

THIRD DIVISION

**G.R. No. 264003 – PEOPLE OF THE PHILIPPINES, Plaintiff-appellee,
v. ARTEMIO QUE CHAN, Accused-appellant.**

Promulgated:

Full 1 A 2025

X-----Miscellaneous-----X

CONCURRING OPINION

CAGUIOA, J.:

“While it should be the common desire of bench and bar that crime is not left unpunished, it is no less important, if not more so, that the innocent be shielded from hasty prosecution and rash conviction.”¹

Accused-appellant Artemio Que Chan (Artemio), in his capacity as then Municipal Mayor of Pozorrubio, Pangasinan, was charged with Falsification of Public Document, defined and penalized under Article 171(2)² of the Revised Penal Code (RPC) for allegedly making it appear in the Certificate of Marriage that he solemnized, the marriage of Andy Siapno Dela Rosa and Mary Jane Hugo Jovellanos (together, Sps. Dela Rosa), when it was the Municipal Vice Mayor, Kelvin Tong Chan (Kelvin), who supposedly officiated the marriage ceremony. The Sandiganbayan, in its assailed Decision³ dated August 26, 2022, and Resolution⁴ dated October 24, 2022 in Criminal Case No. SB-18-CRM-0537, found Artemio guilty of the crime charged.

The *ponencia* grants the appeal and acquits Artemio on the ground of reasonable doubt.⁵ Contrary to the prosecution’s claims, the records show that Artemio carried out the necessary acts of solemnization—

¹ *Salvacion v. Sandiganbayan*, 226 Phil. 604, 610 (1986) [Per J. Cruz, *En Banc*]. (Emphasis supplied)

² REV. PEN. CODE, art. 171, par. 2 which reads:

ARTICLE 171. *Falsification by Public Officer, Employee or Notary or Ecclesiastic Minister.* — The penalty of *prision 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[.]

³ *Rollo*, pp. 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.

⁴ *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.

⁵ *Ponencia*, pp. 11 and 21.

eliciting consent and proclaiming the parties as husband and wife.⁶ Meanwhile, Kelvin's act of delivering marital advice to the contracting parties, was merely a symbolical aspect of the event, done after the legally binding solemnization performed by Artemio.⁷

I fully concur with the *ponencia* in the acquittal of Artemio. I write separately only to underscore the grave errors of the Sandiganbayan in allowing this case to prosper **despite the utter lack of legal basis for prosecution under the facts established on record**—revealing a patent disregard of the accused's constitutional rights and a profound misunderstanding of the most elementary tenets of criminal law and judicial responsibility.

The legal proceeding constituting marriage under the Family Code in relation to Article 171(2) of the RPC

In Falsification of Public Documents under Article 171(2) of the RPC, the prosecution must prove the existence of the following elements:

- (1) that the offender is a public officer, employee, or notary public;
- (2) that he takes advantage of his official position;
- (3) that he falsifies a document by causing it to appear that persons have participated in any act or proceeding; and
- (4) that such persons did not in fact so participate in the proceeding.⁸

The crux of the controversy in this case—and where the Sandiganbayan committed its first palpable error—is as to the “proceeding” that Artemio supposedly falsified. The Sandiganbayan erroneously treated the entire wedding event as a single, continuous act to which Artemio must be privy, grossly failing to discern that the “proceeding” contemplated under Article 171(2) of the RPC refers only specifically to the legally operative act of solemnization.

As early as 1929, the Marriage Law⁹ provided that the ceremony of marriage shall consist of the personal declaration by the contracting parties, in the presence of a solemnizing officer and of two witnesses of legal age,

⁶ *Id.* at 15.

⁷ *Id.* at 17.

⁸ *People v. Partisala*, 922 Phil. 675, 686 (2022) [Per J. Hernando, Second Division].

⁹ Act No. 3613, December 4, 1929.



that they take each other as husband and wife. No particular form, rite, or religious ceremony was required:

CHAPTER I
Marriage Requisites

. . . .

