

THIRD DIVISION

[G.R. No. 183132, February 08, 2012]

**RICHARD CHUA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES,
RESPONDENT.**

DECISION

MENDOZA, J.:

This petition for review on certiorari under Rule 45 seeks to annul and set aside the February 21, 2008 Decision^[1] and June 2, 2008 Resolution^[2] of the Court of Appeals (CA) in CA-G.R. C.R. No. 29051, modifying the October 6, 2004 Decision^[3] of the Regional Trial Court, Branch 132, Makati City (RTC) in Criminal Case No. 21499 entitled *People of the Philippines v. Richard Chua, for Estafa thru Falsification of Commercial Document*.

The Facts:

In 1982, Allied Banking Corporation (*the bank*) hired Richard Chua as a general clerk in its International Banking Division which processed the opening of domestic and international letters of credit, domestic and international remittances as well as importation and exportation. Specifically, Chua was tasked to process trust receipts, accept trust receipt payments and issue the corresponding receipts for these payments.^[4]

In response to a complaint of a bank client regarding the non- application of his payments, an internal audit was conducted. In the course of the audit, twenty-nine (29) fictitious payments backed by equally bogus foreign remittances were discovered. The audit led to a finding that these remittances were not supported by the necessary authenticated advice from the foreign bank concerned. Two of these remittances were with instructions to credit specified amounts to Savings Account No. 1000-209312 which turned out to be under Chua's name.

1. Inward Foreign Remittance Advice of Credit dated 29 October 1984 in the amount of ₱16,729.96:

"Kindly credit & advi[s]e immediately SA# 1000-209312 of R. CHUA representing proceeds of remittance by order of Amado Roque under TT ref. BKT/1752/25 dated 10-26-84."

2. Inward Foreign Remittance Advice of Credit dated 6 August 1984 in the amount of ₱16,024.70:

"Please credit & advi[s]e immediately SA# 1000-209312 of R. Chua

representing proceeds of remittance from San Francisco by order of Linda Castro for US\$899.75 @ 17.822 less charges.”^[5]

Meanwhile, the accounts payable or the excess payments made by two clients of the Bank, *ATL Plastic Manufacturing Industries and Unidex Garments*, were used to cover up the discrepancy created as a result of the crediting of the foregoing amounts to Chua’s account. It was made to appear that the said amounts were refunded to the same clients although they were not. Debit Tickets were even accomplished to justify the act of crediting the subject amounts to Chua’s account. Afterwards, when the same had been credited to his account, Chua withdrew them on different dates.^[6]

On December 17, 1985, Chua was charged with Estafa through Falsification of Commercial Documents before the RTC. The Information reads:

That on or about May 18, 1984 and October 24, 1984 and for sometime prior to and subsequent thereto, in the Municipality of Makati, Metro Manila, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, by means of deceit and false pretenses executed prior to or simultaneous with the commission of the fraud, did then and there willfully, unlawfully and feloniously defraud Allied Banking Corporation in the following manner, to wit: the said accused, as General Clerk of the said complainant and taking advantage of his position as such, received from clients of the bank, Unidex Garments and ATL Plastics Manufacturing Industries, the respective sums of P16,024.70 and P16,729.96 for the purpose of applying the same to the payment of the excess indebtedness of said clients with the complainant bank but the accused instead made it appear that said amounts were to be credited to the current account of the client by executing an advice of credit which the said accused, however, did not forward to the Cash Department of the complainant and, instead, he prepared a fictitious inward foreign remittance advice of credit by falsely making it appear therein that there existed dollar remittances of a certain Linda Castro and Amado Roque in the U.S. dollar equivalent of said amounts which the accused credited to his personal account with the bank; and the accused, once in possession of said funds, did then and there willfully, unlawfully and feloniously appropriate and convert the same to his own personal use and benefit, to the damage and prejudice of the complainant, Allied Banking Corporation, in the total amount of P32,754.66.^[7]

Records show that the case was ordered archived on March 31, 1986 when Chua evaded arrest after the court’s issuance of an arrest warrant. He was finally arrested on September 10, 1999, after 13 years, but was released on bail the following day. When arraigned, Chua entered a plea of not guilty.^[8]

For his defense, Chua denied that he prepared the subject Debit Tickets. He insisted on their regularity as these were duly signed and approved by two of his immediate supervisors. Chua likewise denied having prepared the Advice of Credit documents that covered the questioned foreign remittances. He pointed out that these

documents were likewise approved for final processing by his supervisors. Finally, he denied having prepared the withdrawal slips, much more, the cash withdrawals corresponding to the subject amounts.^[9]

In the assailed decision dated October 6, 2004, the RTC found Chua guilty beyond reasonable doubt of the crime of *estafa through falsification of commercial documents* and was sentenced accordingly.^[10]

On appeal, the CA modified the RTC's judgment of conviction by holding Chua liable for falsification of commercial documents only. The CA reasoned out that Chua, being a mere general clerk of the bank, did not acquire both material and juridical possession of the subject amounts. He was likened to a bank teller "whose possession over the money received by him is possession by the bank itself."^[11] Be that as it may, the CA, still under the same indictment/information and pursuant to this Court's ruling in *Gonzaludo v. People*,^[12] held Chua liable for *falsification of commercial documents* as defined in Articles 172 and 171 of the Revised Penal Code.^[13]

The CA wrote:

In the case at bench, the prosecution was able to prove that the subject Inward Foreign Remittance Advices of Credit which were used to transfer the excess payments made by ATL Plastic Manufacturing Industries and Unidex Garments to the appellant's account in the guise of remittances, were fictitious since there were really no Linda Castro or Amado Roque who sent the same. It adduced two documents, i.e., the Advices of Credit and the Debit Tickets, which were merely used to cover up the fictitious remittances. It is true that there is no direct proof that appellant was the author of the falsification. However, since he benefited from the fictitious transactions in question, the inevitable conclusion is that he falsified them. It is an established rule that when it is proved that a person has in his possession a falsified document and makes use of the same, the presumption or inference is justified that such person is the forger. On this score, the prosecution convincingly demonstrated that appellant withdrew the subject amounts on different dates.^[14]

Chua's defense of forgery failed to impress the CA. As it was his burden to establish his defense, it was not enough for him to submit just any specimen of his signature. The NBI requested him to submit additional documents containing his signatures for the years 1983 and 1984 but he failed to meet its requirements. Thus, the CA gave no value to his defense. The dispositive portion of its February 21, 2008 Decision reads:

WHEREFORE, the Decision dated 6 October 2004 of the Regional Trial Court, Makati City, Branch 132, is MODIFIED. Appellant RICHARD CHUA is hereby ACQUITTED of the complex crime of Estafa through Falsification of Commercial Documents. However, he is adjudged GUILTY of the crime of Falsification of Commercial Documents and is SENTENCED to suffer an

indeterminate penalty of 4 months and 1 day of arresto mayor, as minimum, to 2 years and 4 months of prision correccional, as maximum. Likewise, he is ORDERED to PAY a fine of P5,000.00.

No Costs.

SO ORDERED.^[15]

Chua sought partial reconsideration but his motion was denied by the CA on June 2, 2008. Still not satisfied, Chua now comes to this Court raising the following

ISSUES:

I

Whether or not the Honorable Court of Appeals erred in finding the petitioner guilty of the crime of Falsification of Commercial Documents considering that it has categorically ADMITTED that there is no direct proof that petitioner was the author of the falsification in the case at bar.

II

Whether or not the Honorable Court of Appeals erred in not applying the paramount constitutional presumption of innocence in favor of the petitioner in view of its explicit admission that there is no direct proof that the petitioner was the author of the falsification.^[16]

The Court finds no merit in the petition.

Chua claims that the CA's statement, "It is true that there is no direct proof that appellant was the author of the falsification,"^[17] absolves him from criminal liability even for the lesser offense of falsification of commercial documents. According to Chua, the CA was merely speculating when it held that he was the author of the falsified commercial documents because he allegedly benefited from them. He further argues that the prosecution "failed to show other facts and circumstances from which it may be reasonably and logically inferred that he committed the crime of falsification."^[18]

Chua is obviously clutching at straws when he argues that the CA's judgment of conviction was based merely on speculation. He apparently misread the CA decision. First of all, the CA never abandoned or set aside the factual findings of the RTC when it ordered the modification of the judgment of conviction. The modification was merely on the RTC's conclusion as to the crime actually committed. In its appealed decision, the CA pointed out that an essential element in the complex crime of *estafa through falsification of commercial documents* was lacking, thus: