

GINA A. DOMINGO, PETITIONER, PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 186101. October 12, 2009

Ponente: VELASCO JR., J.

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VELASCO JR., J.:

The Case

This is an appeal from the Decision[1] dated November 24, 2008 of the Court of Appeals (CA) in CA-G.R. CR No. 31158 entitled *People of the Philippines v. Gina A. Domingo*, which affirmed the Decision[2] dated May 21, 2007 in Criminal Case Nos. Q-98-75971-87 of the Regional Trial Court (RTC), Branch 80 in Quezon City. The RTC convicted petitioner Gina Domingo (petitioner) of 17 counts of Estafa through Falsification of Commercial Document.

The Facts

Private complainant, Remedios D. Perez (Remedios), is a businesswoman and a valued depositor of the Bank of the Philippine Islands (BPI), Aurora Boulevard branch. Petitioner, on the other hand, is a dentist who had a clinic in Remedios' compound.

Being the wife of the best friend of Remedios' son, petitioner had a close relationship with Remedios and her family.

On June 15, 1995, Remedios accompanied petitioner to BPI because the latter wanted to open an account therein. Remedios then introduced petitioner to the bank's staff and officers. Soon thereafter, petitioner frequented Remedios' office and volunteered to deposit her checks in her bank account at BPI.

Sometime in October 1996, Remedios wanted to buy a car thinking that she already had a substantial amount in her account. Thus, she went to BPI to withdraw two hundred thousand pesos (PhP 200,000). To her surprise, however, she found out that her money had already been withdrawn. The withdrawals were effected through 18 encashment slips bearing her forged signatures reaching the amount of eight hundred thirty-eight thousand pesos (PhP 838,000). She denied having affixed her signatures on the encashment slips used.

Testimonies showed that on several occasions beginning September 18, 1995 until October 18, 1996, petitioner presented a number of encashment slips of various amounts to BPI, and by virtue of which she was able to withdraw huge amounts of money from the checking account of the complainant. She deposited the bigger portion of these amounts to her own account and pocketed some of them, while also paying the rest to Skycable. The transactions were processed by four tellers of BPI, namely: Regina Ramos, Mary Antonette Pozon, Sheila Ferranco, and Kim Rillo who verified the signatures of the complainant on the questioned encashment slips.

As synthesized by the trial court, the transactions are as follows:

Date of encashment slip

Amount withdrawn via encashment slip

Amount deposited to accused's account

Amount paid to Skycable (PS) or Pocketed (Po) by the accused

Name of Teller who processed the transaction

1. Sept. 8, 1995

P10,000.00

P8,000.00

P2,000.00 (Po)

Regina Ramos

2. Sept. 18, 1995

30,000.00

20,000.00

10,000.00 (Po)

3. Feb. 12, 1996

30,000.00

28,550.00

1,450.00 (PS)

Shiela Ferranco

4. Feb. 15, 1996

20,000.00

20,000.00

none

Mary Antonette Pozon

5. March 21, 1996

40,000.00

30,000.00

10,000.00 (Po)

Shiela Ferranco

6. April 8, 1996

40,000.00

35,000.00

5,000.00 (Po)

Regina Ramos

7. April 10, 1996

30,000.00

30,000.00

none

Shiela Ferranco

8. April 29, 1996

40,000.00

34,500.00

5,500.00 (Po)

Regina Ramos

9. May 13, 1996

40,000.00

38,550.00

1,450.00 (PS)

Shiela Ferranco

10. May 24, 1996

50,000.00

50,000.00

none

Mary Antonette Pozon

11. June 7, 1996

40,000.00

40,000.00

none

Shiela Ferranco

12. June 26, 1996

45,000.00

45,000.00

none

Shiela Ferranco

13. July 5, 1996

25,000.00

25,000.00

none

Mary Antonette Pozon

14. July 17, 1996

40,000.00

40,000.00

none

Mary Antonette Pozon

15. Aug. 5, 1996

50,000.00

48,550.00

1,450.00 (PS)

Shiela Ferranco

16. Sept. 17, 1996

35,000.00

35,000.00

none

Shiela Ferranco

17. Oct. 4, 1996

40,000.00

40,000.00

none

Kim P. Rillo

18. Oct. 18, 1996

40,000.00

40,000.00

none

Kim P. Rillo

After having been apprised of the illegal transactions of petitioner on complainant's account, the latter complained to the bank for allowing the withdrawal of the money with the use of falsified encashment slips and demanded that the amount illegally withdrawn be returned. She was required by BPI to submit checks bearing her genuine signature for examination by the Philippine National Police (PNP) Crime Laboratory. After examination, Josefina dela Cruz of the PNP Crime Laboratory came up with a finding that complainant's signatures on the questioned encashment slips had been forged. Only then did the bank agree to pay her the amount of PhP 645,000 representing a portion of the amount illegally withdrawn with the use of the forged encashment slips.