SECTION 3. *Mutual Consent*. — No particular form for the ceremony of marriage is required, but the parties with legal capacity to contract marriage must **declare, in the presence of the person solemnizing the marriage and of two witnesses of legal age, that they take each other as husband and wife**. This declaration shall be set forth in an instrument in triplicate, signed by signature or mark by the contracting parties and said two witnesses and attested by the person solemnizing the marriage. (Emphasis supplied)

In 1949, the above provision was entirely replicated in the New Civil Code of the Philippines.¹⁰

This principle was reaffirmed in 1987 with the enactment of the Family Code,¹¹ which adopted the same provision—virtually unchanged—and which continues to govern the solemnization of marriages today. The pertinent portion of Article 6 of the Family Code provides:

ARTICLE 6. No prescribed form or religious rite for the solemnization of the marriage is required. It shall be necessary, however, for the contracting parties to **appear personally before the solemnizing officer and declare in the presence of not less than two witnesses of legal age that they take each other as husband and wife**. This declaration shall be contained in the marriage certificate which shall be signed by the contracting parties and their witnesses and attested by the solemnizing officer. (Emphasis supplied)

In turn, Article 3(3) of the Family Code mirrors Article 6 and particularly defines a “*marriage ceremony*” as that “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 recognition of the foregoing, the Court, in *Ronulo v. People*,¹² emphasized that the rule has always been clear that no prescribed form of

¹⁰ CIVIL CODE, art. 55 which reads:

ART. 55. No particular form for the ceremony of marriage is required, but the parties with legal capacity to contract marriage must declare, in the presence of the person solemnizing the marriage and of two witnesses of legal age, that they take each other as husband and wife. This declaration shall be set forth in an instrument in triplicate, signed by signature or mark by the contracting parties and said two witnesses and attested by the person solemnizing the marriage.

¹¹ FAMILY CODE OF THE PHILIPPINES, Executive Order No. 209, July 6, 1987.

¹² 738 Phil. 206 (2014) [Per J. Brion, Second Division].



religious rite for the solemnization of the marriage is required. What is pertinent is that the minimum requirements constituting a marriage ceremony are met:

First, the personal appearance of the contracting parties before a solemnizing officer; and

Second, their declaration in the presence of not less than two witnesses that they take each other as husband and wife.¹³

Contextualizing the foregoing in Article 171(2) of the RPC, the term “proceeding” refers to the marriage ceremony—the event that produces legal consequences under the law. More specifically, this proceeding is that which satisfies the above two requirements, and the fact of which is attested to by the solemnizing officer in the public document that is the certificate of marriage.

In this case, the records reveal that two distinct events took place on March 26, 2015—the first conducted by then Mayor Artemio, and the second by then Vice Mayor Kelvin, after the former left to attend to a medical emergency involving his (Artemio’s) mother.¹⁴ The first was the legally binding act of solemnization, when the couple personally appeared before Artemio and declared their mutual consent to marry.¹⁵ The second was merely a perfunctory social gesture when Kelvin delivered marital advice upon the couple’s request.¹⁶

The Sandiganbayan’s fundamental error lay in conflating the two acts: it equated the symbolic gestures performed by Kelvin with the marriage ceremony already conducted by Artemio. On that flawed premise, the Sandiganbayan concluded that Artemio took no part in the marriage proceedings, imputed falsity to his attestations in the marriage certificate, and convicted him under Article 171(2) of the RPC. In doing so, the Sandiganbayan demonstrated its grave misapprehension of Articles 3 and 6 of the Family Code. By confusing the social with the legal, the Sandiganbayan conjured falsification where the law recognizes none.

Such disregard of codified and firmly established principles of law evokes the Court’s reminder in *Salcedo v. Bollozos*:¹⁷

A patent disregard of simple, elementary and well-known rules constitutes gross ignorance of the law. Judges are expected to exhibit more than just cursory acquaintance with laws and procedural rules. They must know the law and apply it properly in good faith. They are

¹³ *Id.* at 215.

¹⁴ *Ponencia*, pp. 17–18.

¹⁵ *See id.* at 13, 17.

¹⁶ *Id.* at 18.

¹⁷ 637 Phil. 27 (2010) [Per J. Brion, Third Division].



likewise expected to keep abreast of prevailing jurisprudence. For, a judge who is plainly ignorant of the law taints the noble office and great privilege vested in him.¹⁸ (Citation omitted)

To reiterate, what the law demands is simple: the precise moment when mutual consent is personally declared before the solemnizing officer and witnesses constitutes the legally operative *proceeding* of marriage. The Sandiganbayan's failure to apply this fundamental and long-settled principle exposes an alarming ignorance of the most basic precepts of family law—one that warrants the Court's express admonition.

