

## PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. SPOUSES RAMON T. ANUNCIACION AND RAFAELA M. ANUNCIACION, ACCUSED-APPELLANTS.

Ponente: BUESER, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2b5f245cd968/>

---

### BUESER, J.:

This is an appeal by accused-appellants spouses Ramon Anunciacion and Rafaela Anunciacion (“appellant spouses”) from the Decision[1] dated December 12, 2012 of the Regional Trial Court, Branch 58, of Makati City (“trial court”), the dispositive portion of which reads -

“WHEREFORE, premises considered, JUDGMENT is hereby rendered as follows:

1. Convicting the accused Spouses Ramon T. Anunciacion and Rafaela M. Anunciacion of the crime charge and is hereby ordered to suffer imprisonment of 17 years, 4 months and 1 day as minimum to 20 years of reclusion temporal as maximum; and
2. By way of civil liability, the accused are Ordered solidarily liable to pay Credit Post, Inc. the sum of P800,000.00 as actual damages and P300,000.00 as exemplary damages.

SO ORDERED.”

The Information[2] alleged -

“That on or about and sometime during the month of October 2006, in the City of Makati, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being then private individuals, conspiring and confederating together and both of them mutually helping and aiding one another, by means of fraudulent acts, executed prior to or simultaneous with the commission of the fraud, defrauded and deceived complainant CREDIT POST INC., herein represented by REBECCA I. AGUIRRE and ANTHONY PEREZ, in the following manner, to wit: The said accused with intent to defraud, did then and there willfully, unlawfully and feloniously make or cause to be made a falsified Owner's duplicate copy of Transfer Certificate of Title No. T-468530, which is a public document, by then and there making it to appear that the said document has the appearance of a true and genuine owner's duplicate copy of Certificate of Title, and thereafter used the said fake owner's duplicate copy of Certificate of Title No T-468530 in obtaining loan in the amount of Php800,000.00 from the complainant CREDIT POST INC., knowing fully well that the said owner's duplicate copy of Certificate of Title No. T-468530 is forged and falsified and was made only for the sole purpose of obtaining loan in the amount of Php800,000.00, to the damage and prejudice of the complainant CREDIT POST INC. in the aforesaid amount.

CONTRARY TO LAW.”

Upon arraignment, appellant spouses pleaded not guilty and trial on the merits ensued.

### The Facts

Prosecution evidence tend to establish that -

Credit Post, Inc. (“Credit Post”) is a corporation duly organized and existing by virtue of the laws of the Philippines. It is engaged in the business of lending money. Appellant spouses were close friends of Rebecca Aguirre (“Aguirre”), Credit Post's General Manager.

Sometime in October 2006, appellant spouses requested for the restructuring of their loan, now amounting to P1,100,000.00. They offered their property, located in San Pedro, Laguna (“subject property”) and covered by Transfer Certificate of Title No. T-468530, as collateral. Appellant spouses represented that the subject property is free from any lien or encumbrance. Credit Post believing that the loan will be fully secured allowed the restructuring. Thus, appellant spouses executed a promissory note for the amount of P1,100,000.00 and a real estate mortgage[3], in favor of Credit Post, over the subject property. Appellant spouses then delivered the owner's duplicate original of TCT No. T-469530 (“fake title”) to Credit Post.

On October 20, 2006, Credit Post instructed its Credit Investigator, Romano De Leon (“De Leon”), to have the real estate mortgage (“REM”) annotated on the fake title. However, before De Leon can do so, appellant spouses informed Credit Post that they will pre-terminate their loan and requested that the registration of the mortgage be abstained from. Henceforth, appellant spouses paid Credit Post the amount of P800,00.00 and asked for the release of the fake title. Credit Post acquiesced.

Three days later or on October 23, appellant spouses went back to Credit Post's office to avail of another loan, in the same amount of P800,00.00, and offered subject property as collateral. Since the additional loan was still within the coverage of the real estate mortgage appellant spouses previously executed, Credit Post asked for the surrender of the fake title. After the fake title was in their possession, Credit Post granted the loan.

