



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEOPLE OF THE G.R. No. 264003
PHILIPPINES,

Plaintiff-appellee,

Present:

CAGUIOA, *Chairperson, Acting CJ,* *
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH,** JJ.

- versus -

ARTEMIO QUE CHAN,
Accused-appellant.

Promulgated:

JUL 14 2025
MICROBATH

X-----X

DECISION

INTING, J.:

Before the Court is an Appeal¹ which assails the Decision² dated August 26, 2022, and the Resolution³ dated October 24, 2022, of the Seventh Division, Sandiganbayan in SB-18-CRM-0537 that found Mayor Artemio Que Chan (accused-appellant) guilty beyond reasonable doubt of

* Per Special Order No. 3207 dated July 11, 2025.

** On leave.

¹ Rollo, pp. 3–7. See Notice of Appeal dated November 4, 2022.

² *Id.* at 10–53. Penned by Associate Justice Ma. Theresa Dolores C. Gomez-Estoesta and concurred in by Associate Justices Zaldy V. Trespeses and Georgina D. Hidalgo of the Seventh Division Sandiganbayan, Quezon City.

³ *Id.* at 56–69. Penned by Associate Justice Ma. Theresa Dolores C. Gomez-Estoesta and concurred in by Associate Justices Zaldy V. Trespeses and Georgina D. Hidalgo of the Seventh Division, Sandiganbayan, Quezon City.

the crime of Falsification of Public Document defined and penalized under Article 171, paragraph 2 of the Revised Penal Code.⁴

The Antecedents

*I. SB-18-CRM-0537 in
the Sandiganbayan*

Accused-appellant, in his official capacity as the Municipal Mayor of Pozorrubio, Pangasinan, was indicted for Falsification of Public Document. The accusatory portion of the Information⁵ dated April 25, 2018, is as follows:

That on March 26, 2015, or sometime prior or subsequent thereto, in Pozorrubio, Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, accused Artemio Que Chan, a public officer, being the Mayor of Pozorrubio, Pangasinan, taking advantage of his official position and committing the crime herein charged in relation to his office, did then and there willfully, unlawfully, and feloniously falsify the Certificate of Marriage, a public document, by causing it to appear that he solemnized the marriage of Andy D. Dela Rosa and Mary Jane H. Jovellanos on March 26, 2015[,] at the Office of the Municipal Mayor of Pozorrubio, when in truth and in fact, it was Kelvin Tong Chan who officiated the marriage ceremony.

CONTRARY TO LAW.⁶

Upon arraignment, petitioner entered a plea of “Not Guilty” to the crime charged.⁷

Trial ensued.

⁴ ARTICLE 171. *Falsification by Public Officer, Employee or Notary or Ecclesiastic Minister.* – The penalty of *prisión mayor* and a fine not to exceed 5,000 pesos shall be imposed upon any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:

....

2. Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate[.]

⁵ *Rollo*, pp. 225–226.

⁶ *Id.* at 225.

⁷ *Id.* at 10–11.

During the pre-trial, among others, the parties made the following stipulations: (1) that accused-appellant was the Municipal Mayor of Pozorrubio, Pangasinan; (2) that he admitted the existence, authenticity, and due execution of the Certificate of Marriage⁸ of Andy Siapno Dela Rosa (Andy) and Mary Jane Hugo Jovellanos (Mary Jane) (collectively, the contracting parties); (3) that the contracting parties were married on March 26, 2015, at the Municipal Hall of Pozorrubio, Pangasinan; (4) that in the contracting parties' Certificate of Marriage which was registered in the Office of the Civil Registrar General, accused-appellant stated that he solemnized the marriage; (5) that accused-appellant signed both the Certification of the Solemnizing Officer and the Affidavit of Solemnizing Officer contained in the marriage certificate; (6) that the accused-appellant admitted the authenticity and genuineness of his signatures on the Certificate of Marriage and the Affidavit of Solemnizing Officer contained in the marriage certificate; and (7) that the Affidavit of Solemnizing Officer was subscribed and sworn to before the Municipal Registrar of Pozorrubio, Pangasinan, Rolando T. Igoy, on March 26, 2015.⁹

Version of the Prosecution

On March 26, 2015, the contracting parties were scheduled to be married in a civil ceremony at the Municipal Hall of Pozorrubio, Pangasinan. The following were present during the ceremony: Jesus De Leon (Jesus),¹⁰ a close relative and a municipal employee; Councilor Miguel Abalos (Councilor Miguel),¹¹ principal sponsor and witness; and witnesses Cesario Layos, Josie Ferrer, Raul Lambino,¹² Gilda Ligot, Manny Oligan, Evelyn Villafania, Joel Gamboa, Jovelito Catungal, Dante De Vera, Rosalinda Bustillo, Jesus De Leon, Editha Pasalo, Tita Lucas, Frudencio Fernandez, and Marissa Cruz.¹³

Before the start of the ceremony, the staff from accused-appellant's office made the witnesses sign the Certificate of Marriage. Thereafter, Vice-Mayor Kelvin T. Chan (VM Chan) arrived and announced that he would officiate the wedding as a representative of his father, herein accused-appellant. However, accused-appellant signed the space provided

⁸ SB records, vol. 1, pp. 237–238.

