

SECOND DIVISION

[G.R. No. 186107, April 20, 2016]

**NARCISA M. NICOLAS, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES AND SPOUSES RALPH ADORABLE AND ROWENA
ADORABLE, RESPONDENTS.**

R E S O L U T I O N

DEL CASTILLO, J.:

Assailed in this Petition for Review on *Certiorari* is the November 17, 2008 Decision^[1] of the Court of Appeals (CA) in CA-G.R. CR No. 31177 affirming with modification the August 27, 2007 Judgment^[2] of the Regional Trial Court (RTC), Branch 274, Parañaque City finding Narcisa M. Nicolas (petitioner) guilty beyond reasonable doubt of the crime of Estafa through Falsification of Public Document.

Based on Ralph T. Adorable's (Ralph) Complaint-Affidavit^[3] dated September 12, 2000, petitioner, along with Catalina M. Cacho (Cacho), Primo G. Espiritu (Espiritu) and Raquel Dagsil Cagadas (Cagadas), was charged, in an Information dated March 29, 2001 and filed before the RTC of Parañaque City, with the crime of Estafa through Falsification of Public Documents. The accusatory portion of the Information reads:

That sometime in December 1996 or prior thereto, in the City of Parañaque, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being then private persons, conspiring and confederating together and all of them mutually helping and aiding one another, by means of deceit, false pretenses and fraudulent acts, did then and there willfully unlawfully and feloniously defraud complainants Spouses Ralph Adorable and Rowena Sta. Ana Adorable in the following manner, to wit: the complainants purchased 293 square meter lot from the accused worth P644,600.00 and after having paid the same, the accused mortgaged the said property to another person by signing the names of the complainants on the Deed of Real Estate Mortgage and Deed of Absolute Sale making it appear that they signed the same when in fact did not so participate as they were in Belgium, and once in possession of the amount, accused appropriated, applied and converted the same to their own personal use, to the damage and prejudice of complainants Spouses Ralph Adorable and Rowena Sta. Ana Adorable, in the aforementioned amount of P644,600.00.

CONTRARY TO LAW.^[4]

On her arraignment on August 6, 2001, petitioner pleaded not guilty. Thereafter, a pre-trial conference was conducted and terminated on October 8, 2002.

During the trial, the prosecution presented as witnesses Ralph and his brother Abel Adorable (Abel) whose testimonies, woven together, established the following:

While in Belgium as an overseas worker, Ralph conveyed to Abel his interest in acquiring a residential land in the Philippines. When Ralph came home in the first week of December 1996, he met petitioner at her residence at Matatdo, San Isidro, Sucat, Parañaque City. Abel introduced petitioner to Ralph as a real estate agent and a friend of his mother-in-law. Petitioner showed a 293-square meter lot located at Matatdo with a selling price of P2,500.00 per square meter. Petitioner claimed to be the owner of the property though the title was not yet registered in her name. She told Ralph that the registered owners, Conrado and Virginia Montero, will transfer the title directly to him to avoid paying higher taxes. Ralph agreed and gave a partial payment of P350,000.00^[5] and the remaining balance to be paid in installment. Soon after, a Deed of Absolute Sale^[6] covering the property was executed on December 4, 1996. Meanwhile, on December 15, 1996, Ralph went back to Belgium. In January 1997, Abel informed him that the property is now registered in his (Ralph) name under Transfer Certificate of Title (TCT) No. 119421.^[7] In December 1997, however, petitioner asked from Abel the owner's duplicate copy of the title, claiming that there is a mistake in the area which must be corrected.

When Ralph returned to the Philippines, he visited the property. To his surprise, there was a notice posted on said property which reads, "lot for sale." Upon inquiry at the Registry of Deeds of Parañaque City, Ralph discovered that his title over the property has already been transferred by virtue of a Deed of Absolute Sale^[8] purporting to have been executed by him in favor of Cagadas, Cacho and Espiritu. Ralph's TCT No. 119421 was already cancelled and in lieu thereof TCT No. 138613^[9] was issued in the name of Cagadas, while TCT No. 138614^[10] was issued in the names of Cacho and Espiritu. Ralph denied his signature and that of his wife Rowena in the Deed of Absolute Sale. He maintained that they were in Belgium when the said deed was notarized on October 8, 1998, Ralph also discovered that his property was previously mortgaged to the spouses Emilio and Magdalena Marquez. He likewise denied his and his wife's signature on the Real Estate Mortgage^[11] for the same reason that they were out of the country when the mortgage was allegedly executed on October 20, 1997. When confronted by Ralph upon his return, petitioner asked for forgiveness because she sold the property. She offered to swap a 300-square meter lot located in Greenheights Subdivision for the sold lot. The proposed swapping did not, however, materialize since petitioner was found to own only about 50 square meters of the Greenheights property. Repeated request for petitioner to return the title was made by Abel and Ralph, but to no avail. Consequently, petitioner was charged with the crime of estafa through falsification of public document.

Petitioner denied forging the signature of Ralph and his wife in the Real Estate Mortgage and in the Deed of Absolute Sale. She claimed that it was Abel who mortgaged the subject property to the spouses Marquez and later sold the same to Cacho, Espiritu and Cagadas.

Ruling of the Regional Trial Court

The RTC found prosecution witnesses Ralph and Abel and their testimonies credible while it did not give weight and credence to petitioner's defense labeling it as an afterthought, contrived and incredible. In its Judgment dated August 27, 2007, the trial court found petitioner guilty as charged while Cacho, Espiritu and Cagadas were acquitted, thus:

WHEREFORE, after duly considering the foregoing, the Court finds the accused Narcisa Mendoza Nicolas GUILTY beyond reasonable doubt of the crime of Estafa Through Falsification of Public Document as charged in the Information, and accordingly therefore hereby penalizes the said accused to suffer the indeterminate sentence of six (6) months and one (1) day of prision correccional as minimum, to twenty (20) years of reclusion temporal as maximum, to pay the offended party the sum of Php344,000.00 as indemnity, and costs, with accessory penalty of civil interdiction during the period of the sentence and perpetual absolute disqualification for the exercise of the right of suffrage.

As to accused Raquel Dagsil Cagadas, Catalina Cacho and Primo Espiritu, the Court finds them not GUILTY as charged in the Information and accordingly therefore hereby acquits the said accused therefrom.

SO ORDERED.^[12]

Ruling of the Court of Appeals

Petitioner appealed to the CA. In its assailed Decision dated November 17, 2008, the CA affirmed the RTC's Judgment, but modified the amount of actual damages awarded. The CA ruled -

It was established in evidence that the owner's duplicate copy of TCT No. 119421 covering the Matatdo property was in the possession of the appellant as she deceitfully took the same from Abel under the false pretense that the same was needed for correction of the measurement of the area of the Matatdo property as stated in the said TCT, when, in truth and in fact, what appellant did was to mortgage and later on sell the Matatdo property, by making it appear that the owners Sps. Ralph and Rowena participated therein when they did not in fact so participate. It was admitted by appellant in the above quoted Agreement that she was the one who sold the Matatdo property to third persons. Clearly, appellant, as the material author, made it appear that Sps. Ralph and Rowena, who were then in Belgium as they returned to the Philippines only in 2000, participated in the execution of the Real Estate Mortgage dated 20 October 1997 (Exhibit "I") over the Matatdo property in favor of Sps. Emilio and Magdalena Marquez, as well as in the Deed of Absolute Sale dated 08 October 1998 (Exhibit "E") selling the Matatdo property to appellant's co-accused Cacho, Epiritu and Cagadas, when said Sps. Ralph and Rowena, as owners thereof, did not in fact do so, to their damage and prejudice, Evidently, appellant is guilty of the complex crime of estafa through falsification of public document. x x x x

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