

Title: Brisenio v. People of the Philippines

Facts

1. **February 2003**: Josephine G. Brisenio (petitioner) asked her sister Clarita G. Mason (private complainant) to enter into a business venture with her and a certain Manuel S. Dino. They agreed to contribute P1,666,666.70 each to the venture involving a parcel of land covered by Transfer Certificate of Title (TCT) No. N-245848.
2. Clarita and her husband withdrew P1,440,000.00 from the bank and handed it over to Josephine.
3. **March 4, 2003**: Clarita signed a Deed of Assignment, transferring her rights over her 1/3 share of the land.
4. **December 2003**: Josephine asked Clarita to return all documents in her possession, promising to return the P1,666,666.70 plus interest.
5. **Discovery of Fraud**: Clarita discovered the title was spurious; it referred to titles issued to the Registry of Deeds of Quezon Province, not Quezon City. Despite demands, Josephine failed to return the money.
6. **Information Filing**: Josephine was charged with Estafa through Falsification of Public Documents.
7. **August 1, 2016**: The Regional Trial Court (RTC) found Josephine guilty, sentencing her to an indeterminate penalty of imprisonment and ordering indemnification of P1,666,666.70.
8. Josephine appealed to the Court of Appeals (CA).
9. **May 8, 2018**: The CA affirmed the conviction.
10. Josephine filed for reconsideration, which the CA denied.
11. Josephine filed a petition for review on certiorari before the Supreme Court.
12. **November 21, 2018**: The Supreme Court denied the petition.
13. **March 14, 2019**: Josephine filed a Motion for Reconsideration with the Supreme Court.

Issues

1. **Sufficiency of Evidence**: Did the prosecution prove beyond reasonable doubt that Josephine forged TCT No. N-245848 and received P1,440,000.00 from Clarita?
2. **Application of RA 10951**: Should RA 10951 be applied to modify Josephine's penalty?
3. **Determination of Penalty**: What is the appropriate penalty under the revised law?

Court's Decision

1. **Sufficiency of Evidence**:

- The Court held that records show Josephine was in possession of a falsified TCT No. N-245848. She used it to lure Clarita into the business venture and received P1,440,000.00. Based on the principle that one found in possession of a forged document and who used it is presumed to be the forger, the conviction for Estafa through Falsification of Public Documents was affirmed.

2. **Application of RA 10951**:

- The Court agreed that RA 10951, being beneficial to Josephine, should be applied retroactively. Under RA 10951, the penalty for Estafa involving amounts over P1,200,000.00 but not exceeding P2,400,000.00 is prision correccional in its minimum and medium periods.

3. **Determination of Penalty**:

- The Court modified the penalty considering both the Estafa and Falsification crimes. Estafa's penalty was lighter under RA 10951 compared to the penalty for Falsification under the old RPC.

- **New Penalty**: The indeterminate sentence imposed was modified to four (4) months and one (1) day of arresto mayor (minimum), to five (5) years of prision correccional (maximum).

- Josephine was also ordered to pay a fine of P5,000.00 with subsidiary imprisonment in case of insolvency.

- Additionally, Josephine was ordered to pay Clarita P1,440,000.00 with legal interest at 6% per annum from the finality of the resolution until full payment.

Doctrine

1. **Presumption of Forger**: A person found in possession of a forged document who uses it is presumed to be the forger.

2. **Retroactive Application of Penalties**: If a law modifying penalties (such as RA 10951) is more beneficial to the accused, it must be applied retroactively.

3. **Complex Crime Penalties**: In complex crimes, the penalty for the graver offense is imposed in its maximum period.

Class Notes

- **Elements of Estafa (Art. 315, RPC)**: Deceit or fraudulent representation causing damage to another.

- **Elements of Falsification by Private Individuals (Art. 172 and 171, RPC)**: Falsification of a document to the damage of a third party.

- **RA 10951**: An act adjusting the amount/value of property on which penalties are based under the RPC.
- **Article 48, RPC**: Imposing the penalty for the graver offense in the maximum period in complex crimes.
- **Principle of Retroactivity**: Penal laws favorable to the accused must be applied retroactively.

Historical Background

- **Estafa and Falsification**: These crimes have roots in Spanish colonial law, brought into the Philippine legal system through the Revised Penal Code enacted in 1930.
- **RA 10951**: Approved on August 29, 2017, it updated the penalties in the RPC to reflect inflation and economic changes to ensure just punishment fitting the times.
- **Jurisprudence Towards Retroactivity**: Philippine courts consistently apply more lenient penal laws retroactively, reinforcing a justice system evolving with social contexts.