

PEOPLE OF THE PHILIPPINES, PLAINTIFF-APPELLEE, VS. IMELDA ANN V. ESLAO, FELISA BANAGA, MARINA REPANCOL AND ERNESTO VELASCO, ACCUSED-APPELLANTS.

Ponente: DICDICAN, J.

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DICDICAN, J.:

Before us is an appeal from the Decision[1] rendered by Robert P. Fangayen, Presiding Judge of Branch 39 of the Regional Trial Court of the First (1st) Judicial Region located in Lingayen, Pangasinan (“trial court”), on December 6, 2011 in Criminal Case No. L-8527 convicting herein accused-appellants of the crime of estafa thru falsification of a public document punishable under Article 172, in relation to Article 171, of the Revised Penal Code (“assailed decision”) in an Amended Information[2] which reads:

“The undersigned hereby accuses ERNESTO VELASCO, IMELDA ANN V. ESLAO and ADRIANO N. DE LEON, FELISA BAÑAGA and MARINA REPANCOL, of the crime of ESTAFA THRU FALSIFICATION OF A PUBLIC DOCUMENT committed as follows:

“That on or about 06 November, 2007 in Brgy. Buer, Aguilar, Pangasinan, Philippines and within the jurisdiction of this Honorable Court, the said accused, all private individuals, conspiring and confederating together and helping one another, with intent to defraud and cause damage, did, then and there willfully, unlawfully and feloniously defraud Vilma L. Ballesteros, the surviving heir of the late Engracia De Leon, thru falsification of a public document in the following manner, to wit: the accused prepared, forged and falsified and/or caused to be prepared, forged and falsified a Deed of Self-Adjudication with Absolute Sale, notarized and acknowledged before Atty. Juan Siapno, Jr., a Notary Public, for and in the City of San Carlos, Pangasinan, and submitted, registered and recorded with the Register of Deeds of Lingayen, Pangasinan and, therefore, a public document, by then and there stating therein, among others, that accused Adriano N. De Leon is the lone surviving heir-brother of the late Engracia De Leon who died intestate, leaving a parcel of land located at Buer, Aguilar, Pangasinan, covered by a Transfer Certificate of Title (TCT) No. 268845 containing an area of nine hundred nineteen (919) square meters and as such lone and surviving heir-brother of the late Engracia De Leon is entitled to inherit the aforesaid property, thereby adjudicating to himself all the rights and participation over the said property, while the accused Ernesto Velasco and Imelda Ann V. Eslao despite knowing the falsified nature of said document participated and/or assisted knowing the falsified nature of said document participated and/or assisted in the execution thereof, when in truth and in fact, as the said accused fully knew, such is not the case, because there is still another surviving heir of the late Engracia De Leon namely, Vilma L. Ballesteros, entitled to inherit the aforesaid property, thereby making untruthful statements in a narration of facts; and thereafter, for the purpose of defrauding the aforesaid heir of the late Engracia De Leon, namely, Vilma L. Ballesteros, which by the same Deed of Self-Adjudication with Absolute Sale by then and there stating therein, among others, that accused Adriano N. De Leon referred to as the Vendor, had SOLD, CEDED, TRANSFERRED AND CONVEYED the aforesaid property covered by said TCT No. 268845 in favor of the accused Imelda Ann V. Eslao for and in consideration of the sum of seventy thousand pesos (Php70,000.00) Philippine Currency, and by reason of the said forged document, accused Adriano N. De Leon was able to transfer ownership of the said property in favor of accused Imelda Ann V. Eslao, as in fact, said TCT No. 268845 registered in the name of the late Engracia De Leon was canceled and the issuance in lieu thereof of TCT No. 311590 issued in the name of the accused Imelda Ann V. Eslao, despite

knowledge that there is still other surviving heir of the late Engracia De Leon namely: Vilma L. Ballesteros, entitled to inherit the aforesaid property, thereby defrauding said Vilma L. Ballesteros in the amount of Two Hundred Fifty Thousand pesos (Php250,000.00) Philippine Currency, as she was deprived of her hereditary rights, interest and participation over the said property, to the damage and prejudice of said Vilma L. Ballesteros in the aforesaid amount of Two Hundred Fifty Thousand pesos (Php250,000.00) Philippine Currency.

“Contrary to law.”