***The Sandiganbayan disregarded
fundamental doctrines of criminal
law and due process***

A more glaring lapse, if not outright injustice, committed by the Sandiganbayan lies in its selective appreciation of the evidence on record, its inversion of the burden of proof to the accused, and its uncritical reliance on the prosecution's tenuous circumstantial evidence—all in clear violation of the constitutional presumption of innocence.¹⁹

It is a cardinal principle in criminal law that the prosecution has the burden of proving the guilt of the accused beyond reasonable doubt.²⁰ It is the primordial duty of the prosecution to present its side with clarity and persuasion, so that conviction becomes the only logical and inevitable conclusion, with moral certainty.²¹ If the prosecution fails to discharge its heavy burden, then it is not only the right of the accused to be freed, it becomes the Court's constitutional duty to acquit him.²²

Noteworthy in the present controversy is that Sps. Dela Rosa, the very parties whose marriage is at issue, executed a *Manifestation and/or Motion*²³ dated September 2018 withdrawing their complaint against Artemio, and attesting that they were merely tricked into signing the document.²⁴ Sps. Dela Rosa's *Manifestation* was even recognized by the Sandiganbayan and reproduced in its *Decision* dated August 26, 2022, the pertinent portions of which read:

2. They are not aware that what they signed is a Complaint-Affidavit against [Artemio]. If truth be told, **they were tricked into signing the said Complaint-Affidavit because they thought that the document presented to them is about their marriage and nothing more;**

¹⁸ *Id.* at 44.

¹⁹ See CONST., art. III, sec. 14(2).

²⁰ *Ambagan, Jr. v. People*, 771 Phil. 245, 271 (2015) [Per J. Velasco, Jr., Third Division].

²¹ *Amanquiton v. People*, 612 Phil. 1253, 1260 (2009) [Per J. Corona, First Division].

²² *People v. Wagas*, 717 Phil. 224, 227–228 (2013) [Per J. Bersamin, First Division].

²³ *Rollo*, pp. 418–420.

²⁴ *Id.* at 418–419; see also *id.* at 16–17, Sandiganbayan Decision.



3. When they were brought to Urdaneta City, Pangasinan, where they were made to sign a document, it was represented to them that there is a problem regarding their marriage and that document they are signing is for its correction only;
4. They never asked somebody to prepare an affidavit-complaint against [Artemio] as **they never intended to file any case against him in relation to the celebration of their marriage before his Office. As a matter of fact, they recognized the validity of their marriage;**
5. They do not understand the contents of the affidavit[-]complaint that they were made to sign in Urdaneta City, Pangasinan. They do not possess the proper education to make such affidavit-complaint;

....

8. They were surprised when they received a letter from [the Sandiganbayan], because of the situation, they were prompted to see a lawyer who explained to them the contents of the letter. It was only at that moment that they became aware that what they were made to sign is a Complaint-Affidavit against [Artemio];

....

10. From the circumstances attendant to herein complainants' situation, it appears that through misrepresentation and trickery, they unknowingly signed a Complaint-Affidavit, the contents, its effects[,] and legal consequences [were] not fully explained;

....

12. At most, the persons who approached them took advantage of their ignorance and lack of proper education, thus, they easily persuaded them to sign a document the contents, legal effects[,] and consequences are unknown to them;
13. It could be said that **the statements contained in the Complaint-Affidavit and the subsequent pleadings filed at their instances are not theirs as they were fruits of misrepresentation and trickery.**²⁵ (Emphasis supplied)

Sps. Dela Rosa reiterated these assertions in their *Sinumpaang Salaysay*²⁶ dated September 18, 2018, which the Sandiganbayan likewise reproduced in its appealed Decision.²⁷ The significant portions of Sps. Dela Rosa's *Sinumpaang Salaysay* read:

²⁵ *Id.* at 16–17.

²⁶ *Id.* at 421–422.

²⁷ *Id.* at 17–18.



