

INOCENCIO TAN Y CONCEPCION, PLAINTIFF-APPELLANT, VS. THE PEOPLE OF THE PHILIPPINES, DEFENDANT-APPELLEE.*G.R. No. L-25460. March 13, 1968*

Ponente: BENGZON, J.P., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/0e90fd497d71/>**BENGZON, J.P., J.:**

Plaintiff-appellant Inocencio Tan and one Antonio Conejero were accused of estafa committed by means of false it pretenses in an information filed on October 10, 1958 the Court of First Instance of Manila, Branch VI, docketed as Criminal Case No. 45905. After due proceedings, the trial court, on October 27, 1959, acquitted Antonio Conejero but convicted plaintiff-appellant for consummated estafa.

Appeal was taken to the Court of Appeals. On August 31, 1963, the judgment of Branch VI of the Court of First Instance of Manila was modified, the appellate court convicting plaintiff-appellant of attempted estafa only. The latter still endeavoured to have the Supreme Court totally reverse the modified judgment but his petition for review was not given due course since the issues raised were factual and there was no merit in the petition.[1]

On August 31, 1964, plaintiff-appellant instituted Civil Case No. 58158 before Branch XXI of the Court of First Instance of Manila to annul the judgment of conviction rendered in the criminal proceedings. His ground was that the information therein was so totally defective that criminal jurisdiction did not attach, thereby vitiating the resulting judgment of conviction.

Meanwhile, in the criminal proceedings, plaintiff-appellant was able to have the promulgation of the judgment of conviction for attempted estafa suspended pending the outcome of the civil case.

On December 1, 1964, the State filed its answer in the civil case. The issues having been joined, and after a pre-trial resulting in a stipulation of the facts as stated above, the lower court rendered judgment on August 31, 1965 which dismissed the complaint.

Plaintiff-appellant now comes again to this Court on a pure question of law.

Basically, what plaintiff-appellant seeks is to have Branch XXI of the Court of First Instance of Manila annul a judgment originating from Branch VI of the same court, as modified, with finality, by the appellate courts. This simply cannot be done. Just very recently,[2] We reaffirmed the rule that "x x x the jurisdiction to annul a judgment of a branch of the Court of First Instance belongs solely to the very same branch which rendered the judgment." For the lower court to have acceded to plaintiff-appellants prayer would have been for it to have exceeded its jurisdiction or to have acted with grave abuse of discretion amounting to lack of jurisdiction. For this reason alone, the appeal should be dismissed.

But even on the merits, the appeal cannot prosper. The offense for which plaintiff was indicted is prescribed by Art. 315(2)(a) of the Revised Penal Code in the following language:

"2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:

"(a) By using a fictitious name, or false-ly pretending to possess power, in-fluence, qualifications, property, credit, agency, business or imagi-nary transactions; or by means of other similar deceptions.' (Stress sup-plied)

The information filed against plaintiff averred:[3]

"That on or about and during the period covered from September 11, 1958 to October 9, 1958, both dates inclusive, in the City of Manila, Philippines, the said accused Inocencio Tan y Concepcion and Antonio Conejero y Navo, the latter being then an employee of the Phi-lippine National Bank, conspiring and confede-rating together and mutually helping each other, did then and there willfully, unlawfully and feloniously defraud Fernando E. Ricafort, As-sistant General Manager of the Laureano Bro-thers Co., Inc., in the following manner: The said accused, during the above-mentioned period of time falsely pretending to possess influence on His Excellency, President Carlos P. Garcia and Executive Secretary Pajo, and by means of false representations and fraudulent manifesta-tions which they made to said Fernando E. Ricafort to the effect that the accused being in-fluential to His Excellency, President Carlos P. Garcia and Executive Secretary Pajo, they could facilitate the release of the loan ap-plied for by Fernando E. Ricafort with the Phi-lippine National Bank in the sum of P250,000.00, provided that the said Fernando E. Ricafort would give the accused 10% of the said sum of P250,000.00 or the amount of P25,000.00; that the sum of P25,000.00 would be given to Execu-tive Secretary Pajo as bribe money for the said purpose of facilitating the release of the afore-mentioned loan, and by means of other similar deceptions, succeeded in inducing the said Fernando E. Ricafort to give and deliver to the accused the sum of P2,000.00 (supposedly amounting to P25,000.00), both the said ac-cused knowing fully well that their aforesaid Pretenses, representations and manifestations were false and fraudulent and that the same were only made for the sole purpose of obtain-ing, as they in fact obtained from Fernando E. Ricafort the said sum of P2,000.00, which amount they willfully, unlawfully and feloniously, with intent to defraud, misappropriated, mis-applied and converted to their own personal use and benefit, to the damage and prejudice of said Fernando E. Ricafort in the aforesaid sum of P2,000.00. Philippine currency.

"Contrary to law." (Stress supplied)

The underscored portions of the above-quoted information clearly refute the claim that some of the supposed essen-tial elements of estafa by means of false pretenses were not alleged. The element of false pretenses is alleged by the averment that the accused manifested and represen-ted to the injured party that they were influential to the President and his Executive Secretary, Which they knew fully well to be false and which they made only to obtain P2,000.00 from the injured party. The averment that the accused "succeeded in inducing the injured party to part with his P2,000.00 is sufficient allegation of the ele-ment that the offended party relied upon such false pre-tenses. Lastly, the phrase "to the damage and prejudice of said Fernando E. Ricafort in the aforesaid sum of P2,000.00 x x x" constitutes the averment of damages. There is no basis therefore for the charge that plaintiff-appellant's constitutional right to be informed of the nature and cause of his accusation was violated.

WHEREFORE, the appealed judgment is, as it is here-by, affirmed. Treble costs against plaintiff-appellant.

SO ORDERED.

Reyes, Acting C.J., Dizon, Makalintal, Zaldivar, Sanchez, Angeles, and Fernando, JJ., concur.

Castro, J., took no part.

Concepcion, C.J., on leave.

[1] In G.R. No. L-22450 (Inocencio Tan v. People), resolution of March 16, 1964.

[2] J.M. Tuason v. Torres, G.R. No. L-24717, Dec. 4, 1967.

[3] Record on Appeal, pp. 2-4.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.