

**MARIA FE CRUZ AQUINO Y VELASQUEZ a.k.a. MA. PRECIOSA CRUZ
AQUINO, PETITIONER, V. PEOPLE OF THE PHILIPPINES,
RESPONDENT.**

G.R. No. 217349. November 07, 2018

Ponente: LEONEN, J.

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LEONEN, J.:

This case involves the application and interpretation of certain provisions in Republic Act No. 8239 or the 1996 Philippine Passport Law.

This is a Petition for Review on Certiorari[1] assailing the Court of Appeals September 4, 2013 Decision[2] and March 19, 2015 Resolution[3] in CA-G.R. CR No. 33654, which dismissed three (3) out of the seven (7) cases against Maria Fe Cruz Aquino y Velasquez (Aquino) for lack of jurisdiction. However, the Court of Appeals affirmed her guilt under Section 19, paragraph c(2) of Republic Act No. 8239 for Criminal Case Nos. 97-161314 to 97-161317.

Seven (7) separate Informations were filed against Aquino before the Regional Trial Court of Manila charging her with three (3) counts of violation of Section 19, paragraph (b)1 of Republic Act No. 8239 and four (4) counts of violation of Section 19, paragraph (c)1 of Republic Act No. 8239:[4]

RE: CRIMINAL CASE NOS. 97-161311 to 97-161313

....

That on or before the afternoon of 3 November 1997, in Manila, and within the jurisdiction of this Honorable Court, herein accused, did then and there willfully, unlawfully and feloniously MAKE FALSE STATEMENTS in the passport application bearing the name (in Criminal Case No. 97-1613411, "KIM MARIEL CRUZ AQUINO", in Criminal Case No. 97-161312, "MA. PRECIOSA CRUZ AQUINO"; in Criminal Case No. 97-161313, "LEONORE COLEEN CRUZ AQUINO") for the purpose of securing the issuance of a Philippine Passport bearing the aforesaid name under the authority of the Republic of the Philippines with the intent of using the same in applying for a U.S. Visa in flagrant violation of the aforesaid law.

RE: CRIMINAL CASE NOS. 97-161314 to 97-161317

....

That on or before the afternoon of 3 November 1997, in Manila, and within the jurisdiction of this Honorable Court, herein accused, did then and there willfully, unlawfully and feloniously FORGE (in Criminal Case No. 97-161314, MARRIAGE CONTRACT between MA. PRECIOSA CRUZ AQUINO and JUANITO T. AQUINO with Serial No. 1233216; in Criminal Case No. 97-161315, BIRTH CERTIFICATE bearing the name "KIM MARIEL CRUZ AQUINO"; in Criminal Case No. [97-161316], "DRIVER'S LICENSE with Serial No. NO2-97-097256 bearing the name" "MA. PRECIOSA CRUZ AQUINO"; in Criminal Case No. 97-161317, BIRTH CERTIFICATE bearing the name "LEONOR COLEEN CRUZ AQUINO") and used the

same as supporting document in the accused's application for a U.S. Visa in flagrant violation of the aforesaid law.[5]

On November 3, 1997, Vice Consul Ted Archibal (Archibal) of the Anti-Fraud Unit of the United States Embassy received a call from the non-immigrant visa section through a consular officer, who suspected that the documents submitted by a female applicant with two (2) minor children were fraudulent.[6]

The documents consisted of Philippine Passport No. BB081492 bearing the name "Ma. Preciosa Cruz Aquino"; Philippine Passport No. CC628586 bearing the name "Kim Mariel Cruz Aquino"; Philippine Passport No. CC673078 bearing the name "Leonore Coleen Cruz Aquino"; Marriage Contract between Juanito T. Aquino and Ma. Preciosa Cruz; Certificates of Live Birth pertaining to Kim Mariel Cruz Aquino and Leonore Coleen Cruz Aquino; and Philippine Driver's License No. N02-97-097256 bearing the name "Ma. Preciosa Cruz Aquino." [7]

Aquino was later identified as the female applicant.[8]

After speaking with Aquino, Archibal verified with the National Statistics Office that the submitted documents did not exist.[9]

Archibal reported the matter to Interpol, through National Bureau of Investigation Agent Mario Garcia (Garcia), who immediately went to the United States Embassy. Archibal then turned over the custody of Aquino and the documents to the National Bureau of Investigation through Garcia.[10]

