

SECOND DIVISION

[G.R. No. 136994, September 17, 2002]

**BRAULIO ABALOS, PETITIONER, VS. PEOPLE OF THE
PHILIPPINES, RESPONDENT.**

RESOLUTION

QUISUMBING, J.:

This petition for review assails the consolidated decision^[1] of the Court of Appeals dated August 10, 1998, in CA-G.R. SP No. 42482 and CA-G.R. SP No. 43237. The CA had dismissed for lack of merit petitioner's separate appeals from the order of the Regional Trial Court of Dagupan City, Pangasinan, Branch 40, in Civil Case No. 95-00752-D, and the decision of the Regional Trial Court of Lingayen, Pangasinan, Branch 69, in Civil Case No. 17576.

The antecedents of this petition, based on the findings summarized by the Court of Appeals, duly supported by the records, are as follows:

On November 11, 1994, an Information for Falsification of Private Documents was filed against the accused-appellant Braulio Abalos (hereinafter referred to as the accused-appellant) before the Municipal Trial Court of Dagupan City, which was docketed as Criminal Case No. 22707. The information alleged-

That on or about the 12th day of July, 1994, in the City of Dagupan, Philippines, and within the jurisdiction of this Honorable Court, the above-named accused, ENGR. BRAULIO ABALOS, with intent to cause damage to the heirs of Roman Soriano of Lingayen, Pangasinan, among them is EVELYN C. SORIANO, complainant herein, did then and there, willfully, unlawfully and criminally, cause(d) the production of and the filling in of entries on Cash Receipts Nos. 39185, 39414 and 41775 of the Pangasinan Photostat, and thereafter offered the same to the Regional Trial Court, Branch 37 of Lingayen, Pangasinan, as supporting documents to his Bill of Cost in Civil Case No. 15958, giving the impression to the court that the receipts were authentic when in fact, to his own knowledge, they were not, thereby making untruthful statements in a narration of fact; that as a consequence thereof, the adverse party in Civil Case No. 15958, represented by EVELYN C. SORIANO, sustained damages.

Thereafter, or on December 12, 1994, another Information for Falsification of Private Document was filed against the accused-appellant before the Municipal Trial Court of Lingayen, Pangasinan, docketed as Criminal Case No. 10024.

Meanwhile, on June 5, 1995, during his arraignment before the Dagupan Municipal Trial Court, the accused-appellant entered a plea of not guilty. On August 7, 1995, he filed a Motion to Quash, arguing that the Municipal Trial Court had no jurisdiction over the offense charged....

On October 20, 1995, the Municipal Trial Court of Dagupan City, Branch 2, ordered the quashal of Criminal Case No. 22707 for lack of jurisdiction. Private complainant's Motion for Reconsideration was denied on November 20, 1995.

On January 3, 1996, private complainant filed a Petition for Certiorari with the Regional Trial Court of Dagupan City. On May 14, 1996, the Regional Trial Court of Dagupan City, Branch 40 issued the Order now on appeal, reversing and setting aside the October 20, 1995 and November 20, 1995 Orders of the Municipal Trial Court of Dagupan City, Branch 2, in Criminal Case No. 22707....

x x x

On the other hand, after the filing of the Information before the Lingayen court, the accused-appellant filed a Motion to Quash x x x. The court a quo denied the Motion to Quash in its Order of September 8, 1996. Undaunted, the accused-appellant went on Certiorari to the Regional Trial Court of Lingayen, Pangasinan, Branch 69 which rendered a Decision on October 28, 1996, dismissing the Petition for Certiorari of the accused-appellant for lack of merit.^[2]

Twice rebuffed by two different trial courts, petitioner appealed the said cases to the Court of Appeals. The appeal in Criminal Case No. 22707 was docketed as CA-G.R. SP No. 42482, while that in Criminal Case No. 10024 was docketed as CA-G.R. SP No. 43237. On February 22, 1997, petitioner moved to consolidate the two appeals, which the Court of Appeals granted on April 4, 1997.

On August 10, 1998, the Court of Appeals promulgated the assailed decision, the dispositive portion of which reads:

WHEREFORE, in light of the foregoing, both Appeals in CA-G.R. SP No. 42482 and 43237 are hereby DISMISSED for lack of merit. No pronouncement as to costs.

SO ORDERED.^[3]

On December 14, 1998, petitioner's motion for reconsideration was denied.

Hence, the present petition, where petitioner ascribes the following errors to the Court of Appeals:

I. THE COURT OF APPEALS ERRED IN CONCLUDING AND RULING THAT:

(a) UNDER THE FACTS OF THE CASE AT BENCH (sic), BOTH MTC LINGAYEN AND MTCC DAGUPAN "HAVE JURISDICTION OVER THE RESPECTIVE INFORMATION FILED FOR FALSIFICATION OF PRIVATE DOCUMENTS";

(b) THAT THE FACTS CHARGED IN THE INFORMATION IN THE MTC LINGAYEN AND IN THE INFORMATION IN THE MTCC DAGUPAN DO NOT CONSTITUTE ONLY ONE CRIME OF FALSIFICATION OF PRIVATE DOCUMENTS; AND

(c) THAT IN THE CASE AT BENCH (sic), "EACH FALSIFICATION COMMITTED ON EACH OF THE INDIVIDUAL RECEIPTS AND VOUCHERS CONSTITUTES A SEPARATE CRIME EVEN THOUGH THEY MAY HAVE BEEN COMMITTED IN THE COURSE OF A CONTINUOUS TRANSACTION ON THE SAME DATE OR EVEN ON THE SAME PIECE OF PAPER".

II. THE COURT OF APPEALS ERRED IN CONCLUDING AND RULING THAT THE COMPLAINANT EVELYN C. SORIANO AND THE PEOPLE ARE NOT GUILTY OF FORUM SHOPPING IN THE FILING OF TWO INFORMATIONS FOR ONE AND SAME OFFENSE IN TWO DIFFERENT BRANCHES OF THE REGIONAL TRIAL COURT.

III. ASSUMING *ARGUENDO* THE RULING OF THE COURT OF APPEALS IN THE DECISION APPEALED FROM, THAT THE FALSIFICATION OF EACH RECEIPT AND EACH INVOICE CONSTITUTES A SEPARATE OFFENSE, THE INFORMATION IN CRIMINAL CASE NO. 10024, MTC LINGAYEN IS DISMISSIBLE FOR CHARGING MORE THAN ONE OFFENSE, AND THE DISMISSAL OF CRIMINAL CASE NO. 22707 MTCC DAGUPAN SHOULD HAVE BEEN SUSTAINED.^[4]

The main issue to be resolved is whether MTCC-Dagupan and MTC-Lingayen have jurisdiction over the crimes allegedly committed by petitioner. In this connection, we must also resolve whether the filing of separate complaints supported by the identical affidavits and annexes to the informations filed in two courts constitutes forum shopping. Lastly, we must also determine whether the respective informations in Lingayen as well as in Dagupan, MTCC, were dismissible for multiplicity of offenses merged in one information.

Primarily, petitioner assails the assumption of jurisdiction over the criminal cases for falsification by the MTCC-Dagupan and the MTC- Lingayen. He argues that both courts could not have simultaneous jurisdiction over his case. He avers that only one crime was committed pursuant to the unified and indivisible nature of the criminal intent proved.

Petitioner also contends that the filing of two separate complaints using the same complaint-affidavit and supported by the same annexes constitutes forum shopping. He points out that if indeed the acts committed by him constitute several offenses, then the informations filed against him in Criminal Cases Nos. 10024 and 22707 should be dismissed on the ground of "multiplicity of felonies charged in a single information."^[5]

For the respondent, the Office of the Solicitor General (OSG) avers that both MTCC-Dagupan and MTC-Lingayen have properly assumed jurisdiction over petitioner's criminal cases since these involved different acts of falsification, where some were committed in Dagupan and others in Lingayen. The OSG adds that each falsified document constitutes one separate act of falsification, such that "there could be as many acts of falsification as there are ... falsified documents."^[6] Citing *People vs. Madrigal-Gonzales*, 7 SCRA 942 (1963), the OSG contends that in this case, the use of several falsified documents during one occasion does not diminish the number of acts of falsification that petitioner had committed.^[7]