

**\*\*Title:\*\*** People of the Philippines vs. Rafael Balmores y Caya

**\*\*Facts:\*\***

On September 22, 1947, in Manila, Rafael Balmores y Caya attempted to commit estafa through falsification of a security. Balmores altered a genuine 1/8 unit Philippine Charity Sweepstakes ticket by tearing off a portion to remove the original number and writing the winning number "074000" at the bottom left of the ticket. He then presented this altered ticket at the Philippine Charity Sweepstakes Office, seeking to claim the prize of P359.55. However, an employee, Bayani Miller, discovered the falsification and Balmores was promptly arrested. Balmores waived his right to counsel, pleaded guilty during his trial at the Court of First Instance of Manila, and was sentenced to an indeterminate penalty of 10 years and 1 day of prision mayor to 12 years and 1 day of reclusion temporal, plus a fine of P100.

Balmores appealed the decision, arguing that the facts did not constitute an offense and the trial court lacked jurisdiction to convict him due to his illiteracy and lack of legal assistance.

**\*\*Issues:\*\***

1. Whether the facts charged in the information constituted an offense.
2. Whether the trial court had jurisdiction to convict Balmores given that he was illiterate and unassisted by counsel.

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

The Supreme Court upheld the conviction and addressed each issue:

1. **\*\*Constitution of an Offense:\*\***

- Balmores argued that there could not have been a genuine 1/8 unit ticket for the June 29, 1947, draw, and the number "074000" could have been the original number.
- The Court rejected these arguments, emphasizing that the ticket exhibited was indeed 1/8 unit and tampered. If only 1/4 unit tickets were issued for the June 29 draw, it would imply that the ticket Balmores presented was inherently fraudulent.
- The Court noted that had the ticket's original number been the winning one, altering it would have been unnecessary, confirming the falsification. Balmores' actions thus constituted an attempt to commit estafa through falsification.

2. **\*\*Jurisdiction and Waiver of Counsel:\*\***

- Although Balmores was illiterate, the Court held that the trial court did not lose jurisdiction because there was an expressed waiver of his right to counsel. There was no law preventing such a waiver.
- The Court cited paragraph 2, Article 4, in relation to Article 59 of the Revised Penal Code, explaining the parameters of impossible crimes and concluded that Balmores' case did not fit this category given the falsification's apparent possibility of success.

**\*\*Doctrine:\*\***

- **\*\*Waiver of Counsel:\*\*** An accused can waive the right to counsel, and such waiver does not deprive the court of jurisdiction.
- **\*\*Falsification of Security:\*\*** Attempting to alter and present a government security with intent to defraud constitutes a serious offense of estafa through falsification.

**\*\*Class Notes:\*\***

- **\*\*Legal Elements of Falsification and Estafa:\*\***
- **\*\*Falsification:\*\*** Alteration of a genuine document to defraud.
- **\*\*Estafa (Swindling):\*\*** Deceitful acquisition of property resulting in damage or prejudice.
- **\*\*Articles Referenced:\*\***
- **\*\*Article 166 (RPC):\*\*** Penalty for falsification of treasury or bank notes.
- **\*\*Article 48 (RPC):\*\*** Penalty for complex crimes.
- **\*\*Article 4 & 59 (RPC):\*\*** Definition of impossible crimes and penalties for attempts.

**\*\*Historical Background:\*\***

The case occurred post-World War II when the Philippines was refocusing on rebuilding its legal and civil infrastructure. The Philippine Charity Sweepstakes was a common method of raising funds, and fraudulent activities around it highlighted gaps and challenges in regulation and enforcement mechanisms prevalent at the time. This case underscored the judiciary's stance on protecting governmental financial instruments and maintaining the integrity of national lotteries.