

PEOPLE OF THE PHILIPPINES, PETITIONER, VS. MIZPAH R. REYES, RESPONDENT.*G.R. Nos. 74226-27. July 27, 1989*

Ponente: CORTES, J.

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The crime of falsification of a public document carries with it an imposable penalty of prision correccional in its medium and maximum periods and a fine of not more than P5,000.00 [Art. 172, Revised Penal Code (RPC).] Being punishable by a correctional penalty, this crime prescribes in ten (10) years [Art. 90, par. 3 (RPC).] The ten (10) year prescriptive period commences to run "from the day on which the crime is discovered by the offended party, the authorities, or their agents . . ." [Art. 91, RPC.] In the instant case, the public document allegedly falsified was a notarized deed of sale registered on May 26, 1961 with the Register of Deeds in the name of the accused, private respondent herein, Mizpah R. Reyes. The two informations for falsification of a public document subject matter of the controversy were, however, filed only on October 18, 1984. The complainants claim that they discovered the falsified notarized deed of sale in June 1983. The Court is tasked with determining whether the crime has prescribed which hinges on whether or not its discovery may be deemed to have taken place from the time the document was registered with the Register of Deeds, consistent with the rule on constructive notice.

The antecedent facts are as follows:

The spouses Julio Rizare and Patricia Pampo owned a parcel of land located in Lipa City registered in their names under TCT No. T-7471. Both are now deceased, the husband having died on September 6, 1970 and his wife on August 7, 1977. They were survived by the following children: the accused Mizpah R. Reyes and the complainants Cristina R. Masikat, Julieta R. Vergara and Aurora Rizare Vda. de Ebueza.

In June 1983, the complainants allegedly discovered from the records of the Register of Deeds of Lipa City that the abovementioned property had already been transferred in the name of "Mizpah Reyes, single, of legal age, Filipino and resident of the City of Lipa, Philippines" under TCT No. T-9885. They further allegedly discovered that the conveyance was effected through a notarized deed of sale executed and signed on May 19, 1961 by their parents Julio Rizare and Patricia Pampo. The deed of sale was registered with the Register of Deeds of Lipa City on May 26, 1961. Upon examination of the document, they found that the signature of their parents were allegedly falsified and that accused also made an untruthful statement that she was single although she was married to one Benjamin Reyes on May 2, 1950. The document was referred by the complainants to the National Bureau of Investigation (N.B.I.) for examination of the signatures of their parents and a report was returned with the finding that the signature of Julio Rizare was genuine but that of Patricia Pampo was forged. Upon complaint by the sisters of the accused and after conducting an investigation, the fiscal filed with the Regional Trial Court of Batangas, Branch XIII, Lipa City on October 18, 1984 two (2) informations both for falsification of public document, the first in Criminal Case No. V-1163, for allegedly making it appear in the notarized deed of sale that Patricia Pampo, the mother of the accused, participated in the sale of a parcel of land by falsifying Pampo's signature, and the second in Criminal Case No. V-1164, for allegedly making an untruthful statement of fact in

the deed of sale, more specifically, by stating that accused was single.

Before arraignment, accused filed a motion to quash both informations on grounds that: (1) "The criminal action or liability has been extinguished by prescription of the crime in the light of *Cabral v. Puno*, 70 SCRA 606"; and (2) "The trial court had no jurisdiction over the offense charged and the person of accused because of non-compliance with the pre-conciliation requirement of P.D. No. 1508." [Rollo, p. 33.]

The trial court granted the motion and quashed the informations in the two (2) cases stating that:

* * *

x x x The title, once registered, is a notice to the world. All persons must take notice. No one can plead ignorance of registration.

The essence, therefore, of registration is to serve notice to the whole world of the legal status and the dealing therewith.

If registration is a notice to the whole world, then registration is in itself a notice and therefore, the prescriptive period of registered document must start to run from the date the same was annotated in the Register of Deeds.

In these two cases in question, prescriptive period of ten (10) years should have started from May 26, 1960 (sic). Considering the lapse of more than twenty (20) years before the two informations were filed, the crimes for which the accused, Mizpah Reyes, are charged have already prescribed.

WHEREFORE, and as prayed for, Criminal Cases Nos. V-1163 and V-1164 are quashed. [Rollo, pp. 33-34.]

From the trial court's order quashing the two (2) informations, the People, petitioner herein, filed an appeal with the Court of Appeals (then designated as the Intermediate Appellate Court). In a decision* promulgated on April 3, 1986, the Court of Appeals affirmed the trial court's order. The Court of Appeals rejected the theory of petitioner that the prescriptive period should commence on June 1983, when the complainants actually discovered the fraudulent deed of sale. The appellate court sustained the trial court's ruling that the prescriptive period started on May 26, 1961, when the deed of sale was registered with the Register of Deeds of Lipa City. Hence, this petition for review on certiorari of the decision of the Court of Appeals, filed by the People, through the Solicitor General.

Among the authorities relied upon by the Court of Appeals in dismissing petitioner's appeal is the case of *Cabral v. Puno*, G.R. No. L-41692, April 30, 1976, 70 SCRA 606, where the Supreme Court made a statement to the effect that in the crime of falsification of a public document, the prescriptive period commences from the time the offended party had constructive notice of the alleged forgery after the document was registered with the Register of Deeds. However, petitioner contends that this particular statement is not doctrine but merely an obiter dictum.

The *Cabral* case stemmed from the filing on September 24, 1974 of an information accusing Eugenio Cabral of the crime of falsification of public document for allegedly falsifying on August 14, 1948 the signature of the complainant Silvino San Andres in a deed of sale of a parcel of land. Before arraignment, petitioner moved to quash the information on the ground of prescription of the crime, as the notarized deed of sale was registered with the Register of Deeds on August 26, 1948. After hearing the motion, the judge issued a resolution granting the motion to quash and dismissing the information on the ground of prescription. Private prosecutor filed a motion for the reconsideration of the resolution. Acting on said motion, the trial court ordered the fiscal to make known his position. The fiscal filed a comment stating that the crime has not prescribed as the complainant San Diego claimed that he only discovered the crime in October 1970. Thereafter, the trial court set aside its resolution granting the accused's motion to quash and reinstated the information. The accused brought the case to the Supreme Court questioning the trial court's authority to set aside its resolution granting his motion to quash. The

Supreme Court ruled in favor of the accused by holding that the aforementioned resolution has already become final and executory for failure of the fiscal to file a motion for reconsideration within the reglementary period. The motion for reconsideration filed by the private prosecutor was disregarded because of the latter's lack of legal standing. Another reason given by the Court for its decision is the following:

. . . The Rules of Court is explicit that an order sustaining a motion to quash based on prescription is a bar to another prosecution for the same offense [Secs. 2 (f) and 8, Rule 117, Revised Rules of Court.] Article 89 of the Revised Penal Code also provides that "prescription of the crime" is one of the grounds for "total extinction of criminal liability." Petitioner was charged with the crime of falsification under Article 172, sub-paragraphs (1) and (2) of the Revised Penal Code, which carries an imposable penalty of prision correccional in its medium and maximum periods and a fine of not more than P5,000.00. This crime prescribes in ten (10) years [Article 90, Revised Penal Code.] Here, San Diego had actual if not constructive notice of the alleged forgery after the document was registered in the Register of Deeds on August 26, 1948.

* * *

[Cabral v. Puno, supra, at p. 609.]

Although the prescription of the crime was not squarely in issue in Cabral, it is apparent that the statement of the Court on prescription and constructive notice was not totally irrelevant to the disposition of the case. Moreover, it is not without any legal basis.

The rule is well-established that registration in a public registry is a notice to the whole world. The record is constructive notice of its contents as well as all interests, legal and equitable, included therein. All persons are charged with knowledge of what it contains [Legarda and Prieto v. Saleeby, 31 Phil. 590 (1915); Garcia v. Court of Appeals, G.R. Nos. L-48971 and 49011, January 22, 1980, 95 SCRA 380; Hongkong and Shanghai Banking Corporation v. Pauli, et al., G.R. No. L-38303, May 30, 1988, 161 SCRA 634; See also Sec. 52, Pres. Decree No. 1529 (1978).]

Pursuant to this rule, it has been held that a purchaser of registered land is presumed to be charged with notice of every fact shown by the record. The Court, in explaining the nature of the rule on constructive notice and the presumption arising therefrom stated in Gatioan v. Gaffud, G.R. No. L-21953, March 28, 1969, 27 SCRA 706, 712-713, that:

* * *

When a conveyance has been properly recorded such record is constructive notice of its contents and all interests, legal and equitable, included therein . . .

Under the rule of notice, it is presumed that the purchaser has examined every instrument of record affecting the title. Such presumption is irrebutable. He is charged with notice of every fact shown by the record and is presumed to know every fact which an examination of the record would have disclosed. This presumption cannot be overcome by proof of innocence or good faith. Otherwise the very purpose and object of the law requiring a record would be destroyed. Such presumption cannot be defeated by proof of want of knowledge of what the record contains any more than one may be permitted to show that he was ignorant of the provisions of the law. The rule that all persons must take notice of the facts which the public record contains is a rule of law. The rule must be absolute. Any variation would lead to endless conclusion and useless litigation.

* * *

It has also been ruled that when an extrajudicial partition of the property of the deceased was executed by some of his heirs, the registration of the instrument of partition with the Register of Deeds is constructive notice that said

heirs have repudiated the fiduciary relationship between them and the other heirs vis-a-vis the property in question. The heirs who were not included in the deed of partition are deemed to have notice of its existence from the time it was registered with the Register of Deeds [De la Cerna v. De la Cerna, G.R. No. L-28838, August 31, 1976, 72 SCRA 514.] Likewise, the rule on constructive notice has been applied in the interpretation of a provision in the Civil Code on the prescription of actions for annulment of contracts which is parallel to Art. 91 of the Revised Penal Code. The Civil Code provision states:

Art. 391. The action for annulment shall be brought within four years.

This period shall begin:

* * *

In case of mistake or fraud, from the time of the discovery of the same [Underscoring supplied.]

In *Armentia v. Patriarca*, G.R. No. L-18210, December 29, 1966, 18 SCRA 1253, where a notarial document recorded with the Registry of Deeds was sought to be annulled, the Court, interpreting the phrase "from the time of the discovery" found in the aforequoted provision of the Civil Code, ruled that "in legal contemplation, discovery must be reckoned to have taken place from the time the document was registered in the Register of Deeds, for the familiar rule is that registration is a notice to the whole world. . ." [See also *Avecilla v. Yatco*, 103 Phil. 666 (1958); *Gerona v. De Guzman*, G.R. No. L-19060, May 29, 1964, 11 SCRA 153; *Carantes v. Court of Appeals*, G.R. No. L-33360, April 25, 1977, 76 SCRA 514; *Cultura v. Tupacar*, G.R. No. L-48430, December 3, 1985, 140 SCRA 311; *Cimafranco v. IAC*, G.R. No. L-68687, January 31, 1987, 147 SCRA 611; *Hongkong and Shanghai Banking Corporation v. Pauli, et al.*, *supra*.] However, petitioner contends that Art. 91 of the Revised Penal Code which states that "the period of prescription shall commence to run from the day the crime is discovered by the offended party, the authorities, or their agents . . ." cannot be construed in the same manner because the rule on constructive notice is limited in application to land registration cases. It is argued that haste should be avoided in applying civil law presumptions to criminal suits.

Although caution should be observed in applying the rules of construction in civil cases in the interpretation of criminal statutes, the Court will not hesitate to do so if the factual and legal circumstances so warrant. Hence, in *Mercado v. Santos*, 66 Phil. 215 (1938), the Court applied the presumption arising from the allowance of will to bar a criminal action. In that particular case, the petitioner filed a petition for the probate of the will of his deceased wife. The will was duly probated. Sixteen (16) months thereafter, a criminal complaint was filed against petitioner for falsification or forgery of the will. Petitioner filed a motion to dismiss the case claiming that the order probating the will is conclusive as to its authenticity and due execution. The motion having been denied, the petitioner filed a petition for certiorari with the Court of Appeals (CA) which ruled that "the judgment admitting the will to probate is binding upon the whole world as to the due execution and genuineness of the will insofar as civil rights and liabilities are concerned, but not for the purpose of punishment of a crime." But the Supreme Court reversed the CA decision by ruling that, in accordance with Sec. 625 of the then Code of Civil Procedure which provides that "the allowance by the court of a will of real and personal estate shall be conclusive as to its due execution,"** a criminal action will not lie in this jurisdiction against the forger of a will which had been duly admitted to probate by a court of competent jurisdiction.

It is, however, insisted in this case that the rule on constructive notice applies only in civil cases. It is argued that the law on prescription of crimes is founded on a principle different from that of the law on prescription in civil actions. The difference it is claimed, precludes the application of the rule on constructive notice in criminal actions.

The statute of limitations of civil actions was explained in *Penales v. Intermediate Appellate Court*, G.R. No.

73611, October 27, 1986, 145 SCRA 223, 228 in the following manner:

Prescription is rightly regarded as a statute of repose whose object is to suppress fraudulent and stale claims from springing up at great distances of time and surprising the parties or their representatives when the facts have become obscure from the lapse of time or death or removal of witness . . .

On the other hand, the Court in *People v. Moran*, 44 Phil. 389, 405-406 (1923) discussed the nature of the statute of limitations in criminal cases as follows:

* * *

. . . The statute is not a statute of process, to be scantily and grudgingly applied, but an amnesty, declaring that after a certain time oblivion shall be cast over the offence: that the offender shall be at liberty to return to his country, and resume his immunities as a citizen; and that from henceforth he may cease to preserve the proofs of his innocence, for the proofs of his guilt are blotted out. Hence it is that statutes of limitation are to be liberally construed in favor of the defendant, not only because such liberality of construction belongs to all acts of amnesty and grace, but because the very existence of the statute is a recognition and notification by the legislature of the fact that time, while it gradually wears out proofs of innocence, has assigned to it fixed and positive periods in which it destroys proofs of guilt. Independently of these views, it must be remembered that delay in instituting prosecutions is not only productive of expense to the State, but of peril to public justice in the attenuation and distortion, even by mere natural lapse of memory, of testimony. It is the policy of the law that prosecutions should be prompt, and that statutes enforcing such promptitude should be vigorously maintained. They are not merely acts of grace, but checks imposed by the State upon itself, to exact vigilant activity from its subalterns, and to secure for criminal trials the best evidence that can be obtained.

* * *

It is evident that there is merit in petitioner's claim that the law on prescription of civil suits is founded on different policy considerations from that of the law on prescription of criminal actions. However, the Court does not subscribe to the conclusion that the presumptions and rules of interpretation used in the law on prescription of civil suits, including the rule on constructive notice, can not be applied in criminal actions.

The considerations in providing for prescription of civil suits are based mainly on practical and equitable grounds. The lapse of a considerably long period of time obscures the surrounding circumstances of a particular claim or right and erodes the integrity of whatever evidence may be presented in support of an action to enforce or contest such claim or right. Moreover, where a particular right has accrued in favor of a party, the enjoyment of such right cannot forever be left on a precarious balance, always susceptible to possible challenge by an adverse party. After a certain period of time fixed by law, the right enjoyed by a party must be accorded respect by prohibiting adverse claims the factual basis of which can no longer be verified with certainty. Hence, the law on prescription of civil suits is properly called a statute of repose.

The practical factor of securing for civil suits the best evidence that can be obtained is also a major consideration in criminal trials. However, the law on prescription of crimes rests on a more fundamental principle. Being more than a statute of repose, it is an act of grace whereby the state, after the lapse of a certain period of time, surrenders its sovereign power to prosecute the criminal act. While the law on prescription of civil suits is interposed by the legislature as an impartial arbiter between two contending parties, the law on prescription of crimes is an act of amnesty and liberality on the part of the state in favor of the offender [*People v. Moran*, supra, at p. 405.] Hence, in the interpretation of the law on prescription of crimes, that which is most favorable to the accused is to be adopted [*People v. Moran*, supra; *People v. Parcel*, 44 Phil. 437 (1923); *People v. Yu Hai*, 99 Phil. 725 (1956).] The application of the rule on constructive notice in the construction of Art. 91 of the Revised Penal Code would most certainly be favorable to the accused since the prescriptive period of the crime shall have

to be reckoned with earlier, i.e., from the time the notarized deed of sale was recorded in the Registry of Deeds. In the instant case, the notarized deed of sale was registered on May 26, 1961. The criminal informations for falsification of a public document having been filed only on October 18, 1984, or more than ten (10) years from May 26, 1961, the crime for which the accused was charged has prescribed. The Court of Appeals, therefore, committed no reversible error in affirming the trial court's order quashing the two informations on the ground of prescription.

WHEREFORE, in view of the foregoing, the petition is hereby DENIED and the decision of the Court of Appeals is AFFIRMED.

SO ORDERED.

Fernan, C.J., Gutierrez, Jr., Feliciano, and Bidin, JJ., concur.

* Penned by Justice Manuel T. Reyes and concurred in by Justice Emilio A. Gancayco (now a member of the Supreme Court) and Justice Lorna S. Lombos-De la Fuente of the First Criminal Case Division of the then Intermediate Appellate Court.

** This provision is now found in the last paragraph of Art. 838 of the Civil Code which provides:

Subject to the right of appeal, the allowance of the will, either during the lifetime of the testator or after his death, shall be conclusive as to its due execution.

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