

SPOUSES REVELO VILLAMAR AND CORAZON PENULIAR- VILLAMAR, PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.*G.R. No. 178652. December 08, 2010*

Ponente: CARPIO, J.

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This is a petition[1] for review on certiorari under Rule 45 of the Rules of Court. The petition challenges the 27 June 2007 Decision[2] of the Court of Appeals in CA-G.R. CR No. 29524. The Court of Appeals affirmed with modification the 11 August 2005 Decision[3] of the Regional Trial Court (RTC), Judicial Region 1, Branch 40, Dagupan City, in Criminal Case No. 2005-0172-D, affirming the 8 February 2005 Decision[4] of the Municipal Trial Court in Cities (MTCC), Judicial Region 1, Branch 1, Dagupan City, in Criminal Case No. 42907.

On 20 April 1967, Elena Manantan (Elena) sold a parcel of land to her nine children: Cornelia Penuliar (Cornelia), Simplicio Penuliar (Simplicio), Modesta Flores (Modesta), Eulalia Penuliar (Eulalia), Hermogenes Penuliar (Hermogenes), Lucia Penuliar (Lucia), Pedro Penuliar (Pedro), Felipe Penuliar (Felipe), and Jose Penuliar (Jose). On 6 June 1983, Cornelia Eulalia, Hermogenes, Lucia, Pedro, and Jose sold their share to Simplicio. Modesta and Felipe did not sell their share.

On 7 September 1989, Simplicio sold his total share to his daughter, petitioner Corazon Penuliar-Villamar (Corazon). Corazon is married to petitioner Revelo Villamar (Revelo). Corazon and Revelo possessed and registered with the Office of the Provincial Assessor of Lingayen, Pangasinan, a signed and notarized deed of sale dated 23 November 1989. Notary Public Quirico Bachar notarized the deed. In the deed, it was made to appear that all of Elena's children, including Modesta and Felipe, sold the property to the spouses. The signatures of Modesta, Hermogenes, and Lucia were forged. Corazon and Revelo alleged that "employees of the Assessor's Office" committed the falsification.

In 1999, Modesta discovered the 23 November 1989 deed of sale. In an information[5] dated 7 September 2000, Second Assistant City Prosecutor Regulus V. Reyes charged Corazon and Revelo with falsification of public document.

In its 8 February 2005 Decision, the MTCC found Corazon and Revelo guilty beyond reasonable doubt of falsification of public document. The MTCC sentenced the spouses to an indeterminate penalty of four months and one day *arresto mayor* as minimum to three years, six months and 20 days *prision correccional* as maximum, and to pay Modesta P20,000 moral damages. The MTCC held that:

There is no question that the signature of the private complainant in the Deed of Sale, dated November 23, 1989 was falsified. In fact, even the accused admitted that indeed private complainant Modesta Penuliar Flores was not one of the vendors in the said document. But the accused maintain that they could not be held guilty of the crime charged because they were not the ones who falsified the document as it was prepared by somebody in the Office of the Provincial Assessor of Lingayen, Pangasinan without their knowledge. The accused insisted that when they went to the said office to register the Deed of Sale marked Exhibit 2, they were asked

to leave it, and when they returned to get their document, they were given another document particularly Exhibit A which is the reason why they were charged with falsification because it appears in the said document that private complainant Modesta Penuliar Flores was one of the signatories when, in fact, she was not. In other words, the accused maintain that they could not be held liable for falsification of public document because criminal intent was lacking. But if the accused acted in good faith, why did they not immediately inform the private complainant about the matter. Moreover, they should not have received the falsified document from the Assessor's Office knowing that it was not the document that was given to their office for registration. The actuation and the behavior of the accused negate their claim of innocence. It is very unusual that they entrusted such very important document to somebody whose name they don't even know. Furthermore, why did the accused waited [sic] for the advice of the Brgy. Captain of their place to settle their problem with the private complainant. Their silence work [sic] against them as it goes against the principle that the first impulse of an innocent was [sic] when accused of wrongdoing is to express his innocence at the first opportune time. Besides, other than the self-serving testimonies of the accused, no other evidence was presented by them to substantiate their pretense of innocence. They should have presented the person from the Assessor's Office who gave them Exhibit A to corroborate their claim if indeed they have no hand in its falsification. It is well-settled in this jurisdiction that the person who stood to benefit by the falsification of a public document and was in possession of it is presumed to be the material author of the falsification. Hence, the defense of good faith of the accused is not acceptable as it is not supported by clear and convincing evidence.

