

**NORMA DELOS REYES VDA. DEL PRADO, EULOGIA R. DEL PRADO,
NORMITA R. DEL PRADO AND RODELIA R. DEL PRADO,
PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

G.R. No. 186030. March 21, 2012

Ponente: REYES, J.

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REYES, J.:

Before us is a petition for review on certiorari under Rule 45 of the Rules of Court, which seeks to assail and set aside the following issuances of the Court of Appeals (CA) in the case docketed as CA-G.R. CR No. 31225 and entitled “Norma Delos Reyes Vda. Del Prado, Eulogia R. Del Prado, Normita R. Del Prado and Rodelia R. Del Prado v. People of the Philippines”:

- 1) the Decision[1] dated September 15, 2008 affirming with modification the decision and order of the Regional Trial Court (RTC), Branch 38, Lingayen, Pangasinan in Criminal Case No. L-8015; and
- 2) the Resolution[2] dated January 6, 2009 denying the motion for reconsideration of the Decision of September 15, 2008.

The Factual Antecedents

This petition stems from an Information for falsification under Article 172, in relation to Article 171(4), of the Revised Penal Code filed against herein petitioners Norma Delos Reyes Vda. Del Prado (Norma), Normita Del Prado (Normita), Eulogia Del Prado (Eulogia) and Rodelia[3] Del Prado (Rodelia) with the Municipal Trial Court (MTC) of Lingayen, Pangasinan, allegedly committed as follows:

That on or about the 19[th] day of July, 1991, in the [M]unicipality of Lingayen, [P]rovince of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, did then and there wil[l]fully, unlawfully and feloniously falsified, execute[d] and cause[d] the preparation of the DEED OF SUCCESSION, by stating and making it appear in said document that they were the only heirs of the late Rafael del Prado, when in truth and in fact, all the accused well knew, that Ma. Corazon Del Prado-Lim is also an heir who is entitled to inherit from the late Rafael Del Prado, and all the accused deliberately used the DEED OF SUCCESSION to claim ownership and possession of the land mentioned in the DEED OF SUCCESSION to the exclusion of the complainant Ma. Corazon Del Prado-Lim to her damage and prejudice.

Contrary to Art. 172 in relation to Art. 171, par. 4 of the Revised Penal Code.[4]

Upon arraignment, the accused therein entered their plea of “not guilty”. After pre-trial conference, trial on the merits ensued.

The prosecution claimed that Ma. Corazon Del Prado-Lim (Corazon), private complainant in the criminal case, was the daughter of the late Rafael Del Prado (Rafael) by his marriage to Daisy Cragin (Daisy). After Daisy died in 1956, the late Rafael married Norma with whom he had five children, namely: Rafael, Jr., Antonio, Eulogia,

Normita and Rodelia.

The late Rafael died on July 12, 1978. On October 29, 1979, Corazon, as a daughter of the late Rafael, and Norma, as the late Rafael's surviving spouse and representative of their five minor children, executed a "Deed of Extra-Judicial Partition of the Estate of Rafael Del Prado" to cover the distribution of several properties owned by the late Rafael, including the parcel of land covered by Original Certificate of Title (OCT) No. P-22848, measuring 17,624 square meters, more or less, and situated at Libsong, Lingayen, Pangasinan.

Per agreement of the heirs, Corazon was to get a 3,000-square meter portion of the land covered by OCT No. P-22848. This right of Corazon was also affirmed in the Deed of Exchange dated October 15, 1982 and Confirmation of Subdivision which she executed with Norma.

Corazon, however, later discovered that her right over the subject parcel of land was never registered by Norma, contrary to the latter's undertaking. The petitioners instead executed on July 19, 1991 a Deed of Succession wherein they, together with Rafael, Jr. and Antonio, partitioned and adjudicated unto themselves the property covered by OCT No. P-22848, to the exclusion of Corazon. The deed was notarized by Loreto L. Fernando (Loreto), and provides in part:

WHEREAS, on the 12[th] day of July 1978, RAFAEL DEL PRADO[,] SR., died intestate in the City of Dagupan, leaving certain parcel of land, and more particularly described and bounded to wit:

