

HILARIO P. SORIANO AND ROSALINDA ILAGAN, PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, BANGKO SENTRAL NG PILIPINAS (BSP), AND PHILIPPINE DEPOSIT INSURANCE CORPORATION (PDIC), RESP...

G.R. Nos. 159517-18. June 30, 2009

Ponente: NACHURA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-159517-18/>

NACHURA, J.:

Petitioners Hilario P. Soriano and Rosalinda Ilagan (petitioners) appeal by certiorari the August 5, 2003 Decision[1] of the Court of Appeals (CA) in the consolidated cases CA-G.R. SP. Nos. 64648 and 64649.

The antecedents.

Hilario P. Soriano (Soriano) and Rosalinda Ilagan (Ilagan) were the President and General Manager, respectively, of the Rural Bank of San Miguel (Bulacan), Inc. (RBSM). Allegedly, on June 27, 1997 and August 21, 1997, during their incumbency as president and manager of the bank, petitioners indirectly obtained loans from RBSM. They falsified the loan applications and other bank records, and made it appear that Virgilio J. Malang and Rogelio Mañal obtained loans of P15,000,000.00 each, when in fact they did not.

Accordingly, on May 4, 2000, State Prosecutor Josefino A. Subia charged Soriano in the Regional Trial Court (RTC) of Malolos, Bulacan, with violation of Section 83 of Republic Act No. 337 (R.A. No. 337) or the General Banking Act, as amended by Presidential Decree No. 1795, or Violation of the Director, Officer, Stockholder or Related Interest (DOSRI) Rules (DOSRI Rules). The inculpatory portion of the Information reads:

That on or about June 27, 1997 and thereafter, and within the jurisdiction of this Honorable Court, the said accused, in his capacity as President of the Rural Bank of San Miguel (Bulacan), Inc. did then and there, unlawfully, feloniously, and indirectly borrow or secure a loan with Rural Bank of San Miguel-San Miguel Branch amounting to Php15 million, without the consent and written approval of the majority of the directors of the bank, by using the name of one depositor VIRGILIO J. MALANG of San Miguel Bulacan who have no knowledge of the said loan, and once in possession of the said amount of Php14,775,000.00, net of interest converted the same to his own personal use and benefit, in flagrant violation of the said law.[2]

On the same date, an information for estafa thru falsification of commercial document was also filed against Soriano and Ilagan, viz.:

That on or about June 27, 1997 and thereafter, in San Miguel, Bulacan and within the jurisdiction of this Honorable Court, the said accused HILARIO P. SORIANO and ROSALINDA ILAGAN, as principals by direct participation, with unfaithfulness or abuse of confidence and taking advantage of their position as President of Rural Bank of San Miguel (Bulacan), Inc. and Manager of Rural Bank of San Miguel-San Miguel Branch, a duly organized banking institutions under Philippine Laws, conspiring, confederating and mutually helping one another, did then and there, willfully and feloniously falsify loan documents consisting of loan application/information sheet, and promissory note dated June 27, 1997, disclosure statement on loan/credit

transaction, credit proposal report, manager's check no. 06514 dated June 27, 1997 and undated RBSM-San Miguel Branch check voucher, by making it appear that one VIRGILIO J. MALANG filed the aforementioned documents when in truth and in fact, VIRGILIO J. MALANG did not participate in the execution of said loan document and that by virtue of said falsification and with deceit and intent to cause damage, the accused credited the loan proceeds of the loan amounting to Php14,775,000.00, net of interest, to the account of VIRGILIO J. MALANG with the RBSM and thereafter converted the same amount to their own personal gain and benefit, to the damage and prejudice of the Rural Bank of San Miguel-San Miguel Branch, its creditors and the Bangko Sentral Ng Pilipinas in the amount of Php14,775,000.00.

CONTRARY TO LAW.[3]

The informations were docketed as Criminal Case Nos. 1719-M-2000 and 1720-M-2000, respectively, and were raffled to Branch 14, presided by Judge Petrita Braga Dime.

