Supreme Court E-Library

intended to provide the needed impetus and encouragement to the development of our local political subdivisions as "self-reliant communities." In the words of Jefferson, "Municipal corporations are the small republics from which the great one derives its strength." The vitalization of local governments will enable their inhabitants to fully exploit their resources and, more important, imbue them with a deepened sense of involvement in public affairs as members of the body politic. This objective could be blunted by undue interference by the national government in purely local affairs which are best resolved by the officials and inhabitants of such political units. The decision we reach today conforms not only to the letter of the pertinent laws but also to the spirit of the Constitution.

WHEREFORE, the petition is dismissed. The decision of the respondent Court of Appeals dated May 29, 1985, is hereby affirmed *in toto*, with costs against petitioner Hee Acusar.

SO ORDERED.

Yap (Chairman), Narvasa, Melencio-Herrera, and *Feliciano, JJ.*, concur.

EN BANC

[G.R. Nos. 54645-76. December 18, 1986]

REYNALDO R. BAYOT, *petitioner, vs.* **THE SANDIGANBAYAN AND PEOPLE OF THE PHILIPPINES,** *respondents.*

SYLLABUS

1. **REMEDIAL LAW; EVIDENCE; CREDIBILITY OF WITNESSES; IN CASE OF CONFLICTING TESTIMONIES OF EXPERTS, CONSTITUTIONAL PRESUMPTION OF INNOCENCE MUST PREVAIL.**— The Court is left now to assess the probative value of the respective

Supreme Court E-Library

testimonies given by two handwriting experts whose findings and conclusions are diamentrically opposite to each other. In this regard, it would be relevant to consider that this Court went as far as to state as a guiding rule, in the related case of *Cesar vs. Sandiganbayan* that, "Where the supposed expert's testimony would constitute the sole ground for conviction and there is equally convincing expert testimony to the contrary, the constitutional presumption of innocence must prevail."

2. **CRIMINAL LAW; FORGERY; PRESUMPTION THAT ONE WHO USED THE FORGED DOCUMENT IS THE FORGER; NOT APPLICABLE TO PETITIONER IN CASE AT BAR.**— It is incomprehensible how Bayot, who was out of the service since 1975, would have been in possession of the subject checks in 1977. The decision of the Sandiganbayan itself state that it was Amado Fernandez as superintendent of the Teachers' Camp who caused the typing of the said checks by seeking the help of the accused Iluminada Vizco. The blank TCAA checks used were said to have been requisitioned by and were under the custody of Maximiano Huguete, a cashier-assistant of Iluminada Vizco, the cashier of the MEC. Only Amado Fernandez and Joseph Estanislao encashed the questioned checks. On these undisputed promises, the presumption in law is that "where one is shown beyond doubt to have used the forged document, it is presumed that he is its forger." (*People of the Phil. vs. Carabao*, 30 SCRA 993). Such valid and legal presumption would, therefore, exclude the petitioner Bayot as the author of the forgeries. On the other hand, there is the fundamental rule of law that a man is rightfully entitled to be presumed innocent. This must apply to petitioner.

3. **REMEDIAL LAW; EVIDENCE; ABSENCE OF RELIABLE EVIDENCE; VERDICT OF ACQUITTAL ON GROUNDS OF REASONABLE DOUBT, PROPER.**— There being totally absent any reliable evidence that can support the conviction of herein petitioner, specially when the evidence presented against him had already been described by this Court as "woefully inadequate," "conjectural and presumptive," then a verdict of acquittal, even if only on grounds of reasonable doubt, would be the only proper judgment for this Court to decree.

Supreme Court E-Library

APPEARANCES OF COUNSEL

Alfredo Estrella and Ramon Quisumbing, Jr. for petitioner.
Fred Henry V. Marallag for petitioners-intervenors.
The Solicitor General for respondents.

D E C I S I O N

ALAMPAY, *J.*:

The petition for review in this case is intrinsically and inseparably linked to another case earlier resolved by this Court and which is G.R. Nos. 54719-50, entitled "Lorenzo Ga. Cesar *versus* Honorable Sandiganbayan and People of the Philippines." In the abovementioned case, the evidence submitted by the prosecution which served as basis of the Sandiganbayan's decision are no less than the evidence adduced against the herein petitioner, Reynaldo Bayot. Petitioner herein, Reynaldo R. Bayot, together with his co-accused Lorenzo Ga. Cesar, was one of those charged and convicted in a joint decision by the Sandiganbayan, of the crime of estafa thru falsification of public documents. Both were sentenced to a total of 577 years imprisonment by the Sandiganbayan on exactly the same evidence which this Court had pronounced as "woefully inadequate" and "too conjectural and presumptive to establish personal culpability." (*Cesar vs. Sandiganbayan*, 134 SCRA 105)

The petition for review filed by Lorenzo Ga. Cesar was granted by this Court and in the decision rendered on January 17, 1985 in G.R. Nos. L-54719-50, 134 SCRA 105, the Court *en banc*, reversed the decision of the Sandiganbayan and acquitted Lorenzo Ga. Cesar. The charge and the evidence submitted against Lorenzo Ga. Cesar being one and the same against the herein petitioner Reynaldo R. Bayot, the Court should do no less with respect to the latter.

Reynaldo R. Bayot and Lorenzo Ga. Cesar, were among the thirteen officials and employees of the Ministry of Education

Supreme Court E-Library

and Culture who, in thirty-two separate Informations were charged before the Sandiganbayan, with the crime of estafa thru falsification of public documents. Accused AMADO FERNANDEZ and JOSEPHINE ESTANISLAO who were the ones principally blamed for the said crimes managed to flee abroad and were not arraigned. Five other accused, JAIME LUBINA, a cashier aide and JUANITO DALANGIN, ERNESTO DE GUZMAN, SERGIO GARCIA, and LAUREANO GARCIA, paying tellers in the Bureau of Treasury, were acquitted. Those convicted by the Sandiganbayan were Iluminada Vizco, cashier of the Ministry of Education and Culture in Manila, Rosalia Lopez, a Senior Budget Examiner of the MEC, Salvador Daza, Assistant National Treasurer of the Bureau of Treasury, as well as Reynaldo R. Bayot and Lorenzo Ga. Cesar.

The Informations in the thirty-two cases of estafa thru falsification of public documents, subject of the instant petition, except for the names of the paying tellers, the dates of the commission of the offense and the amount involved uniformly charge —

"That in, about and during the period x x x[1] and within the jurisdiction of this Honorable Court, the accused Amado Fernandez, Superintendent of the Teachers' Camp in Baguio and Joseph Estanislao, Cashier of the same office with the intent of defrauding the Philippine Government and with the indispensable cooperation and assistance of Lorenzo Cesar, former Assistant Director of the Bureau of Elementary Education; Reynaldo Bayot, a former Auditor of the Ministry of Education and Culture (MEC); Jaime Lubina, a Cashier's aide of the Teachers' Camp in Baguio; Iluminada Vizco, Cashier of the Ministry of Education and Culture in Manila; Maximiano Huguete, a cashier assistant of the Ministry of Education and Culture in Manila; Rosalia Lopez, a Ministry of Education Senior Budget Examiner; Salvador Daza, Assistant National Cashier of the Bureau of Treasury and x x x[2] a paying teller of the Bureau of Treasury, all taking advantage of their positions and mutually helping one another, did then and

[1] Variably within the period from April 20, 1977 to October 29, 1977.

[2] Either Ernesto de Guzman, Urbano de Guia, Sergio Garcia or Juanito Dalangin.

Supreme Court E-Library

there wilfully, unlawfully and feloniously cause the preparation and falsification of the following checks x x x[3] by making it appear that all the foregoing checks were duly funded and covered by cash disbursement ceilings of the Ministry of Education and Culture; that said checks were payable to suppliers in payment of previously delivered construction supplies and materials; and that the same checks were supported by duly prepared and approved vouchers; when in truth and in fact as respondents knew, all of the foregoing were all false and incorrect and by making it appear further that the signatories to the TCAA checks namely: Lorenzo Cesar and Reynaldo Bayot were duly authorized to sign and issue the said checks and that the same checks were all regularly endorsed to either Amado Fernandez or Joseph Estanislao when in truth and in fact, as all the respondents knew, all these were not true because Lorenzo Cesar and Reynaldo Bayot were no longer authorized to sign Ministry of Education and Culture TCAA checks and the supposed payees never delivered and alleged supplies and thus never endorsed the TCAA Checks and as a result of all of the foregoing falsifications, the said accused were able to illegally encash and get the proceeds of all of the stated TCAA checks in the total amount of x x x[4] of which offenses were clearly committed in relation to the offices of the accused, and once in the possession of the said amount the accused misappropriated, misapplied and converted the same amount for their own personal needs to the damage and prejudice of the Philippine Government in the total amount of x x x." (Decision, *Rollo*, pp. 37-38)