Kami ay ikinasal noong March 26, 2015 sa Munisipyo ng Pozorrubio, Pangasinan at bago pa nag umpisa ay nandoon naman talaga si Mayor Chan at kinausap pa nga kaming magnobyong at nobya.

Mga dalawang ling[g]o pagkatapos ng kasal ay nilapitan kami ni Kgd. Gloria Salcedo, Ana Marie Sales at Kgd. Abalos at sinabi sa amin ni Kgd. Salcedo na hindi daw valid an[g] aming kasal at mayroong pinapirmahan sa amin iyon kundi sinabi tungkol lang daw sa kasal [namin] na invalid para maayos at hiningi[]din sa amin ang mga pictures [namin] noong kasal [namin].

Dinala kami sa Urdaneta City, Pangasinan at **pinapirma kami doon pero hindi nila sinasabi kung ano ang mga papeles na pinirmahan [namin].**

Nalaman na[]lang [namin] na ang pinirmahan naming papeles ay kaso pala na isinampa nila kay [Artemio.]

....

Ginawa [namin] itong salaysay na ito upang **hingiin sa mga awtoridad na iatras nila ang aming mga pinirmahang papeles kontra kay [Artemio] dahil hindi naman [namin] sya ikinaso o sinampahan ng anumang kaso sa Ombudsman o sa Piskalya.**

Lalong-lalo na ipinahayag [namin] na hindi naman [namin] kinukuwestiyon ang aming kasal, ayaw [namin] itong ipagwalang-bisa at hindi [namin] sinasabi o pinapayagang ituring na ito ay invalid.²⁸ (Emphasis supplied)

Despite Sps. Dela Rosa's categorical disavowal of any intent to file a criminal case—and, worse, their sworn manifestation that they were deceived into executing the complaint—the Sandiganbayan, instead of treating these revelations as red flags demanding serious judicial scrutiny, took no effort to consider them. Far from acknowledging the significance of these attestations, the Sandiganbayan dismissed Sps. Dela Rosa's statements outright, characterizing the couple as merely having “sung a different tune”²⁹ and “vacillating”³⁰ in their position.

This cavalier treatment of Sps. Dela Rosa's sworn retractions was a serious abdication of judicial duty. In discounting the testimony of the very parties whose supposed injury formed the basis of the criminal charge, the Sandiganbayan deliberately ignored the most direct and credible evidence before it, preferring instead to rely on the secondary accounts of other prosecution witnesses—including the *kagawad* whom the spouses themselves accused of trickery and deceit.³¹

²⁸ *Id.* at 421.

²⁹ *Id.* at 15, Sandiganbayan Decision.

³⁰ *Id.* at 18.

³¹ *See id.* at 20.



In *Corpuz, Jr. v. People*³² (*Corpuz*), the accused municipal mayor was likewise charged with falsification of public documents for allegedly delegating the task of solemnizing marriages to the municipal registrar. The husbands concerned in that case testified that it was the mayor himself who officiated their marriages. Accordingly, the Court acquitted the mayor, finding that the prosecution's evidence rested on speculation rather than proof, and emphasized that when the facts admit of more than one reasonable interpretation—one consistent with guilt and another with innocence—our Constitution commands that doubt be resolved in favor of the accused:

[N]one of the testimonial and documentary evidence offered by the prosecution was able to dispute the presumption of regularity of an official function and authenticity and due execution of the public instruments issued by petitioner as the Municipal Mayor, which may only be overcome by clear and convincing evidence to the contrary. As can be gleaned from the narration of facts provided by the trial court, there is **no showing that an actual appearance by the concerned parties (spouses Pascual and spouses Asuncion) before petitioner as their solemnizing officer did not occur or happen.** Looking into the evidence presented, the only patent conclusion that can be derived from the prosecution's evidence, as admitted by the witnesses for the defense, is that **both couples appeared before Thelmo O. Corpuz, Sr., for the sole purpose of receiving marriage counseling and/or marriage rehearsals, nothing more.**

....

... **[I]t has been consistently ruled that “[c]ourts must judge the guilt or innocence of the accused based on facts and not on mere conjectures, presumptions, or suspicions.”** It is iniquitous to base petitioner's guilt on the presumptions of the prosecution's witnesses for the Court has, time and again, declared that if the inculpatory facts and circumstances are capable of two or more interpretations, one of which being consistent with the innocence of the accused and the other or others consistent with his guilt, then the evidence in view of the constitutional presumption of innocence has not fulfilled the test of moral certainty and is thus insufficient to support a conviction.

In sum, the circumstantial evidence presented by the prosecution in this case failed to pass the test of moral certainty necessary to warrant petitioner's conviction. Accusation is not synonymous with guilt. Not only that, **where the inculpatory facts and circumstances are capable of two or more explanations or interpretations, one of which is consistent with the innocence of the accused and the other consistent with his guilt, then the evidence does not meet or hurdle the test of moral certainty required for conviction.** Accordingly, the prosecution failed to establish the elements of falsification of public documents. With the prosecution having failed to discharge its burden of establishing petitioner's guilt beyond reasonable doubt, this Court is constrained, as

³² 800 Phil. 781 (2016) [Per J. Perez, Third Division].



is its bounden duty when reasonable doubt persists, to acquit him.³³
(Emphasis supplied; citations omitted)

Had the Sandiganbayan faithfully adhered to the foregoing principles as reinforced in *Corpuz*, it would have readily reached the same conclusion—that Artemio must be acquitted. Regrettably, however, even as it cited *Corpuz*, the Sandiganbayan strained to draw a distinction on the tenuous ground that the husbands therein testified in open court, whereas the spouses in the present case merely executed a manifestation and affidavit.³⁴ **This distinction, however, is immaterial. In both instances, the statements of the parties whose marriages were in question formed part of the record and deserved careful judicial evaluation.**

In truth, the biggest parallel between *Corpuz* and this case lies in the Sandiganbayan's failure to assess the totality of the evidence. Rather than weighing the record in its entirety, the Sandiganbayan engaged in a selective appreciation of evidence: focusing on peripheral accounts instead of the primary declarations that should have guided its judgment. This fragmented approach led to an erroneous finding of falsification, to the great prejudice of the accused.

Once again, the Sandiganbayan demonstrated a grave misunderstanding not only of the governing law, but of the constitutional guarantee that every accused is presumed innocent until proven guilty. Courts of law are not bound to speculate when the evidence before them is clear. When the very parties allegedly aggrieved acknowledge that the marriage was validly solemnized and that no falsity attended its documentation, the indispensable elements of falsification are absent. Consequently, the continued prosecution of the accused under such circumstances ceases to be a pursuit of justice—it becomes persecution. **That the Sandiganbayan proceeded under these circumstances constitutes a serious dereliction of its constitutional duty to safeguard the rights of the accused.**

The sacred adjudicatory powers entrusted to the courts by no less than the Constitution itself cannot be equated to mere guesswork, but must rest on strong and solid application of the law and due appreciation of evidence. For only then will the Judiciary be true to its mandate to dispense justice and equity.³⁵

All told, this Court cannot, and will not, turn a blind eye to the grave dereliction of duty committed by the Sandiganbayan. Had it exercised its functions with the rigor demanded of its office, it would have promptly dismissed this case, which rested on defective and withdrawn accusations

³³ *Id.* at 800–801, 803–804.

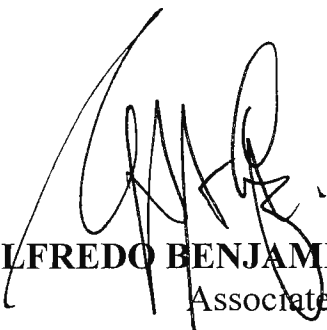
³⁴ *See rollo*, pp. 15–17, Sandiganbayan Decision.

³⁵ *AAA261422 v. XXX261422*, 949 Phil. 236, 249 (2023) [Per J. Lazaro-Javier, Second Division].



as well as a clear misappreciation of the law. The Sandiganbayan must thus be chastised for allowing this prosecution to prosper, for in doing so, it not only squandered valuable judicial time and resources but also subjected the accused to years of needless anxiety and stigma. Worse, in so proceeding, the Sandiganbayan diminished respect for its processes and eroded its credibility as a specialized tribunal tasked with upholding fairness and accountability in public service.

Accordingly, I **CONCUR** with the *ponencia* and vote to **ACQUIT** accused-appellant Artemio Que Chan.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice