



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

GIL A. VALERA,
Petitioner,

G.R. Nos. 209099-100

Present:

CAGUIOA, J., *Chairperson,*
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, JJ.

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

Promulgated:

July 25, 2022

MISTDCB

DECISION

DIMAAMPAO, J.:

This *Petition for Review on Certiorari*¹ challenges the *Decision*² dated 22 August 2013 and the *Resolution*³ dated 18 September 2013 of the *Sandiganbayan*. The impugned *Decision* found petitioner Gil A. Valera guilty beyond reasonable doubt of violation of Section 8⁴ of Republic Act (RA) No.

¹ *Rollo*, pp. 3-11.

² Id. at 15-37. Penned by Associate Justice Rafael R. Lagos with Associate Justices Efren N. Dela Cruz and Rodolfo A. Ponferrada, concurring.

³ Id. at 38-42.

⁴ **Section 8. *Statements and Disclosure.*** - Public officials and employees have an obligation to accomplish and submit declarations under oath of, and the public has the right to know, their assets, liabilities, net worth and financial and business interests including those of their spouses and of unmarried children under eighteen (18) years of age living in their households.

(A) **Statements of Assets and Liabilities and Financial Disclosure.** - All public officials and employees, except those who serve in an honorary capacity, laborers and casual or temporary workers, shall file under oath their Statement of Assets, Liabilities and Net Worth and a Disclosure

6713, otherwise known as the *Code of Conduct and Ethical Standards for Public Officials and Employees*,⁵ and imposed upon him a fine of ₱5,000.00 with disqualification to hold public office, both in Criminal Case Nos. SB-11-CRM-0013 and SB-11-CRM-0015.⁶ Meanwhile, the assailed *Resolution* dated 18 September 2012 denied his *Motion for Partial Reconsideration*⁷ of the repugned *Decision*.

This case has its provenance in four separate *Informations*⁸ filed before the *Sandiganbayan* charging petitioner with: (a) *Falsification of Public Document* docketed as Criminal Case No. SB-11-CRM-0016, and (b) Violation of Section 8 of RA No. 6713 docketed as Criminal Case Nos. SB-11-CRM-0013, SB-11-CRM-0014, and SB-11-CRM-0015. Subsequently, the *Sandiganbayan* consolidated and tried jointly the aforesaid cases.

After trial, the *Sandiganbayan* acquitted petitioner in Criminal Case Nos. SB-11-CRM-0014 and SB-11-CRM-0016 based on reasonable doubt.⁹

Still and all, in Criminal Case Nos. SB-11-CRM-0013 and SB-11-CRM-0015, the *Sandiganbayan* found that petitioner did not include his wife's stockholding in Buy Pinoy Marketing, Inc.¹⁰ and his minor daughter's stockholding in MJ Valera Realty (which he held in trust)¹¹ in his 2001 and 2003 Sworn Statement of Assets, Liabilities, and Networth (SALN). Consequently, in the challenged *Decision*, the *Sandiganbayan* decreed that petitioner's omission infringed Section 8 of RA No. 6713. All the same, given that the undeclared interest of petitioner's wife amounted only to ₱12,500.00,¹² while that of his minor daughter to merely ₱27,000.00,¹³ the *Sandiganbayan* opted to impose upon petitioner the penalty of fine, and not of imprisonment, with disqualification to hold public office.

Dissatisfied, petitioner moved for a partial reconsideration¹⁴ of the foregoing *Decision*.

of Business Interests and Financial Connections and those of their spouses and unmarried children under eighteen (18) years of age living in their households.

x x x x (Emphases supplied.)

⁵ Approved on 20 February 1989.

⁶ *Rollo*, p. 36.

⁷ *Id.* at 43-47.

⁸ Original Records, Vol. II, pp. 1-12.

⁹ *Rollo*, p. 36.

¹⁰ *Id.* at 25-26.

¹¹ *Id.* at 28-30.

¹² *Id.* at 26.

¹³ *Id.* at 30.

¹⁴ *id.* at 43-47.

