



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **14 February 2022** which reads as follows:*

“G.R. No. 208960 (*Angeles M. Urot v. People of the Philippines*). — Before this Court is a Petition for Review on *Certiorari*¹ challenging the April 25, 2012 Decision² and July 23, 2013 Resolution³ of the Court of Appeals (CA) in CA-G.R. CEB CR No. 00924. The CA affirmed the Regional Trial Court (RTC)’s, Branch 21, Cebu City conviction⁴ of petitioner Angeles Monterola Urot (petitioner or Angeles) for violation of Article 172 of the Revised Penal Code (RPC) in Criminal Case No. CBU-51822 despite the RTC’s lack of jurisdiction over the crime charged, on the ground of laches on the part of petitioner.

The Antecedents:

Petitioner and her brother, private respondent Rodulfo Monterola (Rodulfo), co-owned a parcel of land situated in Managese, Tabogon, Cebu.⁵ On October 24, 1996, petitioner and Rodulfo allegedly executed a real estate mortgage⁶ over said land in favor of Aspac Bank. Eliseo A. Daniot notarized the deed of mortgage.⁷ The mortgage was to secure a promissory note⁸ allegedly executed by the siblings on October 28, 1996 in favor of Aspac Bank. The note, which matured on October 23, 1997, was for the amount of ₱250,000.00 bearing interest of 20% per annum.⁹

¹ *Rollo*, pp. 10-29.

² *Id.* at 31-45. Penned by Associate Justice Gabriel T. Ingles and concurred in by Associate Justices Eduardo B. Peralta, Jr. and Pamela Ann Abella Maxino.

³ *Id.* at 58-59.

⁴ *Id.* at 67-72. Penned by Judge Eric F. Menchavez.

⁵ *Id.* at 68.

⁶ Records, pp. 11-14.

⁷ *Rollo*, p. 31.

⁸ Records, pp. 15-17.

⁹ *Rollo*, p. 32.

After execution of the mortgage, Aspac Bank issued Check No. 0851¹⁰ to both petitioner and Rodulfo amounting to ₱190,738.00 as loan proceeds. The check was encashed even if it was only petitioner who endorsed the same.¹¹

Sometime in December 1997, Aspac Bank sent a notice¹² to Rodulfo informing him of his outstanding obligation. When Rodulfo asked petitioner about the bank obligation, petitioner informed him that she would pay it. However, petitioner failed to settle the obligation with the bank.¹³

Rodulfo sought the assistance of the Philippine National Police (PNP) Crime Laboratory for the examination of the authenticity of his alleged signatures appearing in the deed of mortgage and note. The PNP, in its Document Report No. 029-99,¹⁴ concluded that the purported signatures of Rodulfo were both forged.¹⁵

On September 23, 1999, petitioner was charged before the RTC with falsification of a public document under Article 172 of the RPC in an Information¹⁶ that reads:

That on the 24th day of October, 1996, and for sometime subsequent thereto, in the City of Cebu, Philippines, and within the jurisdiction of this Honorable Court, the said accused, with deliberate intent, did then and there falsify a public document consisting of a Real Estate [M]ortgage, acknowledged before Notary Public Eliseo A. Daniot, dated October 24, 1996, and registered as Doc No. 381, Page No. 57, Book No. XXIX, Series of 1996, over a parcel of agricultural land located at Managase, Tabogon, Cebu, under Tax Declaration No. 11874-A declared in the name of Angeles Monterola and Rodulfo Monterola, with an area of 33,888 square meters showing therein that Rodulfo Monterola had mortgaged said parcel of land together with accused Angeles Monterola-Urot in favor of ASPAC Rural Bank, Tabogon Branch, Poblacion, Tabogon, Cebu, for a consideration of ₱250,000.00 by imitating, counterfeiting and caused to be imitated and counterfeited the signature over and above the typewritten name Rodulfo Monterola on said real estate mortgage as one of the mortgagors, thus causing it to appear that he participated in the execution of the said document when in truth and in fact he did not so participate and that he (Rodulfo Monterola) was never a party to said document and once said document was falsified did then [and] there submit the same with said bank and consequently the bank released the said amount of ₱250,000.00 to the accused and the latter used the same for her own personal benefit, to the damage and prejudice of said Rodulfo Monterola.

CONTRARY TO LAW.¹⁷

¹⁰ Records, p. 258.

¹¹ *Rollo*, p. 32.

¹² TSN, August 22, 2001, pp. 3-4.

¹³ *Id.* at 5.

¹⁴ Records, p. 259.