⁹ *Rollo*, pp. 11–12. See also Joint Stipulation of Facts dated March 6, 2019, *id.* at 229–238.

¹⁰ SB records, vol. 1, pp. 1–7. See Judicial Affidavit of Jesus De Leon dated April 16, 2018.

¹¹ *Id.* at 12–16.

¹² *Id.* at 64–69.

¹³ *Rollo*, pp. 13–14.

for the solemnizing officer in the official copy of the subject Certificate of Marriage.¹⁴

One of the principal sponsors, Jesus, testified that while they were waiting for accused-appellant's arrival, the Office of the Mayor staff asked him and the other principal sponsors to sign the Certificate of Marriage; they obliged. According to him, VM Chan arrived and officiated the wedding ceremony, as evidenced by a photograph showing the former acting as the solemnizing officer.¹⁵

Another principal sponsor, Councilor Miguel, corroborated Jesus' testimony. According to him, an employee from the Office of the Mayor asked him to sign the Certificate of Marriage as a principal witness. During the ceremony, accused-appellant did not appear. Instead, VM Chan officiated the ceremony.¹⁶

Version of the Defense

Accused-appellant initially filed a Motion to File Demurrer to Evidence with Leave of Court. However, the Sandiganbayan denied it and directed him to present his evidence in defense.¹⁷

He narrated as follows:

On March 26, 2015, accused-appellant reported for work, and his staff reminded him about the scheduled wedding ceremony. Before the start of the ceremony, he received a call about a medical emergency concerning his mother. Immediately, he informed the contracting parties of his situation and asked them if he could solemnize the wedding immediately. The contracting parties agreed, and the ceremony was conducted. He signed the Marriage Certificate in the presence of the contracting parties, his staff, and VM Chan. As he was about to leave, the contracting parties requested a simple wedding ceremony as their relatives and sponsors started to arrive. However, he apologized and said that he had already performed the wedding ceremony. At that point, he excused himself and left the Municipal Hall.¹⁸

¹⁴ *Id.* at 14.

¹⁵ *Id.* at 18.

¹⁶ *Id.* at 20.

¹⁷ *Id.* at 23–24.

¹⁸ *Id.* at 24.



Accused-appellant admitted that he officiated some marriages without witnesses when he was in a hurry. Furthermore, he cannot confirm whether the names of the witnesses stated in the subject Marriage Certificate were the same individuals who appeared before him. If there were no rush, he would officiate the wedding ceremony for about 20 to 35 minutes; if he were in a hurry, it would take around 10 minutes.¹⁹

VM Chan corroborated his father's testimony. On March 26, 2015, he visited accused-appellant at his office to ask about the status of his (VM Chan) grandmother. Thereat, he saw accused-appellant in the act of solemnizing a marriage. He heard him ask the contracting parties if they took each other as husband and wife; they answered in the affirmative. Thereafter, accused-appellant informed them that he would have to leave soon because of an emergency. As soon as the guests arrived, the contracting parties requested a wedding ceremony from accused-appellant. Accused-appellant declined because he had already solemnized the marriage. Instead, VM Chan performed an informal ceremony in front of the guests.²⁰

Lastly, VM Chan acknowledged that he signed the Joint Counter-Affidavit²¹ dated September 21, 2016, where he admitted that he solemnized the marriage of the contracting parties in good faith.²²

*II. OMB-L-A-16-0389 in
the Ombudsman*

Meanwhile, in a Decision²³ dated August 24, 2017, the Office of the Ombudsman found the accused-appellant and VM Chan liable for Simple Dishonesty and Simple Misconduct, respectively, in OMB-L-A-16-0389. The Office of the Ombudsman suspended them from office without pay for three months. Thus:

WHEREFORE, finding substantial evidence, respondent Artemio Que Chan is found administratively liable for Simple Dishonesty for which he is meted the penalty of SUSPENSION FROM OFFICE WITHOUT PAY FOR THREE MONTHS; and respondent Kelvin Tong Chan is found administratively liable for Simple

¹⁹ *Id.* at 26–27.

²⁰ *Id.* at 27–28.

²¹ SB records, vol. 1, pp. 255–264.

²² *Rollo*, p. 28.

²³ *Id.* at 367–374.

Misconduct for which he is meted the penalty of SUSPENSION FROM OFFICE WITHOUT PAY FOR THREE MONTHS, pursuant to Section 10, Rule III, Administrative Order No. 07, as amended by Administrative Order No. 17, in relation to Section 25 of Republic Act No. 6770.

In case the penalty of Suspension can no longer be enforced due to respondents' separation from the service, the penalty shall be converted into a FINE equivalent to respondents' respective salaries for Three Months payable to the Office of the Ombudsman, and may be deducted from respondents' retirement benefits, accrued leave credits, or any receivables from their office.

The Honorable Secretary, Department of Interior and Local Government, is hereby directed to implement this Decision immediately upon receipt thereof pursuant to Section 7, Rule III of Administrative Order No. 07, as amended by Administrative Order No. 17 (Ombudsman Rules of Procedure) in relation to Memorandum Circular No. 1, series of 2006 dated 11 April 2006, and to promptly inform this Office of the action taken thereon.