Upon being arraigned of the charges against them, the accused-appellants Imelda Ann V. Eslao (“accused-appellant Eslao”) and Ernesto Velasco (“accused-appellant Velasco”), as well as Adriano N. De Leon (“De Leon”), entered pleas of not guilty to the aforesaid charge of estafa thru falsification of a public document. Subsequently, a Pre-trial[3] was conducted by the trial court on December 10, 2008. During the said pre-trial, the parties entered into the following stipulations of facts, to wit:

- (1) The identity of accused-appellants Eslao and Velasco, as well as the identity of De Leon;
- (2) The jurisdiction of the trial court; and
- (3) That accused-appellants Eslao and Velasco were live-in partners.

Thereafter, the information was amended to include accused-appellants Marina Repancol (“accused-appellant Repancol”) and Felisa Banaga (“accused-appellant Banaga”), both of whom pleaded not guilty to the aforesaid charge against them. Trial on the merits of the said case then ensued.

During the trial, the prosecution adduced in evidence the testimonies of the following persons, to wit: (1) the private complainant herself, Vilma M. Ballesteros (“private complainant”); (2) James Joven (“Joven”); (3) Arthur David (“David”); and (4) Atty. Juan Siapno, Jr. (“Atty. Siapno”). For their part, the accused-appellants presented in evidence the testimonies of: (1) accused-appellant Eslao; (2) accused-appellant Velasco; (3) De Leon; and (4) Mary Ann Ocuaman (“Ocuaman”).

The prosecution’s recital of facts is summarized as follows:

The private complainant claimed that she was the daughter of the late Spouses Engracia De Leon and Miguel Ballesteros (“Spouses Ballesteros”) who both died intestate leaving behind several real properties. One of the aforesaid real properties was a parcel of land located at Buer, Aguilar, Pangasinan, which was registered in the name of Spouses Ballesteros with an area of Nine Hundred Nineteen (919) square meters and covered by Transfer Certificate of Title No. 268845 (“subject property”).[4] According to the private complainant, she discovered that Adriano De Leon, who was the brother of her mother Engracia, executed a Deed of Self-Adjudication with Absolute Sale dated November 6, 2007[5] whereby De Leon declared that he was the sole heir of the late Engracia De Leon. Moreover, in the said deed of self-adjudication with absolute sale, De Leon sold his purported rights to the subject property in favor of herein accused-appellant Eslao for a consideration of Seventy Thousand Pesos (Php70,000.00).

Thus, pursuant to the said deed of self-adjudication with absolute sale, TCT No. 268845 was canceled and a new land title, TCT No. 311590,[6] was issued in the name of accused-appellant Eslao. The private complainant maintained that, when they visited the subject property, accused-appellant Velasco was already in possession of the said subject property and there were already construction materials thereon. Thus, the foregoing antecedents thereby prompted the private complainant to file a criminal case for estafa against the accused-appellants herein, claiming that the latter conspired to deprive the true and lawful heirs of Engracia De Leon of ownership over the subject property.

The second witness for the prosecution was James Joven (“Joven”) who stated that he gave the owner's duplicate

land title of TCT No. 268845 to accused-appellant Eslao. According to him, the aforesaid land title came from TCT No. 256996 which was owned by him and Spouses Ballesteros, having bought the same from Carlos Joven and Felicidad De Vera. They then subdivided the land covered by TCT No. 256996 and, out of the said partition, three (3) new land titles were issued, namely: (1) TCT No. 268796 in the name of Spouses James and Alma Joven; (2) TCT No. 268797 as a right of way; and (3) TCT No. 268845 in the name of Engracia De Leon, married to Miguel Ballesteros (herein subject property). Thereafter, pursuant to his agreement with the private complainant, Joven kept in his possession all the three (3) land titles until he was fully reimbursed of the expenses which he incurred in the transfer and registration of the aforesaid three (3) new land titles.

However, Joven narrated that, on June 15, 2007, he sold his land covered by TCT No. 268796 to accused-appellants Eslao and Velasco. Along with this, Joven also gave them the owner's duplicate copy of TCT No. 268845 in the name of Engracia De Leon after the assurance of the said accused-appellants that they would also talk to herein private complainant and buy the subject property from the latter. Since Joven knew them to be well-respected individuals, Joven heeded the aforementioned request and gave them the said land title.