¹⁵ *Id.*

¹⁶ *Id.* at 1-2.

¹⁷ *Id.*

Petitioner pleaded not guilty to the crime charged.¹⁸ Thereafter, trial on the merits ensued. Rodulfo passed away on January 31, 2005 while the trial was ongoing.¹⁹

Ruling of the Regional Trial Court:

In its August 24, 2006 Decision,²⁰ the RTC convicted petitioner of falsification under Article 172, par. 1 of the RPC. The dispositive portion of the RTC judgment reads:

WHEREFORE, premises considered, the Court finds the accused Angeles M. Urot guilty beyond reasonable doubt of the crime of violation of Art. 172 par. (1) of the Revised Penal Code, for which she is hereby sentenced to suffer an indeterminate penalty of imprisonment of ONE (1) YEAR & EIGHT (8) MONTHS as minimum to Four (4) years, Nine (9) months & Ten (10) days as maximum and to pay the fine of FIVE THOUSAND (Php5,000.00) PESOS and to further indemnify the heirs of Rodulfo M. Monterola as follows:

1. Php294,000.00 for Actual Damages;
2. Php200,000.00 for Moral Damages;
3. Php35,000.00 for Attorney's Fees; and
4. Php 20,000.00, Litigation Expenses.

Finally, the heirs of Rodulfo M. Monterola are hereby ordered to file a civil case for the Declaration of Nullity of the Real Estate Mortgage, etc. The bond posted by the accused is hereby cancelled.

SO ORDERED.²¹

On August 30, 2006, petitioner moved for reconsideration²² of the RTC's August 24, 2006 Decision on the sole ground that the trial court had no jurisdiction over the offense charged.²³ The RTC denied the same in its May 18, 2007 Order.²⁴ In so ruling, the RTC opined that laches or estoppel already barred petitioner from raising the issue of jurisdiction, the same being raised only after the RTC's judgment of conviction against her.²⁵

Petitioner appealed²⁶ her conviction to the CA. In her brief,²⁷ petitioner maintained that the RTC's August 24, 2006 Decision is void and can be challenged at any time, even on appeal, since the RTC had no jurisdiction over the offense charged in Criminal Case No. CBU-51822.²⁸

¹⁸ *Rollo*, p. 33.

¹⁹ *Id.* at 34.

²⁰ *Id.* at 67-72.

²¹ *Id.* at 72.

²² *Id.* at 73-78.

²³ *Id.*

²⁴ *Id.* at 79.

²⁵ *Id.*

²⁶ *Id.* at 80-91.

²⁷ *Id.* at 83-89.

²⁸ *Id.* at 80-91.

Ruling of the Court of Appeals:

In its April 25, 2012 Decision,²⁹ the CA affirmed the RTC's judgment of conviction. While the CA acknowledged that an objection based on the lack of jurisdiction may generally be raised at any stage of the proceedings, it noted that the circumstances of the case warranted a departure from the general rule and the application of *Tijam v. Sibonghanoy*³⁰ (*Sibonghanoy*).³¹ In so ruling, the CA observed that petitioner actively participated during trial and raised the issue on lack of jurisdiction only after she was convicted and sentenced to imprisonment and that Rodulfo, who actively pursued the case, already passed away while trial was ongoing.³² The *fallo* of the CA's April 25, 2012 Decision reads:

WHEREFORE, the Decision dated 24 August 2006 rendered in Criminal Case No. CBU-51822 by Branch 21 of the Regional Trial Court in Cebu City finding accused Angeles M. Urot guilty beyond reasonable doubt of the crime of Falsification punished under Art. 172, Par. 1 of the Revised Penal Code is hereby **AFFIRMED with the MODIFICATION** that accused Angeles M. Urot is hereby **ORDERED TO INDEMNIFY** the Heirs of Rodulfo M. Monterola P147,282.50 instead of P294,000.00 as actual damages, and P30,000 instead of P200,000.00 as moral damages.

SO ORDERED.³³

Petitioner moved for reconsideration,³⁴ which was denied by the CA in its July 23, 2013 Resolution.³⁵ Hence, this Petition,³⁶ where petitioner maintains that Criminal Case No. CBU-51822 should be dismissed on the ground of lack of jurisdiction of the RTC.³⁷

Issue

This Court is called upon to determine whether or not the criminal complaint against petitioner should be dismissed for lack of jurisdiction of the RTC over the offense charged.

Our Ruling

The Petition is granted. Petitioner is acquitted in view of the lack of jurisdiction of the RTC to hear and try Criminal Case No. CBU-51822.

²⁹ Id. at 31-45.

³⁰ 131 Phil. 556 (1968).

³¹ *Rollo*, pp. 39-40.

³² Id. at 37-39.

³³ Id. at 44.

³⁴ Id. at 46-56.

³⁵ Id. at 58-59.

³⁶ Id. at 10-29.

³⁷ Id. at 25-26.

Jurisdiction of a court over a criminal case is determined by the allegations of the complaint or information.³⁸ Here, petitioner was charged with violation of Article 172 of the RPC which is punishable by *prision correccional* in its medium and maximum periods, *i.e.*, two years, four months and one day to six years.³⁹ At the time of the filing of the Information, a violation of Article 172 of the RPC falls within the exclusive original jurisdiction of the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts:

Sec. 32. Jurisdiction of Metropolitan Trial Courts, Municipal Trial Courts and Municipal Circuit Trial Courts in Criminal Cases. — Except in cases falling within the exclusive original jurisdiction of Regional Trial Courts and of the Sandiganbayan, **the Metropolitan Trial Courts, Municipal Trial Courts, and Municipal Circuit Trial Courts shall exercise:**

x x x x

(2) Exclusive original jurisdiction over all offenses punishable with **imprisonment not exceeding six (6) years irrespective of the amount of fine**, and regardless of other imposable accessory or other penalties, including the civil liability arising from such offenses or predicated thereon, irrespective of kind, nature, value or amount thereof: Provided, however, That in offenses involving damage to property through criminal negligence, they shall have exclusive original jurisdiction thereof.⁴⁰

Based on the foregoing, it is clear that the RTC had no jurisdiction to hear and try Criminal Case No. CBU-51822. While the Office of the Solicitor

³⁸ *Foz, Jr. v. People*, 618 Phil. 120, 130 (2009).

³⁹ REVISED PENAL CODE, Articles 27 and 172 read:

ARTICLE 27. x x x x

x x x x

Prisión correccional, suspensión, and destierro. — **The duration of the penalties of prison correccional, suspensión and destierro shall be from six months and one day to six years**, except when suspension is imposed as an accessory penalty, in which case, its duration shall be that of the principal penalty.

x x x x

ARTICLE 172. *Falsification by Private Individuals and Use of Falsified Documents.* — **The penalty of prisión correccional in its medium and maximum periods** and a fine of not more than 5,000 pesos shall be imposed upon:

1. Any private individual who shall commit any of the falsifications enumerated in the next preceding article in any public or official document or letter of exchange or any other kind of commercial document; and

2. Any person who, to the damage of a third party, or with the intent to cause such damage, shall in any private document commit any of the acts of falsification enumerated in the next preceding article.

Any person who shall knowingly introduce in evidence in any judicial proceeding or to the damage of another or who, with the intent to cause such damage, shall use any of the false documents embraced in the next preceding article or in any of the foregoing subdivisions of this article, shall be punished by the penalty next lower in degree. (Emphasis supplied)

⁴⁰ The law in force at the time of filing of the information was Batas Pambansa Blg. 129, as amended by Republic Act No. 7691.

General (OSG) does not dispute the RTC's lack of jurisdiction to hear and decide the instant criminal case, it cites *Sibonghanoy*⁴¹ and contends that petitioner is already barred by laches from assailing the jurisdiction of the RTC, considering her active participation during trial, her belated attack on the RTC's jurisdiction almost seven years since she was first scheduled to be arraigned, and the death of Rodulfo whose testimony is purportedly important to the prosecution of the case.⁴²

It is settled that jurisdiction is conferred by law and any judgment, order or resolution issued without it is void and cannot be given any effect. This rule applies even if the issue on jurisdiction was raised for the first time on appeal or even after final judgment.⁴³ It is true that this principle has since been qualified by *Sibonghanoy*, where we ruled that a party could no longer question the trial court's jurisdiction over the subject matter due to estoppel by laches.⁴⁴ In said case, the Court noted the party's active participation during trial and characterized the party's invocation of the trial court's lack of jurisdiction almost 15 years after the questioned ruling had been rendered as a last minute effort to absolve itself from an unfavorable judgment on appeal. In applying the principle of estoppel by laches, the Court considered the patent inequity and unfairness of having the judgment creditors go up their Calvary once more after 15 years.⁴⁵

The rule on estoppel by laches in *Sibonghanoy* has since been applied in numerous criminal cases involving parties' belated invocation of lack of jurisdiction.⁴⁶ Nevertheless, this Court has since clarified that estoppel by laches may only be applied in exceptional cases when the factual milieu in *Sibonghanoy* is present:

The Court, thus, wavered on when to apply the exceptional circumstance in *Sibonghanoy* and on when to apply the general rule enunciated as early as in *De La Santa* and expounded at length in *Calimlim*. **The general rule should, however, be, as it has always been, that the issue of jurisdiction may be raised at any stage of the proceedings, even on appeal, and is not lost by**

⁴¹ Supra note 30.

