

LOLITA Y. EUGENIO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES RESPONDENT.

G.R. No. 168163. March 26, 2008

Ponente: CARPIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-168163/>

CARPIO, J.:

The Case

This is a petition for review[1] of the Decision[2] dated 30 November 2004 and the Resolution dated 11 May 2005 of the Court of Appeals, affirming the conviction of petitioner Lolita Y. Eugenio (petitioner) for Estafa thru Falsification of Public Documents and denying reconsideration, respectively.

The Facts

The prosecution evidence showed that on 14 November 1995, petitioner went to the house of private complainant Alfredo Mangali (Mangali) in Tonsuya, Malabon, Metro Manila and introduced Mangali to Epifania Saquitan (Saquitan), Amalia Ablaza (Ablaza), and another individual.[3] Petitioner persuaded Mangali to loan P100,000 to Saquitan with a parcel of land in Sta. Ana, Metro Manila (Sta. Ana lot) as security for the loan. Petitioner assured Mangali that the Sta. Ana lot was covered by Transfer Certificate of Title (TCT) No. 171602 issued in Saquitan's name. Mangali asked petitioner to confirm with the Register of Deeds of Manila the validity of TCT No. 171602. In the afternoon of that same day, petitioner informed Mangali that she saw the original of TCT No. 171602 on file with the Register of Deeds of Manila. With this assurance, Mangali agreed to extend the loan subject to Saquitan's execution of a "deed of sale" of the Sta. Ana lot in his favor. Saquitan agreed and after the "deed of sale" was signed, Mangali released the loan in two tranches to Saquitan which the latter promised to pay on 21 December 1995.

Subsequently, petitioner, on behalf of one Lourdes Ty (Ty), sought another P100,000 loan from Mangali, payable in January 1996 with a parcel of land in Quezon City (Quezon City lot) as security. Petitioner represented that the property was covered by TCT No. 92585 issued in Ty's name. Mangali agreed to extend the loan, again subject to the condition that Ty execute a "deed of sale" over the Quezon City lot in his favor. After Ty complied, Mangali released the partial amount of P75,000.

When the loans lapsed and remained unpaid, Mangali inquired from the Register of Deeds of Manila and Quezon City on the status of TCT No. 171602 and TCT No. 92585, respectively. Mangali discovered that TCT No. 171602 had been cancelled on 5 October 1995 while TCT No. 92585 is not registered with the Register of Deeds of Quezon City. Mangali filed a complaint with the National Bureau of Investigation (NBI) which arranged an entrapment operation on 26 February 1996 in Mangali's house. Mangali expected to see petitioner that day as petitioner had asked for an additional P33,000 loan. At the appointed time, petitioner, Ablaza, and two other unidentified individuals arrived in Mangali's house. The NBI agents effected the arrest while petitioner was counting the money. The NBI agents brought petitioner and the other individuals arrested with her to the NBI office where petitioner gave a statement.

Upon investigation by the NBI, it was discovered that the "Epifania Saquitan" who owned the Sta. Ana lot was a 79-year old woman who denied mortgaging the Sta. Ana lot or knowing petitioner and her co-accused. This "Epifania Saquitan" executed an affidavit attesting to these facts.

Petitioner, Ablaza, and two other individuals identified only as Jane Does were charged with Estafa thru Falsification of Public Documents. The Information[4] against them was filed with the Regional Trial Court of Malabon and raffled to Branch 73 (trial court).[5] Petitioner and Ablaza pleaded "not guilty" to the charges and, upon their application, were admitted to bail. Ablaza soon went into hiding.

On the part of the defense, petitioner denied taking part in any conspiracy to swindle Mangali. Petitioner claimed that since 1993, Mangali had sought her services to run errands for him in the titling of lots and follow-up of a Social Security System claim. Afterwards, Mangali recruited her as his commissioned agent in Mangali's check re-discounting and lending businesses. Thus, even before 14 November 1995, petitioner had brokered check rediscounting and loan deals with Mangali.

