall permit any other person to take such public funds or property, wholly or partially, or shall otherwise be guilty of the misappropriation or malversation of such funds or property, shall suffer:

1. The penalty of *prision correccional* in its medium and maximum periods, if the amount involved in the misappropriation or malversation does not exceed two hundred pesos.

2. The penalty of *prision mayor* in its minimum and medium periods, if the amount involved is more than two hundred pesos but does not exceed six thousand pesos.

3. The penalty of *prision mayor* in its maximum period to *reclusion temporal* in its minimum period, if the amount involved is more than six thousand pesos but is less than twelve thousand pesos.

4. The penalty of *reclusion temporal* in its medium and maximum periods, if the amount involved is more than twelve thousand pesos but is less than twenty-two thousand pesos. If the amount exceeds the latter, the penalty shall be *reclusion*

temporal in its maximum period to *reclusion perpetua*.

In all cases, persons guilty of malversation shall also suffer the penalty of perpetual special disqualification and a fine equal to the amount of the funds malversed or equal to the total value of the property embezzled.

The failure of a public officer to have duly forthcoming any public funds or property with which he is chargeable, upon demand by any duly authorized officer, shall be *prima facie* evidence that he has put such missing funds or property to personal uses.

The elements of Malversation of Public Funds under Article 217 of the Revised Penal Code are: (1) that the offender is a public officer; (2) that he/she had the custody or control of funds or property by reason of the duties of his office; (3) that those funds or property were public funds or property for which he/she was accountable; and (4) that he [or] she appropriated, took, misappropriated or consented or, through abandonment or negligence, *permitted* another person to take them.[43] In cases of malversation of public funds, conviction requires proof that the accountable officer received the funds and failed to account for them when asked, without providing a valid justification for the deficiency.[44]

In this regard, case law instructs that to prosecute this crime, the prosecution must prove *beyond reasonable doubt*, through direct or circumstantial evidence, that the public officer appropriated, misappropriated, or consented to, or neglected to prevent another from taking public property or funds in his custody. Without such evidence, the public officer cannot be held criminally liable. The mere absence of funds does *not* constitute sufficient evidence of malversation. In the same way, the mere failure of the public officer to remit the funds at any particular time does not suffice to establish even a *prima facie* case. Malversation must be substantiated. However, an accountable officer may face conviction for malversation even in the absence of direct evidence of misappropriation, provided there exists evidence of a deficiency in their account that they *cannot* adequately explain.[45] The Court explained in one case:

In this case, however, petitioner failed to overcome this *prima facie* evidence of guilt. He failed to explain the missing funds in his account and to restitute the amount upon demand. His claim that the money was taken by robbery or theft is self-serving and has not been supported by evidence. In fact, petitioner even tried to unscrew the safety vault to make it appear that the money was forcibly taken. Moreover, petitioner's explanation that there is a possibility that the money was taken by another is belied by the fact that there was no sign that the steel cabinet was forcibly opened. We also take note of the fact that it was only petitioner who had the keys to the steel cabinet. Thus, the explanation set forth by petitioner is unsatisfactory and does not overcome the presumption that he has put the missing funds to personal use.

> Malversation is committed either intentionally or by negligence. The *dolo* or the *culpa* present in the offense is only a modality in the perpetration of the felony. Even if the mode charged differs from the mode proved, the same offense of malversation is involved and conviction thereof is proper. All that is necessary for conviction is sufficient proof that the accountable officer had received public funds, that he did not have them in his possession when demand therefor was made, and that he could not satisfactorily explain his failure to do so. Direct evidence of personal misappropriation by the accused is hardly necessary as long as the accused cannot explain satisfactorily the shortage in his accounts. To our mind, the evidence in this case is thoroughly inconsistent with petitioner's claim of innocence. Thus, we sustain the Sandiganbayan's finding that petitioner's guilt has been proven beyond reasonable doubt.[46]

While it is undisputed that petitioner was the properly designated disbursing officer of RNHS and had custody of public funds that were lost while in her possession, the evidence does not prove that the loss resulted from abandonment or negligence. Article 217 of the Revised Penal Code addresses liability when a public officer, through carelessness or omission, *allows* someone else to take public funds. The term "permit" suggests consent or tolerance, not an involuntary surrender under threat or force. In the case, petitioner was held at gunpoint, and her choices were either to give up the money or die. The law cannot reasonably be interpreted to require a public officer to sacrifice her life to avoid liability. Therefore, the necessary element of voluntariness for a conviction is clearly missing.

In petitioner's case, both prosecution and defense witnesses consistently confirmed that she was the victim of a violent robbery. Mazo, her companion, testified that armed men on motorcycles stopped their vehicle, threatened them with firearms, and forcibly took their bags. Petitioner's own testimony supported this, even describing how one attacker pressed a gun at her neck. Significantly, the incident was promptly reported to the police. These facts strongly indicate that the loss resulted from a criminal act that occurred afterwards, rather than negligence or collusion by petitioner. In *Bintudan v. COA*,[47] the Court clarified that negligence is a fluid, comparative, and relative concept highly *dependent* on the surrounding circumstances. Thus:

> Negligence is the omission to do something that a reasonable man, guided upon those considerations which ordinarily regulate the conduct of human affairs, would do, or the doing of something which a prudent man and [a] reasonable man could not do. Stated otherwise, negligence is want of care required by the circumstances. Negligence is, therefore, a relative or comparative concept. Its application depends upon the situation the parties are in, and the degree of care and vigilance which the prevailing circumstances reasonably require. Conformably with this understanding of negligence, the diligence the law requires of an individual to observe and exercise varies according to the nature of the situation in which she happens to be, and the importance of the act that she has to perform.[48]

In the case, the deviations from the standard payroll management procedures do not amount to criminal negligence. Evidence indicated that at RNHS, it was common for the disbursing officer to personally deliver cash from Odiongan to Romblon when demand drafts could not be cashed due to bank shortages. Witness Montojo also admitted to doing this multiple times because the bank occasionally lacked cash for encashment. Further, petitioner cannot be faulted for assigning Mazo, a utility worker, to accompany her, as it was the school principal who appointed escorts. Neither Mazo nor the security guards at RNHS were authorized to carry firearms; therefore, even an armed guard present would have been ineffective against four armed robbers. Under the circumstances, the gunpoint holdup was a criminal act that directly caused the loss, and it cannot be deemed that petitioner allowed the loss through negligence on her part.

In *Hernandez v. COA*,[49] therein petitioner encashed checks to pay wages of his co-employees. However, he decided to bring the money home to Marilao, Bulacan, and to deliver it the next day because it was already late and dangerous to return to the project site in Cavite. While petitioner was riding in a passenger jeep, two robbers attacked him. In that case, the Court ruled that the loss of the money was due to a fortuitous event and could not be attributed to petitioner's imprudence or negligence. It said:

> Hindsight is a cruel judge. It is so easy to say, after the event, that one should have done this and not that or that he should not have acted at all, or else this problem would not have arisen at all. That is all very well as long as one is examining something that has already taken place. One can hardly be wrong in such a case. But the trouble with this retrospective assessment is that it assumes for everybody an uncanny prescience that will enable him by some mysterious process to avoid the pitfalls and hazards that he is expected to have foreseen. It does not work out that way in real life. For most of us, all we can rely on is a reasoned conjecture of what might happen, based on common sense and our own experiences, or our intuition, if you will, and without any mystic ability to peer into the future[.][50]

Similarly, in *Callang v. COA*,[51] the Court reiterated that while it is easy to pass judgment with the benefit of foresight, an individual cannot be faulted in failing to predict every outcome of one's action. The Court discussed:

> Hindsight is a cruel judge. It is so easy to say, after the event, that one should have done this and not that or that he should not have acted at all, or else this problem would not have arisen at all. That is all very well as long as one is examining something that has already taken place. One can hardly be wrong in such a case. But the trouble with this retrospective assessment is that it assumes for everybody an uncanny prescience that will enable him by some mysterious process to avoid the pitfalls and hazards that he is expected to have foreseen. It does not work out that way in real life. For most of us, all we can rely on is a reasoned conjecture of what might happen, based on common sense and our own experiences, or our intuition, if you will, and without any mystic ability to peer into the future. So it was with the petitioner.