⁴² Id. at 111-127.

⁴³ *Magno v. People*, 662 Phil. 726, 735-736 (2011).

⁴⁴ Id. at 736.

⁴⁵ Supra note 30 at 563-565.

⁴⁶ In *Aquino v. Court of Appeals*, 281 Phil. 271, 277-278 (1991), the Court declined petitioner's argument of lack of the jurisdiction of the trial court, noting that the accused never raised the ground of lack of jurisdiction in the proceedings before the lower court and before the Court of Appeals. In *Tejones v. Gironella*, 242 Phil. 530, 533-535 (1988), the Court, in ruling that petitioner was estopped from raising lack of jurisdiction of the Municipal Court, noted that it was only after the petitioner was adjudged guilty by said court and after his appeal to the Court of First Instance had been denied that he moved to set aside the decision and to declare the proceedings null and void. In *People v. Casuga*, 153 Phil. 38, 42-44 (1973), the Court held that accused is estopped from raising the issue of jurisdiction, which was done for the first time in her brief on appeal. In *Vera vs. People*, 142 Phil. 626, 631-634 (1970), the Court refused to set aside the judgment of conviction of the petitioners-accused as affirmed by the CA on the ground that the therein accused were barred from raising too late the question of nullity of the trial court's judgment which was promulgated to the accused only after the presiding judge's retirement when he was no longer the judge of the said court.

waiver or by estoppel. Estoppel by laches, to bar a litigant from asserting the court's absence or lack of jurisdiction, only supervenes in exceptional cases similar to the factual milieu of *Tijam v. Sibonghanoy*. Indeed, the fact that a person attempts to invoke unauthorized jurisdiction of a court does not estop him from thereafter challenging its jurisdiction over the subject matter, since such jurisdiction must arise by law and not by mere consent of the parties. This is especially true where the person seeking to invoke unauthorized jurisdiction of the court does not thereby secure any advantage or the adverse party does not suffer any harm.⁴⁷ (Emphasis supplied)

In *Pangilinan v. Court of Appeals*,⁴⁸ We stressed that estoppel in questioning the jurisdiction of the court is only brought to bear when not doing so will subvert the ends of justice. Courts should not lightly brush aside errors in jurisdiction especially when it is the liberty of an individual which is at stake.

In *Fukuzume v. People*⁴⁹ (*Fukuzume*), We declined the application of estoppel by laches even if therein petitioner raised the issue of jurisdiction only in his petition before the CA. We emphasized that an objection based on the ground that the court lacks jurisdiction over the offense charged may be raised or considered *motu proprio* by the court at any stage of the proceedings or on appeal, and that jurisdiction over the subject matter in a criminal case cannot be conferred upon the court by the accused, by express waiver or otherwise, since such jurisdiction is conferred by the sovereign authority which organized the court, and is given only by law in the manner and form prescribed by law. While the Court recognized *Sibonghanoy* as an exception, it also observed that the factual circumstances involved in said case, a civil case, which justified the departure from the general rule are not present in *Fukuzume*, a criminal case. Relevantly, the Court in *Foz Jr. v. People*⁵⁰ cited *Fukuzume* in ruling that petitioners therein were not precluded from raising the issue of the RTC's lack of jurisdiction over the offense charged even if they raised it for the first time in their reply before the Supreme Court.

In *Figueroa v. People*,⁵¹ We ruled that petitioner therein was not estopped by laches in assailing the trial court's jurisdiction considering that he raised the lack thereof in his appeal before the appellate court and that no considerable period had yet elapsed for laches to attach. We cautioned that estoppel, being in the nature of a forfeiture, is not favored by law and must be applied rarely — only from necessity, and only in extraordinary circumstances. The doctrine must be applied with great care and the equity must be strong in its favor. When misapplied, the doctrine of estoppel can be an effective weapon for the accomplishment of injustice.

⁴⁷ *Figueroa v. People*, 580 Phil. 58, 76 (2008).

⁴⁸ See 378 Phil. 670, 677-678 (1999).

⁴⁹ See 511 Phil. 192, 207-208 (2005).

⁵⁰ *Supra* note 38 at 129.