On Saquitan's loan, petitioner claimed that she brokered this deal with Mangali through Ablaza, an acquaintance. Ablaza informed her that Saquitan wanted to borrow from Mangali with the Sta. Ana lot as security. Anticipating a commission from Mangali, petitioner brought Ablaza, Saquitan, and two other individuals to Mangali. Mangali and Saquitan agreed on the terms of the loan, that is, the loaned amount will be released in two tranches of P60,000 and P40,000, with the interest deducted from the amount first released and Saquitan will execute a "deed of sale" over the Sta. Ana lot in Mangali's favor. Mangali then instructed petitioner to confirm with the Register of Deeds of Manila if the photocopy of TCT No. 171602 Saquitan brought with her was genuine. On the same day, petitioner obtained from the Register of Deeds of Manila a certified true copy of TCT No. 171602 and gave it to Mangali. Thus, Mangali released to Saquitan P48,000 (P60,000 less interest). Saquitan acknowledged receipt of the amount and signed the "deed of sale" over the Sta. Ana lot, which petitioner prepared on Mangali's instruction. Two weeks later, Mangali released to Saquitan the second tranche of the loan which Saquitan promised to pay on 21 December 1995.

On Ty's loan, petitioner testified that it was also Ablaza who sought her help, claiming that Ty, whom petitioner did not know, was offering as security her property in Quezon City, covered by TCT No. 92585 issued in her name. Again anticipating a commission from Mangali, petitioner brought Ablaza and Ty to Mangali. Ty had with her what she alleged to be her owner's duplicate copy of TCT No. 92585. Mangali wanted to inspect the property covered by TCT No. 92585 so the group (Mangali, petitioner, Ablaza, and Ty) proceeded to Filinvest Subdivision in Quezon City. Satisfied with what he saw, Mangali agreed to loan P75,000 to Ty but not after requiring her to sign a "deed of sale" over the property in Mangali's favor which petitioner again prepared on Mangali's instruction. Ty complied and received the amount for the loan.

In February 1996, Mangali informed petitioner that TCT No. 171602 and TCT No. 92585 were spurious and demanded to see Ablaza. Petitioner brought Ablaza to Mangali and the two discussed the validity of the titles. Ablaza insisted that the titles were genuine. In the course of their meeting, Ablaza disclosed that she has a property in Baguio City. Mangali offered to buy a portion of the property. Ablaza was amenable to the deal provided that Mangali take care of the expenses for the subdivision of the property which Ablaza placed at P35,000. Mangali gave Ablaza an initial amount for the subdivision and asked Ablaza to come back on 26 February 1996 for the balance. On the appointed day, petitioner and Ablaza returned to Mangali's house. Before giving the amount to Ablaza, Mangali asked petitioner to count it. It was while petitioner was in the act of counting the money that the NBI agents arrested petitioner, Ablaza, and their other companions.

The Ruling of the Trial Court

In its Decision dated 7 September 2001, the trial court (1) found petitioner guilty with one count of Estafa thru Falsification of Public Documents and sentenced her to 10 years and one day of prision mayor as minimum to 20 years of reclusion temporal as maximum and (2) ordered petitioner to pay Mangali P175,005 as actual damages.[6] The trial court held:

Against the clear and convincing evidence that thru misrepresentations of Eugenio, among others, Mangali extended two loans, one for Saquitán and the other for Ty, with a cancelled title and a non-existent one being offered as collaterals, Eugenio's denial of any knowledge concerning the irregularity of the transactions of which she played a principal role and her further claim that in this case she was merely the victim of circumstances, cannot prevail.

Add to the foregoing the fact that an entrapment was effected which resulted in the arrest of Eugenio and Ablaza after they demanded for another additional loan, probably with the alleged Ty property as collateral, too, and the inevitable conclusion would be that Eugenio is liable as a co-conspirator of the others who are charged with her in this case.

Two spurious titles were made to appear to be genuine and valid ones although the same were no longer valid with respect to one and non-existent and spurious with respect to the other, and with both titles having no legal basis to exist at all and thus, can be presumed falsified with the possessor thereof being further presumed as the author of the falsification x x x x and it would also be concluded that falsification of public document was resorted to in order to defraud Mangali of the amounts she [sic] gave to the accused and her co-conspirators.

There was fraud resulting in swindling or estafa because misrepresentations with intent to defraud and to cause damage characterized the actuations of all the accused in this case, including the two designated only as Jane Does.

In this case, Eugenio was in conspiracy with the others because of the misrepresentations made by her to the effect that Saquitán's title was really registered and therefore genuine and because of other acts she did in connection with the negotiations with Mangali where she actively participated at every stage of the transactions and played an important and active role.

In fine, the Court is of the view and so holds that the offense charged in this case has been sufficiently established and that accused Eugenio is guilty as charged.[7]

Petitioner appealed to the Court of Appeals.

The Ruling of the Court of Appeals

In its Decision of 30 November 2004, the Court of Appeals affirmed the trial court's ruling. In sustaining the trial court's finding on petitioner's vital role in the scheme to defraud Mangali, the Court of Appeals held:

[W]e are convinced that the accused-appellant defrauded the private complainant through her fraudulent misrepresentation. The records of the instant case show that the accused-appellant knew that her co-accused are not the real owners of the property mortgaged to the private complainant. However, knowing that she has gained the trust of the private complainant, she misrepresented to the latter that the persons she introduced to him are the real Epifania Saquitán and Lourdes Ty, the true owners of the mortgaged properties. Were it not for the misrepresentation of the accused-appellant, the private complainant would not have agreed to the mortgage and eventually part with his one hundred seventy five thousand pesos (P175,000.00), to his damage and prejudice.

We agree with the findings and conclusions of the trial court that the accused-appellant's fraudulent misrepresentation facilitated the commission of the crime.[8]

Petitioner sought reconsideration which the Court of Appeals denied in the Resolution dated 11 May 2005.

Hence, this petition. Petitioner frames the issues as follows:

- WHETHER x x x THE COURT OF APPEALS ERRED IN FINDING THAT PETITIONER EMPLOYED DECEIT IN LEADING PRIVATE COMPLAINANT ALFREDO MANGALI TO BELIEVE THAT THE TITLES POSSESSED BY EPIFANIA SAQUITAN AND LOURDES TY, WHICH ARE MORTGAGED TO PRIVATE COMPLAINANT, WERE GENUINE.
- WHETHER x x x THE COURT OF APPEALS ERRED IN FINDING THAT THE PETITIONER EUGENIO MADE REPRESENTATIONS TO PRIVATE COMPLAINANT ALFREDO MANGALI IN BEHALF OF CO-ACCUSED ABLAZA, SAQUITAN AND TY, CONSTITUTIVE OF CONSPIRACY.
- WHETHER x x x THE COURT OF APPEALS ERRED IN COMPLETELY GIVING WEIGHT AND CREDENCE TO SUBSTANTIAL PORTIONS OF THE UNCORROBORATED AND IMPROBABLE ALLEGATIONS OF PRIVATE COMPLAINANT MANGALI AND TOTALLY DISMISSING THE CONSISTENT TESTIMONY AND FACTUAL NARRATION OF PETITIONER EUGENIO.
- WHETHER x x x THE COURTS A QUO ERRED IN NOT HOLDING THAT THE PROSECUTION FAILED TO PROVE THE GUILT OF THE PETITIONER BEYOND REASONABLE DOUBT OF THE CRIME OF ESTAFA THRU FALSIFICATION OF PUBLIC DOCUMENTS SPECIFICALLY UNDER ARTICLE 315 PAR 2(A) AND ARTICLE 172 IN RELATION TO ARTICLE 48 OF THE REVISED PENAL CODE.
- WHETHER x x x THE COURTS A QUO ERRED IN DISREGARDING THE PATENT VIOLATIONS OF THE CONSTITUTIONAL RIGHTS OF THE PETITIONER.[9]

The Issues

The petition raises the following issues:

- 1) Whether irregularities attended petitioner's arrest and investigation, nullifying her conviction; and
- 2) Whether petitioner is guilty of Estafa thru Falsification of Public Documents.

The Ruling of the Court

We set aside the Court of Appeals' ruling and acquit petitioner of the charges against her on the ground of reasonable doubt.

On the Alleged Irregularities Attending Petitioner's Arrest and Custodial Investigation

Before resolving the question of petitioner's liability, we first address petitioner's contentions on the irregularities attending her arrest and investigation and their effect on the judgment against her.