ORIGINAL CERTIFICATE OF TITLE NO. P-22848

"A certain parcel of land (Lot No. 5518, Cad-373-D) Lingayen Cadastre, situated in Poblacion, Lingayen, Pangasinan, Island of Luzon. Bounded on the NE., by Lots Nos. 5522, 5515; and 6287; on the SE., by Lots Nos. 5516, 5517, 55 and Road; on the SW., by Road, and Lots Nos. 5521, 5510, and 5520; and on the NW., by Road; x x x containing an area of SEVENTEEN THOUSAND SIX HUNDRED TWENTY-FOUR (17,624) Square Meters, more or less. Covered by Psd-307996 (LRC), consisting of two lots. Lot No. 5510-A and Lot 5518-B."

WHEREAS, the parties hereto are the only heirs of the decedent, the first name, is the surviving spouse and the rest are the children of the decedent;

x x x

NOW, THEREFORE, for and in consideration of the premises and invoking the provisions of Rule 74, Sec. 1 of the Rules of Court, the parties hereto do by these presents, agree to divide and partition the entire estate above[-]described and accordingly adjudicate, as they do hereby adjudicate the same among themselves, herein below specified to wit:

x x x[5]

By virtue of the said Deed of Succession, OCT No. P-22848 was cancelled and several new titles were issued under the names of Corazon's co-heirs. When Corazon discovered this, she filed a criminal complaint against now petitioners Norma, Eulogia, Normita and Rodelia. Antonio and Rafael, Jr. had both died before the filing of said complaint.

Among the witnesses presented during the trial was Loreto, who confirmed that upon the request of Norma and Antonio, he prepared and notarized the deed of succession. He claimed that the petitioners appeared and signed the document before him.

For their defense, the petitioners denied having signed the Deed of Succession, or having appeared before notary

public Loreto. They also claimed that Corazon was not a daughter, but a niece, of the late Rafael. Norma claimed that she only later knew that a deed of succession was prepared by her son Antonio, although she admitted having executed a deed of real estate mortgage in favor of mortgagee Prudential Bank over portions of the subject parcel of land already covered by the new titles.

The Ruling of the MTC

The MTC rejected for being unsubstantiated the petitioners' denial of any participation in the execution of the deed of succession, further noting that they benefited from the property after its transfer in their names. Thus, on August 9, 2006, the court rendered its decision[6] finding petitioners Norma, Eulogia, Normita and Rodelia guilty beyond reasonable doubt of the crime charged, sentencing them to suffer an indeterminate penalty of four months and one day of *arresto mayor* as minimum to two years and four months and one day of *prision correccional* as maximum. They were also ordered to pay a fine of P5,000.00 each, with subsidiary imprisonment in case of non-payment of fine.

Considering the minority of Rodelia at the time of the commission of the crime, she was sentenced to suffer the penalty of four months of *arresto mayor*, plus payment of fine of P5,000.00, with subsidiary imprisonment in case of non-payment.

All the petitioners were ordered to indemnify Corazon in the amount of P10,000.00 as attorney's fees, and to pay the costs of suit.

Unsatisfied with the MTC's ruling, the petitioners filed a motion for new trial on the grounds of alleged gross error of law, irregularities during the trial, and new and material evidence. To prove that they did not intend to exclude Corazon from the estate of the late Rafael, the petitioners cited their recognition of Corazon's right to the estate in the deed of extra-judicial partition, confirmation of subdivision, deed of exchange, joint affidavit and petition for guardianship of minors Rafael, Jr., Eulogia, Antonio and Normita, which they had earlier executed.[7] Again, the petitioners denied having signed the deed of succession, and instead insisted that their signatures in the deed were forged.

The motion was denied by the MTC via a resolution[8] dated December 21, 2006, prompting the filing of an appeal with the RTC.

The Ruling of the RTC

On August 10, 2007, the RTC rendered its decision[9] affirming the MTC's decision, with modification in that the case against Rodelia was dismissed in view of her minority at the time of the commission of the crime. The decretal portion of the decision reads:

WHEREFORE, premises considered, the appealed Decision of the Municipal Trial Court of Lingayen, Pangasinan dated August 9, 2006 is hereby AFFIRMED, but modified as to accused Rodelia R. Del Prado as the case against her is hereby DISMISSED on account of her minority at the time of the commission of the offense.

SO ORDERED.[10]

A motion for reconsideration was denied for lack of merit by the RTC via its resolution[11] dated October 31, 2007. Hence, Norma, Eulogia and Normita filed a petition for review with the CA.

The Ruling of the CA

On September 15, 2008, the CA rendered its decision[12] dismissing the petition and affirming the RTC's ruling, with modification as to the impossible penalty under the Indeterminate Sentence Law. The decretal portion of the decision reads:

WHEREFORE, premises considered, the appeal is DISMISSED. The appealed Decision dated August 10, 2007 and Order dated October 31, 2007 of the Regional Trial Court, Branch 38, Pangasinan, in Crim. Case No. L-8015 are AFFIRMED with MODIFICATION that appellants Norma delos Reyes Vda. Del Prado, Eulogia R. Del Prado and Normita R. Del Prado are hereby sentenced to suffer an indeterminate penalty of one (1) year and one (1) day of arresto mayor, as minimum, to three (3) years, six (6) months and twenty-one (21) days of prision correccional, as maximum.

SO ORDERED.[13]

The motion for reconsideration filed by the petitioners was denied by the CA in its resolution[14] dated January 6, 2009. Feeling aggrieved, the petitioners appealed from the decision and resolution of the CA to this Court, through a petition for review on certiorari[15] under Rule 45 of the Rules of Court.

The Present Petition

The petitioners present the following assignment of errors to support their petition:

- WITH DUE RESPECT, THE LOWER COURT CLEARLY ERRED IN FINDING THAT COMPLAINANT MA. CORAZON DEL PRADO-LIM WAS EXCLUDED AS AN HEIR OF THE LATE RAFAEL DEL PRADO.

- WITH DUE RESPECT, THE LOWER COURT CLEARLY ERRED IN NOT APPRECIATING THE FACT THAT IN SEVERAL DOCUMENTS/INSTRUMENTS EXECUTED BY THE PETITIONERS WITH THE PARTICIPATION OF COMPLAINANT MS. CORAZON DEL PRADO-LIM, SHE WAS SPECIFICALLY NAMED AS AN HEIR WITH CORRESPONDING SHARES/INHERITANCE IN THE ESTATE OF THE LATE RAFAEL DEL PRADO.

- WITH DUE RESPECT, THE LOWER COURT CLEARLY ERRED IN FAILING TO APPRECIATE THE GOOD FAITH OF THE PETITIONERS WHICH NEGATES THE COMMISSION OF THE OFFENSE OF FALSIFICATION ON THEIR PART.

- WITH DUE RESPECT, THE LOWER COURT CLEARLY ERRED IN CONVICTING THE PETITIONERS WITHOUT ANY FACTUAL AND LEGAL BASIS, THE PRESUMPTION OF INNOCENCE OF THE PETITIONERS NOT HAVING BEEN OVERCOME BY THE PROSECUTION'S EVIDENCE.

- WITH DUE RESPECT [THE LOWER COURT ERRED] IN NOT HOLDING THAT THE CASE IS PURELY CIVIL ONE[,] NOT CRIMINAL.[16]

To support their assigned errors, the petitioners invoke the existence and contents of the several documents which they had presented before the MTC, including the deed of extrajudicial partition of the estate of Rafael Del Prado dated October 29, 1979, confirmation of subdivision, deed of exchange and petition in the guardianship proceedings for the minor Del Prado children filed by Norma, in which documents they claim to have indicated and confirmed that Corazon is also an heir of the late Rafael. Given these documents, the petitioners insist that they cannot be charged with falsification for having excluded Corazon as an heir of their decedent.

In sum, the issue for this Court's resolution is whether or not the CA erred in affirming the petitioners' conviction for falsification, notwithstanding the said petitioners' defense that they never intended to exclude private complainant Corazon from the estate of the late Rafael.

This Court's Ruling

The petition is bound to fail.

Only questions of law may be raised in petitions for review on certiorari under Rule 45 of the Rules of Court.

