

### Title:

**\*\*Mark Soledad y Cristobal vs. People of the Philippines, G.R. No. 30603\*\***

### Facts:

1. **\*\*Initial Contact and Loan Offer:\*\*** In June 2004, Henry C. Yu was contacted on his mobile phone by “Tess” or “Juliet Villar” (later identified as Rochelle Bagaporo), who offered a Citifinancing loan with a low-interest rate. Enticed by the offer, Yu invited Bagaporo to his office in Quezon City.
2. **\*\*Referral to “Arthur”:** At Yu’s office, Bagaporo referred him to her boss, “Arthur”. During a phone conversation, Arthur requested Yu to submit documents to “Carlo” (later identified as Ronald Gobenciong).
3. **\*\*Document Submission:\*\*** Yu submitted various documents, including his Globe Handyphone card, ID cards, and statements of account. He later found it difficult to contact Arthur or Gobenciong for updates on his loan status.
4. **\*\*Unauthorized Phone Lines:\*\*** In August 2004, Yu received a Globe Handyphone statement showing charges for two mobile phone numbers not his. He discovered five additional mobile lines and an altered Citibank credit card database under his name.
5. **\*\*Inquiry with Credit Card Companies:\*\*** Yu learned about a credit card application with Metrobank using his details.
6. **\*\*NBI Complaint:\*\*** Yu, along with Metrobank’s Jefferson Devilleres, filed a complaint with the NBI, leading to an entrapment operation.
7. **\*\*Entrapment Operation:\*\*** On August 13, 2004, NBI operatives posed as delivery personnel for the Metrobank credit card. At the address, “Arthur” (Soledad) claimed to be Henry Yu and signed for delivery using fake IDs.
8. **\*\*Apprehension:\*\*** NBI agents arrested Soledad after confirming his identity through the fraudulent IDs.
9. **\*\*Charges and Trial:\*\*** Soledad was charged with violating Section 9(e) of RA 8484 for possessing a counterfeit access device. He pleaded not guilty, but after presenting evidence, the RTC found him guilty on September 27, 2006. The CA affirmed but modified the penalty. Soledad’s motion for reconsideration was denied.

### Procedural Posture:

- **Regional Trial Court:** Found Soledad guilty, sentenced him to six to ten years imprisonment, and fined him Php 10,000.
- **Court of Appeals:** Affirmed the guilty verdict but removed the terms “prision correccional” and “prision mayor” from the penalty.
- **Supreme Court:** Petition for review to contest the CA’s decision, focusing on the validity and sufficiency of the Information, knowledge of the accusation, and the definition of possession.

### Issues:

1. **Validity and Sufficiency of the Information:** Whether the Information was valid and properly detailed the charges against Soledad.
2. **Charge Specification:** Whether the Information correctly charged the offense for which Soledad was found guilty.
3. **Notice of Accusations:** Whether Soledad was informed adequately about the nature of the charges.
4. **Possession of the Subject Credit Card:** Whether Soledad was legally in possession of the contested credit card when apprehended.

### Court’s Decision:

1. **Validity of Information:**
  - **Supreme Court’s Analysis:** The Information included the accused’s name, the offense (Section 9(e) of RA 8484), the description of the act, the offended party, date, and location of the crime. The preamble sufficiently complemented the accusatory portion.
  - **Conclusion:** The court concluded that the details provided in the Information were sufficient and met the requirements set by Section 6, Rule 110 of the Rules of Criminal Procedure.
2. **Charge Specification:**
  - **Analysis:** Though “possession” was not explicitly reiterated in the accusatory portion, the acts constituting possession were described. The offense elements were clearly narrated, fulfilling the procedural requirement.
  - **Conclusion:** Soledad’s contention was rejected, affirming the Information charged him correctly based on the illegal possession of a counterfeit access device as described.
3. **Notice of Accusation:**

- **Analysis:** The Supreme Court validated that the preamble and the accusatory portions together provided adequate notification of the charges.
- **Conclusion:** Soledad had adequate notice explaining why he faced prosecution under RA 8484.

#### 4. **Possession of Credit Card:**

- **Analysis:** Possession involved material holding and intent (corpus and animus possidendi). Soledad demonstrated intent by submitting forged IDs and signing the receipt for the credit card.
- **Conclusion:** Soledad was deemed to have had control over, and intent to possess, the credit card, affirming his culpability.

#### ### Doctrine:

- **Possession of Access Devices (RA 8484):** Legal possession under RA 8484 involves material holding coupled with the intent to possess, inferred from actions and surrounding circumstances. Possession is realized upon acknowledgment and physical receipt of the fraudulent device.

#### ### Class Notes:

- **Elements of Possession (Article 523, Civil Code):**
  - Material holding (corpus)
  - Intent to possess (animus possidendi)
- **Sufficiency of Information (Rule 110, Sec. 6, Rules of Criminal Procedure):** Includes the accused's name, offense, act description, offended party, date, and location.
- **Notification Process:** Preamble and accusatory portion combined inform the accused of the charges.

#### ### Historical Background:

- **Context:** This case dealt with identity theft and fraud, reflecting rising concerns about access device crimes and the necessity for stringent legal measures to combat such offenses, highlighted by the Access Devices Regulations Act of 1998 (RA 8484), targeting modern financial crimes.