

UNION BANK OF THE, PHILIPPINES AND DESI TOMAS, PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.

G.R. No. 192565. February 28, 2012

Ponente: BRION, J.

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BRION, J.:

We review in this Rule 45 petition, the decision^[1] of the Regional Trial Court, Branch 65, Makati City (RTC-Makati City) in Civil Case No. 09-1038. The petition seeks to reverse and set aside the RTC-Makati City decision dismissing the petition for certiorari of petitioners Union Bank of the Philippines (Union Bank) and Desi Tomas (collectively, the petitioners). The RTC found that the Metropolitan Trial Court, Branch 63, Makati City (MeTC-Makati City) did not commit any grave abuse of discretion in denying the motion to quash the information for perjury filed by Tomas.

The Antecedents

Tomas was charged in court for perjury under Article 183 of the Revised Penal Code (RPC) for making a false narration in a Certificate against Forum Shopping. The Information against her reads:

That on or about the 13th day of March 2000 in the City of Makati, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously make untruthful statements under oath upon a material matter before a competent person authorized to administer oath which the law requires to wit: said accused stated in the Verification/Certification/Affidavit of merit of a complaint for sum of money with prayer for a writ of replevin docketed as [Civil] Case No. 342-00 of the Metropolitan Trial Court[,] Pasay City, that the Union Bank of the Philippines has not commenced any other action or proceeding involving the same issues in another tribunal or agency, accused knowing well that said material statement was false thereby making a willful and deliberate assertion of falsehood.^[2]

The accusation stemmed from petitioner Union Bank's two (2) complaints for sum of money with prayer for a writ of replevin against the spouses Eddie and Eliza Tamondong and a John Doe. The first complaint, docketed as Civil Case No. 98-0717, was filed before the RTC, Branch 109, Pasay City on April 13, 1998. The second complaint, docketed as Civil Case No. 342-000, was filed on March 15, 2000 and raffled to the MeTC, Branch 47, Pasay City. Both complaints showed that Tomas executed and signed the Certification against Forum Shopping. Accordingly, she was charged of deliberately violating Article 183 of the RPC by falsely declaring under oath in the Certificate against Forum Shopping in the second complaint that she did not commence any other action or proceeding involving the same issue in another tribunal or agency.

Tomas filed a Motion to Quash,^[3] citing two grounds. First, she argued that the venue was improperly laid since it is the Pasay City court (where the Certificate against Forum Shopping was submitted and used) and not the MeTC-Makati City (where the Certificate against Forum Shopping was subscribed) that has jurisdiction over the perjury case. Second, she argued that the facts charged do not constitute an offense because: (a) the third element of perjury – the willful and deliberate assertion of falsehood – was not alleged with particularity without

specifying what the other action or proceeding commenced involving the same issues in another tribunal or agency; (b) there was no other action or proceeding pending in another court when the second complaint was filed; and (c) she was charged with perjury by giving false testimony while the allegations in the Information make out perjury by making a false affidavit.

The MeTC-Makati City denied the Motion to Quash, ruling that it has jurisdiction over the case since the Certificate against Forum Shopping was notarized in Makati City.[4] The MeTC-Makati City also ruled that the allegations in the Information sufficiently charged Tomas with perjury.[5] The MeTC-Makati City subsequently denied Tomas' motion for reconsideration.[6]

The petitioners filed a petition for certiorari before the RTC-Makati City to annul and set aside the MeTC-Makati City orders on the ground of grave abuse of discretion. The petitioners anchored their petition on the rulings in *United States v. Canet*[7] and *Ilusorio v. Bildner*[8] which ruled that venue and jurisdiction should be in the place where the false document was presented.

The Assailed RTC Decision

In dismissing the petition for certiorari, the RTC-Makati City held:

[I]nsofar as the petitioner's stance is concerned[,] the more recent case of [*Sy Tiong Shiou v. Sy*] (GR Nos. 174168 & 179438, March 30, 2009) however, reaffirms what has been the long standing view on the venue with respect to perjury cases. In this particular case[,] the high court reiterated the rule that the criminal action shall be instituted and tried in the court of the municipality or territory where the offense was committed, or where any of its essential ingredients occurred. It went on to declare that since the subject document[,] the execution of which was the subject of the charge[,] was subscribed and sworn to in Manila[,] then the court of the said territorial jurisdiction was the proper venue of the criminal action[.]

x x x x

x x x Given the present state of jurisprudence on the matter, it is not amiss to state that the city court of Makati City has jurisdiction to try and decide the case for perjury inasmuch as the gist of the complaint itself which constitute[s] the charge against the petitioner dwells solely on the act of subscribing to a false certification. On the other hand, the charge against the accused in the case of *Ilusorio v. Bildner, et al.*, based on the complaint-affidavits therein[,] was not simply the execution of the questioned documents but rather the introduction of the false evidence through the subject documents before the court of Makati City.[9] (emphasis ours)

The RTC-Makati City ruled that the MeTC-Makati City did not commit grave abuse of discretion since the order denying the Motion to Quash was based on jurisprudence later than *Ilusorio*. The RTC-Makati City also observed that the facts in *Ilusorio* are different from the facts of the present case. Lastly, the RTC-Makati City ruled that the Rule 65 petition was improper since the petitioners can later appeal the decision in the principal case. The RTC-Makati City subsequently denied the petitioner's motion for reconsideration.[10]

The Petition

The petitioners pray that we reverse the RTC-Makati City decision and quash the Information for perjury against Tomas. The petitioners contend that the *Ilusorio* ruling is more applicable to the present facts than our ruling in *Sy Tiong Shiou v. Sy Chim*.^[11] They argued that the facts in *Ilusorio* showed that the filing of the petitions in court containing the false statements was the essential ingredient that consummated the perjury. In *Sy Tiong*, the perjurious statements were made in a General Information Sheet (GIS) that was submitted to the Securities and Exchange Commission (SEC).

Interestingly, Solicitor General Jose Anselmo I. Cadiz shared the petitioners' view. In his Manifestation and

Motion in lieu of Comment (which we hereby treat as the Comment to the petition), the Solicitor General also relied on Ilusorio and opined that the *lis mota* in the crime of perjury is the deliberate or intentional giving of false evidence in the court where the evidence is material. The Solicitor General observed that the criminal intent to assert a falsehood under oath only became manifest before the MeTC-Pasay City.

The Issue

The case presents to us the issue of what the proper venue of perjury under Article 183 of the RPC should be – Makati City, where the Certificate against Forum Shopping was notarized, or Pasay City, where the Certification was presented to the trial court.

The Court's Ruling

We deny the petition and hold that the MeTC-Makati City is the proper venue and the proper court to take cognizance of the perjury case against the petitioners.

Venue of Action and Criminal Jurisdiction

Venue is an essential element of jurisdiction in criminal cases. It determines not only the place where the criminal action is to be instituted, but also the court that has the jurisdiction to try and hear the case. The reason for this rule is two-fold. First, the jurisdiction of trial courts is limited to well-defined territories such that a trial court can only hear and try cases involving crimes committed within its territorial jurisdiction.[12] Second, laying the venue in the *locus criminis* is grounded on the necessity and justice of having an accused on trial in the municipality of province where witnesses and other facilities for his defense are available.[13]

Unlike in civil cases, a finding of improper venue in criminal cases carries jurisdictional consequences. 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. [emphasis ours]

The above provision should be read in light of Section 10, Rule 110 of the 2000 Revised Rules of Criminal Procedure which 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.

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.

Information Charging Perjury

Section 5, Rule 7 of the 1997 Rules of Civil Procedure, as amended, contains the requirement for a Certificate against Forum Shopping. The Certificate against Forum Shopping can be made either by a statement under oath in the complaint or initiatory pleading asserting a claim or relief; it may also be in a sworn certification annexed to the complaint or initiatory pleading. In both instances, the affiant is required to execute a statement under oath before a duly commissioned notary public or any competent person authorized to administer oath that: (a) he or

she has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his or her knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he or she should thereafter learn that the same or similar action or claim has been filed or is pending, he or she shall report that fact within five days therefrom to the court wherein his or her aforesaid complaint or initiatory pleading has been filed. In relation to the crime of perjury, the material matter in a Certificate against Forum Shopping is the truth of the required declarations which is designed to guard against litigants pursuing simultaneous remedies in different fora.[14]

In this case, Tomas is charged with the crime of perjury under Article 183 of the RPC for making a false Certificate against Forum Shopping. The elements of perjury under Article 183 are:

- (a) That the accused made a statement under oath or executed an affidavit upon a material matter.
- (b) That the statement or affidavit was made before a competent officer, authorized to receive and administer oath.
- (c) That in the statement or affidavit, the accused made a willful and deliberate assertion of a falsehood.
- (d) That the sworn statement or affidavit containing the falsity is required by law or made for a legal purpose.[15] (emphasis ours)

Where the jurisdiction of the court is being assailed in a criminal case on the ground of improper venue, the allegations in the complaint and information must be examined together with Section 15(a), Rule 110 of the 2000 Revised Rules of Criminal Procedure. On this basis, we find that the allegations in the Information sufficiently support a finding that the crime of perjury was committed by Tomas within the territorial jurisdiction of the MeTC-Makati City.

The first element of the crime of perjury, the execution of the subject Certificate against Forum Shopping was alleged in the Information to have been committed in Makati City. Likewise, the second and fourth elements, requiring the Certificate against Forum Shopping to be under oath before a notary public, were also sufficiently alleged in the Information to have been made in Makati City:

That on or about the 13[th] day of March 2000 in the City of Makati, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and feloniously make untruthful statements under oath upon a material matter before a competent person authorized to administer oath which the law requires to wit: said accused stated in the Verification/Certification/Affidavit x x x.[16]

We also find that the third element of willful and deliberate falsehood was also sufficiently alleged to have been committed in Makati City, not Pasay City, as indicated in the last portion of the Information:

[S]aid accused stated in the Verification/Certification/Affidavit of merit of a complaint for sum of money with prayer for a writ of replevin docketed as [Civil] Case No. 342-00 of the Metropolitan Trial Court[,] Pasay City, that the Union Bank of the Philippines has not commenced any other action or proceeding involving the same issues in another tribunal or agency, accused knowing well that said material statement was false thereby making a willful and deliberate assertion of falsehood.[17] (underscoring ours)

Tomas' deliberate and intentional assertion of falsehood was allegedly shown when she made the false declarations in the Certificate against Forum Shopping before a notary public in Makati City, despite her knowledge that the material statements she subscribed and swore to were not true. Thus, Makati City is the proper venue and MeTC-Makati City is the proper court to try the perjury case against Tomas, pursuant to Section 15(a),

Rule 110 of the 2000 Revised Rules of Criminal Procedure as all the essential elements constituting the crime of perjury were committed within the territorial jurisdiction of Makati City, not Pasay City.

Referral to the En Banc

The present case was referred to the En Banc primarily to address the seeming conflict between the division rulings of the Court in the Ilusorio case that is cited as basis of this petition, and the Sy Tiong case that was the basis of the assailed RTC-Makati City ruling.

The Cited Ilusorio and Sy Tiong Cases

The subject matter of the perjury charge in Ilusorio involved false statements contained in verified petitions filed with the court for the issuance of a new owner's duplicate copies of certificates of title. The verified petitions containing the false statements were subscribed and sworn to in Pasig City, but were filed in Makati City and Tagaytay City. The question posed was: which court (Pasig City, Makati City and/or Tagaytay City) had jurisdiction to try and hear the perjury cases?

We ruled that the venues of the action were in Makati City and Tagaytay City, the places where the verified petitions were filed. The Court reasoned out that it was only upon filing that the intent to assert an alleged falsehood became manifest and where the alleged untruthful statement found relevance or materiality. We cited as jurisprudential authority the case of *United States. v. Cañet*[18] which ruled:

It is immaterial where the affidavit was subscribed and sworn, so long as it appears from the information that the defendant, by means of such affidavit, "swore to" and knowingly submitted false evidence, material to a point at issue in a judicial proceeding pending in the Court of First Instance of Iloilo Province. The gist of the offense charged is not the making of the affidavit in Manila, but the intentional giving of false evidence in the Court of First Instance of Iloilo Province by means of such affidavit. [emphasis and underscoring deleted]

In *Sy Tiong*, the perjured statements were made in a GIS which was subscribed and sworn to in Manila. We ruled that the proper venue for the perjury charges was in Manila where the GIS was subscribed and sworn to. We held that the perjury was consummated in Manila where the false statement was made. As supporting jurisprudence, we cited the case of *Villanueva v. Secretary of Justice*[19] that, in turn, cited an American case entitled *U.S. v. Norris*. [20] We ruled in *Villanueva* that –

Perjury is an obstruction of justice; its perpetration well may affect the dearest concerns of the parties before a tribunal. Deliberate material falsification under oath constitutes the crime of perjury, and the crime is complete when a witness' statement has once been made.

The Crime of Perjury: A Background

To have a better appreciation of the issue facing the Court, a look at the historical background of how the crime of perjury (specifically, Article 183 of the RPC) evolved in our jurisdiction.

The RPC penalizes three forms of false testimonies. The first is false testimony for and against the defendant in a criminal case (Articles 180 and 181, RPC); the second is false testimony in a civil case (Article 182, RPC); and the third is false testimony in other cases (Article 183, RPC). Based on the Information filed, the present case involves the making of an untruthful statement in an affidavit on a material matter.

These RPC provisions, however, are not really the bases of the rulings cited by the parties in their respective arguments. The cited *Ilusorio* ruling, although issued by this Court in 2008, harked back to the case of *Cañet* which was decided in 1915, i.e., before the present RPC took effect.[21] *Sy Tiong*, on the other hand, is a 2009 ruling that cited *Villanueva*, a 2005 case that in turn cited *United States v. Norris*, a 1937 American case.

Significantly, unlike *Canet*, *Sy Tiong* is entirely based on rulings rendered after the present RPC took effect.[22]

The perjurious act in *Cañet* consisted of an information charging perjury through the presentation in court of a motion accompanied by a false sworn affidavit. At the time the *Cañet* ruling was rendered, the prevailing law on perjury and the rules on prosecution of criminal offenses were found in Section 3, Act No. 1697 of the Philippine Commission, and in Subsection 4, Section 6 of General Order No. 58[23] for the procedural aspect.

Section 3 of Act No. 1697 reads:

Sec. 3. Any person who, having taken oath before a competent tribunal, officer, or person, in any case in which a law of the Philippine Islands authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, disposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand pesos and by imprisonment for not more than five years; and shall moreover, thereafter be incapable of holding any public office or of giving testimony in any court of the Philippine Islands until such time as the judgment against him is reversed.

This law was copied, with the necessary changes, from Sections 5392[24] and 5393[25] of the Revised Statutes of the United States.[26] Act No. 1697 was intended to make the mere execution of a false affidavit punishable in our jurisdiction.[27]

In turn, Subsection 4, Section 6 of General Order No. 58 provided that the venue shall be the court of the place where the crime was committed.

As applied and interpreted by the Court in *Cañet*, perjury was committed by the act of representing a false document in a judicial proceeding.[28] The venue of action was held by the Court to be at the place where the false document was presented since the presentation was the act that consummated the crime.

The annotation of Justices Aquino and Griño-Aquino in their textbook on the RPC[29] interestingly explains the history of the perjury provisions of the present RPC and traces as well the linkage between Act No. 1697 and the present Code. To quote these authors:[30]

Art. 180 was taken from art. 318 of the Old Penal Code and art. 154 of Del Pan's Proposed Correctional Code, while art. 181 was taken from art. 319 of the old Penal Code and Art. 157 of Del Pan's Proposed Correctional Code. Said arts. 318 and 319, together with art. 321 of the old Penal Code, were impliedly repealed by Act 1697, the Perjury Law, passed on August 23, 1907, which in turn was expressly repealed by the Administrative Code of 1916, Act 2657. In view of the express repeal of Act 1697, arts. 318 and 321 of the old Penal Code were deemed revived. However, Act 2718 expressly revived secs. 3 and 4 of the Perjury Law. Art. 367 of the Revised Penal Code repealed Act Nos. 1697 and 2718.

It should be noted that perjury under Acts 1697 and 2718 includes false testimony, whereas, under the Revised Penal Code, false testimony includes perjury. Our law on false testimony is of Spanish origin, but our law on perjury (art. 183 taken from sec. 3 of Act 1697) is derived from American statutes. The provisions of the old Penal Code on false testimony embrace perjury committed in court or in some contentious proceeding, while perjury as defined in Act 1697 includes the making of a false affidavit. The provisions of the Revised Penal Code on false testimony "are more severe and strict than those of Act 1697" on perjury. [*italics ours*]

With this background, it can be appreciated that Article 183 of the RPC which provides:

The penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period shall be imposed upon any person, who knowingly makes untruthful statements and not being included in the provisions of the next preceding articles, shall testify under oath, or make an affidavit, upon any material

matter before a competent person authorized to administer an oath in cases in which the law so requires.
[emphasis supplied; emphases ours]

in fact refers to either of two punishable acts – (1) falsely testifying under oath in a proceeding other than a criminal or civil case; and (2) making a false affidavit before a person authorized to administer an oath on any material matter where the law requires an oath.

As above discussed, *Sy Tiong* – decided under Article 183 of the RPC – essentially involved perjured statements made in a GIS that was subscribed and sworn to in Manila and submitted to the SEC in Mandaluyong City. Thus, the case involved the making of an affidavit, not an actual testimony in a proceeding that is neither criminal nor civil. From this perspective, the situs of the oath, i.e., the place where the oath was taken, is the place where the offense was committed. By implication, the proper venue would have been the City of Mandaluyong – the site of the SEC – had the charge involved an actual testimony made before the SEC.

In contrast, *Cañet* involved the presentation in court of a motion supported and accompanied by an affidavit that contained a falsity. With Section 3 of Act No. 1697 as basis, the issue related to the submission of the affidavit in a judicial proceeding. This came at a time when Act No. 1697 was the perjury law, and made no distinction between judicial and other proceedings, and at the same time separately penalized the making of false statements under oath (unlike the present RPC which separately deals with false testimony in criminal, civil and other proceedings, while at the same time also penalizing the making of false affidavits). Understandably, the venue should be the place where the submission was made to the court or the situs of the court; it could not have been the place where the affidavit was sworn to simply because this was not the offense charged in the Information.

The case of *Ilusorio* cited the *Cañet* case as its authority, in a situation where the sworn petitions filed in court for the issuance of duplicate certificates of title (that were allegedly lost) were the cited sworn statements to support the charge of perjury for the falsities stated in the sworn petitions. The Court ruled that the proper venue should be the Cities of Makati and Tagaytay because it was in the courts of these cities “where the intent to assert an alleged falsehood became manifest and where the alleged untruthful statement finds relevance or materiality in deciding the issue of whether new owner’s duplicate copies of the [Certificate of Condominium Title] and [Transfer Certificates of Title] may issue.”[31] To the Court, “whether the perjurious statements contained in the four petitions were subscribed and sworn in Pasig is immaterial, the gist of the offense of perjury being the intentional giving of false statement,”[32] citing *Cañet* as authority for its statement.

The statement in *Ilusorio* may have partly led to the present confusion on venue because of its very categorical tenor in pointing to the considerations to be made in the determination of venue; it leaves the impression that the place where the oath was taken is not at all a material consideration, forgetting that Article 183 of the RPC clearly speaks of two situations while Article 182 of the RPC likewise applies to false testimony in civil cases.

The *Ilusorio* statement would have made perfect sense had the basis for the charge been Article 182 of the RPC, on the assumption that the petition itself constitutes a false testimony in a civil case. The *Cañet* ruling would then have been completely applicable as the sworn statement is used in a civil case, although no such distinction was made under *Cañet* because the applicable law at the time (Act No. 1697) did not make any distinction.

If Article 183 of the RPC were to be used, as what in fact appears in the *Ilusorio* ruling, then only that portion of the article, referring to the making of an affidavit, would have been applicable as the other portion refers to false testimony in other proceedings which a judicial petition for the issuance of a new owner’s duplicate copy of a Certificate of Condominium Title is not because it is a civil proceeding in court. As a perjury based on the making of a false affidavit, what assumes materiality is the site where the oath was taken as this is the place where the oath was made, in this case, Pasig City.

Procedurally, the rule on venue of criminal cases has been subject to various changes from the time General Order No. 58 was replaced by Rules 106 to 122 of the Rules of Court on July 1, 1940. Section 14, Rule 106 of the Rules of Court provided for the rule on venue of criminal actions and it expressly included, as proper venue, the place where any one of the essential ingredients of the crime took place. This change was followed by the passage of the 1964 Rules of Criminal Procedure,[33] the 1985 Rules of Criminal Procedure,[34] and the 2000 Revised Rules of Criminal Procedure which all adopted the 1940 Rules of Criminal Procedure's expanded venue of criminal actions. Thus, the venue of criminal cases is not only in the place where the offense was committed, but also where any of its essential ingredients took place.

In the present case, the Certification against Forum Shopping was made integral parts of two complaints for sum of money with prayer for a writ of replevin against the respondent spouses Eddie Tamondong and Eliza B. Tamondong, who, in turn, filed a complaint-affidavit against Tomas for violation of Article 183 of the RPC. As alleged in the Information that followed, the criminal act charged was for the execution by Tomas of an affidavit that contained a falsity.

Under the circumstances, Article 183 of the RPC is indeed the applicable provision; thus, jurisdiction and venue should be determined on the basis of this article which penalizes one who "make[s] an affidavit, upon any material matter before a competent person authorized to administer an oath in cases in which the law so requires." The constitutive act of the offense is the making of an affidavit; thus, the criminal act is consummated when the statement containing a falsity is subscribed and sworn before a duly authorized person.

Based on these considerations, we hold that our ruling in *Sy Tiong* is more in accord with Article 183 of the RPC and Section 15(a), Rule 110 of the 2000 Revised Rules of Criminal Procedure. To reiterate for the guidance of the Bar and the Bench, the crime of perjury committed through the making of a false affidavit under Article 183 of the RPC is committed at the time the affiant subscribes and swears to his or her affidavit since it is at that time that all the elements of the crime of perjury are executed. When the crime is committed through false testimony under oath in a proceeding that is neither criminal nor civil, venue is at the place where the testimony under oath is given. If in lieu of or as supplement to the actual testimony made in a proceeding that is neither criminal nor civil, a written sworn statement is submitted, venue may either be at the place where the sworn statement is submitted or where the oath was taken as the taking of the oath and the submission are both material ingredients of the crime committed. In all cases, determination of venue shall be based on the acts alleged in the Information to be constitutive of the crime committed.

WHEREFORE, premises considered, we hereby DENY the petition for lack of merit. Costs against the petitioners.

SO ORDERED.

Corona, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Peralta, Bersamin, Abad, Villarama, Jr., Perez, Mendoza, Reyes, and Perlas-Bernabe, JJ., concur.

Del Castillo, J., on official leave.

Sereno, J., on leave.

[1] Dated April 28, 2010; rollo, pp. 137-143.

[2] *Id.* at 11.

[3] *Id.* at 29-37.

- [4] Order dated March 26, 2009; rollo, pp. 55-56.
- [5] Id. at 56.
- [6] Order dated August 28, 2009, pp. 69-70.
- [7] 30 Phil. 371 (1915).
- [8] G.R. Nos. 173935-38, December 23, 2008, 575 SCRA 272.
- [9] Rollo, pp. 142-143.
- [10] Order dated June 9, 2010; id. at 154.
- [11] G.R. Nos. 174168 and 179438, March 30, 2009, 582 SCRA 517.
- [12] *United States v. Cunanan*, 26 Phil. 376 (1913).
- [13] *Parulan v. Reyes*, 78 Phil 855 (1947).
- [14] *Torres v. Specialized Packaging Development Corporation*, G.R. No. 149634, July 6, 2004, 433 SCRA 455.
- [15] *Monfort III v. Salvatierra*, G.R. No. 168301, March 5, 2007, 517 SCRA 447, 461.
- [16] *Supra* note 2.
- [17] *Ibid*.
- [18] *Supra* note 7, at 378.
- [19] G.R. No. 162187, November 18, 2005, 475 SCRA 495, 512.
- [20] 300 U.S. 564 (1937). The perjury was based on a false testimony by the defendant at the hearing before the Senate Committee in Nebraska.
- [21] The Penal Code for the Philippines which took effect from July 19, 1887 to December 31, 1931.
- [22] Took effect on January 1, 1932.
- [23] Entitled “The Law on Criminal Procedure” which took effect on April 23, 1900.
- [24] Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury.
- [25] The law refers to subornation of perjury.
- [26] *United States v. Concepcion*, 13 Phil. 424 (1909).
- [27] Id. at 428-429.
- [28] *People v. Cruz, et al.*, 197 Phil. 815 (1982).
- [29] Ramon C. Aquino and Carolina Griño-Aquino, 2 *The Revised Penal Code*, 1997 ed.
- [30] Id. at 301-302.

[31] *Ilusorio v. Bildner*, supra note 8, at 283.

[32] *Id.* at 284.

[33] Section 14, Rule 110. Place where action is to be instituted. -

(a) In all criminal prosecutions the action shall be instituted and tried in the Court of the municipality or province wherein the offense was committed or any one of the essential ingredients thereof took place.

[34] Section 15, Rule 110. Place where action is to be instituted. –

(a) Subject to existing laws, in all criminal prosecutions the action shall be instituted and tried in the court of the municipality or territory wherein the offense was committed or any one of the essential ingredients thereof took place.

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