After arraignment and trial of the various accused, except those two accused who had fled to another country, the trial court rendered its decision stating the following findings of facts:

"x x x x x x x x x

"x x x. Sometime in September 1977, Fernandez, who was then the Superintendent of the Teachers' Camp in Baguio City, one of the agencies under the administration and supervision of the Ministry of Education and Culture (which will hereinafter be referred to as (MEC), went to the office of Vizco, cashier of the MEC, located within the

---

[3] 1,244 in all, each in the amount of above P9,000 but below P10,000 except 9 checks each with an amount above P8,000 but below P9,000.

[4] The total amount of the 1,244 checks is P12,233,596.40.

Supreme Court E-Library

compound of the said Ministry in Arroceros, Manila, to seek Vizco's help in typing checks for alleged prior obligation of the Teachers' Camp which were funded but the funds for which have never been used. Fernandez sought the help of Vizco because it would be better for him to go to Baguio City with the approved checks already signed than if he were still to go to Baguio City just to have the checks typed and then come back to Manila for the signatories thereof which will entail too much expense on the part of the government. Vizco was under no obligation to do what Fernandez was requesting from her for that was the duty of the cashier of Teachers' Camp, but nevertheless she acceded thereto though she was surprised by the number of approved vouchers to each of which were attached a blank check and a piece of paper with a 1975 date. The blank checks were TCAA checks of the SN 4 series issued by the Bureau of Treasury only in 1976 (TSN., 255, February 6, 1980 hearing) and requisitioned in 1977 by the MEC (Exhibits NN-20-1 to NN-20-11) and under the custody of Huguete, a cashier assistant of Vizco. The aforesaid vouchers were duly accomplished and the originals thereof were signed by Rosalia Lopez in behalf of David Tomelden, Chief, School Finance Division of the MEC. Assistant Director Lorenzo Ga. Cesar, who in his capacity as Assistant Director of the Bureau of Public Schools in 1975 was authorized to sign checks for payment of the Baguio Teachers' Camp, and Reynaldo Bayot, who as Auditor of the Bureau of Public Schools used to sign the checks of the Teachers' Camp, also signed the originals of the vouchers. There was no supporting document attached to the vouchers whatsoever. Vizco accompanied Fernandez to her two clerks, Merly del Prado and Estrella Samonte, and told the two to attend to the request of Fernandez. Faithful employees as they are, Del Prado and Samonte typed the checks in 4 copies as instructed by putting the 1975 date written on the piece of paper attached to the checks as the date thereof and the other entries therein like the payees,[5] the amounts and the accounting symbols which were taken from the vouchers to which the checks were attached. Actually, however, the Teachers' Camp had no obligation to pay said payees as it had never negotiated with or received any supply and material from them. The name of Cezar and Bayot as the persons who will sign the checks were typed based also on the vouchers or pursuant to the instruction of Fernandez. After typing the checks, the two clerks

[5] Variably Central Trading, U-Need Lumber and Construction Supply, Serpent's Marketing, People's Construction, Session Hardware and Dian Juat General Merchandising.

Supreme Court E-Library

stamped the word 'Paid' on all copies of the vouchers and then brought them to Hilario Guiyab, working directly under Vizco, who initialed them and thereafter forwarded the same to Vizco who also initialed them whenever she had time as a matter of procedure after she tallied the checks against the vouchers from which the clerks copied. The vouchers and checks were then given to Fernandez who came back for them. There were about three or four times that Fernandez went back to Vizco's office for preparation of the checks.

Eventually, the checks were cashed by Fernandez and Estanislao in the Bureau of Treasury, accompanied once in a while by Lubina, a cashier's aide on the Teachers' Camp. The checks appeared to have been indorsed to them but in truth and in fact such indorsement were all forgeries. Before encashment, the checks were first brought by Fernandez and Estanislao to Daza, Assistant National Cashier, who initialed them to show his approval for encashment pursuant to a standing regulation in his Bureau that TCAA checks in the amount of from P2,000.00 to less than P10,000.00 should first be approved by him before encashment. Then said checks were cashed either by De Guzman, De Guia, Garcia or Dalangin. x x x." (*Rollo*, Vol. I, pp. 39-42)

With respect to Reynaldo Bayot, it was stated by the trial court that he, with Lorenzo Ga. Cesar signed the vouchers and checks and in this belief convicted both. The trial court said:

"x x x x x x x x x

"Like Cesar, the liability of Bayot is predicated on his having signed the originals of the vouchers, the existence of which and the appearance of his signatures thereon has been testified to before by Bautista, Del Prado, Samonte and Vizco. He also signed the checks issued pursuant to said vouchers. Had he not signed them the checks would not have been processed and finally encashed. The claim of Bayot that his signatures on the checks were forged as shown by the testimony and report of his expert witness Maniwang that there exist significant differences in handwriting characteristics between his signatures on the checks (questioned signatures) and the exemplars of his standard signatures (Exhibit 104 - Bayot) dwindles in the face of the testimony and handwriting examination report of Tabayoyong that "there exist fundamental significant similarities in writing characteristics between the questioned signatures and his standard signatures such as in structural pattern, inconspicuous identifying

Supreme Court E-Library

details, free and coordinated strokes especially in curves and ornate designs of the signatures (Exhibit FFF). x x x." (*Rollo*, pp. 52-53)

After the petition in this case was given due course with the resolution of the Court dated March 26, 1985 (*Rollo*, Vol. II, pp. 49-50), petitioner Reynaldo R. Bayot, in addition to his initial memorandum dated August 3, 1981 (*Rollo*, Vol. II, pp. 390-452), submitted a supplemental memorandum dated March 26, 1985 (*Rollo*, Vol. II, pp. 494-501), underscoring the fact that the respondent Sandiganbayan, premised his conviction on its consideration that "the originals of the vouchers, the existence of which and the appearance of his signatures thereon has been testified by Bautista, Del Prado, Samonte and Vizco" (Decision of the Sandiganbayan, p. 18).

Petitioner Reynaldo R. Bayot assails the conclusion arrived at by the trial court and deplores his conviction by the Sandiganbayan based only on its unwarranted conclusion that the signatures on the vouchers and checks were made by him when there exist contrary and more credible evidence establishing said signatures to be forgeries. He further submits that like his co-accused Lorenzo Ga. Cesar, whom this Court acquitted, he is entitled to a verdict of acquittal as the evidence submitted against both of them were pronounced to be "woefully inadequate" and "too presumptive and conjectural to establish personal culpability."

Repeatedly stressed, moreover, by petitioner Bayot, in all his pleadings and from the very start, is that his alleged criminal responsibility would depend *on whether he did in fact sign the vouchers and checks in question*, matters he had always persistently denied.

A review of the testimonies given during the trial of the witnesses, Blanquita Bautista, Del Prado, Samonte, and Vizco, disclose that the conclusion reached by the trial court cannot be sustained. Without any controversion, it is indicated that Blanquita Bautista, Chief Accountant of the MEC, simply declared:

"Sometime in October 1977 she received a call from Mrs. Perez of the Bureau of Treasury about the TCAA checks, with SN-4 series

Supreme Court E-Library

drawn by MEC in 1975 but which TCAA checks were only issued by the Bureau in 1976 and requisitioned by MEC in 1977; that she requested Mrs. Perez to write the Minister about it so she could also determine the signatories thereto, the Code number and purpose of issuance etc. That Fernandez and Estanislao having learned of her inquiries went to see her to inform her that the TCAA checks were in payment of supplies which were not funded by the Chief Accountant Angel Martinez; that the suppliers were readying to file but assured her that the checks were regular. That sometime in June 1978, she asked from Estanislao for copies of the checks dated October 1975 but was given only xerox copies thereof and *was told* that the original copies of the vouchers were burned by Bayot. But then again suddenly in November 1977 copies of vouchers were found on the table of Mrs. Ventura." (TSN, February 6, 1980). [*Rollo*, p. 403]

Her testimony does not carry any declaration that Bayot signed the vouchers, much less that he signed the checks issued pursuant thereto. The conclusion reached by the Sandiganbayan that Reynaldo Bayot signed the vouchers and checks in question was, therefore, recklessly made and in an utterly unfair finding that is not established by the evidence on record.