In her defense, petitioner testified that she is a dentist, practicing her profession in her house at No. 21, Alvarez Street, Cubao, Quezon City. She further stated that she knew Remedios as the owner of the house that she and her husband were renting at No. 3 New Jersey Street, New Manila, Quezon City. She declared that she never used "Perez" as an alias or nickname and that the signatures appearing on the questioned encashment slips were not hers.

Petitioner, however, admitted that she was once a depositor of BPI Aurora Boulevard branch, having opened an account in said bank sometime in June 1995. She had been maintaining said account until she was arrested in 1998. She used to frequent the bank three times a week or as the need arose for her bank transactions, for which reason, she and the bank tellers had become familiar with each other. She knows that, like her, Remedios was also a depositor of BPI Aurora Boulevard branch, but there was no occasion that they met each other in the bank.

Remedios and BPI filed a complaint before the prosecutor's office.

The Information in Criminal Case No. Q-98-75971 reads as follows:

That on or about the 18[th] day of October 1996, in Quezon City, Philippines, the above-named accused, a private individual, by means of false pretenses and/or fraudulent acts executed prior to or simultaneously with the commission of the fraud and by means of falsification of commercial document did, then and there willfully, unlawfully and feloniously defraud Remedios D. Perez and/or the Bank of the Philippine Islands represented in the following manner, to wit: said accused falsified or caused to be falsified an encashment slip of Bank of the Philippine Islands dated October 18, 1996 for P40,000.00, Philippine Currency, by then and there filling up said encashment slip and signing the name of one Remedios D. Perez, a depositor of said bank under Account No. 3155-0572-61, thereby making it appear, as it did appear that said encashment slip is genuine in all respect, when in truth and in fact said accused well knew that Remedios D. Perez never signed the said encashment slip; that once said encashment slip was forged and falsified in the manner set forth, accused pretending to be the said Remedios D. Perez used it to withdraw the aforesaid sum of P40,000.00 from the latter's account, and once, in possession of the said amount of money misappropriated, misapplied and converted the same to her own personal use and benefit, to the damage and prejudice of the offended party.

CONTRARY TO LAW.[3]

The allegations in the Information in Criminal Case Nos. Q-98-75972-87 are all substantially the same as those in Criminal Case No. Q-98-75971, except for the dates of the commission of the crime or dates of the BPI encashment slips and the amounts involved, to wit:

Criminal Case No.

Date of the commission of
the crime/encashment slip

Amount Involved

1. Q-98-75972

October 4, 1996

P40,000.00

2. Q-98-75973

September 4, 1996

35,000.00

3. Q-98-75974

August 5, 1996

50,000.00

4. Q-98-75975

July 17, 1996

40,000.00

5. Q-98-75976

July 5, 1996

25,000.00

6. Q-98-75977

June 26, 1996

45,000.00

7. Q-98-75978

June 7, 1996

40,000.00

8. Q-98-75979

May 24, 1996

50,000.00

9. Q-98-75980

May 13, 1996

40,000.00

10. Q-98-75981

April 29, 1996

40,000.00

11. Q-98-75982

April 10, 1996

30,000.00

12. Q-98-75983

April 8, 1996

40,000.00

13. Q-98-75984

March 21, 1996

40,000.00

14. Q-98-75985

February 15, 1996

20,000.00

15. Q-98-75986

February 12, 1996

30,000.00

16. Q-98-75987

September 18, 1995

30,000.00[4]

Upon motion by the prosecution, the 17 cases were consolidated and tried jointly by the trial court. When arraigned, petitioner pleaded not guilty to each of the crimes charged in the 17 Informations. Trial on the merits ensued with the prosecution presenting seven witnesses, namely: Remedios; Arturo Amores, General Manager of BPI, Aurora Blvd. Branch; Regina Ramos, Mary Antonette Pozon, Sheila Ferranco, and Kim P. Rillo, all bank tellers of BPI, Aurora Blvd. Branch; and Josefina Dela Cruz, a Document Examiner III of the PNP Crime Laboratory. On the part of the defense, it presented petitioner herself and Carmelita Tanajora, petitioner's house helper.

