

SECOND DIVISION

[G.R. No. 186030, March 21, 2012]

**NORMA DELOS REYES VDA. DEL PRADO, EULOGIA R. DEL PRADO,
NORMITA R. DEL PRADO AND RODELIA R. DEL PRADO,
PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

D E C I S I O N

REYES, J.:

Before us is a petition for review on *certiorari* under Rule 45 of the Rules of Court, which seeks to assail and set aside the following issuances of the Court of Appeals (CA) in the case docketed as CA-G.R. CR No. 31225 and entitled "*Norma Delos Reyes Vda. Del Prado, Eulogia R. Del Prado, Normita R. Del Prado and Rodelia R. Del Prado v. People of the Philippines*":

- 1) the Decision^[1] dated September 15, 2008 affirming with modification the decision and order of the Regional Trial Court (RTC), Branch 38, Lingayen, Pangasinan in Criminal Case No. L-8015; and
- 2) the Resolution^[2] dated January 6, 2009 denying the motion for reconsideration of the Decision of September 15, 2008.

The Factual Antecedents

This petition stems from an Information for falsification under Article 172, in relation to Article 171(4), of the Revised Penal Code filed against herein petitioners Norma Delos Reyes Vda. Del Prado (Norma), Normita Del Prado (Normita), Eulogia Del Prado (Eulogia) and Rodelia^[3] Del Prado (Rodelia) with the Municipal Trial Court (MTC) of Lingayen, Pangasinan, allegedly committed as follows:

That on or about the 19th day of July, 1991, in the [M]unicipality of Lingayen, [P]rovince of Pangasinan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, conspiring, confederating and mutually helping one another, did then and there wil[l]fully, unlawfully and feloniously falsified, execute[d] and cause[d] the preparation of the DEED OF SUCCESSION, by stating and making it appear in said document that they were the only heirs of the late Rafael del Prado, when in truth and in fact, all the accused well knew, that Ma. Corazon Del Prado-Lim is also an heir who is entitled to inherit from the late Rafael Del Prado, and all the accused deliberately used the DEED OF SUCCESSION to claim ownership and possession of the land mentioned in the DEED OF SUCCESSION to the exclusion of the complainant Ma. Corazon Del Prado-Lim to her damage and prejudice.

Contrary to Art. 172 in relation to Art. 171, par. 4 of the Revised Penal Code.^[4]

Upon arraignment, the accused therein entered their plea of "not guilty". After pre-trial conference, trial on the merits ensued.

The prosecution claimed that Ma. Corazon Del Prado-Lim (Corazon), private complainant in the criminal case, was the daughter of the late Rafael Del Prado (Rafael) by his marriage to Daisy Cragin (Daisy). After Daisy died in 1956, the late Rafael married Norma with whom he had five children, namely: Rafael, Jr., Antonio, Eulogia, Normita and Rodelia.

The late Rafael died on July 12, 1978. On October 29, 1979, Corazon, as a daughter of the late Rafael, and Norma, as the late Rafael's surviving spouse and representative of their five minor children, executed a "Deed of Extra-Judicial Partition of the Estate of Rafael Del Prado" to cover the distribution of several properties owned by the late Rafael, including the parcel of land covered by Original Certificate of Title (OCT) No. P-22848, measuring 17,624 square meters, more or less, and situated at Libsong, Lingayen, Pangasinan.

Per agreement of the heirs, Corazon was to get a 3,000-square meter portion of the land covered by OCT No. P-22848. This right of Corazon was also affirmed in the Deed of Exchange dated October 15, 1982 and Confirmation of Subdivision which she executed with Norma.

Corazon, however, later discovered that her right over the subject parcel of land was never registered by Norma, contrary to the latter's undertaking. The petitioners instead executed on July 19, 1991 a Deed of Succession wherein they, together with Rafael, Jr. and Antonio, partitioned and adjudicated unto themselves the property covered by OCT No. P-22848, to the exclusion of Corazon. The deed was notarized by Loreto L. Fernando (Loreto), and provides in part:

WHEREAS, on the 12[th] day of July 1978, RAFAEL DEL PRADO[,] SR., died intestate in the City of Dagupan, leaving certain parcel of land, and more particularly described and bounded to wit:

ORIGINAL CERTIFICATE OF TITLE NO. P-22848

"A certain parcel of land (Lot No. 5518, Cad-373-D) Lingayen Cadastre, situated in Poblacion, Lingayen, Pangasinan, Island of Luzon. Bounded on the NE., by Lots Nos. 5522, 5515; and 6287; on the SE., by Lots Nos. 5516, 5517, 55 and Road; on the SW., by Road, and Lots Nos. 5521, 5510, and 5520; and on the NW., by Road; x x x containing an area of SEVENTEEN THOUSAND SIX HUNDRED TWENTY-FOUR (17,624) Square Meters, more or less. Covered by Psd-307996 (LRC), consisting of two lots. Lot No. 5510-A and Lot 5518-B."

WHEREAS, the **parties hereto are the only heirs of the decedent,**

the first name, is the surviving spouse and the rest are the children of the decedent;

x x x

NOW, THEREFORE, for and in consideration of the premises and invoking the provisions of Rule 74, Sec. 1 of the Rules of Court, the parties hereto do by these presents, agree to divide and partition the entire estate above[-]described and accordingly adjudicate, as they do hereby adjudicate the same among themselves, herein below specified to wit:

x x x^[5]

By virtue of the said Deed of Succession, OCT No. P-22848 was cancelled and several new titles were issued under the names of Corazon's co-heirs. When Corazon discovered this, she filed a criminal complaint against now petitioners Norma, Eulogia, Normita and Rodelia. Antonio and Rafael, Jr. had both died before the filing of said complaint.

Among the witnesses presented during the trial was Loreto, who confirmed that upon the request of Norma and Antonio, he prepared and notarized the deed of succession. He claimed that the petitioners appeared and signed the document before him.

For their defense, the petitioners denied having signed the Deed of Succession, or having appeared before notary public Loreto. They also claimed that Corazon was not a daughter, but a niece, of the late Rafael. Norma claimed that she only later knew that a deed of succession was prepared by her son Antonio, although she admitted having executed a deed of real estate mortgage in favor of mortgagee Prudential Bank over portions of the subject parcel of land already covered by the new titles.

The Ruling of the MTC

The MTC rejected for being unsubstantiated the petitioners' denial of any participation in the execution of the deed of succession, further noting that they benefited from the property after its transfer in their names. Thus, on August 9, 2006, the court rendered its decision^[6] finding petitioners Norma, Eulogia, Normita and Rodelia guilty beyond reasonable doubt of the crime charged, sentencing them to suffer an indeterminate penalty of four months and one day of *arresto mayor* as minimum to two years and four months and one day of *prision correccional* as maximum. They were also ordered to pay a fine of P5,000.00 each, with subsidiary imprisonment in case of non-payment of fine.

Considering the minority of Rodelia at the time of the commission of the crime, she was sentenced to suffer the penalty of four months of *arresto mayor*, plus payment of fine of P5,000.00, with subsidiary imprisonment in case of non-payment.

All the petitioners were ordered to indemnify Corazon in the amount of P10,000.00 as attorney's fees, and to pay the costs of suit.

Unsatisfied with the MTC's ruling, the petitioners filed a motion for new trial on the grounds of alleged gross error of law, irregularities during the trial, and new and material evidence. To prove that they did not intend to exclude Corazon from the estate of the late Rafael, the petitioners cited their recognition of Corazon's right to the estate in the deed of extra-judicial partition, confirmation of subdivision, deed of exchange, joint affidavit and petition for guardianship of minors Rafael, Jr., Eulogia, Antonio and Normita, which they had earlier executed.^[7] Again, the petitioners denied having signed the deed of succession, and instead insisted that their signatures in the deed were forged.

The motion was denied by the MTC *via* a resolution^[8] dated December 21, 2006, prompting the filing of an appeal with the RTC.

The Ruling of the RTC

On August 10, 2007, the RTC rendered its decision^[9] affirming the MTC's decision, with modification in that the case against Rodelia was dismissed in view of her minority at the time of the commission of the crime. The decretal portion of the decision reads:

WHEREFORE, premises considered, the appealed Decision of the Municipal Trial Court of Lingayen, Pangasinan dated August 9, 2006 is hereby **AFFIRMED**, but modified as to accused Rodelia R. Del Prado as the case against her is hereby **DISMISSED** on account of her minority at the time of the commission of the offense.

SO ORDERED.^[10]

A motion for reconsideration was denied for lack of merit by the RTC *via* its resolution^[11] dated October 31, 2007. Hence, Norma, Eulogia and Normita filed a petition for review with the CA.

The Ruling of the CA

On September 15, 2008, the CA rendered its decision^[12] dismissing the petition and affirming the RTC's ruling, with modification as to the imposable penalty under the Indeterminate Sentence Law. The decretal portion of the decision reads:

WHEREFORE, premises considered, the appeal is **DISMISSED**. The appealed Decision dated August 10, 2007 and Order dated October 31, 2007 of the Regional Trial Court, Branch 38, Pangasinan, in Crim. Case No. L-8015 are **AFFIRMED** with **MODIFICATION** that appellants Norma delos Reyes Vda. Del Prado, Eulogia R. Del Prado and Normita R. Del Prado are hereby sentenced to suffer an indeterminate penalty of one (1) year and one (1) day of *arresto mayor*, as minimum, to three (3) years, six (6) months and twenty-one (21) days of *prision correccional*, as maximum.

SO ORDERED.^[13]

The motion for reconsideration filed by the petitioners was denied by the CA in its resolution^[14] dated January 6, 2009. Feeling aggrieved, the petitioners appealed from the decision and resolution of the CA to this Court, through a petition for review on *certiorari*^[15] under Rule 45 of the Rules of Court.

The Present Petition

The petitioners present the following assignment of errors to support their petition:

- A. WITH DUE RESPECT, THE LOWER COURT CLEARLY ERRED IN FINDING THAT COMPLAINANT MA. CORAZON DEL PRADO-LIM WAS EXCLUDED AS AN HEIR OF THE LATE RAFAEL DEL PRADO.
- B. WITH DUE RESPECT, THE LOWER COURT CLEARLY ERRED IN NOT APPRECIATING THE FACT THAT IN SEVERAL DOCUMENTS/INSTRUMENTS EXECUTED BY THE PETITIONERS WITH THE PARTICIPATION OF COMPLAINANT MS. CORAZON DEL PRADO-LIM, SHE WAS SPECIFICALLY NAMED AS AN HEIR WITH CORRESPONDING SHARES/INHERITANCE IN THE ESTATE OF THE LATE RAFAEL DEL PRADO.
- C. WITH DUE RESPECT, THE LOWER COURT CLEARLY ERRED IN FAILING TO APPRECIATE THE GOOD FAITH OF THE PETITIONERS WHICH NEGATES THE COMMISSION OF THE OFFENSE OF FALSIFICATION ON THEIR PART.
- D. WITH DUE RESPECT, THE LOWER COURT CLEARLY ERRED IN CONVICTING THE PETITIONERS WITHOUT ANY FACTUAL AND LEGAL BASIS, THE PRESUMPTION OF INNOCENCE OF THE PETITIONERS NOT HAVING BEEN OVERCOME BY THE PROSECUTION'S EVIDENCE.
- E. WITH DUE RESPECT [THE LOWER COURT ERRED] IN NOT HOLDING THAT THE CASE IS PURELY CIVIL ONE[,] NOT CRIMINAL.^[16]

To support their assigned errors, the petitioners invoke the existence and contents of the several documents which they had presented before the MTC, including the deed of extrajudicial partition of the estate of Rafael Del Prado dated October 29, 1979, confirmation of subdivision, deed of exchange and petition in the guardianship proceedings for the minor Del Prado children filed by Norma, in which documents they claim to have indicated and confirmed that Corazon is also an heir of the late Rafael. Given these documents, the petitioners insist that they cannot be charged with falsification for having excluded Corazon as an heir of their decedent.

In sum, the issue for this Court's resolution is whether or not the CA erred in affirming the petitioners' conviction for falsification, notwithstanding the said petitioners' defense that they never intended to exclude private complainant Corazon from the estate of the late Rafael.

This Court's Ruling