ANA LOU B. NAVAJA, PETITIONER, VS. HON. MANUEL A. DE CASTRO, OR THE ACTING PRESIDING JUDGE OF MCTC JAGNA-GARCIA-HERNANDEZ, DKT PHILS., INC., REPRESENTED BY ATTY. EDGAR BORJE, RE...

G.R. No. 182926. June 22, 2015

Ponente: PERALTA, J.

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PERALTA, J.:

This is a petition for review on certiorari under Rule 45 of the Rules of Court, assailing the Decision[1] dated August 28, 2007 and the Resolution[2] dated May 7, 2008 rendered by the Court of Appeals (CA) in CA-G.R. SP No. 02353, which affirmed the Order dated September 21, 2006 issued by the Regional Trial Court (RTC) of Loay, Bohol, Branch 50, in SP Civil Action No. 0356.

The factual antecedents are as follows:

The instant case arose from a Complaint-Affidavit[3] filed by private respondent DKT Philippines, Inc., represented by Atty. Edgar Borje, against petitioner Ana Lou B. Navaja, alleging that while she was still its Regional Sales Manager, she falsified a receipt by making it appear that she incurred meal expenses in the amount of P1,810.00, instead of the actual amount of P810.00, at Garden Cafe, Jagna, Bohol, and claimed reimbursement for it.

Navaja is charged with the crime of falsification of private document before the Municipal Circuit Trial Court (MCTC) of Jagna-Garcia-Hernandez, Bohol, docketed as Criminal Case No. 2904. The accusatory portion of the Information filed against her reads:

> That on or about the 2[nd] day of October 2003, in the municipality of Jagna, province of Bohol, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to prejudice a juridical person, did then and there willfully, unlawfully and feloniously falsify a commercial receipt No. 6729 of Garden Cafe, Jagna, Bohol, by making an alteration or intercalation in the said receipt No. 6729 from EIGHT HUNDRED TEN PESOS (P810.00) to ONE THOUSAND EIGHT HUNDRED TEN PESOS (P1,810.00) and thereafter accused used the said receipt to claim reimbursement with DKT Philippines, Inc. represented by Atty. Edgar Borje and accused as a result of which received the amount of P1,810.00 to her own benefit; to the damage and prejudice of the offended party in the amount to be proved during trial. Acts committed contrary to the provision of Article 172, No. 2, in relation to Article 171, No. 6 of the Revised Penal Code.
>
> Tagbilaran City, (for Jagna, Bohol) February 10, 2005.[4]

On August 1, 2005, Navaja filed a Motion to Quash and Defer Arraignment[5] on the ground that none of the essential elements of the crime of falsification of private document occurred in Jagna, Bohol, hence, the MCTC had no jurisdiction to take cognizance of the case due to improper venue.

In the Order dated November 2, 2005, the MCTC denied the motion to quash and set the case for arraignment, the decretal portion of the Order reads:

> WHEREFORE, the motion is DENIED, but considering however that accused has already submitted themselves to the jurisdiction of the court by filing cash bond for their respective temporary liberty, set this case for ARRAIGNMENT on November 22, 2005, at 10:00 o'clock in the morning at the Session Hall, 10[th] MCTC, Jagna, Bohol.
>
> The previous Court Order setting these cases for arraignment on November 09, 2005, is hereby set aside.
>
> SO ORDERED.[6]

Navaja filed a motion for reconsideration of the November 2, 2005 Order, but the MCTC denied it in a Resolution[7] dated January 24, 2006.

Navaja filed a petition for certiorari[8] before the RTC, assailing the November 2, 2005 Order and January 24, 2006 Resolution of the MCTC for having been issued with grave abuse of discretion.