Ruling of the Trial Court

On May 21, 2007, the RTC rendered its Decision, the dispositive portion of which reads:

WHEREFORE, premises considered, joint judgment is hereby rendered finding the accused GUILTY beyond reasonable doubt of the crimes charged in Criminal [Case] Nos. Q-98-75971; Q-98-75972; Q-98-75973; Q-98-75974; Q-98-75975; Q-98-75976; Q-98-75977; Q-98-75978; Q-98-75979; Q-98-75980; Q-98-75981; Q-98-75982; Q-98-75983; Q-98-75984; Q-98-75985; Q-98-75986 and Q-98-75987. Accordingly, and applying the Indeterminate Sentence Law, she is hereby sentenced to suffer the penalty of imprisonment, as follows:

- In Criminal Case No. Q-98-75971 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Seven (7) Years and Twenty One (21) Days of prison mayor;
- In Criminal Case No. Q-98-75972 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Seven (7) Years and Twenty One (21) Days of prison mayor;
- In Criminal Case No. Q-98-75973 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Seven (7) Years and Twenty One (21) Days of prison mayor;

- In Criminal Case No. Q-98-75974 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Eight (8) Years and Twenty One (21) Days of prision mayor;
- In Criminal Case No. Q-98-75975 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Seven (7) Years and Twenty One (21) Days of prision mayor;
- In Criminal Case No. Q-98-75976 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Six (6) Years and Twenty One (21) Days of prision mayor;
- In Criminal Case No. Q-98-75977 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Eight (8) Years and Twenty One (21) Days of prision mayor;
- In Criminal Case No. Q-98-75978 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Seven (7) Years and Twenty One (21) Days of prision mayor;
- In Criminal Case No. Q-98-75979 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Eight (8) Years and Twenty One (21) Days of prision mayor;
- In Criminal Case No. Q-98-75980 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Seven (7) Years and Twenty One (21) Days of prision mayor;
- In Criminal Case No. Q-98-75981 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Seven (7) Years and Twenty One (21) Days of prision mayor;12. In Criminal Case No. Q-98-75982 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Six (6) Years and Twenty One (21) Days of prision mayor;
- In Criminal Case No. Q-98-75983 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Seven (7) Years and Twenty One (21) Days of prision mayor;
- In Criminal Case No. Q-98-75984 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Seven (7) Years and Twenty One (21) Days of prision mayor;
- In Criminal Case No. Q-98-75985 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Six (6) Years and Twenty One (21) Days of prision mayor;
- In Criminal Case No. Q-98-75986 - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Six (6) Years and Twenty One (21) Days of prision mayor;
- In Criminal Case No. Q-98-7598[7] - Two (2) Years, Eleven (11) Months and Eleven (11) Days of [prison] correccional to Six (6) Years and Twenty One (21) Days of prision mayor;

Further, the accused is hereby ordered to pay BPI and/or Remedios Perez the total sum of Six Hundred Thirty Five Thousand Pesos (P635,000.00), as civil indemnity, plus six percent (6%) interest per annum from the time of the filing of these cases, until fully paid.

The bond posted by the accused for her provisional liberty is hereby canceled.

SO ORDERED.[5]

Ruling of the Appellate Court

On appeal, the CA, in its Decision dated November 24, 2008, disposed of the case as follows:

WHEREFORE, premises considered, the Appeal is hereby DISMISSED and the challenged Joint Decision of the Court a quo is AFFIRMED in toto.

SO ORDERED.[6]

The CA held that petitioner was the one who authored the crimes of which she was convicted reasoning that she was the only person who stood to be benefited by the falsification of the document in question; thus, the presumption that she is the material author of the falsification is present.

Moreover, petitioner's theory that the crimes committed were perpetrated by the bank tellers or is an inside job cannot be sustained because of the lack of any evidence showing that the tellers harbored any ill motive against her. The CA emphasized that the defense of denial, unsubstantiated by clear and convincing evidence, is negative and self-serving and merits no weight in law; it cannot be given greater evidentiary value than the testimony of credible witnesses who testified on affirmative matter.

On March 4, 2009, petitioner filed a timely appeal before this Court.

The Issues

Petitioner interposes in the present appeal the following assignment of errors:

I

ERROR IN THE APPRECIATION OF THE EVIDENCE, DOCUMENTARY AND TESTIMONIAL, WERE COMMITTED BY THE LOWER COURT IN THE PROMULGATION AND ISSUANCE OF THE SUBJECT DECISION;

II

ERROR IN THE APPLICATION OF THE LAW, SUBSTANTIVE AND PROCEDURAL, WERE COMMITTED IN THE PROMULGATION OF THE SUBJECT DECISION.

Our Ruling

The appeal has no merit.

Substantially, the issues raised boil down to the question of whether or not the evidence adduced by the prosecution is sufficient to establish the guilt of petitioner beyond reasonable doubt.

Elements of Falsification of Commercial Documents are Present

Petitioner contends that the decision of the lower court is not supported by the evidence on record and that this evidence cannot sustain in law the requirements of proof beyond reasonable doubt for the crime for which she was charged.

Specifically, petitioner claims that, as a matter of policy, the bank personnel verified the signature cards of private complainant Remedios before any encashment can be drawn against the account of Remedios. Thus, petitioner contends that the signatures in the encashment slips are genuine as found by the staff and manager of BPI and that the cases filed against her are the products of inside jobs. Further, she argues that the results of the examinations conducted by Josefina dela Cruz of the PNP Crime Laboratory lack evidentiary value, since the report only stated that the signatures on the Encashment/Withdrawal Slips were different from the genuine signatures of Remedios based on the checks, which contained the genuine signatures of Remedios, but did not state that the signatures belong to petitioner.

The contentions are flawed.

Article 172 of the Revised Penal Code (RPC) punishes any private individual who commits any of the acts of falsification enumerated in Art. 171 of the Code in any public or official document or letter of exchange or any other kind of commercial document. The acts of falsification enumerated in Art. 171 are:

Art. 171. Falsification by public officer, employee or notary or ecclesiastic 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:

- Counterfeiting or imitating any handwriting, signature, or rubric;
- Causing it to appear that persons have participated in any act or proceeding when they did not in fact participate;
- Attributing to persons who have participated in an act or proceeding statements other than those in fact made by them;
- Making untruthful statements in a narration of facts;
- Altering true dates;
- Making any alteration or intercalation in a genuine document which changes its meaning;
- 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
- Intercalating any instrument or note relative to the issuance thereof in a protocol, registry or official book. (Emphasis and underscoring supplied.)

Essentially, the elements of the crime of Falsification of Commercial Document under Art. 172 are: (1) that the offender is a private individual; (2) that the offender committed any of the acts of falsification; and (3) that the act of falsification is committed in a commercial document.

As borne by the records, all the elements of the crime are present in the instant case. Petitioner is a private individual who presented to the tellers of BPI 17 forged encashment slips on different dates and of various amounts. The questioned encashment slips were falsified by petitioner by filling out the same and signing the name of the private complainant, thereby making it appear that Remedios signed the encashment slips and that they are genuine in all respects, when in fact petitioner knew very well that Remedios never signed the subject encashment slips.

In her testimony, Remedios categorically denied having filled out and signed any of the subject encashment slips on the dates indicated on them. Her testimony is further strengthened by the testimonies of the bank manager and the bank tellers, who facilitated the banking transactions carried out by petitioner with their branch. Their testimonies were coherent and consistent in narrating that it was indeed petitioner who presented the encashment slips, received the proceeds of the transactions, and/or caused the transfer of the money to her own bank account.

Moreover, the testimony of Josefina dela Cruz (dela Cruz) bolsters the findings of the trial court that the alleged signatures of Remedios in the encashment slips are forged, to wit:

Q:

Using the method you employed in the examination of questioned and standard signatures of Remedios Perez, will you please elaborate the study you made?

A:

After conducting the examination, I reduced my examination to writing and my findings are as follows:

‘Scientific comparative examination and analysis of the questioned documents and the submitted standard

signature reveals significant divergences in handwriting movement, stroke structure and other individual handwriting characteristics.'

Q:

You mentioned divergences in handwriting movement, will you please point to this Honorable Court this significant divergences of differences in the strokes of handwriting?