Once again, Credit Post asked De Leon to cause the annotation of the REM on the original copy of TCT No. T-468530 on file with the Registry of Deeds of Calamba, Laguna. The Registry of Deeds, instead of annotating the REM on the original title, confiscated the fake title on the ground that it is a counterfeit and patently spurious. The Acting Registrar of Deeds of Calamba, Laguna found that the – (a) the fake title does not contain security features as provided by the Bangko Sentral ng Pilipinas; (b) the signature above the printed name Vicente A. Garcia appears to have been forged; and (c) the typewriter used differs from what appears on the original copy on file with the Registry of Deeds. The incident was then indorsed to the Land Registration Authority for further investigation.

Meanwhile, Credit Post confronted appellant spouses about the fake title. Appellant spouses promised to immediately give the former the genuine owner's duplicate original of TCT No. T-468530 so that the REM can be annotated. However, this promise did not materialize and appellant spouses altogether disappeared and stopped communicating with Credit Post.

Later on, Credit Post discovered that there was already an existing annotation of mortgage on the original copy of TCT No. T-468530, to secure a loan of P1,500,000.00, obtained from another creditor. Left with no option, Credit Post filed a complaint for estafa through falsification of public document against appellant spouses.

Appellant spouses denied the accusations.

Appellant spouses claimed they did not know that the title they handed to Credit Post was fake. After Credit Post informed them that the title is fake, they immediately offered their car and the property of appellant Rafaela Anunciacion's brother in law as replacement of the fake title.

#### The Trial Court's Ruling

After due proceedings, the trial court rendered the assailed Decision finding appellant spouses guilty beyond

reasonable doubt of the crime charged, viz -

“After a meticulous review of the record of the case both testimonial and documentary, this Court finds proof beyond doubt of the guilt of the accused.

As to the existence of the crime of estafa, no doubt all the elements are present. xxx

As to the existence of the falsification of public document, this court finds the affirmative. First, the title (TCT No. 468530) is a public document. Xxx

xxx

The Supreme Court in Spouses Revelo Villamar and Corazon Penuliar-Villamar, citing Maliwat vs. Court of Appeals, said:

If a person had in his possession a falsified document and he made use of it, taking advantage of it and profiting thereby, the clear presumption is that he is the material author of the falsification.

Based from the foregoing, the accused cannot simply deny their knowledge of the falsity of the title as they have been benefited by securing a loan from Credit Post.”

Hence, this appeal.

#### Assignment of Errors

I

THE TRIAL COURT GRAVELY ERRED IN CONVICTING APPELLANTS DESPITE THE PROSECUTION'S FAILURE TO PROVE THEIR GUILT BEYOND REASONABLE DOUBT.

II

THE TRIAL COURT GRAVELY ERRED IN IMPOSING THE MINIMUM PENALTY OF 17 YEARS, 4 MONTHS AND 1 DAY OF RECLUSION TEMPORAL.

#### This Court's Ruling

Appellants in arguing that the trial court committed grave errors in its Decision contend that the latter overlooked facts of substance which if properly considered would alter the verdict. Firstly, Credit Post was not induced to part with its money by means of fraud because the loans were granted by reason of the close relationship appellant spouses had with Aguirre and the loan was granted prior to the execution of the REM. Secondly, appellant spouses acted in good faith and their good faith was sufficiently established by their act of offering new securities and making arrangements as to the manner of payment of the loan. The allegation that they were the authors of the falsified public document was not duly proven.

For a complex crime of estafa through falsification of a public document to prosper, all the elements of both the crimes of estafa and falsification of a public document must exist.

It had been established that the original duplicate TCT No. T-468530, used as collateral for the loan that appellant spouses obtained from Credit Post, is fake.

The question now is, who is the author of the falsification?

Appellant spouses insist that they have no idea that TCT No. T-468530 is falsified.

It is an established rule that when a person has in his possession a falsified document and makes use of the same, the presumption or inference is justified that such person is the forger.[4]

That appellant spouses were the authors of the falsification is presumed from the fact they actually benefited from it. The fake title is registered in the name of appellant Ramon T. Anunciacion and was used as collateral by appellant spouses to avail of a loan in the amount of P800,000.00 from Credit Post. Thus, it is clear that appellant spouses benefited from the falsified public document. Other than their bare denials, appellant spouses could not offer any satisfactory explanation why the title they presented was fake or how the fake title came into their possession.

Appellant spouses' defense of good faith must fail for they have not presented any proof that would show that they have been complying with their obligation towards Credit Post. In fact, Credit Post averred that after appellant spouses were notified about the fake title, the two disappeared and stopped communicating with the former.

We now come to the discussion of the charge of estafa.

Swindling or estafa is punishable under Article 315 of the RPC. There are three ways of committing estafa, viz.: (1) with unfaithfulness or abuse of confidence; (2) by means of false pretenses or fraudulent acts; or (3) through fraudulent means. The three ways of committing estafa may be reduced to two, i.e., (1) by means of abuse of confidence; or (2) by means of deceit.[5]

The act complained of in the instant case is penalized under Article 315, paragraph 2 (a) of the Revised Penal Code, wherein estafa is committed by any person who shall defraud another by false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud. It is committed by using fictitious name, or by pretending to possess power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of other similar deceptions.[6]

The elements of estafa by means of deceit are the following, viz: (a) there must be a false pretense fraudulent act or fraudulent means; (b) such false pretense or fraudulent representation must be made or executed prior to or simultaneously with the commission of the fraud; (c) that the offended party relied on the false pretense, fraudulent act, or fraudulent means and was induced to part with his money or property; and (d) that, as a result thereof, the offended party suffered damage.[7]

In the instant case, all the foregoing elements are present. Appellant spouses succeeded in obtaining loans from Credit Post by means of deceit. They were able to borrow the amount of P800,000.00 because they represented that the title they offered as security is genuine and without any lien or encumbrance. It was the misrepresentations and false pretenses of appellant spouses that induced Credit Post to part with its money. As a result thereof, Credit Post suffered damages as the money that appellant spouses borrowed from the former has not been paid.

We quote with favor the ruling of the trial court on this matter -

“As to the existence of the crime of estafa, no doubt all the elements are present. First, the spouses secured a loan for the amount of P1.1 million with Credit Post, Inc. and in order for spouses to secure the approval of the loan, they (accused) mortgaged the property covered under TCT No. 468530 (fake title). In other words, the accused acted in deceit when they mortgaged the fake title in order for them to secure the release of the proceeds of the loan. Second, no doubt the private complainant which is Credit Post, Inc. suffered damage when it was not paid of the loan secured by spouses Anunciacion.”[8]

This Court notes that the subject property was already used a security for the loan appellant spouses obtained from Miriam Hipolito. The original owner's duplicate of TCT No. T-468530 was with the latter while the fake title was given to Credit Post so they can get a loan from the latter. Clearly then, the subject property was used as collateral twice so appellant spouses can procure loans from both Miriam Hipolito and Credit Post. The following testimony

of appellant Rafaela Anunciacion is very telling -

“Atty. Inoturan: Again, will please turn to page 7, you mentioned that you have no idea that the title, specifically TCT No. 468530 handed to Credit Post on October 12, 2006, however that a certified true copy was requested by Credit Post on February 2007 it appears that there is already a marking annotated indicated that the Deed of Sale of Real Estate Mortgage over TCT No. 468530 by and between you, Sps. Anunciacion and Miriam Hipolito for the amount of 1.5. million was executed on October 2006, are you familiar with the execution of this Deed of Real Estate Mortgage with Mrs. Hipolito?

A: Yes ma'am.

Q: Why are you familiar with this transaction?

A: We are aware that we mortgage it to them.

Q: What title was mortgage?

A: The TCT No. 468530 ma'am.

Q: Do you remember what period of time this Deed of Real Estate Mortgage was executed?

A: If I'm not mistaken, few weeks ago, just after we were able to pay off the loan with Credit Post.

Q: So this was around what date?

A: I could hardly remember the exact date ma'am.

Q: So, you do affirm that the said TCT No. 468530 was indeed the subject of the Deed of Real Estate Mortgage?

A: Yes ma'am.[9]

Q: So, Ms. Witness, was the title TCT No. 468530 presented to Credit Post for the loan of 1.5 million the same as the title presented to Miriam Hipolito?

A: Yes ma'am.

Q: If this were the case, would you have any idea or was it not explained to you why the Real Estate Mortgage by Credit Post for the loan of 1.5 million (sic - should be P1.1 million) the same as the title presented to Miriam Hipolito?

A: Yes ma'am.

Q: If this were the case, would you have any idea or was it not explained to you why the Real Estate Mortgage by Credit Post was not annotated?

A: Yes, I was informed, but it was replaced by another title.

Q: You were informed about the fake title?

A: Yes and we immediately replaced it.