⁵¹ *Supra* note 47 at 77.

In *Talabis v. People*⁵² (*Talabis*), We dismissed the claim that petitioner therein was estopped from raising lack of jurisdiction considering the factual milieu in *Sibonghanoy* was not present. In so ruling, We noted that the petitioner in *Talabis* already raised the issue on jurisdiction in his Brief and during appeal before the CA and that no considerable period had yet elapsed for laches to attach.

In light of the foregoing, We hold that the principle of estoppel by laches should not apply in this case since the exceptional circumstances in *Sibonghanoy* are not present. It must be emphasized that for estoppel by laches to apply, the lack of jurisdiction must have been raised so belatedly as to warrant the presumption that the party entitled to assert it had abandoned or declined to assert it.⁵³ Here, petitioner raised the lack of jurisdiction of the RTC to hear and decide the criminal case when she timely filed her motion for reconsideration against the RTC's judgment of conviction and when the case was still with the trial court.⁵⁴ In contrast, *Sibonghanoy* represented an exceptional case wherein the party invoking lack of jurisdiction did so *only after fifteen (15) years after the rendition of the questioned ruling* and when the proceedings had already been elevated to the CA.⁵⁵ Thus, the general rule that lack of jurisdiction may be invoked at any stage of the proceedings should prevail, and petitioner should not be estopped from raising the lack of jurisdiction of the RTC.

It is regrettable that Rodulfo, the private respondent, has already passed away and thus could no longer testify should the case be refiled in a court of competent jurisdiction. Nevertheless, when a court clearly has no jurisdiction over the offense charged, the doctrine of estoppel by laches should be applied rarely and only in truly exceptional circumstances analogous to *Sibonghanoy*. Indeed, the right of the accused to raise the lack of jurisdiction of the court should not be considered so easily abandoned when it is their liberty that is at stake.

In fine, the dismissal of Criminal Case No. CBU-51822 against petitioner is in order.

WHEREFORE, the instant Petition is **GRANTED**. The April 25, 2012 Decision and July 23, 2013 Resolution of the Court of Appeals in CA-G.R. CEB CR No. 00924, are **SET ASIDE**. Criminal Case No. CBU-51822 is hereby **DISMISSED** without prejudice.

⁵² G.R. No. 214647, March 4, 2020.

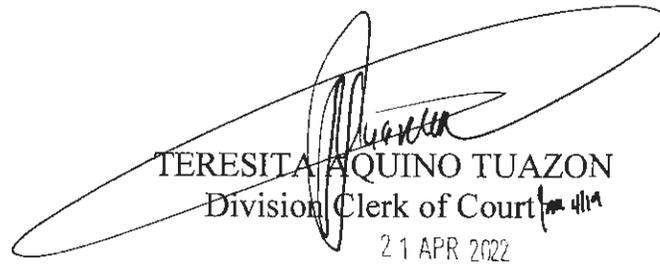
⁵³ *Francel Realty Corp. v. Sycip*, 506 Phil. 407, 414 (2005).

⁵⁴ *Rollo*, pp. 20-25.

⁵⁵ *Supra* note 51 at 76.

SO ORDERED.” (*J. Inting, no part due to his sister’s (J. Socorro Inting) prior action in the Court of Appeals; J. Zalameda, designated additional member per Raffle dated December 6, 2021).*

By authority of the Court:



TERESITA AQUINO TUAZON
Division Clerk of Court
21 APR 2022

ATTY. DELON RICHEL RAMON B. UROT (reg)
Counsel for Petitioner
Room 301, Osmeña Bldg.
Osmeña Blvd. cor. D. Jakosalem St.
6000 Cebu City

OFFICE OF THE SOLICITOR GENERAL (reg)
134 Amorsolo Street
1229 Legaspi Village
Makati City

HON. PRESIDING JUDGE (reg)
Regional Trial Court, Br. 21
6000 Cebu City
Crim. Case No. CBU-51822

COURT OF APPEALS (reg)
Visayas Station
Cebu City
CA-G.R. CEB CR No. 00924

JUDGMENT DIVISION (x)
Supreme Court, Manila

PUBLIC INFORMATION OFFICE (x)
LIBRARY SERVICES (x)
[For uploading pursuant to A.M. No. 12-7-1-SC]

OFFICE OF THE CHIEF ATTORNEY (x)
OFFICE OF THE REPORTER (x)
PHILIPPINE JUDICIAL ACADEMY (x)
Supreme Court, Manila

Please notify the Court of any change in your address.
GR208960. 02/14/2022(149)URES