A:

First of all the manner of execution. The manner of execution is slow while in the execution of the standard, it is moderate. The line quality in the questioned signature, there is presence of tremors in the strokes while in the standard signatures, all the strokes are smooth. In the capital 'R' in the questioned signature, there is presence of re-trace strokes while in the standard signature, there is no re-trace strokes. In the downward portion of the letter 'R' in the questioned signature, the direction is downward while in the standard it is horizontal. Now the angular strokes following the capital 'R' is traced in the middle part of the letter 'R', the downward portion while in the standard, it is found in the last stroke of capital 'R'. In the middle name letter 'D', the shape is more rounded on the questioned signature but in the standard it is more elongated. In the loop of the family name, it is more rounded in questioned signature[;] while in the standard, it is more elongated. With that, I was able to conclude that the questioned signatures Remedios D. Perez marked 'Q-1' to 'Q-36' standard signatures of Remedios Perez marked 'S-1' to 'S-27' inclusive were not written by one and the same person.[7]

Typically, such inconspicuous divergences noted by dela Cruz on the questioned signatures could not be easily detected by untrained eyes or by one who had no formal training in handwriting examination; thus, resort to the opinion of an expert is imperative. This explains why the bank tellers who processed the illegal transactions entered into by the petitioner on the account of Remedios failed to notice the forgery or falsification. As a result, they allowed the encashment by petitioner. The training or skill, if any, of the tellers in detecting forgeries is usually minimal or inadequate and their opinion is generally unreliable. It was, therefore, prudent on the part of the bank to seek the opinion of an expert to determine the genuineness of the signatures in the encashment slips.

As found by the trial court, the totality of the testimonies of Remedios, dela Cruz, the handwriting expert, and the bank tellers bears the earmarks of truth that the questioned encashment slips had been falsified by petitioner and that they were presented to the bank in order to defraud the bank or holder of the account.

Additionally, the Court has held that in gauging the relative weight to be given to the opinion of handwriting experts, the following standards are adhered to:

We have held that the value of the opinion of a handwriting expert depends not upon his mere statements of whether a writing is genuine or false, but upon the assistance he may afford in pointing out distinguishing marks, characteristics and discrepancies in and between genuine and false specimens of writing which would ordinarily escape notice or detection from an unpracticed observer. The test of genuineness ought to be the resemblance, not the formation of letters in some other specimens but to the general character of writing, which is impressed on it as the involuntary and unconscious result of constitution, habit or other permanent course, and is, therefore itself permanent.[8]

Moreover, it cannot be said that since none of the prosecution witnesses saw the falsification actually done by petitioner, she cannot be held liable. The bank tellers who processed the illegal transactions of petitioner involving the account of Remedios were consistent in their testimonies that it was petitioner herself who presented the encashment slips and received the proceeds of the slips. In such a situation, the applicable rule is that if a person has in his possession a falsified document and he made use of it, taking advantage of it and profiting from it, the presumption is that he is the material author of the falsification.[9] In the instant case, petitioner has failed to overthrow the presumption.

Furthermore, contrary to petitioner's assertions, the questioned encashment slips are commercial documents. Commercial documents are, in general, documents or instruments which are used by merchants or businessmen to promote or facilitate trade.[10] An encashment slip necessarily facilitates bank transactions for it allows the person whose name and signature appears thereon to encash a check and withdraw the amount indicated therein.

Even more, petitioner would have this Court believe that the crime of falsification of a commercial document did not exist because Remedios and BPI did not suffer any damage. Such argument is specious. It has been ruled that damage or intent to cause damage is not an element in falsification of a commercial document, because what the law seeks to repress is the prejudice to the public confidence in such documents.[11]

Therefore, the acts of petitioner clearly satisfy all the essential elements of the crime of Falsification of Commercial Document.

Crime of Falsification was a Necessary Means to Commit Estafa

It has been held that whenever a person carries out on a public, official, or commercial document any of the acts enumerated in Art. 171 of the RPC as a necessary means to perpetrate another crime, such as estafa or malversation, a complex crime is formed by the two crimes.[12]

Under Art. 48 of the RPC, a complex crime refers to: (1) the commission of at least two grave or less grave felonies that must both (or all) be the result of a single act; or (2) one offense must be a necessary means for committing the other (or others).