According to a National Statistics Office certification dated November 3, 1997, there was no marriage between Juanito T. Aquino and Ma. Preciosa Cruz, contrary to the information indicated in the Marriage Contract submitted to the United States Embassy.[11]

Similarly, the Land Transportation Office certification stated that the name "Aquino, Ma. Preciosa Cruz" did not exist in the file of licenses that it had issued.[12]

On May 19, 1999, Aquino was arraigned and pleaded "not guilty." [13] Joint trial of the cases ensued.[14]

In its March 6, 2009 Decision,[15] the Regional Trial Court found Aquino guilty beyond reasonable doubt of all offenses charged. The dispositive portion of this Decision read:

WHEREFORE, the Court rules as follows:

RE: CRIMINAL CASE NO. 97-161311:

Upon proof beyond reasonable doubt, the accused MARIA FE CRUZ AQUINO Y VELASQUEZ a.k.a. MA. PRECIOSA CRUZ AQUINO, is sentenced to pay a fine of P30,000.00 and to suffer imprisonment of 5 years.

RE: CRIMINAL CASE NO. 97-161312:

Upon proof beyond reasonable doubt, the accused MARIA FE CRUZ AQUINO Y VELASQUEZ a.k.a. MA. PRECIOSA CRUZ AQUINO, is sentenced to pay a fine of P30,000.00 and to suffer imprisonment of 5 years.

RE: CRIMINAL CASE NO. 97-161313:

Upon proof beyond reasonable doubt, the accused MARIA FE CRUZ AQUINO Y VELASQUEZ a.k.a. MA. PRECIOSA CRUZ AQUINO, is sentenced to pay a fine of P30,000.00 and to suffer imprisonment of 5 years.

RE: CRIMINAL CASE NO. 97-161314:

Upon proof beyond reasonable doubt, the accused MARIA FE CRUZ AQUINO Y VELASQUEZ a.k.a. MA. PRECIOSA CRUZ AQUINO, is sentenced to pay a fine of P75,000.00 and to suffer imprisonment of 8 years.

RE: CRIMINAL CASE NO. 97-161315:

Upon proof beyond reasonable doubt, the accused MARIA FE CRUZ AQUINO Y VELASQUEZ a.k.a. MA. PRECIOSA CRUZ AQUINO, is sentenced to pay a fine of P75,000.00 and to suffer imprisonment of 8 years.

RE: CRIMINAL CASE NO. 97-161316:

Upon proof beyond reasonable doubt, the accused MARIA FE CRUZ AQUINO Y VELASQUEZ a.k.a. MA. PRECIOSA CRUZ AQUINO, is sentenced to pay a fine of P75,000.00 and to suffer imprisonment of 8 years.

RE: CRIMINAL CASE NO. 97-161317:

Upon proof beyond reasonable doubt, the accused MARIA FE CRUZ AQUINO Y VELASQUEZ a.k.a. MA. PRECIOSA CRUZ AQUINO, is sentenced to pay a fine of P75,000.00 and to suffer imprisonment of 8 years.

SO ORDERED.[16]

On August 26, 2009,[17] Aquino filed a Motion for Reconsideration, which was denied by the Regional Trial Court in its February 23, 2010 Order.[18]

On appeal, the Court of Appeals modified the Regional Trial Court March 6, 2009 Decision, thus:

WHEREFORE, in view of the foregoing, the Decision dated March 6, 2009 is hereby MODIFIED as follows: (1) Criminal Cases Nos. 97-161311 to 97-161313 are hereby DISMISSED for lack of jurisdiction of the trial court; (b) the penalty of fine is REDUCED to sixty (60) thousand pesos and imprisonment to six (6) years for each of Criminal Cases Nos. 97-161314 to 97-161317, respectively.

SO ORDERED.[19]

According to the Court of Appeals, the Informations for Criminal Case Nos. 97-161311 to 97-161313 should have been filed before the Regional Trial Court of Pasay City, and not of Manila. The violations of Section 19, paragraph (b)1 of Republic Act No. 8239 were committed in Pasay City since the passport applications were filed with the Department of Foreign Affairs Office at 2330 Roxas Boulevard, Pasay City.[20] Hence, the Court of Appeals dismissed Criminal Case Nos. 97-161311 to 97-161313 for lack of jurisdiction:

Incidentally in criminal actions, 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 should have taken 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. The jurisdiction of a court over a criminal case is determined by the allegations in the complaint or information. Once these are shown, the court may validly take cognizance of the case.

In the present case, appellant was, inter alia, charged in the Regional Trial Court of Manila for three (3) counts of making false statement in the application for Philippine passport under No. 1, Paragraph b, Section 19 of Republic Act No. 8239. Notwithstanding the indictment, the prosecution did not present evidence that [Aquino] committed the offenses being imputed in the City of Manila. What has been established so far by the prosecution was that, on November 3, 1997, [Aquino] together with two (2) children was discovered by US Embassy personnel purportedly applying for non-immigrant visas at the US Embassy supported by fraudulent documents. Later, she was turned over to an NBI agent who brought her to the NBI for further investigation. Thus, if [Aquino] indeed perpetrated the acts of making false statement in the application for Philippine passport, acts subject of the Information in this case were already fait accompli at the time she together with two (2) children applied for visas at the US Embassy. By the time the purported crime was discovered by the NBI agent, she, together with the minors, was already applying for US visas using the Philippine passports purportedly secured through fraudulent document. Thus, the proper offense that should have been charged

against [Aquino] was No. 2, Paragraph b, Section 19 thereof, that is, the act of using or attempting to use any passport which was secured by reason of any false statements, since at the time she was held by government authorities she was already using or attempting to use the passports she purportedly obtained through fraudulent document[s].[21] (Emphasis supplied)

However, the Court of Appeals affirmed with modification Aquino's liability under Section 19, paragraph (c)2 of Republic Act No. 8239:

In Criminal Case Nos. 97-161314 to 97-161317, the Informations charged [Aquino] that she wilfully, unlawfully and feloniously "used the same in ... [her] application for US Visa .. ." Consequently, if proved, as it was proved, at the trial, she may be convicted, and sentenced accordingly, of the offense of using the forged documents under No. 2, Paragraph c, Section 19 of Republic Act No. 8239. Such is the case notwithstanding the error in the designation of the offense in the information, the information remains effective insofar as it states the facts constituting the crime alleged therein. What is controlling is not the title of the complaint, nor the designation of the offense charged or the particular law or part thereof allegedly violated, but the description of the crime charged and the particular facts therein recited.

The above provision of the law has the following elements: (a) that the accused forged, counterfeited, mutilated or altered passport or travel document or any passport validly issued which has become void by the occurrence of any condition prescribed by law; [b] that he willfully or knowingly uses or attempts to use, or furnishes to another for use any such false, forged, counterfeited, mutilated or altered passport or travel document or any passport validly issued which has become void by the occurrence of any condition therein prescribed.

In Criminal Cases Nos. 97-161314 to 97-161317, the prosecution duly proved that appellant forged documents in relation to her application for passport as well as those that pertained to the minor children and that she used the same forged documents in securing US visas. Thus, conviction in such cases under No. 2, Paragraph c, Section 19 of Republic Act No. 8239 is warranted.

Undoubtedly, the Regional Trial Court of Manila has jurisdiction over the aforesaid cases since one of the essential ingredients of the crime, that is, the act of using the forg[ed] documents] was perpetrated in the City of Manila.[22] (Emphasis supplied, citation omitted)

Moreover, the Court of Appeals noted that there was an error in the designation of the offense charged. Aquino should have been charged under paragraph (c)2, instead of paragraph (c)1, of Republic Act No. 8239. The latter pertains to the act of forging and using the forged documents while the former concerns "[w]illfully or knowingly uses or attempts to use, or furnishes to another for use any such false, forged, counterfeited, mutilated or altered passport or travel document [.]"[23]

Nevertheless, the Court of Appeals explained that the title of the complaint is not controlling for it is a mere conclusion of law made by the prosecutor. It is the description of the crime charged that is controlling, and every element of the offense must be correctly stated in the information.[24]

On September 20, 2013, Aquino filed a Motion for Partial Reconsideration[25] of the Court of Appeals September 4, 2013 Decision, which was denied in the Court of Appeals March 19, 2015 Resolution.[26]

On May 14, 2015, Aquino filed a Petition for Review on Certiorari before this Court and raised the following issues as errors:

I

THE DECISION VIOLATES THE CONSTITUTIONAL RIGHT OF THE ACCUSED TO DUE PROCESS AND THE RIGHT TO BE INFORMED OF THE NATURE AND CAUSE OF ACCUSATION;

II

DESPITE MARRIAGE CONTRACT, BIRTH CERTIFICATES AND DRIVER[']S LICENSE/LTO RECEIPT ARE NOT PASSPORTS, TRAVEL DOCUMENTS OR PASSPORT VALIDLY ISSUED WHICH BECOME VOID AS ENUMERATED IN PAR. C OF R.A. 8239;

III

USING PURPORTEDLY FORGED MARRIAGE CONTRACT, BIRTH CERTIFICATES AND LTO RECEIPT FOR VISA APPLICATION DO NOT CONSTITUTE AN OFFENSE;

IV

THERE WAS NEITHER (1) FORGING OF DOCUMENTS FOR PASSPORT APPLICATIONS NOR (2) USE OF FORGED PASSPORTS, TRAVEL DOCUMENTS OR ANY PASSPORT VALIDLY ISSUED WHICH HAS BECOME VOID BY THE OCCURRENCE OF ANY CONDITION PRESCRIBED THEREIN[;]

V

IN RELATION TO CRIMINAL CASE NO. 97-161314, DESPITE NO PURPORTED FORGED MARRIAGE CONTRACT PERTAINING TO MA. PRECIOSA CRUZ AQUINO WAS PRESENTED AS ALLEGED IN THE INFORMATION;

VI

IN RELATION TO CRIMINAL CASE NO. 97-161315, DESPITE NO DOCUMENTARY OR TESTIMONIAL EVIDENCE TO PROVE THAT THE BIRTH CERTIFICATE OF KIM MARIEL CRUZ AQUINO IS A FORGERY;

VII

DESPITE THE FACT THAT THE EXHIBITS VIOLATE (1) HEARSAY EVIDENCE, (2) BEST EVIDENCE RULE[,] AND (3) RULE ON AUTHENTICATION AND PROOF OF PUBLIC DOCUMENTS;

VIII

NOBODY TESTIFIED FROM THE NATIONAL STATISTICS OFFICE OR LAND TRANSPORTATION OFFICE TO ASCERTAIN AS AUTHENTIC THE NSO AND LTO CERTIFICATIONS, RESPECTIVELY[,] AND CATEGORICALLY STATE THE SUBJECT DOCUMENTS WERE FORGED DOCUMENTS.[27]

The issue in this case is whether or not the Court of Appeals erred in finding petitioner Maria Fe Cruz Aquino y Velasquez guilty of violating Section 19, paragraph (c)2 of Republic Act No. 8239.

I

The majority of errors raised in the Petition are factual issues that have already been passed upon, lengthily discussed, and decided by the lower courts.

Petitioner claims that the Court of Appeals erred in holding her liable under Section 19, paragraph (c)2 of Republic Act No. 8239 because what the paragraph punishes is:

2. Willfully or knowingly uses or attempts to use, or furnishes to another for use any such false, forged, counterfeited, mutilated or altered passport or travel document or any passport validly issued which has become void by the occurrence of any condition therein prescribed shall be punished by a fine of not less than Sixty thousand pesos (P60,000) nor more than One hundred and fifty thousand pesos (P150,000) and

imprisonment of not less than six (6) years nor more than fifteen (15) years: Provided, however, That officers of corporations, agencies or entities licensed in the travel and recruitment industry would be held similarly as their agents, liaison officers or representatives: Provided, finally, That forgeries of five or more passports or travel documents, would be considered as massive forgery tantamount to national sabotage and shall be punished by a fine of not less than Two hundred and fifty thousand pesos (P250,000) nor more than One Million pesos (P1,000,000) and imprisonment of not less than seven (7) years nor more than seventeen (17) years. (Emphasis supplied)

Petitioner argues that her due process rights were violated because the Information charged her under paragraph (c)1, which provides:

1. Falsely makes, forges, counterfeits, mutilates or alters any passport or travel document or any supporting document for a passport application, with the intent of using the same shall be punished by a fine of not less than Sixty thousand pesos (P60,000) nor more than One hundred fifty thousand pesos (P150,000) and imprisonment of not less than six (6) years nor more than fifteen (15) years[.] (Emphasis supplied)

She claims that the Information only alleges forgery and does not directly allege that she "willfully, unlawfully and feloniously used" the forged documents. On the contrary, the Information reads:

[H]erein accused, did then and there willfully, unlawfully and feloniously FORGE . . . and used the same as a supporting document in the accused's application for a U.S. Visa in flagrant violation of the aforesaid law[.][28] (Emphasis supplied.)

A basic reading of the Information shows that "use" of the forged documents was also alleged. The Information was couched in parallel structure. Petitioner's claim is, therefore, patently erroneous.

In *Socrates v. Sandiganbayan*, [29] this Court reiterated the variance doctrine:

Axiomatic is the rule that what controls is not the designation of the offense but its description in the complaint or information. The real nature of the criminal charge is determined not from the caption or preamble of the information nor from the specification of the provision of law alleged to have been violated, they being conclusions of law, but by the actual recital of facts in the complaint or information. It is not the technical name given by the fiscal appearing in the title of the information that determines the character of the crime but the facts alleged in the body of the information.

This Court has repeatedly held that when the facts, acts and circumstances are set forth in the body of an information with sufficient certainty to constitute an offense and to apprise the defendant of the nature of the charge against him, a misnomer or innocuous designation of a crime in the caption or other parts of the information will not vitiate it. In such a case, the facts set forth in the charge controls the erroneous designation of the offense and the accused stands indicted for the offense charged in the statement of facts. The erroneous designation may be disregarded as surplusage.[30] (Citations omitted)

The Regional Trial Court correctly found petitioner guilty beyond reasonable doubt of four (4) counts of violation of Section 19, paragraph (c)1 of Republic Act No. 8239 and not paragraph (c)2 as found by the Court of Appeals.

The elements of Section 19, paragraph (c)1 are:

- The accused forged, counterfeited, mutilated, or altered any passport or travel document or any passport validly issued, which has become void by the occurrence of any condition prescribed by law; and
- The accused used, uses, or attempts to use, or furnishes to another for use such false, forged, counterfeited, mutilated or altered passport or travel document or any passport validly issued which has become void by the occurrence of any condition prescribed by law.

All the elements are present. As correctly found by the lower courts, the evidence proved beyond reasonable doubt that petitioner submitted false supporting documents in her passport application and in the passport applications of Kim Mariel Cruz Aquino and Leonore Coleen Cruz Aquino. She then used the fraudulently obtained passports and false supporting documents to apply for their United States visas.

Petitioner insists that she should not be held liable because when she was apprehended, she was applying for a United States visa and not for a Philippine passport. The intent to use and the act of using fraudulently obtained passports and false supporting documents are not qualified. These were definitely committed when she applied for United States visas.

The offenses were already consummated when she was arrested at the United States Embassy. She was in possession of the fraudulently obtained passports and false supporting documents when she applied for United States visas.

Petitioner also argues that all the essential elements of the crime took place in the Department of Foreign Affairs, Pasay City, and therefore, is under the jurisdiction of the Regional Trial Court, Pasay City. Clearly, however, the second element of the offense, the intent to use, was committed in the premises of the United States Embassy in Manila. Criminal acts are regarded to have been committed within the province or city where the appellant was found and arrested.[31]

This Court also notes that the counsel for this case is the same lawyer who notarized the pleadings filed in violation of the 2004 Rules on Notarial Practice.[32] In the interest of justice, this Court is suspending the application of these rules to prevent a miscarriage of justice for purposes of resolving the issues raised in those pleadings. This is without prejudice, however, to the administrative liability of the lawyer involved.

The lower courts incorrectly imposed a straight penalty of six (6)-year imprisonment. This Court modifies the penalty of imprisonment to a minimum of six (6) years to a maximum of eight (8) years pursuant to the Indeterminate Sentence Law, which provides that courts shall sentence the accused to an indeterminate sentence, the maximum term of which shall not exceed the maximum provided by law and the minimum term of which shall not be less than the minimum prescribed by law.

WHEREFORE, this PETITION FOR REVIEW ON CERTIORARI is DENIED. The Court of Appeals September 4, 2013 Decision and March 19, 2015 Resolution in CA-G.R. CR No. 33654 are AFFIRMED with MODIFICATION. Petitioner Maria Fe Cruz Aquino y Velasquez is sentenced to suffer the penalty of imprisonment for a minimum of six (6) years to a maximum of eight (8) years and to pay a fine of P60,000.00 for each of the four (4) counts of Violation of Section 19, paragraph (c)1 of Republic Act No. 8239 in Criminal Case Nos. 97-161314 to 97-161317. The penalties shall be served successively.

SO ORDERED.

Peralta (Chairperson) and Hernando, JJ., concur.
Gesmundo and J. Reyes, Jr., JJ., on wellness leave.

[1] Rollo, pp. 11-51.

[2] Id. at 144-162. The Decision was penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Amelita G. Tolentino and Ramon R. Garcia of the Fourth Division, Court of Appeals, Manila.

[3] Id. at 186. The Resolution was penned by Associate Justice Danton Q. Bueser and concurred in by Associate Justices Apolinario D. Bruselas, Jr. and Ramon R. Garcia of the Special Former Fourth Division, Court of

Appeals, Manila.

[4] Rep. Act No. 8239, sec. 19 provides:

Section 19. Offenses and Penalties. — A passport being a proclamation of the citizenship of a Filipino, is a document that is superior to all other official documents. As such, it should be accorded the highest respect by its holder that to do damage to its integrity and validity is a serious crime that should be penalized accordingly:

....

b) Offenses Relating to False Statements: Penalties. — Any person who willfully and knowingly:

1. Makes any false statement in any application for passport with the intent to induce or secure the issuance of a passport under the authority of the Philippine Government, either for his own use or the use of another, contrary to this Act or rules and regulations prescribed pursuant hereto shall be punished by a fine of not less than Fifteen thousand pesos (P15,000) nor more than Sixty thousand pesos (P60,000) and imprisonment of not less than three (3) years nor more than ten (10) years; or

2. Uses or attempts to use any passport which was secured in any way by reason of any false statements, shall be punished by a fine of not less than Fifteen thousand pesos (P15,000) nor more than Sixty thousand pesos (P60,000) and imprisonment of not less than three (3) years, but not more than ten (10) years; or

3. Travel and recruitment agencies whose agents, liaison officers or representatives are convicted of offenses relating to false statements shall in addition to the fines and penalties abovementioned have their license revoked with all deposits, escrow accounts or guarantee funds deposited or made as a requirement of their business forfeited in favor of the government without prejudice to the officials of the branch office or of the agency being charged as accessories to the offense and upon conviction barred from engaging in the travel or recruitment agency business.

c) Offenses Relating to Forgery: Penalties. — Any person who:

1. Falsely makes, forges, counterfeits, mutilates or alters any passport or travel document or any supporting document for a passport application, with the intent of using the same shall be punished by a fine of not less than Sixty thousand pesos (P60,000) nor more than One hundred fifty thousand pesos (P150,000) and imprisonment of not less than six (6) years nor more than fifteen (15) years; or

2. Willfully or knowingly uses or attempts to use, or furnishes to another for use any such false, forged, counterfeited, mutilated or altered passport or travel document or any passport validly issued which has become void by the occurrence of any condition therein prescribed shall be punished by a fine of not less than Sixty thousand pesos (P60,000) nor more than One hundred and fifty thousand pesos (P150,000) and imprisonment of not less than six (6) years nor more than fifteen (15) years: Provided, however, That officers of corporations, agencies or entities licensed in the travel and recruitment industry would be held similarly as their agents, liaison officers or representatives: Provided, finally, That forgeries of five or more passports or travel documents, would be considered as massive forgery tantamount to national sabotage and shall be punished by a fine of not less than Two hundred and fifty thousand pesos (P250,000) nor more than One Million pesos (P1,000,000) and imprisonment of not less than seven (7) years nor more than seventeen (17) years.

[5] Rollo, p. 145. The RTC Decision had "Lenore" (see rollo, p. 54) but the CA Decision had "Leonore" (see rollo, p. 145). For consistency, this Decision will use "Leonore."

[6] Id. at 165.

[7] Id at 66.

[8] Id. at 169.

[9] Id. at 166.

[10] Id.

[11] Id. at 167.

[12] Id.

[13] Id. at 165.

[14] Id.

[15] Id. at 52-72. The Decision was penned by Presiding Judge Nina G. Antonio-Valenzuela of Branch 28, Regional Trial Court, Manila.

[16] Id. at 71-72.

[17] Id. at 73.

[18] Id. at 73-74. The Order was penned by Presiding Judge Nina G. Antonio-Valenzuela of Branch 28, Regional Trial Court, Manila.

[19] Id. at 161.

[20] Id. at 152-153.

[21] Id. at 154-155.

[22] Id. at 158-159.

[23] Id. at 157-158.

[24] Id. at 157.

[25] Id. at 165-182.

[26] Id. at 186.

[27] Id. at 217-218.

[28] Id. at 19.

[29] 324 Phil. 151 (1996) [Per J. Regalado, Second Division].

[30] Id. at 173-174.

[31] See *Parulan v. Director of Prisons*, 130 Phil. 641 (1968) [Per J. Angeles En Banc]

[32] Rollo, p. 1.

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