

****Title:**** Union Bank of the Philippines v. People of the Philippines: A Case on the Proper Venue for Perjury under Article 183 of the Revised Penal Code

****Facts:****

- Desi Tomas was charged with perjury under Article 183 of the Revised Penal Code for making false statements in a Certificate against Forum Shopping linked to a civil complaint filed in Makati City.
- Union Bank initiated two actions against the spouses Tamondong, involving similar issues, in Pasay City's courts. Tomas certified no other actions on the same issue were pending elsewhere.
- A Motion to Quash based on improper venue and insufficient charges was filed by Tomas but was denied by the Metropolitan Trial Court (MeTC) of Makati City due to the notarization location of the certificate.
- The petitioners, Union Bank and Tomas, appealed to the RTC of Makati City, arguing the Pasay City court was the proper venue. The RTC affirmed the MeTC's decision.
- They elevated the case through a Rule 45 petition to the Supreme Court to review the RTC's decision.

****Issues:****

1. Determination of the proper venue for the prosecution of perjury under Article 183 of the Revised Penal Code - whether it should be the place of notarization or the place of presentation of the false certificate.
2. The applicability of the doctrines from *United States v. Canet* and *Ilusorio v. Bildner* regarding the venue for actions involving documents presented in judicial proceedings.

****Court's Decision:****

- The Supreme Court denied the petition, affirming the lower courts' decisions and ruling that Makati City, where the Certificate against Forum Shopping was notarized, is the proper venue for the perjury case. The Court reasoned that the completion of the perjury offense, namely the execution of the false affidavit, occurred in Makati.
- Explained that both the act of making a false statement under oath and the notarization of such statement are essential elements of perjury that occurred within MeTC-Makati City's jurisdiction.
- The Court clarified the proper application of doctrines concerning the determination of venue in perjury cases, emphasizing the distinction between cases involving sworn written statements and those involving false testimonies in judicial proceedings.

****Doctrine:****

- The venue for the prosecution of perjury under Article 183 of the Revised Penal Code is determined by the location where the false affidavit was executed and sworn to, i.e., where the notarization took place. This affirms the principle that the penal charge of perjury through the making of a false affidavit is consummated at the place where the affiant subscribes and swears to the affidavit.

****Class Notes:****

1. ****Essential Elements of Perjury under Article 183 of the RPC:**** a statement made under oath on a material matter, before a competent officer authorized to administer oath; a willful and deliberate assertion of falsehood by the accused; the false statement or affidavit containing the falsity is required by law or made for a legal purpose.
2. ****Venue in Criminal Cases (Section 15[a], Rule 110, 2000 Revised Rules of Criminal Procedure):**** Criminal actions are to be instituted and tried in the court of the municipality or territory where the offense was committed or where any of its essential ingredients took place.
3. ****Notarization as Key Venue Factor in Perjury Cases:**** The location where the sworn statement or affidavit was notarized plays a crucial role in determining the venue for perjury cases under Article 183 of the RPC.

****Historical Background:****

This case highlights the evolving jurisprudential interpretation of the correct venue for the trial of perjury cases, especially in the context of false affidavits and Certification against Forum Shopping. It reconciles discrepancies in previous rulings (*United States v. Canet*, *Ilusorio v. Bildner*, and *Sy Tiong Shiou v. Sy Chim*) with respect to venue determination, refining the legal understanding and application of the venue provisions for perjury under the Philippine legal system. The decision emphasizes the importance of the place of notarization in cases involving false affidavits, aligning with the broader judicial aim of ensuring fairness in legal proceedings by having trials in jurisdictions most connected to the commission of the alleged offenses.