The falsification of a public, official, or commercial document may be a means of committing estafa, because before the falsified document is actually utilized to defraud another, the crime of falsification has already been consummated, damage or intent to cause damage not being an element of the crime of falsification of public, official, or commercial document. In other words, the crime of falsification has already existed. Actually utilizing that falsified public, official, or commercial document to defraud another is estafa. But the damage is caused by the commission of estafa, not by the falsification of the document. Therefore, the falsification of the public, official, or commercial document is only a necessary means to commit estafa.[13]

In general, the elements of estafa are: (1) that the accused defrauded another (a) by abuse of confidence or (b) by means of deceit; and (2) that damage or prejudice capable of pecuniary estimation is caused to the offended party or third person. Deceit is the false representation of a matter of fact, whether by words or conduct, by false or misleading allegations, or by concealment of that which should have been disclosed; and which deceives or is intended to deceive another so that he shall act upon it, to his legal injury.

In the case before us, all the elements of estafa are present. Once petitioner acquired the possession of the amounts she encashed by means of deceit, she misappropriated, misapplied, and converted the same to her own personal use and benefit, to the damage and prejudice of the private complainant and BPI.

Without a doubt, the falsification of the encashment slips was a necessary means to commit estafa. At that time, the offense of falsification is already considered consummated even before the falsified document is used to defraud another.

Therefore, the trial court aptly convicted petitioner for the complex crime of Estafa through Falsification of Commercial Document.

Defense of Denial Is Untenable

It is a hornbook doctrine that the defense of denial, unsubstantiated by clear and convincing evidence, is negative and self-serving, and merits no weight in law and cannot be given greater evidentiary value than the testimony of

credible witnesses who testified on affirmative matters.[14]

In the instant case, petitioner's defense of denial crumbles in the face of the positive identification made by the prosecution witnesses during trial. As enunciated by this Court, "[p]ositive identification where categorical and consistent and not attended by any showing of ill motive on the part of the eyewitnesses on the matter prevails over alibi and denial." [15] The defense has miserably failed to show any evidence of ill motive on the part of the prosecution witnesses as to falsely testify against her.

Thus, between the categorical statements of the prosecution witnesses, on the one hand, and bare denials of the accused, on the other hand, the former must, perforce, prevail.[16]

We accord the trial court's findings the probative weight it deserves in the absence of any compelling reason to discredit its findings. It is a fundamental judicial dictum that the findings of fact of the trial court are not disturbed on appeal, except when it overlooked, misunderstood, or misapplied some facts or circumstances of weight and substance that would have materially affected the outcome of the case. We find that the trial court did not err in convicting petitioner of the crime of Estafa through Falsification of Commercial Document.

WHEREFORE, the appeal is DENIED for failure to sufficiently show reversible error in the assailed decision. The Decision dated November 24, 2008 of the CA in CA-G.R. CR No. 31158 is AFFIRMED.

No costs.

SO ORDERED.

Carpio, (Chairperson), Chico-Nazario, Nachura, and Peralta, JJ., concur.

[1] Rollo, pp. 56-78. Penned by Associate Justice Myrna Dimaranan Vidal and concurred in by Associate Justices Jose L. Sabio, Jr. and Jose C. Reyes, Jr.

[2] Id. at 38-54. Penned by Judge Ma. Theresa Dela Torre-Yadao.

[3] Id. at 38-39.

[4] Id. at 39.

[5] Id. at 52-54.

[6] Id. at 78.

[7] Id. at 45-46.

[8] Eduarte v. Court of Appeals, G.R. No. 105944, February 9, 1996, 253 SCRA 391, 399; citations omitted.

[9] Pacasum v. People, G.R. No. 180314, April 16, 2009.

[10] Monteverde v. People, G.R. No. 139610, August 12, 2002, 387 SCRA 196.

[11] See Samson v. Court of Appeals, 103 Phil. 277 (1958).

[12] Ambito v. People, G.R. No. 127327, February 13, 2009.

[13] 2 Reyes, The Revised Penal Code 226 (2006).

[14] People v. Aguilar, G.R. No. 177749, December 17, 2007, 540 SCRA 509; People v. Castillo, G.R. No. 118912, May 28, 2004, 430 SCRA 40.

[15] People v. Abolidor, G.R. No. 147231, February 18, 2004, 423 SCRA 260.

[16] People v. Bello, G.R. No. 92597, October 4, 1994, 237 SCRA 347; People v. Carizo, G.R. No. 96510, July 6, 1994, 233 SCRA 687.

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