Another information for violation of Section 83 of R.A. No. 337, as amended, was filed against Soriano, this time, covering the P15,000,000.00 loan obtained in the name of Rogelio Mañao. The information reads:

That on or about August 21, 1997 and thereafter, and within the jurisdiction of this Honorable Court, the said accused, in his capacity as President of the Rural Bank of San Miguel (Bulacan), Inc. did then and there, unlawfully, feloniously, and indirectly borrow or secure a loan with Rural Bank of San Miguel-San Miguel Branch, a domestic rural ba[n]king institution created, organized and existing under Philippine laws, amounting to Php15.0 million, knowing fully well that the same has been done by him without the written approval of the majority of [the] board of directors of the said bank and which consent and approval the said accused deliberately failed to obtain and enter the same upon the record of said banking institution and to transmit a copy of which to the supervising department of the said bank, as required by the General Banking Act, by using the name of one depositor ROGELIO MAÑAO of San Jose, San Miguel Bulacan who have no knowledge of the said loan, and once in possession of the said amount of Php 15.0 million, converted the same to his own personal use and benefit, in flagrant violation of the said law.[4]

Soriano and Ilagan were also indicted for estafa thru falsification of commercial document for obtaining said loan. Thus:

That on or about August 21, 1997 and thereafter, in San Miguel, Bulacan and within the jurisdiction of this Honorable Court, the said accused HILARIO P. SORIANO and ROSALINDA ILAGAN, as principals by direct participation, with unfaithfulness or abuse of confidence and taking advantage of their position as President of Rural Bank of San Miguel (Bulacan), Inc. and Manager of Rural Bank of San Miguel-San Miguel Branch, a duly organized banking institutions under Philippine Laws, conspiring confederating and mutually helping one another, did then and there, willfully and feloniously falsify loan documents consisting of loan application/information sheet and promissory note dated August 21, 1997, by making it appear that one ROGELIO MAÑAO filled up the application/information sheet and filed the aforementioned loan documents when in truth and in fact, ROGELIO MAÑAO did not participate in the execution of said loan document and that by virtue of said falsification and with deceit and intent to cause damage, the accused succeeded in securing a loan in the amount of Php15.0 million, from Rural Bank of San Miguel-San Miguel Branch in the name of ROGELIO MAÑAO, which amount of Php 15.0 million representing loan proceeds the accused deposited to the account of ROGELIO MAÑAO maintained with Rural Bank of San Miguel and thereafter converted the same amount to their own personal gain and benefit, to the damage and prejudice of the Rural Bank of San Miguel-San Miguel Branch, its creditors, the Bangko Sentral Ng Pilipinas and the Philippine Deposit Insurance Corporation in the amount of Php 15.0 million.

CONTRARY TO LAW.[5]

The cases were docketed as 1980-M-2000 and 1981-M-2000, respectively, and were raffled to Branch 77,

presided by Judge Aurora Santiago-Lagman.

Petitioners moved to quash the informations in Criminal Case Nos. 1719-M-2000 and 1720-M-2000 (pending before Branch 14), and also in Criminal Case Nos. 1980-M-2000 and 1981-M-2000 (pending with Branch 77), on grounds that: (i) more than one (1) offense is charged; and (ii) the facts charged do not constitute an offense. Specifically, petitioners argued that the prosecutor charged more than one offense for a single act. Soriano was charged with violation of DOSRI rules and estafa thru falsification of commercial document for allegedly securing fictitious loans. They further argued that the facts as alleged in the information do not constitute an offense.

In an Order[6] dated November 15, 2000, RTC Branch 77 denied the motion to quash. Rejecting petitioners' arguments, it held:

Section 13 of Rule 110 of the Revised Rules of Criminal Procedure provides that the complaint or information must charge but only one offense, except only in those cases in which existing laws prescribe a single punishment for various offenses. Under this Rule, the Information is defective when it charges two (2) or more offenses. The rule enjoining the charging of two (2) or more offenses in one information has for its aim to give the defendant the necessary knowledge of the charge to enable him to prove his defense (*People vs. Ferrer*, 101 Phil. 234, cited in *Herrera Remedial Law IV.*, p. 72). While Section 3 (e) of Rule 117 of the Revised Rules of Court provides as one of the grounds where the accused may move to quash the complaint or information, considering Sec. 13 of Rule 110 of the Rules as aforesaid, it is apparent that the said ground refers to a situation where the accused is being charged in one information or criminal complaint for more than one offense. The record shows that two (2) Informations were filed against the herein accused, one in Criminal Case No. 1980-M-2000 against accused Hilario P. Soriano for Violation of Sec. 83 of R.A. No. 337, as amended by PD 1795, and another one in Criminal Case No. 1981-M-2000 against accused Hilario P. Soriano and Rosalinda Ilagan for Estafa Thru Falsification of Commercial Documents. Thus, each Information charges only one offense.

Even assuming that the two (2) cases arose from the same facts, if they violate two (2) or more provisions of the law, a prosecution under one will not bar a prosecution under another (*Pp. vs. Tac-an*, 182 SCRA 601; *Lamera v. Court of Appeals*, 198 SCRA 186, cited in *Herrera Criminal Procedure*, Vol. 4, p. 453).

Upon the foregoing, this Court finds that there is no basis to quash the Informations filed in these two (2) cases as the accused are being charged therein with only one offense in each Information. As to the assertion of the accused that the facts charged do not constitute an offense, this Court finds that the allegations of both parties are evidentiary and the same can only be determined after a full blown trial on the merits of these cases where both parties will be given a chance to present their evidence in support of their respective positions.

WHEREFORE, the instant motion is DISMISSED and the arraignment of both accused and the pre-trial of these cases scheduled on December 4, 2000 at 10:00 o'clock in the morning, shall proceed as scheduled.[7]

Petitioners' motion to quash informations in Criminal Case Nos. 1719-M-2000 and 1720-M-2000 before Branch 14 likewise suffered the same fate, as Judge Braga Dime denied the same in an Order[8] dated November 27, 2000, holding that:

Duplicity in criminal pleading is the joinder of two or more distinct and separate offenses in the same court of an indictment or information. (41 Am. Jur. 2d 1011). Whether two offenses are charged in an information, or otherwise, must not be made to depend upon the evidence presented at the trial court but upon the facts alleged in the information (*Provincial Fiscal of Nueva Ecija vs. CFI*, 79 Phil. 165). Where an offense may be committed in any of the different modes provided by law and the offense is alleged to have been committed in two or more modes specified, the indictment is sufficient. The allegations in the information of the various ways of committing the offense should be considered as a description of only one offense and the information

cannot be dismissed on the ground of multifariousness (*Jurado v. Suy Yan*, L-30714, April 30, 1971)

A perusal of the criminal information filed in the above-entitled cases indubitably show that each information charges only but one offense. Thus, in Criminal Case No. 1719-M-2000, Accused Hilario P. Soriano is charged only with violation of Sec. 83 of RA 337, as amended by PD 1796, while in Criminal Case No. 1720-M-2000, Accused Hilario P. Soriano and Rosalinda Ilagan are charged only with Estafa thru falsification of commercial document.

On the ground that the facts charged do not constitute an offense xxx xxx xxx

[b]y simply reading the information filed against the Accused Hilario P. Soriano, in Crim. Case No. 1719-M-2000 it is clear that the allegations, which is hypothetically admitted by said accused, in the same information set out an offense for violation of Sec. 83 of RA 337 as amended by PD No. 1795.

Finally, Accused, in addition to the two (2) grounds aforesaid, cited prematurity and lack of probable cause which would warrant the quashal of the two (2) informations.

These additional grounds relied upon by the Accused for the quashal of the two (2) informations must necessarily fail because they are not one of the grounds enumerated in Sec. 3, Rule 117 of the Revised Rules of Court which this Court shall not consider, in accordance with Sec. 2, Rule 117 of the Revised Rules of Court.

WHEREFORE, premises considered, the Motion to Quash, dated September 1, 2000 filed by both Accused is hereby DENIED, for lack of merit.

SO ORDERED.[9]

Petitioners went up to the Court of Appeals via certiorari, assailing the Orders of Branch 77 and Branch 14. The petitions were docketed as CA-G.R. SP. Nos. 64648 and 64649. By decision[10] of August 5, 2003, the CA, which priorly consolidated the petitions, sustained the denial of petitioners' separate motions to quash:

WHEREFORE, FOREGOING PREMISES CONSIDERED, these petitions are DENIED DUE COURSE and accordingly DISMISSED. The assailed Orders dated November 15, 2000 and February 12, 2001 of the Regional Trial Court, Branch 77, Malolos, Bulacan in Criminal Case Nos. 1980-M-2000 and 1981-M-2000, entitled, "People of the Philippines vs. Hilario P. Soriano and People of the Philippines vs. Hilario P. Soriano and Rosalinda Ilagan", respectively, in CA-G.R. SP. No. 64648 and the Orders dated November 27, 2000 and March 9, 2001 of the Regional Trial Court, Branch 14, Malolos, Bulacan in Criminal Case Nos. 1719-M-2000 and 1720-M-2000, entitled "People of the Philippines vs. Hilario P. Soriano and People of the Philippines vs. Hilario P. Soriano and Rosalinda Ilagan", respectively, in CA-G.R. SP. No. 64649 are affirmed.[11]

Petitioners are now before this Court, submitting for resolution the same matters argued before the RTC and the CA. They insist that RTC Branch 14 and Branch 77 abused their discretion in denying their motions to quash informations. Thus, they posit that the CA committed reversible error in dismissing their petitions for certiorari.

The appeal should be denied.

The term grave abuse of discretion, in its juridical sense, connotes capricious, despotic, oppressive or whimsical exercise of judgment as is equivalent to lack of jurisdiction. The abuse must be of such degree as to amount to an evasion of positive duty or a virtual refusal to perform a duty enjoined by law, as where the power is exercised in an arbitrary and capricious manner by reason of passion and hostility. The word capricious, usually used in tandem with the term arbitrary, conveys the notion of willful and unreasoning action. Thus, when seeking the corrective hand of certiorari, a clear showing of caprice and arbitrariness in the exercise of discretion is imperative.[12]

We reviewed the records before us, and we discerned no caprice or arbitrariness on the part of the RTC in denying

the motions.

Petitioners assail the validity of the informations against them on the ground that more than one (1) offense is charged. They point that Soriano was charged with violation of DOSRI Rules and with estafa thru falsification of commercial document for allegedly obtaining loans from RBSM. Thus, they claim that the informations were duplicitous; hence, they should be quashed.

Indisputably, duplicity of offenses in a single information is a ground to quash the Information under Section 3(e), Rule 117[13] of the 1985 Rules of Criminal Procedure. The Rules prohibit the filing of a duplicitous information to avoid confusing the accused in preparing his defense.[14]

By duplicity of charges is meant a single complaint or information that charges more than one offense.[15] Section 13 of Rule 110 of the 1985 Rules on Criminal Procedure clearly states:

Duplicity of Offense. - A complaint or information must charge but one offense, except only in those cases in which existing laws prescribe a single punishment for various offenses.

Otherwise stated, there is duplicity (or multiplicity) of charges when a single Information charges more than one offense.[16]

In this case, however, Soriano was faced not with one information charging more than one offense, but with more than one information, each charging a different offense - violation of DOSRI rules in one, and estafa thru falsification of commercial documents in the others. Ilagan, on the other hand, was charged with estafa thru falsification of commercial documents in separate informations. Thus, petitioners erroneously invoke duplicity of charges as a ground to quash the Informations.

Petitioners also contend that Soriano should be charged with one offense only, because all the charges filed against him proceed from and are based on a single act of obtaining fictitious loans. Thus, Soriano argues that he cannot be charged with estafa thru falsification of commercial document, considering that he is already being prosecuted for obtaining a DOSRI loan.

The contention has no merit.

Jurisprudence teems with pronouncements that a single act or incident might offend two or more entirely distinct and unrelated provisions

of law,[17] thus justifying the filing of several charges against the accused.

In *Loney v. People*,[18] this Court, in upholding the filing of multiple charges against the accused, held:

As early as the start of the last century, this Court had ruled that a single act or incident might offend against two or more entirely distinct and unrelated provisions of law thus justifying the prosecution of the accused for more than one offense. The only limit to this rule is the Constitutional prohibition that no person shall be twice put in jeopardy of punishment for "the same offense." In *People v. Doriquez*, we held that two (or more) offenses arising from the same act are not "the same" --

x x x if one provision [of law] requires proof of an additional fact or element which the other does not, x x x. Phrased otherwise, where two different laws (or articles of the same code) define two crimes, prior jeopardy as to one of them is no obstacle to a prosecution of the other, although both offenses arise from the same facts, if each crime involves some important act which is not an essential element of the other.

xxx xxx xxx

Consequently, the filing of the multiple charges against petitioners, although based on the same incident, is

consistent with settled doctrine.

As aptly pointed out by the BSP in its memorandum, there are differences between the two (2) offenses. A DOSRI violation consists in the failure to observe and comply with procedural, reportorial or ceiling requirements prescribed by law in the grant of a loan to a director, officer, stockholder and other related interests in the bank, i.e. lack of written approval of the majority of the directors of the bank and failure to enter such approval into corporate records and to transmit a copy thereof to the BSP supervising department. The elements of abuse of confidence, deceit, fraud or false pretenses, and damage, which are essential to the prosecution for estafa, are not elements of a DOSRI violation. The filing of several charges against Soriano was, therefore, proper.

Petitioners next question the sufficiency of the allegations in the informations, contending that the same do not constitute an offense.

The fundamental test in considering a motion to quash anchored on Section 3 (a),[19] Rule 117 of the 1985 Rules on Criminal Procedure, is the sufficiency of the averments in the information; that is, whether the facts alleged, if hypothetically admitted, would establish the essential elements of the offense charged as defined by law.[20] The trial court may not consider a situation contrary to that set forth in the criminal complaint or information. Facts that constitute the defense of the petitioners against the charge under the information must be proved by them during trial. Such facts or circumstances do not constitute proper grounds for a motion to quash the information on the ground that the material averments do not constitute the offense.[21]

We have reviewed the informations and find that they contain material allegations charging Soriano with violation of DOSRI rules and estafa thru falsification of commercial documents.

In Criminal Case Nos. 1719 & 1980 for violation of DOSRI rules, the informations alleged that Soriano was the president of RBSMI, while Ilagan was then its general manager; that during their tenure, Soriano, with the direct participation of Ilagan, and by using the names of Virgilio Malang and Rogelio Mañao, was able to indirectly obtain loans without complying with the requisite board approval, reportorial and ceiling requirements, in violation of Section 83 of R.A. No. 377[22] as amended.

Similarly, the informations in Criminal Case Nos. 1720 & 1981 charge petitioners with estafa thru falsification of commercial document. They allege that petitioners made it appear that Virgilio J. Malang and Rogelio Mañao obtained loans and received the proceeds thereof when they did not in fact secure said loans or receive the amounts reflected in the promissory notes and other bank records.

The information in Criminal Case No. 1720 further alleges the elements of estafa under Article 315 (1)(b)[23] of the RPC to wit: (i) that money, goods or other personal property be received by the offender in trust, or on commission, or for administration, or under any other obligation involving the duty to make delivery of or to return the same; (ii) that there be misappropriation or conversion of such money or property by the offender, or denial on his part of such receipt; (iii) that such misappropriation or conversion or denial is to the prejudice of another; and (iv) that there is demand made by the offended party to the offender.

The information in Criminal Case No. 1981, on the other hand, further alleged the following essential elements of estafa under Article 315 (2) (a)[24] of the RPC: (i) that there must be a false pretense, fraudulent act or fraudulent means; (ii) that such false pretense, fraudulent act or fraudulent means must be made or executed prior to or simultaneously with the commission of the fraud; (iii) that the offended party must have relied on the false pretense, fraudulent act, or fraudulent means--that is, he was induced to part with his money or property because of the false pretense, fraudulent act, or fraudulent means; and (iv) that, as a result thereof, the offended party suffered damage. The informations in Criminal Case Nos. 1720 & 1981, thus, charge petitioners with the complex

crime of estafa thru falsification of commercial documents.

Verily, there is no justification for the quashal of the Information filed against petitioners. The RTC committed no grave abuse of discretion in denying the motions.

In fine, the Court has consistently held that a special civil action for certiorari is not the proper remedy to assail the denial of a motion to quash an information. The proper procedure in such a case is for the accused to enter a plea, go to trial without prejudice on his part to present the special defenses he had invoked in his motion to quash and if after trial on the merits, an adverse decision is rendered, to appeal therefrom in the manner authorized by law.^[25] Thus, petitioners should not have forthwith filed a special civil action for certiorari with the CA and instead, they should have gone to trial and reiterated the special defenses contained in their motion to quash. There are no special or exceptional circumstances in the present case that would justify immediate resort to a filing of a petition for certiorari. Clearly, the CA did not commit any reversible error, much less, grave abuse of discretion in dismissing the petition.

WHEREFORE, the petition for review is DENIED and the assailed Decision of the Court of Appeals is AFFIRMED. Costs against the petitioners.

SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, Velasco, Jr., and Peralta, JJ., concur.

[1] Penned by Associate Justice Mercedes Gozo-Dadole (retired), with Associate Justices Conrado M. Vasquez, Jr. (now Presiding Justice) and Rosmari D. Carandang, concurring; rollo, pp. 57-67.

[2] Id. at 211-212.

[3] Id. at 214-215.

[4] Id. at 71.

[5] Id. at 68-69.

[6] Id. at 93-97.

[7] Id. at 96-97.

[8] Id. at 240-243.

[9] Id. at 241-243

[10] Supra note 1.

[11] Id. at 66-67.

[12] Torres v. Abundo, Sr, G.R. No. 174263, January 24, 2007, 512 SCRA 564, 565.

[13] Sec. 3. Grounds. - The accused may move to quash the complaint or information on any of the following grounds:

xxx xxx xxx

(e) That more than one (1) offense is charged except in those cases in which the existing laws prescribe a single punishment for various offenses;

xxx xxx xxx

[14] Loney v. People, G.R. No. 152644, February 10, 2006, 482 SCRA 194, 209.

[15] Id. at 208.

[16] Id.

[17] Loney v. People, supra, See See Nierras v. Dacuycuy, G.R. Nos. 59568-76, 11 January 1990, 181 SCRA 1; People v. Doriquez, 133 Phil. 295 (1968); People v. Alvarez, 45 Phil. 472 (1923); People v. Cabrera, 43 Phil. 64 (1922); United States v. Capurro, et al., 7 Phil. 24 (1906).

[18] Supra at 209-210, 212.

[19] Section 3. Grounds. -- The accused may move to quash the complaint or information on any of the following grounds:

(a) That the facts charged do not constitute an offense;

xxx xxx xxx

[20] Caballero v. Sandiganbayan, G.R. No. 137355-58, September 25, 2007, 534 SCRA 30, 43.

[21] Torres v. Hon. Garchitorea, 442 Phil. 765, 777 (2002).

[22] Sec. 83. No director or officer of any banking institution shall, either directly or indirectly, for himself or as the representative or agent of other, borrow any of the deposits of funds of such banks, nor shall he become a guarantor, indorser, or surety for loans from such bank to others, or in any manner be an obligor for money borrowed from the bank or loaned by it, except with the written approval of the majority of the directors of the bank, excluding the director concerned. Any such approval shall be entered upon the records of the corporation and a copy of such entry shall be transmitted forthwith to the Superintendent of Banks. The office of any director or officer of a bank who violates the provisions of this section shall immediately become vacant and the director or officer shall be punished by imprisonment of not less than one year nor more than ten years and by a fine of not less than one thousand nor more than ten thousand pesos.

The Monetary Board may regulate the amount of credit accommodations that may be extended, directly or indirectly, by banking institutions to their directors, officers, or stockholders. However, the outstanding credit accommodations which a bank may extend to each of its stockholders owning two per cent (2%) or more of the subscribed capital stock, its directors, or its officers, shall be limited to an amount equivalent to the respective outstanding deposits and book value of the paid-in capital contribution in the bank: Provided, however, That loans and advances to officers in the form of fringe benefits granted in accordance with rules and regulations as may be prescribed by the Monetary Board shall not be subject to the preceding limitation.

[23] ART. 315. Swindling (estafa). - Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:

xxx xxx xxx

1. With unfaithfulness or abuse of confidence, namely:

xxx xxx xxx

(b) By misappropriating or converting, to the prejudice of another, money, goods, or any personal property received by the offender in trust or on commission, or for administration, or under any obligation involving the

duty to make delivery of or to return the same, even though such obligation be totally or partially guaranteed by a bond; or by denying having received such money, goods, or other property.

[24] ART. 315. Swindling (estafa). - Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:

xxx xxx xxx

2. By means of any of the following false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud:

(a) By using fictitious name, or falsely pretending to possess, power, influence, qualifications, property, credit, agency, business or imaginary transactions, or by means of similar deceptions.

xxx xxx xxx

[25] Sasot v. People, G.R. No. 143193, June 29, 2005, 462 SCRA 138, 145.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.