The charges for Grave Misconduct, Serious Dishonesty, and Conduct Prejudicial to the Best Interest of the Service are DISMISSED.

SO ORDERED.²⁴

Aggrieved, the contracting parties—Andy and Mary Jane—filed a Motion for Reconsideration²⁵ dated January 11, 2018.

In its Order²⁶ dated March 14, 2018, the Ombudsman granted the Motion and reversed its earlier Decision. Accordingly, it ordered the dismissal of the accused-appellant from the service and the suspension of VM Chan for one year, viz.:

WHEREFORE, the Motion for Reconsideration filed by complainants Andy S. Dela Rosa and Mary Jane H. Jovellanos is GRANTED and the Decision dated August 24, 2017 and approved on October 25, 2017 is SET ASIDE.

Respondent Artemio Q. Chan is found liable for Serious Dishonesty for which he is meted the penalty of DISMISSAL FROM THE SERVICE with cancellation of eligibility, forfeiture of retirement benefits and perpetual disqualification for re-employment in the Government Service pursuant to Section 10, Rule III, Administrative

²⁴ *Id.* at 372–373.

²⁵ *Id.* at 378–388.

²⁶ *Id.* at 398–406.



Order No. 07, as amended by Administrative Order No. 17, in relation to Section 25 of Republic Act No. 6770.

In case the penalty of Dismissal can no longer be enforced due to respondent's separation from the service, the penalty shall be converted into a FINE equivalent to respondent's salary for one (1) year payable to the Office of the Ombudsman, and may be deducted from respondent's retirement benefits, accrued leave credits, or any receivables from [his] office. The accessory penalties attached to the principal penalty of Dismissal shall continue to be imposed.

Respondent Kelvin Tong Chan is found administratively liable for Conduct Prejudicial to the Best Interest of the Service and Simple Misconduct for which he is meted the penalty of SUSPENSION FROM OFFICE WITHOUT PAY FOR ONE YEAR, pursuant to Section 10, Rule III, Administrative Order No. 07, as amended by Administrative Order No. 17, in relation to Section 25 of Republic Act No. 6770.

In case the penalty of Suspension can no longer be enforced due to respondent's separation from the service, the penalty shall be converted into a FINE equivalent to respondent's salary for six (6) months payable to the Office of the Ombudsman, and may be deducted from respondent's retirement benefits, accrued leave credits, or any receivables from his office.

The Honorable Secretary, Department of Interior and Local Government, is hereby directed to implement this ORDER immediately upon receipt thereof pursuant to Section 7, Rule III of Administrative Order No. 07, as amended by Administrative Order No. 17 (Ombudsman Rules of Procedure) in relation to Memorandum Circular No. 1, series of 2006 dated 11 April 2006 and to promptly inform this Office of the action taken hereon.

SO ORDERED.²⁷

Aggrieved, only accused-appellant filed a Motion for Reconsideration,²⁸ which the Ombudsman partially granted in its Order²⁹ dated December 1, 2021. It decreed as follows:

WHEREFORE, premises considered, the Motion for Reconsideration filed by respondent Artemio Que Chan is PARTIALLY GRANTED and the Order dated 14 March 2018 is MODIFIED. Respondent Artemio Que Chan is found liable for Simple Dishonesty and meted the penalty of SUSPENSION FROM THE SERVICE FOR THREE (3) MONTHS WITHOUT PAY.

²⁷ *Id.* at 403–404.

²⁸ *Id.* at 407–414.

²⁹ *Id.* at 423–428.



It is noted that respondent-movant has fully served the said penalty of Suspension pursuant to this Office's Decision dated 24 August 2017 from 27 February 2018 to 27 May 2018 and reassumed his office on 28 May 2018 as reflected in his Service Record and submitted Compliance Report from the Department of Interior and Local Government issued on 28 May 2018. Thus, the penalty of SUSPENSION FROM THE SERVICE FOR THREE (3) MONTHS WITHOUT PAY imposed against respondent Artemio Que Chan has been FULLY COMPLIED.

SO ORDERED.³⁰

In fine, accused-appellant, as discussed above was charged with Falsification of Public Documents under Article 171, paragraph 2, of the Revised Penal Code before the Sandiganbayan in SB-18-CRM-0537.

Ultimately, the prosecution contended that accused-appellant provided inconsistent statements about his involvement in the wedding ceremony. In particular, in his Joint Counter-Affidavit, he alleged that VM Chan represented him during the wedding of the contracting parties due to an emergency involving his mother. However, he subsequently retracted this statement and asserted that he was the one who officiated the marriage. Additionally, two witnesses for the prosecution positively identified VM Chan as the individual who officiated the wedding.³¹

In his defense, accused-appellant asserted that he indeed officiated the marriage of the contracting parties but had to leave due to a medical emergency. He averred that VM Chan conducted a subsequent, purely ceremonial wedding after his exit. He also raised concerns about the reliability of the photographs submitted as evidence. He contended that they were not adequately authenticated; they do not capture the actual solemnization, and essential witnesses were absent from them.³²

The Ruling of the Sandiganbayan

In the assailed Decision³³ dated August 26, 2022, the Sandiganbayan found accused-appellant guilty beyond reasonable doubt of the crime charged, the dispositive portion of which states:

³⁰ *Id.* at 426.