Petitioner contends that her arrest following the NBI entrapment operation was illegal because it was "conducted by a division of the NBI which does not deal with estafa or fraud" and without the participation of the police. Petitioner also alleges that after she was arrested, she was neither informed of her constitutional right to counsel nor afforded her right to a phone call. Petitioner concludes that these irregularities tainted the NBI's entrapment operation, rendering the same without any "probative value in determining whether or not a criminal act has been committed." [10]

Respondent does not contest petitioner's claim on the alleged irregularities which attended her arrest. Nevertheless, such irregularities, assuming they did take place, do not work to nullify petitioner's conviction as this Court is neither the proper forum, nor this appeal the correct remedy, to raise this issue. Any irregularity attending the arrest of an accused, depriving the trial court of jurisdiction over her person, should be raised in a motion to quash at any time before entering her plea.[11] Petitioner's failure to timely raise this objection

amounted to a waiver of such irregularity[12] and resulted in her concomitant submission to the trial court's jurisdiction over her person. Indeed, not only did petitioner submit to such jurisdiction, she actively invoked it through her participation during the trial. Petitioner cannot now be heard to claim the contrary.

As for the failure of the NBI agents to inform petitioner of her right to counsel during custodial investigation, this right attains significance only if the person under investigation makes a confession in writing without aid of counsel counsel which is then sought to be admitted against the accused during the trial. In such case, the tainted confession obtained in violation of Section 12(1), Article III of the Constitution is inadmissible in evidence against the accused.

Here, petitioner merely alleges that following her arrest, she gave a "statement" to the NBI agents. The records do not contain a copy of this "statement" thus we have no way of knowing whether such statement amounts to a confession under Section 12(3) in relation to Section 12(1), Article III of the Constitution. At any rate, no allegation has been made here that the prosecution submitted such statement in evidence during the trial.

On Petitioner's Criminal Liability

The foregoing notwithstanding, we hold that the prosecution failed to prove petitioner's guilt beyond reasonable doubt.

The Prosecution Failed to Prove Conspiracy to Render Petitioner Liable as Principal to Estafa Thru Falsification of Public Documents

To hold petitioner liable for the complex crime of Estafa thru Falsification of a Public Document, the prosecution must show that she committed Estafa thru any of the modes of committing Falsification. Under Article 171 of the Revised Penal Code, Falsification is committed under any of the following modes:

- (1) Counterfeiting or imitating any handwriting, signature or rubric;
- (2) Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate;
- (3) Attributing to persons who have participated in an act or proceeding statements other than those in fact made by them;
- (4) Making untruthful statements in a narration of facts;
- (5) Altering true dates;
- (6) Making any alteration or intercalation in a genuine document which changes its meaning;
- (7) Issuing in an authenticated form a document purporting to be a copy of an original document when no such original exists, or including in such copy a statement contrary to, or different from, that of the genuine original;
- or (8) Intercalating any instrument or note relative to the issuance thereof in a protocol, registry or official book.

On the other hand, Estafa is generally committed when (a) the accused defrauded another by abuse of confidence, or by means of deceit and (b) the offended party or a third party suffered damage or prejudice capable of pecuniary estimation.[13]

The trial court found petitioner guilty of Estafa thru Falsification of Public Documents (which the Court of Appeals sustained) for petitioner's "principal role" in the loan transactions between Mangali, on the one hand, and

Saquitan and Ty, on the other hand. In further pinning liability on petitioner for her role in the alleged falsification of TCT No. 92585, the trial court, for lack of proof of petitioner's participation in falsifying such document, relied on the disputable legal presumption that the possessor of a falsified document who makes use of such to her advantage is presumed to be the author of the falsification. In short, petitioner's conviction below rested on an implied conspiracy with her co-accused to swindle Mangali, buttressed, as to one count, by a reliance on a disputable presumption of culpability.

We reverse.

True, conspiracy need not be proved by direct evidence as the same can be inferred from the concerted acts of the accused.[14] However, this does not dispense with the requirement that conspiracy, like the felony itself, must be proved beyond reasonable doubt.[15] Thus, the presence of a reasonable doubt as to the existence of conspiracy suffices to negate not only the participation of the accused in the commission of the offense as principal but also, in the absence of proof implicating the accused as accessory or accomplice, the criminal liability of the accused.[16]

Here, petitioner's acts which the lower courts considered as constitutive of her complicity in the supposed plot to swindle Mangali consisted of the following: (1) petitioner was the one who brought Saquitan, Ty, and Ablaza to Mangali; (2) petitioner was present in all the occasions Mangali met Saquitan, Ty, and Ablaza; (3) petitioner confirmed that TCT No. 171602 was registered with the Register of Deeds of Manila when in fact it was already cancelled; and (4) the real "Epifania Saquitan" denied mortgaging the Sta. Ana property to Mangali. By themselves, these circumstances can plausibly pass muster to prove petitioner's involvement in a plan among the accused to swindle Mangali.

However, when petitioner's side is considered, taking into account admitted facts and un rebutted claims, her participation in the events leading to her arrest is cast in an entirely new light raising reasonable doubt as to her culpability. These facts and unrefuted claims are: (1) petitioner works for Mangali, on commission basis, in the latter's check re-discounting and lending businesses[17] and (2) the Civil Register of Manila certified as true copy the photocopy of TCT No. 171602 that Saquitan gave petitioner.

As Mangali's agent, petitioner is obliged to bring prospective borrowers to Mangali; otherwise, she will not earn commissions. This also explains why she was present in all the occasions Mangali met Saquitan and Ty - she was pecuniarily interested in seeing to it that the deals she brokered were consummated to enable her to receive commission from Mangali.

On petitioner's disclosure to Mangali that TCT No. 171602 is registered with the Register of Deeds of Manila, petitioner merely relied on the certification by the Register of Deeds of Manila that the photocopy of TCT No. 171602 she brought with her was a true copy of the title on file in that office.[18] The prosecution did not rebut this.

We arrive at the same conclusion on petitioner's alleged liability for Estafa using the allegedly falsified TCT No. 92585. Aside from relying on conspiracy to pin petitioner for this charge, the trial court also anchored its finding on the presumption that petitioner was party to the falsification of TCT No. 92585 because she had possession of such title. However, petitioner's un rebutted testimony on this point is that it was Ty who brought with her what she represented to be her owner's duplicate copy of TCT No. 92585 and which she presented to Mangali.[19] At any rate, for the presumption of authorship of falsification to apply, the possessor must stand to profit or had profited from the use of the falsified document.[20] Here, the extent of petitioner's participation on Ty's loan was to bring Ty (and Ablaza) to Mangali. The prosecution failed to show any proof that petitioner received a portion of the loan Mangali extended to Ty, just as there is no proof on record that she received any share from the loan

Mangali extended to Saquitan. Petitioner is not a party to any of the documents Mangali, Ty, and Saquitan signed.

On the NBI's finding that the real "Epifania Saquitan" did not mortgage the Sta. Ana lot to Mangali, we note that such person was never presented during the trial, rendering her affidavit inadmissible. At any rate, the prosecution failed to rebut petitioner's testimony that she was only acquainted with Ablaza who introduced Saquitan and Ty to her.

In sum, we hold that the lower courts' rulings are based on a misapprehension of facts justifying reversal on review.[21] Indeed, when, as here, the circumstances surrounding the alleged commission of crimes are capable of two inferences, one favoring the innocence of the accused and the other her guilt, the inference for her innocence must prevail, consistent with the Constitutional presumption of her innocence.[22]

WHEREFORE, we SET ASIDE the Decision dated 30 November 2004 and the Resolution dated 11 May 2005 of the Court of Appeals. We ACQUIT petitioner Lolita Y. Eugenio of the charges against her on the ground of reasonable doubt. Petitioner Lolita Y. Eugenio is hereby ordered released immediately from confinement unless she is being held for another lawful cause. The director of the Bureau of Corrections is directed to inform the Court of the action taken on this ruling within five (5) days from notice.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Azcuna, and Leonardo-De Castro, JJ., concur.

* Designated to sit as additional Member of the First Division under Administrative Circular No. 84-2007.

[1] Under Rule 45 of the 1997 Rules of Civil Procedure.

[2] Penned by Associate Justice Amelita G. Tolentino with Associate Justices Roberto A. Barrios and Vicente S.E. Veloso, concurring.

[3] Natividad Directo.