Declaring that the aforesaid motion was a mere scrap of paper for petitioner's failure to set the same for hearing,¹⁵ the *Sandiganbayan* denied his bid for reconsideration in the disputed *Resolution*.¹⁶ The *Sandiganbayan* underscored that petitioner's mere violation of RA No. 6713 is *malum prohibitum* and therefore, criminal intent is immaterial.¹⁷ Anent the penalty of disqualification to hold public office, the *Sandiganbayan* ruled¹⁸ that it reserves the discretion to impose such penalty as expressly provided under Section 11¹⁹ of RA No. 6713.

Unruffled, petitioner appeals his conviction before this Court, avouching that a violation of RA No. 6713 is a crime *malum in se*. As such, lack of intent to commit the crime and good faith must be appreciated in his favor.²⁰ Moreover, petitioner disputes the penalty of disqualification to hold public office as the same is too harsh and cruel in light of the given circumstances.²¹

In its Comment,²² the Office of the Special Prosecutor (OSP) retorts that the assailed Decision has become final and executory. Petitioner's defective motion for partial reconsideration did not toll the running of his period to appeal.²³ Moreover, the OSP agrees with the *Sandiganbayan* that a violation of RA No. 6713 is *malum prohibitum*²⁴ and that the *Sandiganbayan* did not err in disqualifying petitioner from holding any public office.²⁵

THE COURT'S RULING

The Court finds merit in the *Petition*.

¹⁵ Id. at 39-40.

¹⁶ Id. at 38-42.

¹⁷ Id. at 40-41.

¹⁸ Id. at 41.

¹⁹ Section 11. *Penalties*. - (a) Any public official or employee, regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of this Act shall be punished with a fine not exceeding the equivalent of six (6) months' salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute. Violations of Sections 7, 8 or 9 of this Act shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000), or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office.

²⁰ *Rollo*, pp. 5-7.

²¹ Id. at 7-8.

²² Id. at 64-75.

²³ Id. at 67-69.

²⁴ Id. at 70.

²⁵ Id. at 72.



Prefatorily, the records indicate that petitioner did not set his motion for partial reconsideration²⁶ for hearing, in contravention of the prevailing rule at that time, *i.e.*, Section 4, Rule 15 of the Rules of Court, which states that:

Section 4. *Hearing of motion.* — Except for motions which the court may act upon without prejudicing the rights of the adverse party, **every written motion shall be set for hearing by the applicant.**

Every written motion required to be heard and the notice of the hearing thereof shall be **served in such a manner as to ensure its receipt by the other party at least three (3) days before the date of hearing**, unless the court for good cause sets the hearing on shorter notice. (Emphases supplied.)

In a gamut of cases,²⁷ the Court ruled that non-compliance with the aforesaid rule is a fatal defect. However, it is equally true that such three-day notice requirement is not an ironclad rule. A liberal construction of the procedural rules is proper when the lapse in the literal observance of a rule has not prejudiced the adverse party and has not deprived the court of its authority.²⁸

The liberal interpretation of the Rules of Court, when substantial justice requires, finds support in Section 6, Rule 1 of the Rules of Court, which provides that the “[r]ules should be liberally construed in order to promote their objective of securing a just, speedy and inexpensive disposition of every action and proceeding.” Rules of procedure are tools designed to facilitate the attainment of justice, and courts must avoid their strict and rigid application which would result in technicalities that tend to frustrate rather than promote substantial justice.²⁹ Technicality, when it deserts its proper office as an aid to justice and becomes its great hindrance and chief enemy, deserves scant consideration from courts. *Litigations must be decided on their merits and not on technicality.*³⁰

In the case at bench, the Court finds it proper to relax the strict application of the rules of procedure in the exercise of its equity jurisdiction.

Under the 1987 Constitution,³¹ government officials and employees are required to file their SALNs. This requirement promotes transparency in the

²⁶ Supra note 14.

²⁷ See *Cabrera v. Ng*, 729 Phil. 544-552 (2014); *Sarmiento vs. Zaratan*, 543 Phil. 232-248 (2007); and *United Pulp and Paper, Co., Inc. vs. Acropolis Central Guaranty Corp.*, 680 Phil. 64-80 (2012).

²⁸ *Cabrera vs. Ng*, 729 Phil. 544, 550-551 (2014). Citation omitted.

²⁹ Id. at 551.

³⁰ *Curammeng vs. People*, 799 Phil. 575, 582 (2016).