As can be noted, what witness Bautista only declared was that sometime in June 1978 she asked from the other accused Jose Estanislao for copies of the checks dated October, 1975, but *she was told that the original copies were burned by Bayot*, and that in November 1977, copies of the vouchers were found on the table of Mrs. Ventura (TSN., Feb. 6, 1980). The information given by the principal accused Estanislao, that Bayot burned the original copies of the vouchers is patently hearsay evidence. But previously noted by this Court in its resolution of the *Cesar vs. Sandiganbayan* case, *supra*, "the signed vouchers were never presented in court. The duplicate copies form part of the records but they do not contain any signature. The name of the petitioner is typed on the duplicate copies but no signature appears on the top of his name (134 SCRA, on pages 122-123).

Regarding the alleged testimonies of the other witnesses, Estrella Samonte, Merly del Prado, and Iluminada Vizco, alluded to and relied upon by Sandiganbayan, not even in the Comment to the petition filed by the Solicitor General is there mention

Supreme Court E-Library

that anyone of these witnesses ever saw petitioner Bayot (and Cesar) sign the checks and vouchers. In fact, the gist of the testimonies of these prosecution witnesses, as condensed in the Memorandum for the Sandiganbayan in this case, indicates the contrary. As reflected in respondent Sandiganbayan's Statement of Facts and of the Case, dated July 28, 1981, the submission is made that:

"The names of Cesar and Bayot as the persons to sign the checks were typed and stamp-marked, respectively, on the checks, as per instruction of Fernandez.

"After typing the checks, the two clerks stamped the word 'PAID' on all copies of the vouchers and brought them to Hilario Ginyab, working directly under Vizco, who initialed them. For her part, Vizco also initialed the vouchers after tallying the checks against the vouchers from which they were copied. The vouchers and checks were then given to Fernandez who came back for them. The latter returned three or four times with other checks which were prepared in the manner as narrated above.

"*As the time of the preparation of the checks, Cesar was already Region IV Director of MEC while Bayot* (herein petitioner) *was out of the government service.*

"x x x x x x x x x." (*Rollo*, pp. 378-379) [Parenthesis and italics supplied]

While the purported signatures of Lorenzo Ga. Cesar and Reynaldo Bayot were typed on the subject checks, what is clear is that the preparation of the documents were made in September, 1977 at the instance or initiative of Amado Fernandez, Superintendent of the Teachers' Camp and one of those principally accused but who later fled. In 1977, petitioner Bayot, like Lorenzo Ga. Cesar, was no longer working with the MEC nor connected with said office for over two years before. This circumstance strongly militates against the Sandiganbayan's mistaken view that Iluminada Vizco testified as a fact that Cesar and Bayot signed said documents. Analysis of the evidence will establish that Iluminada Vizco only saw the signatures of Bayot and Cesar on the originals of the vouchers but it is also indicated that their signatures were pre-affixed on the vouchers

Supreme Court E-Library

(Exh. NN-11, Sworn Statement of Vizco. [See *Cesar vs. Sandiganbayan*, 134 SCRA, on page 116]).

The glaring fact is that none of the witnesses relied upon by the Sandiganbayan testified that they personally saw the accused Reynaldo R. Bayot (or Lorenzo Ga. Cesar) sign the referred vouchers and checks. The testimonies of the prosecution witnesses, leave much to be desired. Del Prado and Samonte merely testified that upon instructions of Vizco and Fernandez, they prepared the questioned checks. Neither of them, however, certified that Bayot had any participation in drawing up said checks or the vouchers corresponding thereto. The conclusion arrived at by the Sandiganbayan is, therefore, manifestly faulty and erroneous.

In this regard, this Court, in the *Cesar vs. Sandiganbayan* case, resolved the factual issue of whether the accused officials signed said vouchers and checks, and set aside the findings and conclusions of the Sandiganbayan.

It is worth repeating the pronouncements made by the Court in this regard which We quote from the aforestated decision (*Cesar vs. Sandiganbayan, supra*, on pages 125-126):

"x x x x x x x x x

"On the basis of the foregoing testimonies that the signatures on the missing documents must have been genuine signatures of the petitioner because in the past, the respondent court arrived at a conclusion that the petitioner signed the lost vouchers.