> To emphasize, Callang's choice of bringing the money home was not fraught with negligence. In fact, it is not hard to fathom that a reasonable and diligent person would have acted the same way as Callang did under the present circumstances. Her office had been subjected to numerous burglaries in the past and it was not equipped with an adequate compartment where the money can be safely stored until the following day.
>
> Taken in isolation, the fact that Callang brought the money home under her custody would appear to be a negligent act rendering her liable for the loss due to the robbery. However, when the surrounding circumstances are considered. Callang acted prudently when she decided against leaving the money in her office and instead bring the funds home[.][52]

In the case, neither *mens rea* (intent to misappropriate) nor inexcusable negligence was proven beyond reasonable doubt. Malversation may be committed intentionally or through negligence, but the prosecution must prove the specific mode alleged in the information. There is simply no evidence of personal appropriation or connivance, and any supposed lapses—such as the timing of travel or the temporary stop at a relative's residence—do not rise to the level of gross negligence that Article 217 punishes. At most the administrative matter of the case, was already addressed by salary deductions from petitioner since 2013. To convict her criminally on these facts would be to punish her not only as an accountable officer but also as a victim of robbery which would be the height of injustice.

ACCORDINGLY, the Petition for Review on *Certiorari* is **GRANTED**. The Decision dated September 10, 2020, and Resolution dated December 17, 2020, of the Sandiganbayan in Criminal Case No. SB-19-A/R-0018 are **SET ASIDE**. Petitioner Alice R. Ragodon is **ACQUITTED** of Malversation of Public Funds under Article 217 of the Revised Penal Code in Criminal Case No. OD-1772 filed before Branch 82, Regional Trial Court, Odiongan, Romblon. In case she had posted a bail bond for her provisional liberty, it is **ORDERED CANCELLED** and should be **RETURNED** to her within five days from notice.

Let entry of judgment be **ISSUED** immediately.

SO ORDERED.

Caguioa (Chairperson), Gaerlan, and *Dimaampao, JJ.*, concur.
Singh, * *J.*, on leave.

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* On leave.

[1] *Rollo*, pp. 34-50.

[2] *Id.* at 54-71. Penned by Associate Justice Efren N. Dela Cruz and concurred in by Associate Justices Geraldine Faith A. Econg and Edgardo M. Caldona of the First

Division of the Sandiganbayan, Quezon City.

[3] *Id.* at 73-75. Penned by Associate Justice Efren N. Dela Cruz and concurred in by Associate Justices Geraldine Faith A. Econg and Edgardo M. Caldona of the First Division of the Sandiganbayan, Quezon City.

[4] *Id.* at 84-88. Penned by Executive Judge Jose M. Madrid.

[5] *Id.* at 55.

[6] *Id.*

[7] *Id.*

[8] *Id.*

[9] *Id.* at 55-56.

[10] *Id.* at 56.

[11] *Id.*

[12] *Id.*

[13] *Id.* at 57.

[14] *Id.*

[15] *Id.* at 57-58.

[16] *Id.* at 58.

[17] *Id.* at 58-59.

[18] *Id.* at 59.

[19] *Id.* at 60.

[20] *Id.* at 84-88.

[21] *Id.* at 87.

[22] *Id.* at 88.

[23] *Id.* at 89-95, *see* Motion for Reconsideration dated September 23, 2015.

[24] *Id.* at 62.

[25] *Id.* at 54-71.

[26] *Id.* at 73-75.

[27] *Id.* at 64.

[28] *Id.* at 65-67.

[29] *Id.* at 68.

[30] *Id.* at 76-83, *see* Motion for Reconsideration dated October 12, 2020.

[31] *Id.* at 73-75.

[32] *Id.* at 41

. [33] *Id.* at 43-44.

[34] *Id.* at 46-47.

[35] *Id.* at 145-158.

[36] *Id.* at 152.

[37] **Alpay v. People**, 905 Phil. 1018, 1026 (2021).

[38] *Id.*

[39] *Id.* at 1027.

[40] 875 Phil. 270 (2020).

[41] *Id.* at 299-300.

[42] **Ocampo III v. People**, 567 Phil. 461, 479 (2008).

[43] **People v. Dapitan**, 911 Phil. 114, 120 (2021).

[44] **Valenzuela v. People**, 826 Phil. 11, 25 (2018).

[45] **People v. Dapitan**, *supra* note 4, at 120-121.

[46] **Canlas v. People**, 713 Phil. 344, 354-355 (2013).

[47] 807 Phil. 795 (2017).

[48] *Id.* at 803.

[49] 258-A Phil. 604 (1989).

[50] *Id.* at 610.

[51] 845 Phil. 476 (2019).

[52] *Id.* at 488.

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