[4] The Information alleged (rollo, pp. 49-50):

That on or about the 14[th] day of November, 1995, in the Municipality of Malabon, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, conspiring and confederating (sic) and helping one another, after falsifying TCT Nos. 171602 and 92585, which is (sic) a public document and by misrepresenting that said TCT Title Nos. were a (sic) genuine duplicate copy from the original induce and convince, ALFREDO MANGALI y GONZALES, and did induce and convince, ALFREDO MANGALI y GONZALES to mortgage said TCT Title No. 171602 in the total amount of P100,000.00 and TCT Title No. 92585 in the total amount of P75,000.00, an accused by using this falsified document with intent to gain and to defraud and by means of deceit, false pretense, fraudulent means (sic) and misrepresentation, executed prior to and/or simultaneous with the commission of the fraud, did then and there, willfully, unlawfully (sic) and feloniously mortgage the said TCT Title Nos. to ALFREDO MANGALI y GONZALES for and in consideration in the total amount of P175,000.00 and ALFREDO MANGALI y GONZALES, believing that the said TCT Title Nos. was [sic] genuine and that said accused was the real owner of the same, parted his P175,000.00 to them and accused once in possession of the said amount, misappropriate the same to their personal use and benefit and despite repeated demands accused failed to return the amount of P175,000.00 to the damage and prejudice of ALFREDO MANGALI y GONZALES.

This Information is duplicitous as it charges petitioner and her co-accused with two counts of Estafa thru

Falsification of Public Documents by falsifying TCT No. 171602 and TCT No. 92585, and using them, in separate transactions, as security to induce Mangali to extend loans to Saquitan and Ty. However, for petitioner's failure to move for the quashal of the Information on this ground, petitioner is deemed to have waived the objection (Section 3[e] in relation to Section 8, Rule 117, Rules of Court, now Section 3[f] in relation to Section 9, Revised Rules of Criminal Procedure).

[5] The same Information was later filed in Branch 74 of the same court but Branch 74 dismissed the case as Branch 73 had already taken cognizance of it.

[6] The dispositive portion of its ruling provides (rollo, p. 76):

WHEREFORE, premises considered, judgment is hereby rendered finding accused Lolita Y. Eugenio guilty beyond reasonable doubt of the offense charged in this case, penalized under Art. 315, par. 2 (a), in relation to Art. 172, in further relation to Art. 48, all of the Revised Penal Code. In the absence of any mitigating or aggravating circumstance, and applying the provisions of the Indeterminate Sentence Law, and in view of the amount of the damage involved, said accused is hereby sentenced to a prision term ranging from TEN (10) YEARS and ONE (1) DAY of prision mayor as minimum to TWENTY (20) YEARS of reclusion temporal as maximum.

Accused Eugenio is also ordered to pay complainant Alfredo Mangali the sum of P175,005.00 representing the damage sustained by said complainant.

With respect to at large accused Ablaza and the two others designated as Jane Does, let this case be archived.

[7] Rollo, pp. 74-76.

[8] Id. at 58-59.

[9] Id. at 26.

[10] Id. at 39-41.

[11] Section 3(b) in relation to Section 1, Rule 117, Rules of Court, reproduced in the Revised Rules of Criminal Procedure.

[12] Section 3(b) in relation to Section 8, Rule 117, Rules of Court now Section 3(b) in relation to Section 9, Rule 117, Revised Rules of Criminal Procedure.

[13] *People v. Reyes*, 346 Phil. 786 (1997).

[14] *Orodió v. Court of Appeals*, No. L-57519, 13 September 1988, 165 SCRA 316.

[15] See *Perez v. Sandiganbayan*, G.R. No. 76203-04, 6 December 1989, 180 SCRA 9.

[16] See *People v. Quinao*, 336 Phil. 475 (1997).

[17] Mangali initially denied that petitioner brokered check rediscounting deals for him but he acknowledged such fact upon further questioning (rollo, pp. 33-34). Indeed, it appears that when petitioner drew up the "deeds of sale" Saquitan and Mangali signed on Mangali's instruction, petitioner merely performed one of her duties incidental to being Mangali's commissioned agent.

[18] Rollo, pp. 19, 127-128.

[19] Id. at 128-129.

[20] *Maliwat v. Court of Appeals*, 326 Phil. 732 (1996); *Sarep v. Sandiganbayan*, G.R. No. 68203, 13 September 1989, 177 SCRA 440; *People v. Sendaydiego*, 171 Phil. 114 (1978).

[21] This is one of the recognized exceptions to the rule under Section 1, Rule 45 that only questions of law can be raised in a petition for review (see *Macadangdang v. Sandiganbayan*, G.R. Nos. 75440-43, 14 February 1989, 170 SCRA 308).

[22] See *People v. Ferras*, 351 Phil. 1020 (1998).

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.