"*We are constrained to reverse the respondent court's finding and to rule that the kind of evidence is too inconclusive and conjectural to form a basis for a prison sentence of 577 years.*

"*There is no basis for a finding of guilt beyond reasonable doubt that the petitioner really signed the vouchers.* The documents are missing and the witnesses are relying on pure memory of what they saw around three years earlier. Having had a hand in the typing and preparation of instruments to a serious crime which shocked the nation, they would not testify otherwise or they would then be respondents, at the very least, in administrative proceedings. Accused Vizco was, herself found guilty and sentenced accordingly in these cases.

Supreme Court E-Library

"Moreover, the two typists were acting under instructions from Superintendent Fernandez and their own chief, Iluminada Vizco. The number of checks being prepared was voluminous. The clerks could not have given more than a quick glance at the signatures on the missing vouchers. It was not their duty to verify authenticity of signatures. Their work was purely manual or mechanical in obedience to instructions. There is the added factor in this case that no less than the Secretary of Education, the Honorable Juan L. Manuel himself later sent formal letters addressed to the 'Treasurer of the Philippines' stating that the questioned checks 'signed by Dr. Lorenzo Ga. Cesar and countersigned by Mr. Reynaldo Bayot are all valid for encashment by that Office' and stating that 'kind consideration on the matter would be highly appreciated.'

"Familiarity by lay witnesses with signatures that were never presented to the court and based on pure recollection arrived at in hindsight some years after the event was the evidence used to convict the petitioner.

"x x x x x x x x x

"These unqualified witnesses give only bare opinions and their testimony seldom has but little if any technical or scientific value. Conflicts of this kind are not serious except when this merely opinion testimony, by the procedure, or the judge's charge, is given an importance which it does not deserve. It is a well established principle that the testimony of any subject that is a mere opinion should always be received with caution, and this rule certainly should cover the testimony of untrained law witnesses who, without giving reasons, testify as to the genuineness, or identity, of disputed handwriting. x x x." (The Problem of Proof, Osborn, pp. 465' 466' 190-191)

"The recollection of lay witnesses Del Prado, Samonte, and Vizco on the alleged signatures of the petitioner on the missing vouchers are not only scanty but they are mere opinions which must be reviewed with extreme caution. *Moreover, coming from two persons who admittedly typed the fraudulent checks and a co-accused who ordered their preparation, all of whom are understandably interested in exculpating themselves from any possible liability, the testimonies do not deserve the unhesitating and unqualified trust given by the respondent court.*" (134 SCRA 125-126). (Italics supplied)

The incisive analysis of the prosecution's evidence and the very logical ratiocination made by Associate Justice Hugo E.

Supreme Court E-Library

Gutierrez, Jr., who penned the decision in the aforementioned case of *Cesar vs. Sandiganbayan*, led this Court to agree and declare that there is no basis for a finding of guilt that the petitioner really signed the vouchers (134 SCRA, on page 124). This conclusion logically must have to apply with respect to herein petitioner, Reynaldo R. Bayot.

One can reread the records in vain for any fact or circumstance which should distinguish or even place the evidence adduced against Reynaldo R. Bayot, in a different light from that presented against Lorenzo Ga. Cesar, considering that the evidence submitted against said two accused are common in nature and derived from the same set of witnesses.

The semblance of support that is left to the Sandiganbayan's decision hinge solely on the uncorroborated testimony of a purported handwriting expert who was asked to testify for the prosecution as a rebuttal witness.

What is, however, paradoxical in this regard is that the testimony of said handwriting expert, Mr. Segundo Tabayoyong, was not offered by the prosecution in the course of building up its case against the herein petitioner Bayot, as ordinarily would be so. No explanation can be seen why Tabayoyong's testimony was belatedly offered.

Petitioner Bayot avers that from the very beginning, he had vigorously questioned and denied the authenticity of his alleged signatures on the TCAA checks which were presented to him. He is puzzled why the requests of his lawyers that the subject checks be referred to the PC-CIS laboratory for examination or signature verification, or by any other foreign forensic expert, were denied by the NBI investigators. He avers that it was only during the trial that he was able to obtain the checks for his own verification.

The Court is tempted to surmise that petitioner's requests for verification by the PC-CIS were denied by the government investigators considering that such an examination could possibly reveal that Bayot's alleged signatures are forgeries and such disclosure would inevitably embarrass and create a predicament

Supreme Court E-Library

for the Secretary of Education Juan L. Manuel who had sent formal letters to the Treasurer of the Philippines certifying that the questioned checks "signed by Dr. Lorenzo Ga. Cesar and countersigned by Mr. Reynaldo Bayot are all valid for encashment by that office," and further stating that "kind consideration on the matter would be highly appreciated." Should the signature of petitioner Bayot (and Cesar) at that point of time be established as forgeries, it would necessarily follow that Secretary of Education Juan L. Manuel would have to carry also the responsibility and liability arising from the illegal disbursement.

With this background, the Court is left now to assess the probative value of the respective testimonies given by two handwriting experts whose findings and conclusions are diametrically opposite to each other.

In this regard, it would be relevant to consider that this Court went as far as to state as a guiding rule, in the related case of *Cesar vs. Sandiganbayan* that,

"Where the supposed expert's testimony would constitute the sole ground for conviction and there is equally convincing expert testimony to the contrary, the constitutional presumption of innocence must prevail." (134 SCRA, on page 127)

In declining to accept and give credit to the testimony of Mr. Segundo Tabayoyong, this Court took note of the following:

"He never finished any degree in Criminology. Neither did he obtain any degree in physics or chemistry. He was a mere trainee in the NBI laboratory. He said he had gone abroad only once — to Argentina which, according to him 'is the only country in the world that gives this degree (?) x x x 'People go there where they obtain this sort of degree (?) where they are authorized to practice examination of questioned documents.'

'His only civil service eligibility was second grade (general clerical). His present position had to be 're-classified' 'confidential' in order to qualify him to it. He never passed any other board examination.

'He has never authored any book on the subject on which he claimed to be an 'expert.' Well, he did 'write' a so-called pamphlet pretentiously

Supreme Court E-Library

called 'Fundamentals of Questioned Documents Examination and Forgery Detection.' In that pamphlet, he mentioned some references' — (some) are Americans and one I think is a British, sir, like in the case of Dr. Wilson Harrison, a British' (he repeated with emphasis). Many of the 'theories' contained in his pamphlet were lifted body and soul from those references, one of them being Alberto Osborn. His pamphlet has neither quotations nor footnotes, although he was too aware of the crime committed by many an author called 'plagiarism.' But that did not deter him, nor bother him in the least.

"He has never been a member of any professional organization of experts in his supposed field of expertise, because he said there is none locally. Neither is he on an international level." (134 SCRA, on pages 132-133)

What strongly militates against the rendered opinion of prosecution witness Tabayoyong, is that he admittedly utilized as standard signatures for comparison the signatures of petitioner made in 1973 and 1974, but the questioned signatures were alleged to have been made sometime in 1977. In refusing to rely on Mr. Tabayoyong, the Court said in the Cesar-Sandiganbayan case,

"The passage of time and a person's increase in age may have decisive influence in his writing characteristics. As stated in *Testamentaria de la Finada Da. Maria Zuniga vs. Vda. de Vidal* (91 Phil. 126, April 21, 1952), 'the closeness or proximity of the time in which the standard used had been written to that of the suspected signature or document is very important to bring about an accurate analysis and conclusions.' Hence, 'x x x authorities are of the opinion that in order to bring about an accurate comparison and analysis, the standards of comparison must be as close as possible in point of time to the suspected signature.' (*ibid.*) Mr. Tabayoyong explained that he used 1973 to 1975 samples because these were the only ones furnished him and *he was not given the facts and circumstances of the signatures he was asked to examine.*" (*ibid*, on page 133) (Italics supplied)

On the other hand, the series of standard signatures of Reynaldo R. Bayot, executed on different dates in 1975, 1976, 1977 and 1978 — as close to the dates of the questioned TCAA checks bearing the questioned signatures were the ones that were used in the comparison made by the handwriting expert,

Supreme Court E-Library

Mr. Eduardo Maniwang, who testified for the accused petitioner, Reynaldo R. Bayot.

It will not be amiss to state that petitioner Bayot's document expert, Mr. Eduardo Maniwang was at one time with the NBI Questioned Document Section and presently the document expert of the American Embassy. With the aid of pictorials and magnified photos, he explained his findings and conclusions that the signatures of petitioner-accused Bayot in the subject TCAA checks are not authentic. Briefly, his findings read:

"Comparative analysis between the questioned and the exemplars reveals the following significant differences in handwriting characteristics existing between them.

"1. The questioned signatures manifest irregularities in the execution of the strokes evidencing slow drawing movement; whereas in the exemplars, the strokes of the signatures are smooth, flowing and rhythmic, which are the results of natural writing movements.