³¹ *Id.* at 31.

³² *Id.* at 31–32.

³³ *Id.* at 10–53.



WHEREFORE, in view of the foregoing, Accused ARTEMIO QUE CHAN is found GUILTY beyond reasonable doubt of the crime of Falsification of Public Document defined and penalized under Article 171, paragraph 2 of the Revised Penal Code and is imposed an indeterminate penalty of TWO (2) YEARS, FOUR (4) MONTHS, and ONE (1) DAY of *prision correccional* as minimum to EIGHT (8) YEARS AND ONE (1) DAY of *prision mayor* as maximum. The accessory penalties of temporary absolute disqualification for public office and that of perpetual special disqualification from the right of suffrage are likewise imposed.

The Accused is likewise directed to pay FINE in the amount of FIVE THOUSAND PESOS ([PHP] 5,000.00).

Upon finality of judgment, let copy of this Decision be furnished the Commission on Elections.

SO ORDERED.³⁴

The Sandiganbayan noted that two of the principal sponsors of the wedding categorically stated that accused-appellant did not solemnize the contracting parties' marriage.³⁵ Further, accused-appellant's defense that Jesus and Councilor Miguel were absent when he solemnized the marriage lacked merit. It was contradicted by the contracting parties' Certificate of Marriage, which showed that accused-appellant personally solemnized the marriage in front of the witnesses, including Jesus and Councilor Miguel.³⁶ It also held that accused-appellant was bound by his admissions in his affidavits before the office of the Ombudsman that it was VM Chan who solemnized the contracting parties' marriage.³⁷

The Sandiganbayan partly granted accused-appellant's Motion for Reconsideration in the assailed Resolution³⁸ dated October 4, 2022.

Accordingly, the mitigating circumstance of voluntary surrender may be considered in favor of accused-appellant because he voluntarily surrendered to the Pozorrubio Police Station on October 25, 2018, before the implementation of the warrant of arrest earlier issued, as established by the police station's Spot Report on Voluntary Surrender of Wanted Person.³⁹ The *fallo* of the assailed Resolution states:

³⁴ *Id.* at 51–52.

³⁵ *Id.* at 36.

³⁶ *Id.* at 38–40.

³⁷ *Id.* at 41.

³⁸ *Id.* at 56–69.

³⁹ *Id.* at 66.



WHEREFORE, in view of the foregoing, the Motion for Reconsideration filed by Accused Artemio Que Chan is DENIED insofar as the prayer for a reversal of judgment is made. However, the prayer for the appreciation of the mitigating circumstance of voluntary surrender to be considered in the application of the penalty is granted.

Thus, the Decision finding Accused Que Chan guilty of the violation of Article 171[,] paragraph 2 of the Revised Penal Code is MODIFIED to:

WHEREFORE, in view of the foregoing, Accused ARTEMIO QUE CHAN is found GUILTY beyond reasonable doubt of the crime of Falsification of Public Document defined and penalized under Article 171, paragraph 2 of the Revised Penal Code and is imposed an indeterminate penalty of SIX (6) MONTHS AND ONE (1) DAY of *prision correccional* as minimum to SIX (6) YEARS AND ONE (1) DAY of *prision mayor* as maximum. The accessory penalties of temporary absolute disqualification for public office and that of perpetual special disqualification from the right of suffrage are likewise imposed.

The Accused is likewise directed to pay FINE in the amount of FIVE THOUSAND PESOS ([PHP] 5,000.00).

Upon finality of judgment, let copy of this Decision be furnished the Commission on Elections.

SO ORDERED.

SO ORDERED.⁴⁰

Aggrieved, accused-appellant elevated the matter through this Appeal.⁴¹

Accused-appellant insists that the Sandiganbayan erred in convicting him of the crime charged despite the failure of the prosecution to prove his guilt beyond reasonable doubt. While VM Chan admitted that he concluded the contracting parties' marriage, he did not solemnize the same.⁴²

⁴⁰ *Id.* at 68–69.

⁴¹ *Id.* at 3–6. *See* Notice of Appeal dated November 22, 2022. *See also* Appellant's Brief dated July 26, 2023, *id.* at 86–132.

⁴² *Id.* at 100.

The Issue

The core issue to be resolved in the case is whether the Sandiganbayan erred in finding accused-appellant guilty beyond reasonable doubt of Falsification of Public Document.

The Ruling of the Court

Accused-appellant was charged with Falsification of Public Document under Article 171, paragraph 2 of the Revised Penal Code, alleging that he falsely represented himself as the officiating officer in the marriage of Andy and Mary Jane. According to the prosecution, however, VM Chan officiated the marriage.

The defense, on the other hand, countered that petitioner performed the legal acts required for the solemnization of the subject marriage while VM Chan merely delivered an informal ceremony.

The Court *acquits* accused-appellant on the ground of reasonable doubt.

Solemnization of Marriage under the Family Code

Under Article 3⁴³ of the Family Code of the Philippines, a valid marriage requires the fulfillment of both essential and formal requisites. The formal requisites are as follows:

- (1) The presence of the contracting parties;
- (2) A valid marriage license, except in certain exceptional cases; and
- (3) The marriage must be solemnized by an authorized solemnizing officer.

⁴³ ARTICLE 3. The formal requisites of marriage are:

- (1) Authority of the solemnizing officer;
- (2) A valid marriage license except in the cases provided for Chapter 2 of this Title; and
- (3) A marriage ceremony which takes place with the appearance of the contracting parties before the solemnizing officer and their personal declaration that they take each other as husband and wife in the presence of not less than two witnesses of legal age.



In turn, the solemnization of marriage entails the following specific acts by the solemnizing officer:

- (1) The personal appearance of the parties before the solemnizing or the officiating officer;
- (2) The personal declaration of consent from each party to take each other as husband or wife;
- (3) The declaration by the solemnizing or the officiating officer that the parties are now husband and wife.

The requirements highlight the solemnizing officer's critical function in validating the contracting parties' marriage. Solemnization entails an act performed by an officer with legal authority and responsibility, which *cannot* be transferred or substituted. The law emphasizes the role of the solemnizing officer in verifying the legality of the marriage, mainly through the process of obtaining the consent of the parties involved. Consent must be unequivocally expressed as the fundamental element of a valid marriage before an authorized official who solemnizes marriages.

In this instance, accused-appellant posed the necessary questions regarding consent to the contracting parties and officially proclaimed them as husband and wife following the law. In his Judicial Affidavit⁴⁴ June 18, 2021, accused-appellant said:

7. Q: Where were you [M]r. [W]itness on March 26, 2015, around 8:00 AM?
A: I reported for work at the Municipal's Office in Pozorrubio, Pangasinan.
8. Q: What happened if any while you were at the Municipal Hall, Mr. witness?
A: I was reminded of my schedule for the day, one of which was the scheduled wedding of complainants Andy S. Dela Rosa and Mary Jane H. Jovellanos at 10:00 o'clock in the morning.
9. Q: What happened next, Mr. witness?
A: Before 10 o'clock in the morning, I received a call from our residence informing me about the medical emergency of my mother, who was 94 years old that time.

⁴⁴ SB records, vol. 1, pp. 94–99. See Judicial Affidavit of Artemio Q. Chan dated June 18, 2025.

10. Q: What did you do upon learning of such information about your mother, Mr. witness?
A: I requested my staff to check whether the parties to be wed at 10 o'clock in the morning were already present so I can solemnize their wedding before I leave the office.
11. Q: What was the response of your staff, Mr. [W]itness?
A: The staff informed me that the parties Andy Dela Rosa and Mary Jane H. Jovellanos were already at the Municipal Hall.
12. Q: What did you do when you learned that they were already at the Municipal Hall, Mr. [W]itness?
A: I called for Andy Dela Rosa and Mary Jane H. Jovellanos thru my staff, and explained to them that I have to immediately solemnize their wedding because I urgently need to leave the municipal hall due to my mother's medical condition at that time, sir.
13. Q: What was the reaction of the parties when you told them that you were going to immediately solemnize their marriage.
A: They acceded sir and allowed me to solemnize their marriage in the presence of two (2) witnesses sir.
14. Q: What steps did you undertake after the parties acceded and allowed you to solemnize their marriage, [M]r. [W]itness?
A: *I went over their documents attached to the certificate of cohabitation and thereafter, I asked the parties to face each other and to hold each other's hands, after which I asked them if they take each other as husband and wife.*
15. Q: What was their response?
A: *They both responded in the affirmative, and so I declared them as husband and wife and signed the Marriage Certificate in their presence.*⁴⁵ (Emphasis supplied)

In his Judicial Affidavit⁴⁶ dated January 14, 2021, VM Chan corroborated his father's statements as follows:

6. Q: What happened if any while you were at the Municipality, Mr. witness?

⁴⁵ *Id.* at 95. See Judicial Affidavit, Artemio Q. Chan, June 18, 2025, p. 2.

⁴⁶ *Id.* at 82–87. See Judicial Affidavit of Kelvin Tong Chan dated January 14, 2021.

- A: Around 10:00 in the morning, I went to the Mayor's Office at the Municipality of Pozorrubio, Pangasinan to see the Mayor to confirm the information I received about my grandmother, sir.
7. Q: What transpired when you arrived at the Mayor's office, Mr. witness?
A: I was not able to immediately approach the Mayor because I saw him solemnizing the marriage of a couple inside his office, sir.
8. Q: Which part of the marriage ceremony did you witness?
A: *The mayor asked them if they take each other as husband and wife. And after they both responded in affirmative, the Mayor declared them as husband and wife, sir.*
9. Q: What happened after the Mayor declared them as husband and wife?
A: He told them that he needs to immediately leave the office because of the emergency call pertaining to his 94-year-old ailing mother (my grandmother) but he will sign the Marriage Certificate in their presence before he leaves.
10. Q: What was the response of the private complainants?
A: They requested for a simple ceremony from the Mayor before he left since their relatives and sponsors had already arrived and they were all dressed up for the wedding.
11. Q: What was the Mayor's reply?
A: He explained to them that he already solemnized the wedding and apologized to them for not being able to perform the requested wedding ceremony, sir.
12. Q: What was the reaction of the private complainants, Mr. witness?
A: The private complainant requested me to do an informal ceremony instead, since I was there with them and the Mayor was about to leave the Office, sir.⁴⁷ (Emphasis supplied)

These steps are *sufficient* to fulfill the legal act of solemnization as outlined in the Family Code.

⁴⁷ *Id.* at 83. See Judicial Affidavit, Kelvin Tong Chan, January 14, 2021, p. 2.



The Court shall explain.

*Insufficiency of the Evidence for
Falsification and Presumption
of Regularity*

The charge of Falsification under Article 171 of the Revised Penal Code requires the prosecution to establish the following elements: (a) that the offender is a public officer, employee, or notary public; (b) that the offender takes advantage of his or her official position; and (c) that the offender falsifies a document by committing any of the acts enumerated under Article 171 of the Revised Penal Code.⁴⁸

Accused-appellant was charged under Article 171, paragraph 2 of the Revised Penal Code, i.e., causing it to appear that persons have participated in any act or proceeding when they did not so participate. This paragraph requires that: (a) the offender is a public officer, employee, or notary public; (b) the offender takes advantage of his official position; (c) the offender caused it to appear in a document that the person/s participated in an act or proceeding; and (d) that the person/s did not participate in the act or proceeding.⁴⁹

Here, the prosecution *failed* to prove the *second, third, and fourth elements*. The Marriage Certificate for the contracting parties shows accused-appellant's name as the officiating or solemnizing officer, as he carried out the necessary acts of solemnization: eliciting consent and proclaiming the parties as husband and wife.

In our criminal justice system, a significant principle is that the core of a crime lies in the wrongful intent (*dolo*), which is indispensable for its existence. A person cannot be convicted of falsifying a public document if their actions are made in good faith. *Actus non facit reum, nisi mens sit rea*—a crime cannot occur if the intent of the individual carrying out the alleged act is innocent.⁵⁰

⁴⁸ See *Regidor, Jr. v. People*, 598 Phil. 714, 732 (2009).

⁴⁹ *Santos, Jr. v. People*, 586 Phil. 54, 58–59 (2008).

⁵⁰ *Relucio v. CSC*, 440 Phil. 981, 989 (2002); *Amora, Jr. v. Court of Appeals*, 200 Phil. 777, 783 (1982); *U.S v. Catolico*, 18 Phil. 504, 507 (1911).

Criminal intent, or *mens rea*, must be demonstrated in felonies committed through *dolo*, such as falsification. Such intent refers to a mental state which is evidenced by a person's explicit actions. Therefore, the actions of accused-appellant must have indicated, with moral certainty, his intention to distort the truth before the Court can hold him criminally liable. In instances of falsification, the Court has determined that the criminal intent to distort the truth is absent in cases where: (1) the accused did *not* gain from the falsification; and (2) no harm was inflicted on either the government or a third party.⁵¹ The Court explained in one case:

From the foregoing coupled with the fact that the town of Guindulman suffered no damage and even gained on the project (the cost of the boulders actually delivered was [PHP] 18,285.00 but Murillo was paid only [PHP] 13,455.00) plus the additional fact that the alleged complaining witness mentioned in the informations suffered no damage whatsoever and were in fact awarded no indemnity, it is obvious that the falsifications made by the petitioners were done in good faith; there was no criminal intent. "The maxim is, *actus non facit reum, nisi mens rea* – a crime is not committed if the mind of the person performing the act complained of be innocent." . . . There can be no conviction for falsification of a public document in the absence of proof that the defendants "maliciously perverted the truth with wrongful intent of injury the complaining witness." . . . Thus the learned Mr. Justice Ramon C. Aquino has said, "there is no falsification of a public document if the acts of the accused are consistent with good faith. Thus, it has been held that 'a conviction for falsification of a public document by a private person will not be sustained when the facts found are consistent with good faith on the part of the accused. In other words, although the accused altered a public document or made a misstatement or erroneous assertion therein, he would not be guilty of falsification as long as he acted in good faith and no one was prejudiced by the alteration or error.'⁵² (Citations omitted).

The lack of malice or deliberate misconduct is essential in this matter. Accused-appellant, as the officiating officer, must have *deliberately* and *knowingly* provided false statements or information in the Certificate of Marriage to mislead. In this regard, the prosecution was *unsuccessful*. The purported inaccurate entries in the contracting parties' Certificate of Marriage are not false. Although the solemnization of the contracting parties' marriage may have been rushed and hurried, this does not mean that accused-appellant did not fulfill his solemn duty as the officiating officer. The entries, created without malice or intentional wrongdoing, do

⁵¹ *Malabanan v. Sandiganbayan*, 815 Phil. 183, 202 (2017).

⁵² *See Amora, Jr. v. CA*, *supra* note 50, at 782–783.

not amount to falsification. They can be considered to possess some degree of truth rather than being a blatant and deliberate lie.

Although accused-appellant delegated or assigned certain tasks related to the wedding to VM Chan, this does *not* imply that he falsified the Marriage Certificate for the contracting parties. VM Chan's role in delivering advice to the contracting parties, though a significant part of the marriage ceremony, was merely a *symbolical* aspect of the event and did *not* usurp the mayor's legal authority and position. His participation, notably, occurred only *after* the legally binding solemnization performed by accused-appellant. VM Chan testified:

PROS. TAN

....

Q: I've been reading your Affidavit, Sir, and you've stated here in Question and Answer No. 14 – "What transpired after that, Mr. Witness?"

You stated: Answer – "*I performed a simple informal ceremony in the Municipal Hall but I did not solemnize the wedding of the private Complainants.*" Is that right?

A: Yes, Sir.

Q: What do you mean that you did not solemnize the wedding of the private complainants?

A: Because when I arrived in the Office of the Mayor, I witnessed the part where it was said "I now announce you husband and wife". And when I got there, so when I heard the Mayor saying/declaring them as husband and wife, so the wedding was already finished.

Q: So that is what you meant when you say you did not solemnize the wedding, that is what you meant?

A: Yes, sir[.]⁵³

....

PROS. TAN

Q: Sir Kelvin, you were the one here depicted wearing a checkered shirt?

A: Yes, Sir.

Q: You were also the one talking to the husband and wife here?

⁵³ TSN, Kelvin Tong Chan, February 10, 2021, pp. 21–22.

A: Yes, Sir.

Q: And to your recollection, what is this informal ceremony comprised of, what did you do in this informal ceremony?

A: First of all, I went inside to ask for an apology because the Mayor went ahead, second, I only gave an advice to the newly weds because they requested one from me for an informal ceremony for the picture taking because their parents, guests and sponsors were already there.

Q: You did ask them if they would take each other as husband and wife or no?

A: No, Sir.⁵⁴

The Joint Counter-Affidavit filed with the Ombudsman mentioned that the municipal mayor, accused-appellant, had to leave due to an urgent medical emergency involving his 94-year-old mother. Given the emergency, VM Chan took over the proceedings believing that he was acting within his duties and in good faith. It is crucial to emphasize, however, that this Joint Counter-Affidavit was *never* submitted as part of accused-appellant's judicial affidavit in the Sandiganbayan proceedings. Because it was not formally included, it cannot be the subject of cross-examination and cannot be treated as evidence herein. Any reliance on this document within the Sandiganbayan proceedings would be procedurally unsound. Under the circumstances, the accusations against accused-appellant should be assessed *strictly* within the framework of evidence that has been properly admitted and subjected to judicial scrutiny by the Sandiganbayan. Rule 115 of the Revised Rules on Criminal Procedure provides:

SECTION 1. *Rights of accused at the trial.* – In all criminal prosecutions, the accused shall be entitled to the following rights:

- (a) To be presumed innocent until the contrary is proved beyond reasonable doubt.
- (b) To be informed of the nature and cause of the accusation against him.
- (c) To be present and defend in person and by counsel at every stage of the proceedings, from arraignment to promulgation of the judgment. The accused may, however, waive his presence at the trial pursuant to the stipulations set forth in his bail, unless his presence is specifically ordered by the

⁵⁴ TSN, Kelvin Tong Chan, February 10, 2021, p. 39.



court for purposes of identification. The absence of the accused without justifiable cause at the trial of which he had notice shall be considered a waiver of his right to be present thereat. When an accused under custody escapes, he shall be deemed to have waived his right to be present on all subsequent trial dates until custody over him is regained. Upon motion, the accused may be allowed to defend himself in person when it sufficiently appears to the court that he can properly protect his rights without the assistance of counsel.

- (d) *To testify as a witness in his own behalf but subject to cross-examination on matters covered by direct examination. His silence shall not in any manner prejudice him.*
- (e) To be exempt from being compelled to be a witness against himself.
- (f) To confront and cross-examine the witnesses against him at the trial. Either party may utilize as part of its evidence the testimony of a witness who is deceased, out of or cannot with due diligence be found in the Philippines, unavailable, or otherwise unable to testify, given in another case or proceeding, judicial or administrative, involving the same parties and subject matter, the adverse party having the opportunity to cross-examine him.
- (g) To have compulsory process issued to secure the attendance of witnesses and production of other evidence in his behalf.
- (h) To have speedy, impartial and public trial.
- (i) To appeal in all cases allowed and in the manner prescribed by law. (Emphasis supplied)

In any case, given that accused-appellant facilitated the exchange of consent between the contracting parties, the marriage was validly solemnized before he left, irrespective of any *subsequent actions* by the vice-mayor. Here, there is no evidence of any intent to deceive or cause harm by accused-appellant.

Besides, the Family Code does *not* dictate a specific and rigid format for conducting a marriage. The Family Code is flexible regarding the format of the marriage ceremonies. Rather, it is essential that the solemnizing officer *personally* obtains the couple's consent and announces them as husband and wife. In this situation, accused-appellant did ask whether the contracting parties accepted each other as husband and wife;

they replied in the affirmative. This action constitutes the formal exchange of matrimonial consent, which is the essence of a marriage ceremony.