Nonetheless, Joven later on learned that accused-appellants Eslao and Velasco did not buy the subject property from the private complainant and, instead, they bought the same from Adriano De Leon. Thus, upon verification, Joven discovered that the owner's duplicate copy of TCT No. 268845 which he entrusted to accused-appellants Eslao and Velasco was already canceled and a new land title covering the subject property was issued in the name of herein accused-appellant Eslao.

Meanwhile, in order to identify the land titles that were mentioned by the witnesses for the prosecution, a representative from the Register of Deeds of Lingayen, Pangasinan, named Arthur David was presented to testify in the trial court. David affirmed that all the land titles which he had identified covered the same parcels of land which were originally owned by Linda De Leon.

The last witness for the prosecution, Atty. Siapno, thereafter testified that, on June 12, 2008, Atty. Sison came to his office and asked him if he, indeed, notarized a document denominated as deed of self-adjudication with absolute sale dated November 18, 2007. When Atty. Siapno saw the copy of the aforesaid document, he insisted that the signature which appeared therein was not his signature and that he had never met herein accused-appellants in person. Subsequently, Atty. Siapno filed a criminal complaint for falsification of document against the accused-appellants which was likewise pending in the Municipal Trial Court of Lingayen, Pangasinan.

For his part, Adriano De Leon ("De Leon") countered that a parcel of land with an area of One Thousand Nine Hundred Seventy Nine (1,979) square meters located at Buer, Aguilar, Pangasinan, was originally registered in the name of Linda De Leon. The said land was covered by OCT No. P-23400. He claimed that the true owner of the said real property was herein accused-appellant Eslao in that the said land was given to her by her grandfather. At the time when the said property was given to accused-appellant Eslao, however, the latter was still a minor. Thus, in the meantime, they decided to register the said land in the name of Linda De Leon who was then taking care of accused-appellant Eslao.

However, Adriano De Leon submitted that OCT No. P-23400 was not transferred in the name of accused-appellant Eslao until such time when Linda De Leon died. Consequently, De Leon declared that the owner's duplicate copy of OCT No. P-23400 was lost and he filed a petition in court for the issuance of a new owner's duplicate of the same. Thereafter, when the court issued a new owner's duplicate copy of OCT No. P-23400, he and his sister Engracia executed a document stating that they were the only surviving heirs of Linda De Leon.

Afterwards, Adriano De Leon admitted that, without the knowledge of accused-appellant Eslao, he sold one half

(½) portion of the land to a certain Rudy Joven in order to augment his expenses in the case which he filed in court for the purported lost land title of the property. On the other hand, the remaining half of the land was sold to accused-appellant Eslao for a consideration of Seventy Thousand Pesos (Php70,000.00). Subsequently, when accused-appellant Eslao discovered the said sale in favor of Joven, Adriano De Leon promised her that he would return to her the portion of the land that was sold to Rudy Joven. Thus, Adriano De Leon executed a deed of self-adjudication with absolute sale whereby he stated that he was the sole heir of Engracia De Leon and that he was selling the subject property to accused-appellant Eslao. However, Adriano De Leon admitted that Atty. Siapno who had purportedly notarized the said document was not present when he signed the said deed of self-adjudication at the office of the latter.

The next witness to testify was accused-appellant Eslao herself who vehemently denied all the allegations that were hurled against her by the prosecution. She explained that the property which was the subject matter of the case was part of a bigger parcel of land that was given to her by her grandfather, Emiliano Velasco. The said property was registered in the name of Linda De Leon because accused-appellant Eslao was still a minor when the said land was given to her. However, when Linda De Leon died, the property was extra-judicially adjudicated and equally divided between Adriano De Leon and Engracia De Leon. In turn, when Engracia De Leon died, her portion was likewise extra-judicially adjudicated among her heirs.

Accused-appellant Eslao thus claimed that it came as a surprise to her when she learned that James Joven was already exercising acts of ownership over a portion of her land. Upon inquiry, she then discovered the series of transfers of the ownership of her property which originated from Adriano De Leon. She then talked to James Joven regarding the matter and the latter agreed to reconvey to her the subject property that was earlier sold to him after the latter was reimbursed of his expenses therein. On the other hand, as regards the portion that was registered in the name of Engracia De Leon, Adriano De Leon executed an extra-judicial settlement of estate with deed of sale where it was made to appear that Adriano De Leon was the sole heir of Engracia and that the said portion of the property was likewise sold to herein accused-appellant Eslao.