First, the questions being raised by the petitioners refer to factual matters that are not proper subjects of a petition for review under Rule 45. Settled is the rule that in a petition for review under Rule 45, only questions of law may be raised. It is not this Court's function to analyze or weigh all over again evidence already considered in the proceedings below, our jurisdiction being limited to reviewing only errors of law that may have been committed by the lower court. The resolution of factual issues is the function of the lower courts, whose findings on these matters are received with respect. A question of law which we may pass upon must not involve an examination of the probative value of the evidence presented by the litigants.[17] This is clear under Section 1, Rule 45 of the Rules of Court, as amended, which provides:

Section 1. Filing of petition with Supreme Court. – A party desiring to appeal by certiorari from a judgment, final order or resolution of the Court of Appeals, the Sandiganbayan, the Court of Tax Appeals, the Regional Trial Court or other courts, whenever authorized by law, may file with the Supreme Court a verified petition for review on certiorari. The petition may include an application for a writ of preliminary injunction or other provisional remedies and shall raise only questions of law, which must be distinctly set forth. The petitioner may seek the same provisional remedies by verified motion filed in the same action or proceeding at any time during its pendency. (Emphasis supplied)

The distinction between a question of law and a question of fact is settled. There is a question of law when the doubt or difference arises as to what the law is on a certain state of facts. Such a question does not involve an examination of the probative value of the evidence presented by the litigants or any of them. On the other hand, there is a question of fact when the doubt arises as to the truth or falsehood of the alleged facts or when the query necessarily invites calibration of the whole evidence, considering mainly the credibility of witnesses, existence and relevancy of specific surrounding circumstances, their relation to one another and to the whole, and the probabilities of the situation.[18]

Contrary to these rules, the petitioners ask us to review the lower courts' factual finding on Carmen's exclusion in the subject deed of succession, to reconsider its contents and those of the other documentary evidence which they have submitted with the court a quo, all of which involve questions of fact rather than questions of law. In their assignment of errors, petitioners even fully question the factual basis for the courts' finding of their guilt. However, as we have explained in *Medina v. Asistio, Jr.*: [19]

Petitioners' allegation that the Court of Appeals "grossly disregarded" their Exhibits "A", "B", "C", "D" and "E", in effect, asks us to re-examine all the [evidence] already presented and evaluated – as well as the findings of fact made – by the Court of Appeals. Thus, in *Sotto v. Teves* (86 SCRA 154 [1978]), [w]e held that the appreciation of evidence is within the domain of the Court of Appeals because its findings of fact are not reviewable by this Court (*Manlapaz v. CA*, 147 SCRA 236 [1987]; *Knecht v. CA*, 158 SCRA 80 [1988] and a long line of cases).

It is not the function of this Court to analyze or weigh such evidence all over again. Our jurisdiction is limited to reviewing errors of law that may have been committed by the lower court. (*Nicolas[,] et al., v. CA*, 154 SCRA 635 [1987]; *Tiongco v. de la Merced*, 58 SCRA 89 [1974]).

There are recognized exceptions to this rule on questions of law as subjects of petitions for review, to wit: (1) when the findings are grounded entirely on speculation, surmises or conjectures, (2) when the inference made is manifestly mistaken, absurd or impossible, (3) when there is grave abuse of discretion, (4) when the judgment is based on misapprehension of facts, (5) when the findings of fact are conflicting, (6) 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, (7) when the CA's findings are contrary to those by the trial court, (8) when the findings are conclusions without citation of specific evidence on which they are based, (9) when the acts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondent, (10) when the

findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record, or (11) when the CA manifestly overlooked certain relevant facts not disputed by the parties, which, if properly considered, would justify a different conclusion.[20] After a consideration of the petitioners' arguments, this Court holds that the present appeal does not fall under any of these exceptions.

There can be no good faith on the part of the petitioners since they knew of the untruthful character of statements contained in their deed of succession.