³¹ Sec. 17. A public officer or employee shall, upon assumption of office and as often thereafter as may be required by law, submit a declaration under oath of his assets, liabilities, and net worth. In the case of the President, the Vice-President, the Members of the Cabinet, the Congress, the Supreme Court, the Constitutional Commissions and other constitutional offices, and officers of the armed forces with general or flag rank, the declaration shall be disclosed to the public in the manner provided by law.

civil service and operates as a deterrent against government officials bent on enriching themselves through unlawful means.³² The disclosure requirement is meant to suppress any questionable accumulation of wealth by public officers.³³

While this civil service requirement is a constitutional mandate, the State cannot hastily prosecute petitioner for his purported violation of RA No. 6713 without first giving him an opportunity to correct the alleged defects in his SALN. To be sure, Section 10 of RA No. 6713 and Section 1, Rule VIII of the Rules Implementing RA No. 6713 provide a review and compliance procedure intended to forestall the liability of public officers by affording them an opportunity to rectify any perceived inaccuracies in their SALNs, viz.—

Section 10. Review and Compliance Procedure. - (a) The designated Committees of both Houses of the Congress shall establish procedures for **the review of statements** to determine whether said statements which have been submitted on time, are complete, and are in proper form. In the event a determination is made that a statement is not so filed, the appropriate Committee shall so **inform the reporting individual and direct him to take the necessary corrective action.**

(b) In order to carry out their responsibilities under this Act, the designated Committees of both Houses of Congress shall have the power within their respective jurisdictions, to render any opinion interpreting this Act, in writing, to persons covered by this Act, subject in each instance to the approval by affirmative vote of the majority of the particular House concerned.

The individual to whom an opinion is rendered, and any other individual involved in a similar factual situation, and who, after issuance of the opinion acts in good faith in accordance with it shall not be subject to any sanction provided in this Act.

(c) The heads of other offices shall perform the duties stated in subsections (a) and (b) hereof insofar as their respective offices are concerned, subject to the approval of the Secretary of Justice, in the case of the Executive Department and the Chief Justice of the Supreme Court, in the case of the Judicial Department.

x x x x

Section 1. The following shall have the authority to establish compliance procedures for the review of statements to determine whether said statements have been properly accomplished:

(a) In the case of Congress, the designated committees of both Houses of Congress subject to approval by the affirmative vote of the majority of the particular House concerned;

³² See *Daplas vs. Department of Finance, et al.*, 808 Phil. 763, 771 (2017). Citation and emphasis omitted.

³³ Id.

(b) In the case of the Executive Department, the heads of the departments, offices and agencies insofar as their respective departments, offices and agencies are concerned subject to approval of the Secretary of Justice;

(c) In the case of the Judicial Department, the Chief Justice of the Supreme Court; and

(d) In the case of the Constitutional Commissions and other Constitutional Offices, the respective Chairmen and members thereof; in the case of the Office of the Ombudsman, the Ombudsman.

The above official shall likewise have the authority to render any opinion interpreting the provisions on the review and compliance procedures in the filing of statements of assets, liabilities, net worth and disclosure of information.

In the event said authorities determine that a statement is not properly filed, **they shall inform the reporting individual and direct him to take the necessary corrective action.**

The individual to whom an opinion is rendered, and any other individual involved in a similar factual situation, and who, after issuance of the opinion acts in good faith in accordance with it shall not be subject to any sanction provided in the Code. (Emphases and underscoring supplied.)

Infallibility is a fictional concept in human affairs. No person is exempt from error, not even a public servant who swore to exhibit a high level of transparency and integrity. At times, human error is simply due to an honest mistake—could be by sheer ignorance—and, consolingly, not spurred by any corrupt motive, evident bad faith, or malice.

Thus, the review and compliance procedure provided in RA No. 6713 is a realistic mechanism which affords the public officer or employee a final opportunity to comply with the requirements before any sanction is meted out. So, too, *it allows for fuller and more accurate disclosure of the necessary information*, breathing life into the very spirit of the law. While the SALN is an instrument that ensures accountability, the review and compliance procedure works as a buffer that prevents the haphazard filing of actions against public officials and employees.³⁴

In *Atty. Navarro vs. Office of the Ombudsman, et al.*,³⁵ the Court reminded that public officers should be given an opportunity to correct any possible errors in their SALNs in accordance with the guidelines at the time of their submission. A similar review mechanism was also prescribed in *Department of Finance – Revenue Integrity Protection Service (DOF-RIPS)*

³⁴ See Concurring Opinion of Justice Leonen in *Abid-Babano vs. Executive Secretary*, G.R. No. 201176, 28 August 2019, 915 SCRA 299, 319-324.