Thus, accused-appellant Eslao submitted that the elements of estafa were not present in the instant case. She argued that Adriano De Leon and Engracia De Leon could not have inherited the subject property because the same was owned by her and not Linda De Leon. The private complainant could not have suffered any damage or prejudice in that the property which she claimed to have inherited from her mother was, in fact, the property of accused-appellant Eslao.

For his part, accused-appellant Velasco maintained that he did not know anything about the criminal case for estafa that was filed against him in the trial court. Nonetheless, he admitted that there was an instance when a document was notarized by Atty. Siapno at the latter's office in Lingayen, Pangasinan. However, he averred that Atty. Siapno was not present when the said document was purportedly notarized and it was a certain Martha Arenas who signed the same.

On December 6, 2011, the court a quo rendered the herein assailed Decision, the decretal portion of which reads:

“WHEREFORE, for all the foregoing, the Court finds accused ADRIANO DE LEON, IMELDA ANN ESLAO, ERNESTO VELASCO, FELISA BANAGA and MARINA REPANCOL GUILTY beyond reasonable doubt of the crime of Estafa thru Falsification of A Public Document and are hereby sentenced to suffer the indeterminate penalty of four (4) years and two (2) months of prision correccional, as minimum, to twenty (20) years of reclusion temporal, as maximum.

“The accused are likewise ordered to restore to Vilma Ballesteros the possession and ownership of the parcel of land covered by Transfer Certificate of Title No. 311590 in the name of Imelda Ann Eslao. Accused are further ordered to pay jointly and severally, (i) Php 100,000.00 as moral damages; (ii) Php 100,000.00 as

exemplary damages; (iii) Php 50,000.00 as attorney's fees; and (iv) costs of suit.

“SO ORDERED.”

Aggrieved by the foregoing determination of the trial court, herein accused-appellants interposed the instant appeal raising the following errors that were purportedly committed by the trial court, to wit:

I.

THE TRIAL COURT ERRED IN CONVICTING THE ACCUSED-APPELLANTS OF THE CRIME OF ESTAFA THRU FALSIFICATION OF A PUBLIC DOCUMENT.

II.

THE TRIAL COURT ERRED IN AWARDING DAMAGES IN FAVOR OF THE PRIVATE COMPLAINANT VILMA BALLESTEROS AND IN ORDERING THE ACCUSED-APPELLANT ESLAO TO RESTORE TO THE FORMER THE OWNERSHIP AND POSSESSION OF THE SUBJECT PROPERTY.

In sum, the sole issue brought before this Court for resolution is whether or not the trial court erred in finding herein accused-appellants guilty beyond reasonable doubt of the crime of estafa thru falsification of a public document. After a careful and thorough review of the facts, law and issues of this case, we sustain the accused-appellants' conviction.

In their appeal that was filed in this Court, herein accused-appellants contended that the prosecution miserably failed to adduce categorical evidence which would show beyond an iota of doubt that they committed the crime of estafa thru falsification of public document. According to the accused-appellants, there was no proof that they conspired to commit the falsification of the deed of self-adjudication with absolute sale involving the subject property. For one, they argued that accused-appellant Velasco had no participation in the preparation and execution of the aforementioned document. His name did not appear as a party or a witness to the said deed and, thus, he could not be considered as a conspirator in the alleged criminal act. For another, the accused-appellants insisted that there was no damage or prejudice to herein private complainant, explaining that the subject property was originally owned by Linda De Leon who was married to Rodrigo Evangelista. Thus, when Linda died without any child, her entire estate, including the subject property, passed on to her surviving spouse, Rodrigo. Consequently, the accused-appellants submitted that Engracia De Leon (the mother of the private complainant) and Adriano De Leon did not have the right to adjudicate among themselves the subject property to the exclusion of Rodrigo. Thus, their extra-judicial partition of land should be considered as null and void, as well as the claim of the private complainant arising therefrom.

Further, the accused-appellants pointed out that the amended information did not contain the names of accused-appellants Marina Repancol and Felisa Banaga and it did not describe the alleged acts which they had committed. Furthermore, the accused-appellants added that the award of damages in favor of the private complainant had no basis and leg to stand on, reiterating their stance that the true owner of the subject property was accused-appellant Eslao and not Linda De Leon.