On September 21, 2006, the RTC issued an Order denying the petition for certiorari for lack of legal basis or merit.[9] On Navaja's contention that the case for falsification of private document against her was filed with the MCTC which has no jurisdiction due to wrong venue, hence, the RTC ruled:

> The contention of the petitioner is untenable. As correctly pointed out by the MCTC, the improper venue was already resolved squarely by the Regional State Prosecutor when he held that “there are sufficient evidences (sic) indicating that the falsification took place in Jagna”.
>
> This court notes that in that particular resolution, reference was made to the sworn statement of Ms. Cherly Lavaro who narrated that after she issued the receipt to Ms. Navaja, the latter borrowed her pen and in her presence wrote something on the said receipt. The Regional State Prosecutor then concluded that Ms. Lavaro's statement “describes an apparent scheme or pattern of altering receipts right after issuance. The borrowing of the cashier's pen and the use thereof must have been intended to create an impression that the receipt was prepared by the cashier herself.”
>
> In the same affidavit, Ms. Lavaro corroborated the affidavit of another witness, which categorically states that Ms. Navaja was in Jagna when the questioned receipt was issued.
>
> If the court were to follow the logic of the petition, her claim that her request for reimbursement was made in Cebu City not in Jagna, Bohol, would likewise give no showing or indication that the falsification was done in Cebu City. In other words, the said contention would necessarily result in a “neither here no there” situation.[10]

Navaja elevated the case on appeal with the CA.

In the Decision dated August 28, 2007, the CA dismissed Navaja's appeal and affirmed in toto the September 21, 2006 RTC Order.

Navaja filed a motion for reconsideration but the CA denied it in the Resolution dated May 7, 2008. Aggrieved, she filed the instant petition for review on certiorari, raising the following issues:

> I. THE MUNICIPAL TRIAL COURT OF JAGNA, BOHOL[,] DOES NOT HAVE JURISDICTION OVER THE INSTANT CRIMINAL CASE.
> i. Not one of the essential elements of the alleged crime of falsification of a private document was committed in Jagna, Bohol.
>
> ii. Venue in criminal cases is jurisdictional and cannot be presumed or established from the alleged acts of the

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petitioner on a totally different and unrelated time and occasion.

iii. The strict rules on venue in criminal cases were established for the protection of the rights of the accused and to prevent undue harassment and oppression.

II. HEREIN PETITIONER PROPERLY AVAILED OF THE REMEDY OF FILING A PETITION FOR CERTIORARI IN QUESTIONING IMPROPER VENUE IN THE INSTANT CASE.

III. SETTLED LAW AND JURISPRUDENCE CLEARLY PERMITS THE FILING OF A PETITION FOR CERTIORARI TO QUESTION THE DENIAL OF A MOTION TO QUASH.[11]

The petition lacks merit.

On the substantive issue of whether the MCTC of Jagna, Bohol, has jurisdiction over her case for falsification of a private document, Navaja argues that not one of the three (3) essential elements[12] of such crime was shown to have been committed in Jagna, Bohol. She insists that there is no showing in the Information, or even in the complaint-affidavit and the annexes thereto that the crime of falsification of a private document was committed or consummated in Jagna, Bohol. In particular, the allegation in the complaint-affidavit that the subject receipt was issued by Garden Cafe in Jagna, Bohol, cannot determine the venue because the place of issuance of the receipt is not an element of the said crime. It was also impossible for her to have committed the crime in Jagna, Bohol, because the alleged request for reimbursement under the Weekly Travel Expense Report for September 29 to October 4, 2003, was prepared and submitted on October 6, 2003 in Cebu City, while the subject receipt was issued on October 2, 2003 by Garden Cafe in Jagna, Bohol. She further insists that at the time of the issuance of the subject receipt on October 2, 2003, the element of damage was absent, hence, there is no crime of falsification of private document to speak of. She explains that any damage that private respondent could have suffered would only occur when it pays the request for reimbursement in the Travel Expense Report submitted on October 6, 2003, but not before that date, much less at time of the issuance of the said receipt.

Navaja's arguments are misplaced.

