

SECOND DIVISION

[G.R. No. 182259, October 12, 2009]

**DIONISIO IGNACIO, LYDIA ARCIAGA AND EUGENIA DELA CRUZ,
PETITIONERS, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

D E C I S I O N

ABAD, J.:

The Case

Petitioners^[1] seek by this petition for review^[2] to set aside the Decision^[3] of the Court of Appeals in CA-G.R. CR 30235 dated March 18, 2008, which affirmed the Decision^[4] of the Regional Trial Court of Makati City^[5] in Criminal Case 98-1648 dated January 25, 2006 that found them guilty of estafa through falsification of a public document.

The Facts

Before his wife Damasa Navaro died, Lorenzo dela Cruz had four children with her, namely, Alejandro,^[6] Segunda, Victoria, and Eugenia.^[7] On May 30, 1929, after Damasa passed away, Lorenzo married Brigida Argana. They had two children, Melchor and Gertrudez.^[8] Lorenzo died intestate on June 4, 1935, leaving an unsettled estate that included a 94,802-sq m land in Las Piñas City.

Apparently, Ayala Land, Inc. (Ayala Land) had a conflicting title on this land and on a number of others in the area. The individual claimants to this area, including Lorenzo's heirs, joined up and filed a suit against that company before the Regional Trial Court of Las Piñas in Civil Case 93-3094.^[9] Lorenzo's heirs who joined the suit were petitioners Dionisio Ignacio (a son of Victoria), Alejandro dela Cruz, Lydia Arciaga (a daughter of Segunda), and Eugenia dela Cruz. Brigida's children, Melchor and Gertrudez, joined, too. While Brigida stood as co-plaintiff in the case, she did so as an heir of her father Leon Argana, with respect to a separate parcel of land that belonged to the latter.

Atty. Hicoblino M. Catly, who represented the plaintiffs in the case, succeeded in negotiating a settlement with Ayala Land. They embodied this settlement in a Memorandum of Agreement^[10] that the parties later modified through an Amendatory Agreement.^[11] Eventually, they filed a joint motion^[12] for judgment based on a compromise in which plaintiffs waived and renounced all their claims to the lands in dispute in favor of Ayala Land. They did so in exchange for specific amounts that it paid each of them.

The witnesses from the opposite sides: Brigida and Atty. Catly for the prosecution, and petitioners Ignacio, Arciaga, and Eugenia dela Cruz for the defense,

substantially agreed that on May 13, 1997 they went as instructed to the Makati offices of Ayala Land to sign the documents of settlement, particularly the Memorandum of Agreement between the parties and their joint motion for judgment based on a compromise. Brigida and petitioners Ignacio, Arciaga, and Eugenia dela Cruz uniformly testified that they were unable to properly read and understand the documents they signed. They were just told to sign or thumbmark the papers and they would then be paid. Nor were they able to consult Atty. Catly before signing the same.

Atty. Catly testified that he noticed several irregularities in the documents, particularly the non-inclusion of his attorney's fees and the addition of certain persons in the documents who were not parties to the case. The lawyers of Ayala Land prepared the documents without Atty. Catly's intervention. Nonetheless, he signed the papers because his clients had already done so.

Although Brigida's name appeared in both the memorandum of agreement and the joint motion, the documents referred to her as an heir of Leon Argana. Nowhere did it appear that she was also one of Lorenzo's heirs.

Under the memorandum of agreement, Lorenzo's individual heirs got the following amounts from Ayala Land:

1. Dionisio Ignacio P 9,086,345.98
2. Alejandro dela Cruz P 5,332,562.30
3. Lydia Arciaga P 5,332,562.30
4. Eugenia dela Cruz P 5,332,562.30
5. Melchor dela Cruz P 1,185,000.25
6. Gertrudez dela Cruz P 1,185,000.25

As it happened, Ayala Land paid Brigida only P500,000.00 which represented her share as an heir of Leon Argana.

Petitioner Ignacio admitted that, speaking for Lorenzo's heirs, it was he who gave the names of Lorenzo's six heirs to Atty. Catly.^[13]

On January 25, 2006 the trial court rendered judgment finding petitioners Dionisio Ignacio, Alejandro dela Cruz, Lydia Arciaga, and Eugenia dela Cruz guilty of the crime charged for failing, in conspiracy with one another, to disclose to those who prepared the settlement documents that Brigida was one of Lorenzo's heirs, too, in fact his surviving wife, thereby depriving her of her just share in his estate. The court sentenced each of the petitioners, applying the Indeterminate Sentence Law, to suffer the penalty of 11 years and 1 month of *prision mayor* as minimum to 20 years of *reclusion temporal* as maximum. It also ordered them to pay Brigida P3,922,004.76 in actual damages.

On appeal, the Court of Appeals fully affirmed the trial court's decision, hence, this petition.

The Issue

The core issue in this case is whether or not, in signing the joint motion for judgment based on a compromise, which motion failed to state the fact that Brigida was one of Lorenzo's heirs, and in their thereby profiting from such compromise, petitioners are guilty of estafa through falsification of public documents.

Discussion

In its comment,^[14] the Office of the Solicitor General assails the petition for raising questions of fact that are not proper for a petition for review under Rule 45. But a question is factual when the contending parties cannot agree that a thing exists or has actually happened. On the other hand, a question is legal when the contending parties assume that a thing exists or has actually happened but disagree on its legal significance or effect on their rights.

Here, no genuine questions of fact are involved since the factual versions of the opposing parties are essentially not in conflict. Indeed, they tend to lend credence to each other's claims. Actually, what petitioners gripe about are the legal implications that the trial court and the Court of Appeals drew from those facts. These are questions of law that are proper subject of a petition for review under Rule 45.

The information in this case alleges that the four accused heirs of Lorenzo by Damasa, the petitioners in this case, defrauded their deceased father's second wife, Brigida, "by deliberately omitting to disclose the truth" in the joint motion for judgment based on a compromise submitted to the court for approval that she was Lorenzo's surviving wife and by making her place her thumbmark on the document with that fatal omission, resulting in her being deprived of her just share of P3,922,004.76 from Ayala Land.

The Court of Appeals held that petitioners, as Brigida's relatives by affinity, not only took advantage of her ignorance and lack of education but also betrayed the trust that she reposed on them when they made her affix her thumbmark on the defective joint motion. But nowhere in the records does it appear that petitioners took part in negotiating the settlement or were conscious of the fact that the final settlement papers deprived Brigida of her rightful share in Lorenzo's estate. In fact, although Brigida testified that she thought the documents covered only the lot belonging to her father, Leon Argana, she did not say that it was the petitioners who made her adopt such assumption.

Parenthetically, the instruction for Brigida to go to the offices of Ayala Land to sign the settlement documents came from her nephew, a certain Bernardino Argana. And she did not go alone. Three nephews or nieces accompanied her.^[15] As Brigida admitted, when she got to the Makati offices, she took her seat at a table separate from those that petitioners occupied. And none of them ever approached her.^[16]

Clearly, it was not petitioners who prepared Brigida's mind so she would place her thumbmarks on the joint motion for judgment based on a compromise or who informed her as to what it was all about. Indeed, it appears that petitioners were in no better position than she was with respect to the documentations. They all testified that they signed with no opportunity to really read and understand what the documents contained. They were apparently too trusting and just wanted to get