Q: How was it possible Ms. Witness that if it is the same title TCT No. 468530 given to Credit Post and Ms. Hipolito are the same, how is it possible that the Real Estate Mortgage was allowed to be annotated in the case of Ms. Hipolito but not in the case of Credit Post it was not allowed?

A: I don't have any idea ma'am.”[10]

These actuations, for sure, reveal that appellant spouses have every intention to deceive Credit Post in obtaining the loan of P800,000.00. Appellant spouses could not even give a satisfactory explanation as to how the fake title came into their possession.

All told, we find that the guilt of appellant spouses have been proven beyond reasonable doubt.

The proper imposable penalty for the crime of estafa under Art. 315, par. 2 (a) is prisión correccional in its maximum period to prisión mayor in its minimum period, if the amount of the fraud is over P12,000.00 but does

not exceed P22,000.00, and if such amount exceeds the latter sum, the penalty shall be imposed in its maximum period, adding one (1) year for each additional P10,000.00; but the total penalty which may be imposed shall not exceed twenty (20) years. In such cases, the penalty shall be termed *prisión mayor* or *reclusión temporal*, as the case may be. Thus, the trial court correctly imposed the maximum penalty of 20 years of *reclusión temporal*. However, the trial court committed an error when it failed to apply the Indeterminate Sentence Law. Under the Indeterminate Sentence Law, if the offense is punished by the Revised Penal Code, the court shall sentence the accused to an indeterminate penalty, the maximum term of which shall be that which, in view of the attending circumstances, could be properly imposed under the rules of the Revised Penal Code, and the minimum term of which shall be within the range of the penalty next lower to that prescribed by the Code for the offense. The penalty next lower should be based on the penalty prescribed by the Code for the offense, without first considering any modifying circumstance attendant to the commission of the crime. The determination of the minimum penalty is left by law to the sound discretion of the court and can be anywhere within the range of the penalty next lower without any reference to the periods into which it might be subdivided. The modifying circumstances are considered only in the imposition of the maximum term of the indeterminate sentence.[11]

In the present case, appellant spouses defrauded Credit Post in the amount of P800,000.00. The maximum penalty to be imposed on petitioner should be taken from the maximum period of the penalty under Art. 315, which is *reclusión temporal*, since the amount defrauded exceeds P22,000.00, adding one year for each additional P10,000.00, but the total penalty which may be imposed should not exceed twenty (20) years. The minimum term should be within the range of the penalty next lower to that prescribed by the Code for the offense, which is *prisión correccional* in its maximum period. Hence, the minimum period of the penalty should be from four (4) years, two (2) months and one (1) day to six (6) years. The determination of the minimum penalty is left by law to the sound discretion of the court and can be anywhere within the range of the penalty next lower without any reference to the periods into which it might be subdivided.

Applying the foregoing, the correct penalty should be four (4) years, two (2) months and one (1) day of *prisión correccional*, as minimum, to twenty years of *reclusión temporal*, as maximum.

WHEREFORE, the appeal is DENIED. The Decision of the Regional Trial Court, Branch 58, Makati City is AFFIRMED but with MODIFICATION as to the penalty imposed. Spouses Ramon T. Anunciacion and Rafaela M. Anunciacion are sentenced to an indeterminate prison term of four (4) years, two (2) months and one (1) day of *prisión correccional*, as minimum, to twenty (20) years of *reclusión temporal*, as maximum, for the crime of *estafa* under Art. 315, par. 2 (a). They are further ordered to solidarily indemnify the private complainant, Credit Post, Inc., the sum of P800,000.00 as actual damages and P300,000.00 as exemplary damages. In addition, the penalty at the rate of 12% per annum shall be imposed on the outstanding obligations from date of finality of this Decision until full payment.

### SO ORDERED.

Salazar-Fernando, R.A., (Chairperson) and Garcia, R.R. JJ., concur.

---

[1] Rollo, pp.28-39.

[2] Records, p.1.

[3] Records, pp.40-43.

[4] Spouses Villamar vs. People, G.R. No. 178652, December 8, 2010.

[5] Sy vs. People, G.R. No. 183879, April 14, 2010.

[6] Ibid.

[7] Cosigna vs. People, G.R. No. 175750-51, April 2, 2014.

[8] Rollo, p.36.

[9] TSN, Cross-examination of Rafaela Anunciacion, pp.13-15.

[10] Id at 17-18.

[11] Sim Jr. vs. Court of Appeals, G. R. No. 159280, May 18, 2004.

**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.