

**### Title:**

Gina A. Domingo vs. People of the Philippines: A Case of Estafa through Falsification of Commercial Documents

**### Facts:**

Remedios D. Perez, a businesswoman and valued depositor at the Bank of the Philippine Islands (BPI) Aurora Boulevard branch, found herself the victim of fraudulent withdrawals amounting to PhP 838,000 from her account. These withdrawals, executed via 18 encashment slips with forged signatures, were carried out by Gina A. Domingo, a dentist with close familial ties to Perez and a fellow depositor at the same BPI branch. Between September 18, 1995, and October 18, 1996, Domingo managed to withdraw substantial sums from Perez's account by presenting the forged encashment slips to various BPI tellers, further depositing a portion of these amounts into her own account and using the rest for payments to Skycable or her personal use.

Upon discovery, Perez raised the issue with BPI, leading to an investigation by the Philippine National Police (PNP) Crime Laboratory, which confirmed the forgery. BPI partially compensated Perez, paying her PhP 645,000 of the withdrawn funds. Following a complaint filed by Perez and BPI, criminal charges were brought against Domingo for 17 counts of Estafa through Falsification of Commercial Documents. The Regional Trial Court (RTC) of Quezon City, upon consolidation and joint trial of the cases, found Domingo guilty, a decision later affirmed by the Court of Appeals.

**### Issues:**

1. Whether the evidence presented was sufficient to prove Domingo's guilt beyond reasonable doubt for the crime of Estafa through Falsification of Commercial Documents.
2. Whether the questionable encashment slips are considered commercial documents under the law.
3. Whether the falsification of a commercial document can be a necessary means to commit Estafa.

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

The Supreme Court denied Domingo's appeal, affirming the lower courts' decisions. The evidences, particularly the testimonies of Remedios, bank employees, and the handwriting expert from the PNP Crime Laboratory, conclusively established Domingo's involvement in the presentation of forged encashment slips and the unlawful withdrawal of funds. The Court recognized encashment slips as commercial documents, highlighting that their

falsification was indeed a means to commit Estafa. Damage or intent to cause damage is not a requisite for the crime of falsification of a commercial document, as it inherently undermines public confidence in such documents. Moreover, Domingo's mere possession and use of the falsified documents, which profited her, solidified the presumption of her as the material author of the falsifications.

### ### Doctrine:

The Supreme Court reiterated that Estafa can be committed through the falsification of a commercial document, which in this case were the encashment slips. The falsification of such documents is considered a necessary means to perpetrate Estafa, thus constituting a complex crime as defined under Article 48 of the Revised Penal Code. The ruling also emphasized that the defense of denial is insufficient against the positive identification and consistent testimonies of credible witnesses.

### ### Class Notes:

- **Estafa through Falsification of Commercial Documents**: A complex crime involving the creation of false commercial documents used to defraud another party.
- **Commercial Documents**: Instruments used by merchants or businesspersons to facilitate trade or financial transactions, including encashment slips.
- **Doctrine of Necessary Means**: When falsification of a document is carried out as a requisite to commit another crime such as Estafa, it forms a complex crime under Article 48 of the Revised Penal Code.
- **Presumption of Authorship**: Possession and utilization of falsified documents for one's benefit can lead to the presumption that such individual is the falsifier.
- **Witness Testimony vs. Denial**: The positive and consistent testimonies of witnesses, especially in the absence of ill will, have greater evidentiary value over mere denial.

### ### Historical Background:

The case underscores the legal mechanisms in place within the Philippine judicial system to address fraudulent financial activities involving forgery and the falsification of commercial documents. It highlights the critical role of credible witness testimonies and expert opinion in the prosecution of complex crimes encompassing financial fraud and document falsification.