All told, the prosecution has succeeded in rebutting the presumption of innocence accorded the accused who, on their part, have dismally failed to substantiate their pretense of innocence.[6]

Corazon and Revelo appealed to the RTC. In its 11 August 2005 Decision, the RTC found Corazon and Revelo guilty beyond reasonable doubt of falsification of public document. The RTC held that:

After a careful review of the decision appealed from, the Court finds no reversible error committed by the court a-quo as the same is duly supported by evidence.

The prosecutor's evidence has duly proved that the signature of the private complainant in the Deed of Sale dated November 23, 1989 was falsified. Even the accused admitted that indeed private complainant Modesta Penuliar Flores was not one of the vendors in the said document.

The accused, while admitting that private complainant Modesta Penuliar Flores was not one of the vendors in the said document, they maintained that they could not be held guilty of the crime charged because they were not the ones who falsified the document as it was prepared by somebody in the Office of the Provincial Assessor of Lingayen, Pangasinan without their knowledge, and put up the defense of good faith.

As correctly held by the Court a-quo, the actuation and behavior of the accused in not immediately informing the complainant about the inclusion of her name in the subject Deed of Sale as one of the vendors therein negate their claim of innocence.

The Court is in consonance with the ruling of the court a-quo that the person who stood to benefit by the falsification of a public document and was in possession of it is presumed to be the material author of the falsification.

As held by the Supreme Court in the case of *People vs. Manansala* (105 Phil. 1253), 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.[7]

Corazon and Revelo appealed to the Court of Appeals. In its 27 June 2007 Decision, the Court of Appeals found Corazon and Revelo guilty beyond reasonable doubt of falsification of public document. The Court of Appeals affirmed with modification the MTCC's and RTC's decisions by adding one day to the maximum penalty. The

Court of Appeals held that:

Art. 172 of the Revised Penal Code provides:

"Art. 172. Falsification by private individuals and use of falsified documents. -- The penalty of prison correccional in its medium and maximum periods and a fine of not more than 5,000 shall be imposed upon:

"1. Any private individual who shall commit any of the falsifications enumerated in the next preceding article in any public or official document or letter of exchange or any other kind of commercial document; and

x x x x x x x x"

On the other hand, Article 171 of the same Code provides:

"Art. 171. Falsification by public officer, employee; or notary or ecclesiastical minister. -- The penalty of prison mayor and a fine not to exceed 5,000 pesos shall be imposed upon any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:

"1. Counterfeiting or imitating any handwriting, signature, or rubric;

x x x x x x x x"

From the foregoing, the elements of the crime of falsification under paragraph 1 of Article 172 are: (i) that the offender is a private individual; (ii) that he committed any of the acts of falsification enumerated in Art. 171; and (iii) that the falsification was committed in a public or official or commercial document. All these elements are present in the instant case.

It is not disputed that Modesta's signature in the questioned Deed of Sale was forged. Indeed, petitioner-spouses admitted that Modesta and Felipe never participated in the sale of the property subject of the Deed of Sale in their favor. They argue, however, that they were not the authors of the falsification, claiming that the employees of the Assessor's Office of Lingayen, Pangasinan were the ones who falsified the document. They maintain that the deed of sale they submitted to the Assessor's Office did not include Modesta as one of the vendors but when they returned to said Office after one month, the employees therein gave them the questioned document which included Modesta as one of the vendors. We are not convinced.

That petitioners were the authors and/or masterminds of the falsification is presumed from the fact that they actually benefited from it. In *Maliwat vs. Court of Appeals*, the Supreme Court held that in the absence of satisfactory explanation, one found in possession of and who used a forged document is the forger and therefore guilty of falsification. "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."

