

## SECOND DIVISION

[ G.R. No. 226590, April 23, 2018 ]

**SHIRLEY T. LIM, MARY T. LIMLEON AND JIMMY T. LIM,  
PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

### DECISION

**REYES, JR., J:**

This is a Petition for Review on *Certiorari*<sup>[1]</sup> under Rule 45 of the Rules of Court, assailing the Decision<sup>[2]</sup> dated April 22, 2016 and Resolution<sup>[3]</sup> dated August 17, 2016 of the Court of Appeals (CA) in CA-G.R. CR No. 37336. The CA affirmed with modification the Decision<sup>[4]</sup> dated November 27, 2014 of the Regional Trial Court of Manila (RTC) in Criminal Case No. 14-305915, which in turn, affirmed the Decision<sup>[5]</sup> dated April 29, 2014 of the Metropolitan Trial Court of Manila (MeTC).

These decisions found petitioners Shirley T. Lim (Shirley), Mary T. Lim-Leon (Mary), and Jimmy T. Lim (Jimmy) (collectively referred to as the petitioners) guilty beyond reasonable doubt of the crime of falsification of a public document, punishable under Article 172, in relation to Article 171, of the Revised Penal Code (RPC).

### Factual Antecedents

The petitioners are siblings, all of whom are officers of Pentel Merchandising Co., Inc. (Pentel). Their father, Quintin C. Lim (Quintin), established Pentel.<sup>[6]</sup> Quintin died on September 16, 1996.<sup>[7]</sup>

In an Affidavit of Complaint dated September 21, 2010, one of Pentel's stockholders, Lucy Lim (Lucy), alleged that the petitioners falsified the Secretary's Certificate dated February 29, 2000, which in turn contained Pentel Board Resolution 2000-001 dated February 25, 2000.<sup>[8]</sup> This Board Resolution authorized Jimmy to dispose the parcel of land covered by Transfer Certificate of Title (TCT) No. 129824 registered in Pentel's name, located in P. Samonte Street, Pasay City (subject property).<sup>[9]</sup> Through this Secretary's Certificate, Jimmy was able to enter into a Deed of Absolute Sale on March 21, 2000,<sup>[10]</sup> conveying the subject property to the Spouses Emerson and Doris Lee (Spouses Lee). According to Lucy, the Secretary's Certificate dated February 29, 2000 bearing Board Resolution 2000-001 was falsified, because it was made to appear that Quintin signed it, despite having already died on September 16, 1996-or, more than three (3) years from the time of its execution.<sup>[11]</sup>

On May 15, 2012, the criminal Information dated August 31, 2011 was filed with the MeTC, charging the petitioners and the Spouses Lee with the crime of falsification of a public document.<sup>[12]</sup> The pertinent portions of the Information state:

That sometime in March 2000, in the City of Manila, Philippines, the said accused, conspiring and confederating together and helping one another, being then private individuals, did then and there willfully, unlawfully and feloniously forge and falsify, or cause to be forged and falsified a **Secretary's Certificate and Board Resolution No. 2000-001** dated February 25, 2000, purportedly executed by SHIRLEY LIM, MARY LIM LEON, JIMMY LIM, QUINTIN C. LIM and HENRY LIM, involving the disposal of a property measuring FIFTY[-]SIX SQUARE METERS and SEVENTY SQUARE DECIMETERS (56.70) located at P. Samonte Street, Pasay City, Metro Manila covered by (TCT) No. 129824, duly notarized by a Notary Public and therefore a public document, by feigning, imitating and counter-feiting (*sic*) or causing to be feigned, imitated and counterfeited the signature of QUINTIN C. LIM, appearing on the lower middle portion of the said **Secretary's Certificate and Board Resolution No. 2000-001**, thereby making it appear as it did appear that the said QUINTIN C. LIM had participated and intervened in the preparation and signing of the said document, when in truth and in fact, as the herein accused well knew, such was not the case in that the said QUINTIN C. LIM did not sign the said document, much less did he authorize the accused, or anybody else to sign his name or affix his signature thereon because the said QUINTIN C. LIM had died on September 16, 1996; that once the said **Secretary's Certificate and Board Resolution No. 2000-001** has been forged and falsified in the manner above set forth, the said accused succeeded in transferring the said property to SPOUSES EMERSON and DORRIS LIM LEE by virtue of Transfer Certificate of Title No. 142595, to the damage and prejudice of LUCY LIM and/or public interests.

Contrary to law.<sup>[13]</sup>

During trial, the prosecution presented Lucy and another sibling of the petitioners, Charlie C. Lim (Charlie), to prove the charge against them.<sup>[14]</sup> The Records Officer of the Registry of Deeds of Pasay City also testified for the prosecution, stating that TCT No. 129824 was cancelled by virtue of: (a) the Secretary's Certificate dated February 29, 2000 showing Board Resolution 2000-001; and (b) the Deed of Absolute Sale between Pentel and the Spouses Lee. Pentel's title was cancelled on March 29, 2000, and in lieu thereof, TCT No. 142595 was issued in the name of the Spouses Lee.<sup>[15]</sup>

The petitioners and the Spouses Lee opted not to present any evidence, believing that the prosecution's case against them was weak.<sup>[16]</sup>

### **Ruling of the MeTC**

In its Decision<sup>[17]</sup> dated April 29, 2014, the MeTC convicted the petitioners but acquitted the Spouses Lee, as the prosecution failed to prove their participation in the falsification of the Secretary's Certificate dated February 29, 2000 and Board Resolution 2000-001.<sup>[18]</sup>

The dispositive portion of the MeTC's decision reads:

WHEREFORE, premises considered, the court, finding the guilt of the accused SHIRLEY LIM, MARY LIM, and JIMMY LIM for the crime charged to have been proven beyond reasonable doubt, and there being neither mitigating nor aggravating circumstances to affect their penal liability, hereby imposes and sentences the accused SHIRLEY LIM, MARY LIM, and JIMMY LIM an indeterminate penalty of IMPRISONMENT from two (2) years and four (4) months of *prision correccional* as minimum to four (4) years, nine (9) months and eleven (11) days of *prision correccional* as maximum with all the accessory penalties of the law, and a fine of Php 3,000.00 and to pay the costs.

With respect to the accused DORRIS LIM LEE and EMERSON LEE, the court, finding the guilt of the accused for the crime charged not having been proven beyond reasonable doubt, hereby ACQUITS the said accused DORRIS LIM LEE and EMERSON LEE.

No pronouncement on the civil liability for failure of the prosecution to prove that the acts complained of, from which civil liability might arise, exist.

SO ORDERED.<sup>[19]</sup>

On May 7, 2014, the petitioners filed a Notice of Appeal from the MeTC's Decision dated April 29, 2014.<sup>[20]</sup>

### **Ruling of the RTC**

In its Decision<sup>[21]</sup> dated November 27, 2014, the RTC denied the appeal and affirmed the assailed MeTC decision:

WHEREFORE, the appeal is hereby DENIED and the Decision dated April 29, 2014 issued by the court *a quo* is AFFIRMED *in toto*.

SO ORDERED.<sup>[22]</sup>

The petitioners, thus, filed their motion for reconsideration on January 5, 2015, and argued that the evidence of their guilt rests only on circumstantial evidence. According to the petitioners, there was no direct evidence that they falsified the signature of Quintin on Board Resolution 2000-001, which was embodied in the Secretary's Certificate dated February 29, 2000.<sup>[23]</sup> Both the private prosecutor and the Assistant City Prosecutor of Manila opposed the petitioners' motion.<sup>[24]</sup>

In an Order dated February 16, 2015, the RTC denied the petitioners' Motion for Reconsideration.<sup>[25]</sup> Aggrieved, the petitioners appealed to the CA *via* a petition for review under Rule 42 of the Rules of Court. They assailed the findings of the lower courts and denied that they are the material authors of Quintin's falsified signature. They also insisted that reasonable doubt exists as to their guilt because they do not stand to benefit from the falsified signature of their deceased father.<sup>[26]</sup>

### **Ruling of the CA**

In a Resolution<sup>[27]</sup> dated March 26, 2015, the CA dismissed the appeal outright due to several formal defects in the petition.<sup>[28]</sup> On April 24, 2015, the petitioners moved for the reconsideration of this resolution and submitted their compliance in order to rectify the deficiencies in their petition.<sup>[29]</sup> The CA later on reconsidered the outright dismissal of the petition in its Resolution dated September 4, 2015, and required the People to comment.<sup>[30]</sup>

After the submission of the People's Comment,<sup>[31]</sup> the CA rendered its Decision<sup>[32]</sup> dated April 22, 2016 denying the appeal and modifying the penalty in accordance with the Indeterminate Sentence Law, viz.:

WHEREFORE, we DENY the appeal. The decision appealed from is AFFIRMED with MODIFICATION that the petitioners Shirley Lim, Mary Lim and Jimmy Lim are sentenced to a penalty of two (2) years and four (4) months of *prision correccional* as minimum to four (4) years, nine (9) months and ten (10) days of *prision correccional* as maximum.

IT IS SO ORDERED.<sup>[33]</sup>

**The CA found that the petitioners clearly conspired with each other in making it appear that Quintin participated in Pentel's Board Meeting, as embodied in the Secretary's Certificate dated February 29, 2000 containing Board Resolution 2000-001.** It further stated that the petitioners cannot feign ignorance of the death of Quintin, especially since he was their father.<sup>[34]</sup>

The petitioners' subsequent Motion for Reconsideration<sup>[35]</sup> was denied in the CA's Resolution<sup>[36]</sup> dated August 17, 2016.

Not satisfied with the CA's affirmation of the MeTC and RTC's respective decisions, the petitioners filed the present Rule 45 petition before the Supreme Court, essentially submitting the same arguments already discussed before the lower courts.

In addition to their previous arguments, the petitioners raise for the first time the prescription of the offense, claiming that the crime should have been discovered at the latest on either: (a) March 21, 2000, the date of the Deed of Absolute Sale; or (b) March 29, 2000, the date TCT No. 142595 was issued in favor of the Spouses Lee.<sup>[37]</sup>

### **Ruling of the Court**

The petition is partially meritorious.

**The petitioners were correctly charged with the crime of falsification of a public document.**

Preliminarily, the Court should address the argument of the petitioners regarding the supposedly erroneous charge of falsification of a public document against them. According to the petitioners, the evidence of the prosecution actually proved the

falsification of Board Resolution 2000-001, a private document, instead of the Secretary's Certificate dated February 29, 2000. As the falsification of a private document requires proof of intention to cause damage, the petitioners argue that there is no evidence to establish this element. Furthermore, they point out that the prosecution failed to prove the existence of Board Resolution 2000-001 because they merely relied on the Secretary's Certificate in establishing its genuineness and due execution.<sup>[38]</sup>

Upon review of the Information, it is apparent that the subject matter of the falsification is the Secretary's Certificate dated February 29, 2000-a notarized document certifying that Pentel's Board of Directors passed Board Resolution 2000-001 in the meeting held on February 25, 2000. Specifically, the Information accused the petitioners of conspiring with one another in falsifying the Secretary's Certificate dated February 29, 2000 and Board Resolution 2000-001, because Quintin, one of Pentel's directors, already died on September 16, 1996-long before the documents were executed with his supposed approval. It was further alleged that the petitioners falsified these documents through the following acts: (a) counterfeiting the signature of Quintin; (b) causing it to appear that Quintin participated in the preparation of these documents; and (c) by making an untruthful statement in a narration of facts.<sup>[39]</sup>

Thus, the prosecution offered the Secretary's Certificate dated February 29, 2000 for two purposes: *first*, to prove its existence and the fact that the petitioners falsified this public document by making an untruthful statement in a narration of facts; and *second*, to prove the existence of Board Resolution 2000-001, and that the petitioners made it appear that Quintin participated in its preparation by forging his signature.

While a board resolution is indeed not a public document within the contemplation of Section 19(b), Rule 132 of the Revised Rules on Evidence, the Secretary's Certificate dated February 29, 2000 squarely falls under this category. And, since the said Secretary's Certificate specifically contained not only the supposed resolution passed by Pentel's Board of Directors, but also the signatures of all the board members who approved such resolution, then it can be concluded that all of the petitioners participated in the execution of the falsified Secretary's Certificate. Verily, the petitioners were correctly charged and convicted with the falsification of a public document, punishable under Article 172(1) of the RPC:

Art. 171. *Falsification by public officer, employee or notary or ecclesiastic minister.* - The penalty of *prision mayor* and a fine not to exceed P5,000 pesos shall be imposed upon any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:

x x x x

#### **4. Making untruthful statements in a narration of facts;**

x x x x

Art. 172. *Falsification by private individual and use of falsified documents.* - The penalty of *prision correccional* in its medium and