Even granting that the present petition may be admitted, we find no cogent reason to reverse the CA decision appealed from, considering that the elements of the crime of falsification under Art. 171, par. 4 of the Revised Penal Code, in relation to Art. 172 thereof, were duly proved during the proceedings below. Said elements are as follows:

(a)

The offender makes in a public document untruthful statements in a narration of facts;

(b)

The offender has a legal obligation to disclose the truth of the facts narrated by him; and

(c)

The facts narrated by the offender are absolutely false.[21]

These elements are based on the provisions of Art. 172, in relation to Art. 171, par. 4, of the Revised Penal Code, which reads:

Art. 171. Falsification by public officer, employee or notary or ecclesiastical minister. – The penalty of prision mayor and a fine not to exceed P5,000 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:

x x x

4. Making untruthful statements in narration of facts;

x x x

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:

- 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

- 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.

x x x

The material document claimed to be falsified in this case is the Deed of Succession dated July 19, 1991, the presentation of which before the Register of Deeds and other government agencies allowed the cancellation of OCT No. P-22848, and the issuance of several new titles in its stead. The first and third elements were committed by the inclusion in the subject deed of the clause that states, "(w)hereas, the parties hereto are the only heirs of the decedent, the first name, is the surviving spouse and the rest are the children of the decedent." [22] The untruthfulness of said statement is clear from the several other documents upon which, ironically, the petitioners

anchor their defense, such as the deed of extrajudicial partition dated October 29, 1979, the parties' confirmation of subdivision, deed of exchange and Norma's petition for guardianship of her then minor children. Specifically mentioned in these documents is the fact that Corazon is also a daughter, thus an heir, of the late Rafael.

The obligation of the petitioners to speak only the truth in their deed of succession is clear, taking into account the very nature of the document falsified. The deed, which was transformed into a public document upon acknowledgement before a notary public, required only truthful statements from the petitioners. It was a legal requirement to effect the cancellation of the original certificate of title and the issuance of new titles by the Register of Deeds. The false statement made in the deed greatly affected the indefeasibility normally accorded to titles over properties brought under the coverage of land registration, to the injury of Corazon who was deprived of her right as a landowner, and the clear prejudice of third persons who would rely on the land titles issued on the basis of the deed.

We cannot subscribe to the petitioners' claim of good faith because several documents prove that they knew of the untruthful character of their statement in the deed of succession. The petitioners' alleged good faith is disputed by their prior confirmation and recognition of Corazon's right as an heir, because despite knowledge of said fact, they included in the deed a statement to the contrary. The wrongful intent to injure Corazon is clear from their execution of the deed, showing a desire to appropriate only unto themselves the subject parcel of land. Corazon was unduly deprived of what was due her not only under the provisions of the law on succession, but also under contracts that she had previously executed with the petitioners.

WHEREFORE, premises considered, the petition for review on certiorari is hereby DENIED. The Decision dated September 15, 2008 and Resolution dated January 6, 2009 of the Court of Appeals in CA-G.R. CR No. 31225 are hereby AFFIRMED.

SO ORDERED.

Carpio, (Chairperson), Brion, Perez, and Sereno, JJ., concur.

[1] Penned by Associate Justice Juan Q. Enriquez, Jr., with Associate Justices Isaias P. Dicdican and Marlene Gonzales-Sison, concurring; rollo, pp. 32-45.

[2] Id. at 51-52.

[3] Also known as Rodilla Del Prado in other documents.

[4] CA rollo, p. 121.

[5] Rollo, pp. 36-37.

[6] CA rollo, pp. 157-166.

[7] Id. at 171-182.

[8] Id. at 211-213.

[9] Id. at 111-120.

[10] Id. at 120.

[11] Id. at 236.

[12] Supra note 1.

[13] Id. at 44.

[14] Supra note 2.

[15] Rollo, pp. 17-30.

[16] Rollo, pp. 17-18.

[17] Vallacar Transit, Inc. v. Catubig, G.R. No. 175512, May 30, 2011.

[18] Guzman v. Commission on Elections, G.R. No. 182380, August 28, 2009, 597 SCRA 499, 509.

[19] G.R. No. 75450, November 8, 1990, 191 SCRA 218, 223.

[20] Andrada v. Pilhino Sales Corporation, G.R. No. 156448, February 23, 2011.

[21] Galeos v. People, G.R. Nos. 174730-37, February 9, 2011, 642 SCRA 485, 506, citing Fullero v. People, G.R. No. 170583, September 12, 2007, 533 SCRA 97, 114.

[22] CA rollo, p. 114; rollo, p. 36.

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