In the instant case, petitioners failed miserably to rebut the above presumption. Clearly, they were the ones who benefited from the falsified document, the same having been executed in their favor. To emphasize, they were the ones who caused the registration of the deed of sale and were the ones who received the falsified document from the Assessor's Office. Their bare-faced assertion that the employees of the Assessor's Office committed the falsification is flimsy and unsupported by evidence.

In the first place, a comparison of the September 7, 1989 Deed of Sale allegedly submitted by petitioners to the Assessor's Office and the falsified November 23, 1989 Deed of Sale returned to them by the said Office reveals that the two documents are totally different from each other, both in the print or font of the contents and the location of the names of the signatories. We cannot, therefore, see how the employees could have inserted the names of Modesta and Felipe in the questioned document, much less falsified their signatures, without anyone noticing it. What is taxing to the mind is: Why would the employees include the names of Modesta and Felipe

and falsify their signatures, and what could they gain therefrom?[8]

Hence, the present petition. Corazon and Revelo raise as issue that:

The facts of the case x x x is [sic] that petitioners were innocent of the existence of the falsified document on the ground that what was submitted to the Office of the Assessors [sic], Lingayen, Pangasinan to be the basis of the petitioners' ownership was a genuine document which truly did not include the share of the private complainant, now the private respondent. What was in the mind of the perpetrators employees of the Assessor's Office whom petitioners sought assistance for the transfer of the document in their favor was beyond their control as they were never informed beforehand of the execution of the questioned document.[9]

The petition is unmeritorious.

Section 1, Rule 45 of the Rules of Court states that petitions for review on certiorari "shall raise only questions of law which must be distinctly set forth." In *Pagsibigan v. People*,[10] the Court held that:

A petition for review under Rule 45 of the Rules of Court should cover only questions of law. Questions of fact are not reviewable. A question of law exists when the doubt centers on what the law is on a certain set of facts. A question of fact exists when the doubt centers on the truth or falsity of the alleged facts.

There is a question of law if the issue raised is capable of being resolved without need of reviewing the probative value of the evidence. The issue to be resolved must be limited to determining what the law is on a certain set of facts. Once the issue invites a review of the evidence, the question posed is one of fact.[11]

Whether Corazon and Revelo "were innocent of the existence of the falsified document" is a question of fact. It is not reviewable.

The factual findings of the lower courts are binding on the Court. The exceptions to this rule are (1) when there is grave abuse of discretion; (2) when the findings are grounded on speculation; (3) when the inference made is manifestly mistaken; (4) when the judgment of the Court of Appeals is based on a misapprehension of facts; (5) when the factual findings are conflicting; (6) when the Court of Appeals went beyond the issues of the case and its findings are contrary to the admissions of the parties; (7) when the Court of Appeals overlooked undisputed facts which, if properly considered, would justify a different conclusion; (8) when the facts set forth by the petitioner are not disputed by the respondent; and (9) when the findings of the Court of Appeals are premised on the absence of evidence and are contradicted by the evidence on record.[12] Corazon and Revelo did not show that any of these circumstances is present.

WHEREFORE, the Court DENIES the petition. The Court AFFIRMS the 27 June 2007 Decision of the Court of Appeals in CA-G.R. CR No. 29524.

SO ORDERED.

Peralta, Abad, Perez,[*] and Mendoza, JJ., concur.

[*] Designated additional member per Raffle dated 6 December 2010.

[1] Rollo, pp. 7-17.

[2] Id. at 108-121. Penned by Associate Justice Mariflor P. Punzalan-Castillo, with Associate Justices Marina L. Buzon and Rosmari D. Carandang, concurring.

[3] Id. at 57-59. Penned by Judge Emma M. Torio.

[4] Id. at 40-46. Penned by Judge George M. Mejia.

[5] Id. at 38-39.

[6] Id. at 44-46.

[7] Id. at 58.

[8] Id. at 115-117.

[9] Id. at 13-14.

[10] G.R. No. 163868, 4 June 2009, 588 SCRA 249.

[11] Id. at 256.

[12] Id. at 257.

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