Venue in criminal cases is an essential element of jurisdiction.[13] This principle was explained by the Court in Foz, Jr. v. People,[14] thus:

> It is a fundamental rule that for jurisdiction to be acquired by courts in criminal cases the offense should have been committed or any one of its essential ingredients took place within the territorial jurisdiction of the court. Territorial jurisdiction in criminal cases is the territory where the court has jurisdiction to take cognizance or to try the offense allegedly committed therein by the accused. Thus, it cannot take jurisdiction over a person charged with an offense allegedly committed outside of that limited territory. Furthermore, the jurisdiction of a court over the criminal case is determined by the allegations in the complaint or information. And once it is so shown, the court may validly take cognizance of the case. However, if the evidence adduced during the trial show that the offense was committed somewhere else, the court should dismiss the action for want of jurisdiction.[15]

In determining the venue where the criminal action is to be instituted and the court which has jurisdiction over it, Section 15(a), Rule 110 of the 2000 Revised Rules of Criminal Procedure provides:

> (a) Subject to existing laws, the criminal action shall be instituted and tried in the court or municipality or territory where the offense was committed or where any of its essential ingredients occurred.

Section 10, Rule 110 of the 2000 Revised Rules of Criminal Procedure pertinently states:

> Place of commission of the offense. – The complaint or information is sufficient if it can be understood from its allegations that the offense was committed or some of its essential ingredients occurred at some place

> within the jurisdiction of the court, unless the particular place where it was committed constitutes an essential element of the offense charged or is necessary for its identification.

In Union Bank of the Philippines v. People,[16] the Court said that both provisions categorically place the venue and jurisdiction over criminal cases not only in the court where the offense was committed, but also where any of its essential ingredients took place. In other words, the venue of action and of jurisdiction are deemed sufficiently alleged where the Information states that the offense was committed or some of its essential ingredients occurred at a place within the territorial jurisdiction of the court.

In cases of falsification of private documents, the venue is the place where the document is actually falsified, to the prejudice of or with the intent to prejudice a third person, regardless whether or not the falsified document is put to the improper or illegal use for which it was intended.[17]

Contrary to Navaja's argument that the MCTC of Jagna, Bohol, has no jurisdiction over the case because not one of the essential elements of falsification of private document was committed within its jurisdiction, the allegations in the Information and the complaint-affidavit make out a prima facie case that such crime was committed in Jagna, Bohol. In particular, the Information clearly alleged that she committed such crime thereat, to wit:

> That on or about the 2[nd] day of October 2003, in the municipality of Jagna, province of Bohol, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, with intent to prejudice a juridical person, did then and there willfully, unlawfully and feloniously falsify a commercial receipt No. 6729 of Garden Cafe, Jagna, Bohol, by making an alteration or intercalation in the said receipt No. 6729 from EIGHT HUNDRED TEN PESOS (P810.00) to ONE THOUSAND EIGHT HUNDRED TEN PESOS (P1,810.00) and thereafter accused used the said receipt to claim reimbursement with DKT Philippines, Inc. represented by Atty. Edgar Borje and accused as a result of which received the amount of P1,810.00 to her own benefit; to the damage and prejudice of the offended party in the amount to be proved during trial. xxx[18]

Likewise, the Complaint-Affidavit dated February 18, 2004 alleged that the she committed the said crime in Jagna, Bohol, viz:

> "4. Among the expenses she reimbursed from DKT is the amount of Php1,810.00 she supposedly incurred at Garden's Cafe, Jagna branch. Photocopy of the receipt dated 02 October 2003 she sent to the DKT office in Metro Manila is hereto attached as Annex "C".
>
> 5. However, upon recent field investigation of Navaja's expenses in Bohol, it was found that the actual amount she incurred at Garden's (sic) Cafe is only Php810.00 Photocopy of the duplicate original official receipt (pink copy) certified true and correct by the cashier of Garden's Cafe, Jagna is hereto attached as Annex "D".
>
> 6. Evidently, Navaja falsified the receipt in Bohol upon receiving it with the intent of causing damage to DKT."[19]

Guided by the settled rule that the jurisdiction of the court is determined by the allegations of the complaint or information and not by the result of proof[20], the Court holds that Navaja's case for falsification of private document falls within the territorial jurisdiction of the MCTC of Jagna, Bohol.

Meanwhile, Navaja's defense that it was impossible for her to have committed the crime in Jagna, Bohol, cannot be sustained at this point where the prosecution has yet to present evidence to prove the material allegations of the charge against her, which include the place where the subject receipt was falsified. However, given that the defense of lack of jurisdiction due to improper venue may be raised at any stage of the proceeding, the Court stresses that if the evidence adduced during the trial would show that the crime was indeed committed outside its territorial jurisdiction, the MCTC should dismiss the case based on such ground.

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On Navaja's claim that there is no crime of falsification of private document to speak of because at the time of the issuance of the subject receipt on October 2, 2003, the element of damage was absent, the Court sustains the RTC ruling that such damage need not be present, as Article 172 (2)[21] of the Revised Penal Code, as amended, states that mere intent to cause such damage is sufficient.[22]

Navaja further contends that the CA's reliance on the findings of the Regional State Prosecutor as to the sworn statement of a certain Cheryl Labarro[23] for purposes of determining venue was misplaced, as her sworn statement pertains to an incident in Miravilla Resort in Tagbilaran City, which was entirely separate and distinct from the facts material to the case. She adds that the CA's reliance on the said statement in upholding the venue of the case clearly runs afoul with the provisions of Section 34, Rule 130 of the Rules of Court.[24] She submits that nowhere in the Rules of Court is it allowed that the actions of the accused on a different occasion maybe used to confer venue in another case, since venue must be determined solely and exclusively on the facts obtaining in the instant case and cannot be inferred or presumed from other collateral allegations.

The Court finds no merit in Navaja's foregoing contentions which boil down to the factual issue of whether the crime of falsification of private document was committed in Jagna, Bohol or in Cebu City.

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, et al.,[25] the Court held:

> 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.

Whether the crime of falsification of private document was committed in Jagna, Bohol or in Cebu City, is a question of fact. Indeed, in the exercise of its power of review, the Court is not a trier of facts and, subject to certain exceptions, it does not normally undertake the re-examination of the evidence presented by the parties during trial.[26] In certain exceptional cases, however, the Court may be urged to probe and resolve factual issues, viz:

> (a) When the findings are grounded entirely on speculation, surmises, or conjectures;
>
> (b) When the inference made is manifestly mistaken, absurd, or impossible;
>
> (c) When there is grave abuse of discretion;
>
> (d) When the judgment is based on a misapprehension of facts;
>
> (e) When the findings of facts are conflicting;
>
> (f) When in making its findings the CA went beyond the issues of the case, or its findings are contrary to the admissions of both the appellant and the appellee;
>
> (g) When the CA’s findings are contrary to those by the trial court;
>
> (h) When the findings are conclusions without citation of specific evidence on which they are based;
>
> (i) When the facts set forth in the petition, as well as in the petitioner’s main and reply briefs, are not disputed by the respondent;

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> (j) When the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record; or
>
> (k) When the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.[27]

Navaja failed to show that any of these circumstances is present.

It also bears emphasis that the factual findings of the appellate court generally are conclusive, and carry even more weight when said court affirms the findings of the trial court, absent any showing that the findings are totally devoid of support in the records, or that they are so glaringly erroneous as to constitute grave abuse of discretion.[28] In this case, the CA, the RTC and the MCTC all agree that the issue of improper venue was already resolved by the Regional State Prosecutor when he held that "there are sufficient evidences (sic) indicating that the falsification took place in Jagna."[29] The Court perceives no compelling reason to disturb such factual finding.

Anent Navaja's claim that the MCTC simply made reference to the findings of the Regional State Prosecutor without specifying the factual and legal bases of its resolution, the Court finds that the RTC had squarely addressed such issue as follows:

> This court notes that in that particular resolution, reference was made to the sworn statement of Ms. Cherly Lavaro who narrated that after she issued the receipt to Ms. Navaja, the latter borrowed her pen and in her presence wrote something on the said receipt. The Regional State Prosecutor then concluded that Ms. Lavaro's statement "describes an apparent scheme or pattern of altering receipts right after issuance. The borrowing of the cashier's pen and the use thereof must have been intended to create an impression that the receipt was prepared by the cashier herself."
>
> In the same affidavit, Ms. Lavaro corroborated the affidavit of another witness, which categorically states that Ms. Navaja was in Jagna when the questioned receipt was issued.
>
> If the court were to follow the logic of the petition, her claim that her request for reimbursement was made in Cebu City not in Jagna, Bohol, would likewise give no showing or indication that the falsification was done in Cebu City. In other words, the said contention would necessarily result in a "neither here no there" situation.[30]

On Navaja's argument that the CA's reliance on Labarro's[31] aforesaid statement in upholding the venue of the case violates Section 34, Rule 130 of the Rules of Court,[32] the Court holds that such evidentiary rule has no bearing in determining the place where the crime was committed for purposes of filing a criminal information which merely requires the existence of probable cause. In Fenequito v. Vergara, Jr.,[33] the Court expounded on the concept of probable cause in this wise:

> Probable cause, for the purpose of filing a criminal information, has been defined as such facts as are sufficient to engender a well-founded belief that a crime has been committed and that respondent is probably guilty thereof. The term does not mean "actual and positive cause" nor does it import absolute certainty. It is merely based on opinion and reasonable belief. Probable cause does not require an inquiry into whether there is sufficient evidence to procure a conviction. It is enough that it is believed that the act or omission complained of constitutes the offense charged.
>
> A finding of probable cause needs only to rest on evidence showing that, more likely than not, a crime has been committed by the suspects. It need not be based on clear and convincing evidence of guilt, not on evidence establishing guilt beyond reasonable doubt, and definitely not on evidence establishing absolute certainty of guilt. In determining probable cause, the average man weighs facts and circumstances without

> resorting to the calibrations of the rules of evidence of which he has no technical knowledge. He relies on common sense. What is determined is whether there is sufficient ground to engender a well-founded belief that a crime has been committed, and that the accused is probably guilty thereof and should be held for trial. It does not require an inquiry as to whether there is sufficient evidence to secure a conviction.[34]

Also, Navaja insists that the rule on venue should have been construed liberally in favor her favor as the accused, and strictly against private respondent, given its purpose of preventing harassment and inconvenience by compelling the accused to appear in a different court from that of the province where the crime was committed. Yet, private respondent willfully chose to prosecute separately the other cases for falsification of private document against her in different jurisdictions, namely, Cebu City, Bacolod City, Iloilo City and Tagbilaran, Bohol, to harass and drain her financial resources, when all these criminal cases, involving minimal amounts of actual damages,[35] should have been filed in one (1) criminal jurisdiction to avoid multiplicity of actions.

The Court overrules Navaja's assertions, and upholds the RTC's sound ruling thereon:

> The petitioner's insistence that all the criminal complaints filed against her should be filed in one jurisdiction would be a blatant violation of the law on jurisdiction as one cannot file a criminal case other than where the offense was allegedly committed.
>
> In short, if it so happens that several offenses are alleged to have been committed in different venues, then it is just unfortunate that whatever complaints have to be filed, will have to filed in those different venues. To do otherwise would be procedurally fatal.[36]

To stress, in criminal proceedings, improper venue is lack of jurisdiction because venue in criminal cases is an essential element of jurisdiction.[37] Unlike in a civil case where venue may be waived, this could not be done in a criminal case because it is an element of jurisdiction. Thus, one cannot be held to answer for any crime committed by him except in the jurisdiction where it was committed. Be that as it may, Section 5 (4), Article VIII of the 1987 Constitution provides that the Court has the power to order a change of venue or place of trial to avoid a miscarriage of justice. Consequently, where there are serious and weighty reasons present, which would prevent the court of original jurisdiction from conducting a fair and impartial trial, the Court has been mandated to order a change of venue so as to prevent a miscarriage of justice.[38] That private respondent filed several criminal cases for falsification in different jurisdictions, which unduly forced Navaja to spend scarce resources to defend herself in faraway places can hardly be considered as compelling reason which would prevent the MCTC from conducting a fair and impartial trial.

Besides, it is erroneous for Navaja to argue that the separate filing of the falsification cases she allegedly committed in different jurisdictions would result in multiplicity of actions. Such separate filing of cases is only consistent with the principles that there are as many acts of falsification as there are documents falsified[39] and that the venue of such cases is where the document was actually falsified[40].

The Court now resolves the second and third procedural issues.

On the second issue, Navaja states that she did not commit a grave procedural error in filing a petition for certiorari from the denial of her motion to quash. She posits that venue is an element of the jurisdiction of the court over the subject matter of a criminal proceeding, and that lack of jurisdiction over the subject matter may be interposed at any stage of the proceeding. Thus, even if a party fails to file a motion to quash, the accused may still question the jurisdiction of the court later on, and such objection may be raised or considered motu propio by the court at any stage of the proceeding or on appeal.

On the third issue, Navaja asserts that the Supreme Court has allowed the filing of a petition for certiorari to question the denial of a motion to quash in cases where grave abuse of discretion was patently committed, or

when the lower court acted without or in excess of its jurisdiction. She claims that not only did the lower court commit grave abuse of discretion in denying the motion to quash, but there is likewise the issue of improper venue that need to be settled with finality and dispatch. In support of her assertion, she cites a ruling[41] that when the court has no jurisdiction at the time of the filing of the complaint, the court should dismiss the case, instead of ordering its transfer.

Apropos to the second and third procedural issues is Querijero v. Palmes-Limitar[42] where the Court reiterated the fundamental principle that an order denying a motion to quash is interlocutory and, therefore, not appealable, nor can it be the subject of a petition for certiorari, thus:

> In Zamoranos v. People, this Court emphasized that "a special civil action for certiorari is not the proper remedy to assail the denial of a motion to quash an information. The established rule is that, when such an adverse interlocutory order is rendered, the remedy is not to resort forthwith to certiorari, but to continue with the case in due course and, when an unfavorable verdict is handed down, to take an appeal in the manner authorized by law."

On a number of occasions, however, Court had sanctioned a writ of certiorari as an appropriate remedy to assail an interlocutory order in the following circumstances:

> (1) when the court issued the order without or in excess of jurisdiction or with grave abuse of discretion;
>
> (2) when the interlocutory order is patently erroneous and the remedy of appeal would not afford adequate and expeditious relief;
>
> (3) in the interest of a more enlightened and substantial justice;
>
> (4) to promote public welfare and public policy; and
>
> (5) when the cases have attracted nationwide attention, making it essential to proceed with dispatch in the consideration thereof.[43]

As can be gleaned from the Court's discussion on the substantive issue of the case, Navaja failed to prove that any of the said special circumstances obtains in this case, let alone the grave abuse of discretion she imputed against the MCTC. Hence, the CA did not err in affirming the RTC ruling that the MCTC correctly denied her motion to quash.

Finally, the remaining factual issues raised by the parties need not be discussed further, as they are properly resolved in due course of the proceedings in the instant case before the MCTC and, when an unfavorable verdict is handed down, to take an appeal in the manner authorized by law.

WHEREFORE, the instant petition is DENIED. The Court of Appeals Decision dated August 28, 2007 and the Resolution dated May 7, 2008 in CA G.R. SP No. 02353 are AFFIRMED.

SO ORDERED.

Velasco, Jr., (Chairperson), Villarama, Jr., Reyes, and Jardeleza, JJ., concur.

July 8, 2015

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NOTICE OF JUDGMENT

Sirs / Mesdames:

Please take notice that on June 22, 2015 a Decision, copy attached hereto, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on July 8, 2015 at 2:18 p.m.

Very truly yours,
(SGD.)
WILFREDO V. LAPITAN
Division Clerk of Court

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[1] Penned by Associate Justice Priscilla Baltazar-Padilla, with Associate Justices Pampio A. Abarintos and Stephen C. Cruz, concurring; rollo, pp. 43-49.

[2] Id. at 51-52. Penned by Associate Justice Priscilla Baltazar-Padilla, with Associate Justices Pampio A. Abarintos and Amy C. Lazarro-Javier, concurring.

[3] Id. at 80-82.

[4] Id. at 96.

[5] Id. at 98-105.

[6] Id. at 76.

[7] Id. at 77-78.

[8] Id. at 106-124.

[9] Id. at 53-55.

[10] Id. at 53-54.

[11] Id. at 26-27.

[12] (1) The offender committed any of the acts of falsification, except those in Paragraph 7, enumerated in Art. 171 of the Revised Penal Code; (2) The falsification was committed in any private document; and (3) The falsification caused damage to a third party or at least was committed with intent to cause such damage.

[13] Foz, Jr., et al. v. People, 618 Phil 120 (2009).

[14] Supra.

[15] Id. at 129, citing Macasaet v. People, 492 Phil. 355, 370 (2005); and Uy v. People, G.R. No. 119000, July 28 , 1997, 276 SCRA 367.

[16] G.R. No. 192565, February 28, 2012, 667 SCRA 113, 123.

[17] U.S. v. Baretto, 36 Phil 204, 207 (1917); Lopez v. Paras, 124 Phil. 1211, 1216 (1966).

[18] Rollo, p. 96. (Emphasis added)

[19] Id. at 81. (Emphasis added)

[20] People v. Galano, G.R. No. L-42925, January 31, 1977, 75 SCRA 193; People v. Delfin, G.R. Nos. L-15230 and L-15979-81, July 31, 1961, 25 SCRA 911, 920.

[21] Art. 172. Falsification by private individual and use of falsified documents. — The penalty of prision correccional in its medium and maximum periods and a fine of not more than P5,000 pesos shall be imposed upon:

x x x x x x x x x

2. Any person who, to the damage of a third party, or with the intent to cause such damage, shall in any private document commit any of the acts of falsification enumerated in the next preceding article.

[22] Rollo, p. 54.

[23] Also spelled as Cherrel B. Labarro, or Cherly Lavaro; id. at 126.

[24] Sec. 34. Similar acts as evidence – Evidence that one did or did not do a certain thing at one time is not admissible to prove that he did or did not do the same or similar thing at another time; but it may be received to prove a specific intent or knowledge, identity, plan, system, scheme, habit, custom or usage, and the like.

[25] 606 Phil 233 (2009).

[26] Claravall v. Lim, 669 Phil. 570 (2011). Citations omitted.

[27] Federal Builders, Inc. v. Foundation Specialists, Inc., G.R. No. 194507 and G.R. No. 194621, September 8, 2014; Andrada v. Pilhino Sales Corporation, G.R. No. 156448, February 23, 2011, 644 SCRA 1, 10.

[28] Corpuz v. People of the Philippines, G.R. No. 180016, April 29, 2014.

[29] Rollo, pp. 46-47, 53, and 77.

[30] Id. at 74.

[31] Also referred to as Cherrel B. Labarro, or Cherly Lavaro; id, at 126.

[32] Sec. 34. Similar acts as evidence – Evidence that one did or did not do a certain thing at one time is not admissible to prove that he did or did not do the same or similar thing at another time; but it may be received to prove a specific intent or knowledge, identity, plan, system, scheme, habit, custom or usage, and the like.

[33] G.R. No. 172829, July 18, 2012, 677 SCRA 113, 121.

[34] Id., citing Reyes v. Pearlbank Securities, Inc., 582 Phil. 505, 519-520 (2008). (Emphasis added)

[35] P3,600.00, P2,000.00, P2,000.00 and P1,000.00, respectively.

[36] Rollo, p. 74.

[37] Yoingco v. Hon. Gonzaga, 470 Phil. (2004).

[38] Ala v. Judge Peras, A.M. No. RTJ-11-2283 (Formerly OCA I.P.I. No. 10-3478-RTJ), November 16, 2011, 660 SCRA 193, 219.

[39] Abalos v. People, 437 Phil. 693, 700 (2002).

[40] U.S. v. Baretto, supra; Lopez v. Paras, supra.

[41] RCBC v. Hon. Isnani, etc., et al., 312 Phil. 194, 199 (1995).

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[42] G.R. No. 166467, September 17, 2012, 680 SCRA 671, 675-676.

[43] Id.

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