³⁵ 793 Phil. 453-478 (2016).

vs. Yambao.³⁶ However, in this case, the corrective remedy was not accorded to petitioner.

Finally, the second sentence of Section 11 of RA No. 6713 provides that if another law penalizes the failure to file a correct SALN with a higher penalty, the public officer shall be prosecuted under the latter statute, *viz.*:

SECTION 11. Penalties. — (a) Any public official or employee, regardless of whether or not he holds office or employment in a casual, temporary, holdover, permanent or regular capacity, committing any violation of this Act shall be punished with a fine not exceeding the equivalent of six (6) months' salary or suspension not exceeding one (1) year, or removal depending on the gravity of the offense after due notice and hearing by the appropriate body or agency. **If the violation is punishable by a heavier penalty under another law, he shall be prosecuted under the latter statute.** Violations of Sections 7, 8 or 9 of this Act shall be punishable with imprisonment not exceeding five (5) years, or a fine not exceeding five thousand pesos (P5,000), or both, and, in the discretion of the court of competent jurisdiction, disqualification to hold public office.

x x x x (Emphasis supplied.)

To recapitulate, four *Informations*, including one for Falsification of Public Documents, *i.e.*, Criminal Case No. SB-11-CRM-0016, arising from the same failure to file a correct SALN, were filed against petitioner. Following Section 11 in relation to Section 8 of RA No. 6713, petitioner should have been charged only with Falsification of Public Documents, as it bears the higher penalty.

In *People vs. Perez*³⁷ (*Perez*), the Court affirmed the quashal of the Information for violation of Section 8 of RA No. 6713 filed against *Perez* since another Information for Falsification of Public Document, predicated on the same failure to file a correct SALN, was likewise pending. The Court held that only the Information for Falsification of Public Document shall survive as it entailed a higher penalty.³⁸

Here, it is not amiss to note that petitioner was even acquitted of Criminal Case No. SB-11-CRM-0016 for Falsification of Public Document. In *Perez*, the Court held that the *Sandiganbayan's* granting of the demurrer to evidence and subsequent dismissal of the Falsification charge rendered nugatory the Information for violation of Section 8 of RA No. 6713. Therefore, petitioner's innocence is subsumed in his acquittal in Criminal Case No. SB-11-CRM-0016.

³⁶ G.R. No. 220632 and 220634, 6 November 2019, 925 SCRA 218-239.

³⁷ G.R. No. 198303, 3 May 2021.


³⁸ *Id.*

WHEREFORE, the Petition for Review on *Certiorari* is hereby **GRANTED**. The *Decision* dated 22 August 2013 and the *Resolution* dated 18 September 2013 of the *Sandiganbayan* are **REVERSED** and **SET ASIDE**. Perforce, petitioner Gil A. Valera is **ACQUITTED** of the charges involving violation of Section 8 of Republic Act No. 6713 otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, in Criminal Case Nos. SB-11-CRM-0013 and SB-11-CRM-0015.

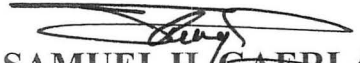
SO ORDERED.”


JAPAR B. DIMAAMPAO
Associate Justice

WE CONCUR:


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson

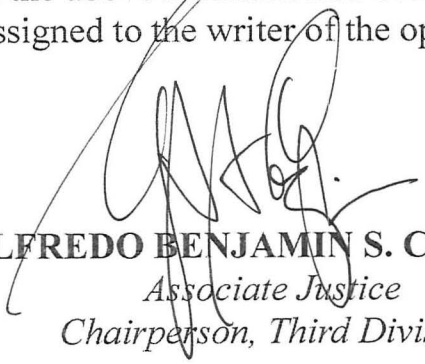

HENRI JEAN PAUL B. INTING
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice


ATTESTATION

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


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third 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 cases were assigned to the writer of the opinion of this Court.



ALEXANDER G. GESMUNDO
Chief Justice