"2. The questioned signatures lack uniformity as shown by their changes in letter designs; while in the exemplars the main features are harmoniously similar.

"3. The ovals in the questioned signatures are either tall and will rounded; while in the exemplars the same are distinctly and evenly executed.

"4. The questioned signatures contain pen lifts and disconnections more apparently observed at the bases; while in the exemplars the name are continuous as characterized by fluidity of the strokes.

"5. The stem or staff of the letter of feature "R" (2nd) "B" in the questioned signatures are inclining to the left; whereas in the exemplars, they are comparatively upright.

"6. The oval of the letter "y" (or loop) in the questioned `BAYOT' are less distinct then in the exemplars.

"7. The tops of the letter "B" whenever they appear as `M' in the questioned, exhibits their right shoulders as lower than the left; whereas in the exemplars, the same are comparatively in the same height or even higher than the left.

"8. The loops and ovals of the questioned are distinctly horizontal and more pronounced; while in the exemplars, the same are comparatively circular.

Supreme Court E-Library

"Moreover, the questioned signatures do not consistently exhibit uniformity in pattern formations which is unnatural for a particular writer to produce, unlike the uniformity of patterns produced in the exemplars which were done by a particular writer.' (Exh. 104)" (*Rollo*, pp. 424-425)

There are other facts more persuasive of a conclusion that petitioner Bayot did not sign the vouchers and checks in question. No one at all testified to have seen Bayot at the time of the preparation of the questioned vouchers and checks or that at anytime at all Bayot signed the questioned TCAA checks. Indeed, Bayot could not have done so because,

"(a) Petitioner accused Bayot had long been out of the government service, since September 1975;

"(b) Even before his severance from the government service his authority as auditor of the Bureau of Public Schools had been withdrawn, effective 2 July, 1975 when Bayot was reassigned to the BIR and a memorandum to that effect had been circulated (Exh. 2; *Rollo*, pp. 417-418);

"(c) The subject check series used, as already mentioned, were released only in 1977, when Bayot had long been out of the government service since 1975.

It is incomprehensible how Bayot, who was out of the service since 1975, would have been in possession of the subject checks in 1977. The decision of the Sandiganbayan itself states that it was Amado Fernandez as superintendent of the Teachers' Camp who caused the typing of the said checks by seeking the help of the accused Iluminada Vizco. The blank TCAA checks used were said to have been requisitioned by and were under the custody of Maximiano Huguete, a cashier-assistant of Iluminada Vizco, the cashier of the MEC. Only Amado Fernandez and Joseph Estanislao encashed the questioned checks. On these undisputed premises, the presumption in law is that "where one is shown beyond doubt to have used the forged document, it is presumed that he is its forger." (*People of the Phil. vs. Carabao*, 30 SCRA 993). Such valid and legal presumption would, therefore exclude the petitioner Bayot as the author of the forgeries. On the other hand, there is the fundamental rule

Supreme Court E-Library

of law that a man is rightfully entitled to be presumed innocent. This must apply to petitioner.

One last word. No where in the case records is it even suggested that petitioner herein had profited at all from the malversed funds. Except for his alleged signatures on the checks which sufficient evidence indicate to be forgeries, there is nothing in the records that herein petitioner conspired with any of those accused before, during, or after commission of the crime charged.

A significant circumstance worth mentioning is that even while these much publicized cases were pending trial before the Sandiganbayan, petitioner ran as mayor of his town in the January, 1980 elections and was duly elected.

Considering all the foregoing, and there being totally absent any reliable evidence that can support the conviction of herein petitioner, specially when the evidence presented against him had already been described by this Court as "woefully inadequate," "conjectural and presumptive," then a verdict of acquittal, even if only on grounds of reasonable doubt, would be the only proper judgment for this Court to decree.

WHEREFORE, the petition is hereby GRANTED. The judgment of the respondent Court is REVERSED and SET ASIDE with respect to the accused-petitioner herein REYNALDO R. BAYOT and the latter is, therefore ACQUITTED, for lack of proof to sustain his guilt beyond reasonable doubt.

SO ORDERED.

T*eehankee, C.J., Feria, Yap, Fernan, Narvasa, Gutierrez, Jr., Cruz, Paras*, and *Feliciano, JJ.*, concur.

Melencio-Herrera, J., as in the Lorenzo Ga. Cesar, case, takes no part.