The foregoing contentions adduced by herein accused-appellants are utterly unfounded and outright untenable. Verily, the complex crime of estafa through falsification of public document necessarily involves the two (2) crimes of: first, estafa; and, second, falsification of a public document. In this regard, the elements of estafa under Article 315, paragraph 2(a) of the Revised Penal Code are as follows:

“(1) The accused made false pretenses or fraudulent representations as to his power, influence, qualifications, property, credit, agency, business or imaginary transactions;

“(2) The false pretenses or fraudulent representations were made prior to or simultaneous with the commission of the fraud;

“(3) The false pretenses or fraudulent representations constitute the very cause which induced the offended party to part with his money or property; and

“(4) That as a result thereof, the offended party suffered damage.”[7]

On the other hand, the crime of falsification of a public document is penalized under Article 172 of the Revised Penal Code which lays down the following requisites, to wit:

“(1) That the offender is a private individual or a public officer or employee who took advantage of his official position;

“(2) That he committed any of the acts of falsification enumerated in article 171 of the Revised Penal Code (which in this case involves forging a signature); and

“(3) That the falsification was committed in a public or official or commercial document.”[8]

In the instant case, the amended information charged herein accused-appellants as principals who conspired together and helped one another in defrauding the private complainant, who was the surviving heir of the late Engracia De Leon, thru falsification of a public document. More specifically, the accused-appellants conspired together by preparing, forging and falsifying a Deed of Self-Adjudication with Absolute Sale stating therein, among others, that Adriano N. De Leon was the lone surviving heir-brother of the late Engracia De Leon who was entitled to the estate of the latter, knowing fully well that the private complainant was likewise a surviving heir of Engracia. Moreover, the accused-appellants made it appear that the subject property that was mentioned in the said deed of self-adjudication with sale was sold and conveyed to accused-appellant Eslao. In fact, pursuant to the said document, a new land title was issued in the name of accused-appellant Eslao covering the subject property.

Thus, the question now arises: Was the prosecution able to prove the concurrence of the elements of the crimes of estafa and falsification of a public document in the instant case? On this score, the trial court rightfully found:

“The Court finds the concurrence of the aforesaid requisites in this case. Undoubtedly, accused Adriano made untruthful statements in his Deed of Self-Adjudication with Absolute Sale claiming that he is the sole legal and compulsory heir of Engracia De Leon with full knowledge that Engracia has her own children. He even testified that he knows Vilma Ballesteros to be the daughter of Engracia. On the basis of said claim, he was able to sell the land of Engracia to Imelda, to the prejudice of a true heir in the person of Vilma Ballesteros. On the basis of the said document, the title in the name of Engracia De Leon was cancelled and a new one was issued in the name of Imelda.

xxx

“xxx First, there was false or fraudulent misrepresentation by Adriano when he adjudicated to himself the property of Engracia De Leon claiming to be the legal and compulsory heir of the latter; Second, the misrepresentation or false pretense was made prior to or simultaneous with the commission of the fraud.xxx Third, the offended party in this case was induced to part with the property by means of fraud, committed simultaneously with the false pretense or fraudulent representation by the accused. In this case, the Register of Deeds, which office is the repository and guardian of titles to property, and in contemplation of law, acts as 'agent' of the property owners, was induced to cancel the title of the property in the name of Engracia De Leon and issue a new one in the name of Imelda. Fourth, and private complainant's right to the property was lost or at the very least prejudiced when it was sold and transferred in the name of Imelda. Thus, the prosecution has clearly established the crime of falsification of public document which was the means for petitioners to commit estafa.”

It bears stressing that the accused-appellants did not deny the existence and execution of the said deed of self-adjudication with sale. Nonetheless, they interposed the defense that accused-appellant Eslao was the true owner of the subject property, in that it was given to her by her grandfather when she was still a minor, and that she simply took back what was hers in the first place. Thus, the accused-appellants resorted to said falsification and scheme as a means to the aforesaid end.

We find the aforementioned defense that was interposed by the accused-appellants to be unavailing at this point, however, in view of the admissions which they made during the trial of the case in the court a quo and in view of the documentary pieces of evidence which clearly point to them as the perpetrators of the criminal acts. At any rate, assuming, for the sake of argument, that accused-appellant Eslao was the true owner of the subject property, the same could not, in any way, justify the acts of the herein accused-appellants in adopting the aforesaid illegal scheme which eventually deprived the private complainant of her right as a compulsory heir of the late Engracia De Leon.