Lastly, there is no evidence that accused-appellant derived any benefit from the purported falsification.

The confusion surrounding the solemnization of marriage

Ordinary people incorrectly associate certain ceremonial aspects of the wedding, like delivering a homily or offering advice, with the act of solemnization itself. This misunderstanding stems from the cultural, religious, and sentimental importance placed on these elements, which often obscure the legal aspects of a marriage ceremony.

In particular, the moment when marriage advice is shared is frequently considered one of the most unforgettable parts of a wedding ceremony. This is especially true in religious or community-centered weddings, where the guidance or homily provided by the solemnizing officer is seen as a form of spiritual or moral support for the couple. For those unfamiliar with marriage as a legal process, this visible and audible offering of advice may seem to be the solemnizing officer's main or even only role. This, in turn, results in the misconception that it constitutes the actual solemnization of the marriage.

However, although these elements encompass the ceremonial significance of marriage, they neither substitute for nor can they replace the requisites and legal procedures stated in the Family Code.

The prosecution argued that VM Chan was the actual solemnizing officer because he provided the homily or advice to the contracting parties during the wedding ceremony. However, as previously mentioned, delivering the homily or offering advice to the contracting parties does *not* equate to the legal act of solemnization as defined by the Family Code. These "informal" ceremonial components are *not* mandated by law nor adequate to constitute a legitimate solemnization of marriage; they are supplementary or ancillary to the solemnization process. Also, the fact that accused-appellant admitted to sometimes officiating weddings in haste does not equate to falsification. There was no deliberate intent to deceive, especially as the ceremony had indeed taken place.



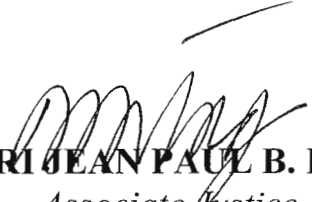
To highlight, the basis for accused-appellant's acquittal is reasonable doubt, which essentially indicates that the evidence presented by the prosecution was *insufficient* to establish accused-appellant's guilt beyond a level of moral certainty – a certainty that persuades and satisfies the reason and conscience of those who must decide. It is evidence that convinces the court while considering the presumption of innocence, thereby *excluding* every reasonable conclusion except for the one it aims to support. An acquittal grounded in reasonable doubt can prevail even if there are doubts about the accused's innocence, as a criminal conviction relies on the strength of the prosecution's evidence rather than the weaknesses of the defense. Suppose the incriminating facts and circumstances can be explained in two or more ways, with one consistent with the accused's innocence and another with his guilt, it only means that the evidence does *not* meet the criteria of moral certainty and is therefore *inadequate* to uphold a conviction. Therefore, any evidence that benefits the accused must be considered.⁵⁵

ACCORDINGLY, the Appeal is **GRANTED**. The Decision dated August 26, 2022, and the Resolution dated October 24, 2022, of the Sandiganbayan in SB-18-CRM-0537 are **REVERSED** and **SET ASIDE**. Accused-appellant Artemio Que Chan is **ACQUITTED** of Falsification of Public Document, defined and penalized under Article 171, paragraph 2 of the Revised Penal Code.

In case he posted a bail bond for his provisional liberty, the same is **ORDERED CANCELLED** and should be **RETURNED** to him within five days from notice.

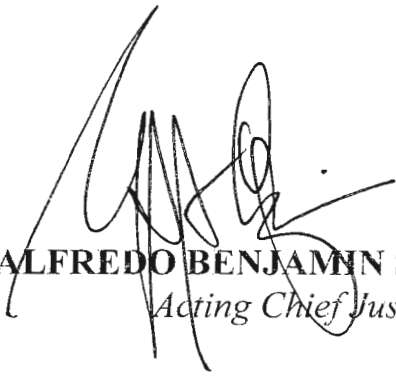
Let entry of judgment be **ISSUED** immediately.

SO ORDERED.


HENRI JEAN PAUL B. INTING
Associate Justice

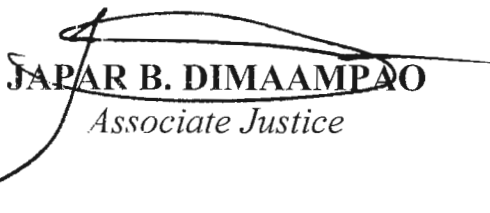
⁵⁵ *Dizon v. People*, 524 Phil. 126, 145–146 (2006). (Citations omitted)

WE CONCUR:


ALFREDO BENJAMIN S. CAGUIOA
Acting Chief Justice

*See Concurring
Opinion*

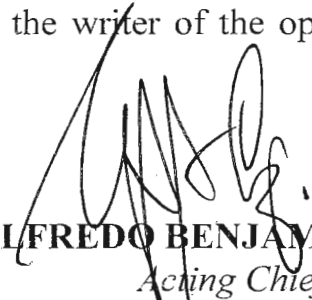

SAMUEL H. GAERLAN
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice

(On leave)
MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALFREDO BENJAMIN S. CAGUIOA
Acting Chief Justice
(Per S.O. No. 3207 dated July 11, 2025)