Finally, anent the question of whether or not there was conspiracy among the accused-appellants to commit the crime charged, this Court likewise agrees with the ruling of the trial court when it ruled in the affirmative and ratiocinated in this wise:

“While it is true that Adriano was the only one who executed the Deed of Self-Adjudication with Absolute Sale, Adriano himself declared that Imelda was with him when he executed the said document. Even Imelda admitted that she was with Adriano at that time. Imelda likewise testified that the property mentioned in the document was owned by her grandfather Emiliano Velasco and she does not know why it was sold to her by Adriano De Leon or how was it transferred to the latter. She likewise knows that Adriano De Leon and Engracia De Leon are the brother and sister of Linda De Leon, respectively. And Linda De Leon being married to Rodrigo Evangelista, the latter is the compulsory heir of Linda De Leon and not her brother and sister. She is not aware if the property originally owned by her grandfather was ever transferred to Adriano De Leon. With all these facts known to Imelda, xxx Imelda even accompanied Adriano to execute the falsified document. The Court cannot also ignore the fact that he and Adriano used the said document in cancelling the title of Engracia with full knowledge that it was not notarized personally by Atty. Juan Siapno, Jr. Undoubtedly, Adriano and Imelda are indeed conspirators and should be held liable as co-principals.

“As regards Ernesto, he denied having any knowledge about the transaction between James Joven and Imelda. The Court is not persuaded.

“The testimony of James Joven is clear and unequivocal to the effect that Ernesto was instrumental in the sale of the former's property to Imelda and the handling of the title in the name of Engracia De Leon to Imelda. He then explained that in the said Deed of Sale of his land, only the name of Imelda appeared as buyer because Ernesto told him that he will eventually buy the land as a gift to Imelda. So it was Ernesto who really bought the land from him as a gift to Imelda and made the latter as the buyer in the document. And it is not unbelievable that Ernesto will give such a gift to Imelda because it was admitted that they have been living together as husband and wife and that they have two (2) children. As regards TCT No. 268845 in the name of Engracia De Leon, Joven explained that he gave it to Ernesto and Imelda because they told him that they will indeed buy the land covered by the said title because his land is small. Imelda and Ernesto also told him that they will be the one who will talk to Vilma Ballesteros. Knowing them to be well-respected persons, he entrusted the title to them. xxx

“Anent accused Marina and Felisa, their participation lies on the fact that they affixed their respective signatures in the Deed of Self-Adjudication with Absolute Sale. In effect, they attested that the said deed was executed by the parties therein, at the time indicated and placed therein and before the notary public named therein, when in truth and in fact, with their full knowledge, the deed is a complete falsity. xxx”

Moreover, it may not be amiss to stress that it is a well settled rule that factual findings of trial courts deserve respect, sometimes even finality, based on the postulate that they had the distinct opportunity, not available to the reviewing courts, to hear the testimonies of witnesses and to observe their conduct and demeanor on the stand[9]. In this regard, as it does not appear that the trial court overlooked or misinterpreted some significant fact and circumstance which, if properly appreciated, can alter the outcome of the case, this Court sustains the said rule on trial court's findings[10]. Here, we do not find any strong and compelling reason to depart from the said rule.

WHEREFORE, in view of the foregoing premises, the instant appeal is hereby DENIED and, consequently, DISMISSED. The Decision rendered by Branch 39 of the Regional Trial Court of the First (1st) Judicial Region located in Lingayen, Pangasinan, on December 6, 2011 in Criminal Case No. L-8527 is AFFIRMED.

SO ORDERED.

Ybañez, and Paredes, JJ., concur.

[1] Record, Criminal Case No. L-8527, pages 301-319.

[2] Ibid, pages 183-184.

[3] Ibid, pages 118-132.

[4] Ibid, Exhibit "B", page 10.

[5] Ibid, Exhibit "C", page 15.

[6] Ibid, Exhibit "D", page 34.

[7] Gonzaludo v. People, G.R. No. 150910, February 6, 2006.

[8] Luis B. Reyes, The Revised Penal Code, Book II, 17th Edition (2008), p. 232.

[9] Jimenez v. Commission on Ecumenical Mission and Relations of the United Presbyterian Church in the United States of America, G.R. No. 140472, June 10, 2002.

[10] Cervantes v. Court of Appeals, G.R. No. 146050, September 27, 2006.

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