



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, Third Division, issued a Resolution dated July 27, 2022, which reads as follows:

“G.R. No. 253961 (*Teresa C. Turla v. People of the Philippines*). – The Court NOTES:

- (1) the Transmittal Letter dated August 10, 2021 of the Court of Appeals (CA), Manila, in compliance with the Resolution dated February 10, 2021, elevating to this Court the CA *rollo* and original records of this case; and
- (2) the Comment dated September 28, 2021, filed by the Office of the Solicitor General, on the petition for review on *certiorari*.

This is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court, as amended, assailing the Decision² dated November 26, 2019 and the Resolution³ dated September 24, 2020 of the Court of Appeals (CA) in CA-G.R. CR No. 40020. The assailed issuances affirmed with modification the Joint Decision⁴ dated June 6, 2016 of Branch 50 of the Regional Trial Court (RTC) of Guagua, Pampanga which found petitioner Teresa C. Turla (petitioner) guilty beyond reasonable doubt of two counts of the complex crime of estafa thru falsification of commercial documents.

Antecedents

Petitioner was indicted of the crimes charged by virtue of two Informations dated November 22, 1999, the accusatory portions of which reading as follows:

¹ *Rollo*, pp. 3-24.

² *Id.* at 26-46. Penned by Associate Justice Perpetua Susana T. Atal-Paño with Associate Justices Mariflor P. Punzalan-Castillo and Myra V. Garcia-Fernandez concurring.

³ *Id.* at 48-50.

⁴ Records (Criminal Case No. G-4875, Vol. 2), pp. 268-277. Rendered by Presiding Judge Amor M. Dimatatac-Romero.

Criminal Case No. G-4875

That in or about the period comprised from February, 1998 to October, 1998, in the municipality of Floridablanca, province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, TERESA C. TURLA, then employed by the Bank of Florida, Floridablanca Branch Office, Floridablanca, Pampanga, as Branch Cashier, and as such was reposed with the responsibility to take custody of all accountable forms of the bank such as: Cashier's Checks; Official Receipts; Passbooks; Certificate of Time Deposit; Temporary Receipts and others, accused, with intent to defraud, did then and there willfully, unlawfully and feloniously falsify Certificate of Time Deposit No. 34409, dated October 28, 1998, due on November 28, 1998, in the amount of ₱331,987.78 by then and there forging the signature of the Manager and the signatures of Feliciano D. Laxamana, Remedios Guanzon and Myrin Y. Mallari to make it appear that said amount, which was received by the accused from Sps. Carlos Mendoza and Praxedes Mendoza for the purpose of depositing the same, was received and deposited with the Bank of Florida, when in truth and in fact, accused well knew that she had not opened any Time Deposit with the bank for Sps. Carlos Mendoza and Praxedes Mendoza, and accused once in possession of said amount, did then and there willfully, unlawfully and feloniously appropriate and convert to her own personal use and benefit the said amount, to the damage and prejudice of the Bank of Florida who paid the sum of ₱331,987.78 to Sps. Carlo Mendoza and Praxedes Mendoza.

Contrary to law.⁵

Criminal Case No. G-4876

That in or about the period comprised from February, 1998 to October, 1998, in the municipality of Floridablanca, province of Pampanga, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, TERESA C. TURLA, then Employed by the Bank of Florida, Floridablanca Branch Office, Floridablanca, Pampanga, as Branch Cashier, and as such was reposed with the responsibility to take custody of all accountable forms of the bank such as: Cashier's Checks; Official Receipts; Passbooks; Certificate of Time Deposit; Temporary Receipts and others, accused, with intent to defraud, did then and there willfully, unlawfully and feloniously falsify Certificate of Time Deposit No. 34162, dated October 21, 1998, due on November 20, 1998, in the amount of ₱450,380.84 by then and there forging the signature of the Manager and the signatures of Feliciano D. Laxamana, Remedios Guanzon and Myrin Y. Mallari to make it appear that said amount, which was received by the accused from Sps. Carlos Mendoza and Praxedes Mendoza for the purpose of depositing the same, was received and deposited with the Bank of Florida, when in truth and in fact, [petitioner] well knew that she had not opened any Time Deposit with the bank for Sps. Carlos Mendoza and Praxedes Mendoza, and accused once in possession of said amount, did then and there willfully, unlawfully and feloniously appropriate and convert to her own personal use and benefit the said amount, to the damage and prejudice of the Bank of Florida who paid the sum of ₱450,380.84 to Sps. Carlos Mendoza and Praxedes Mendoza.

⁵ Id. (Criminal Case No. G-4875, Vol. 1), p. 3.

Contrary to law.⁶

Upon arraignment, petitioner, assisted by counsel, pleaded not guilty to both charges.⁷ Thus, pre-trial ensued,⁸ followed by trial on the merits.

The evidence for the prosecution, as summarized by the RTC and quoted by the CA, are as follows:

On November 20, 1998, Felicísimo Laxamana (Laxamana), Branch Manager of the Bank of Florida (formerly Rural Bank of Floridablanca) received a call from one Dra. Praxedes Mendoza (Dra. Praxedes) verifying the status of [petitioner] at the bank, whether she was still a regular employee of the bank. Said manager informed the caller that [petitioner], as of [October] 2, was no longer connected with the bank. The caller then verified if she could still negotiate the Certificate of Time Deposit (CTD) with [Turla]. On the same date, the caller came to the bank, bringing with her the two (2) [CTDs] - 34512 dated October 2, 1998 and 34409 dated October 28, 1998[.]. The certificates were purportedly signed by the Manager [Laxamana] and the cashier Myrene Y. Mallari [Mallari]. Both persons later denied having signed the certificates. [Dra. Praxedes] and her husband Carlos Mendoza (Carlos) were informed of the forgery. The spouses Mendoza then related that they have always transacted with [petitioner], and [every time] their [CTD] matures, they transacted with [petitioner] for the renewal.

As explained by the witness Bank Manager, the subject [CTDs] were earlier recorded as missing, and that the same were not encoded and have no transaction from the bank. (The duplicate and triplicate [copies] of the [CTDs] are) still with the bank. The said document as well as other documents were entrusted to [petitioner], in her capacity as cashier, in her custody, kept in vault, when [petitioner] was still employed with the bank). The said [CTDs] were issued to Spouses Mendoza by [petitioner]. [Petitioner] was suspended from the bank sometime in October 2, 1998 on account of missing funds of One Million Pesos at the cash vaults as reported by her successor as cashier. [Petitioner] was terminated a few weeks later for: a) she falsified documents of the bank; b) theft of bank funds – cash shortage amounting to close to a million pesos; and c) for breach of trust and confidence.

The matter was referred to the bank's counsel and to the executive vice president for branch Operation Mr. Michael Lapid (Lapid). Subsequently, a meeting was held between the spouses Mendoza and [Lapid]. After [Lapid] was informed about the situation, he caused the preparation of the list of missing and cancelled [CTDs] and set a meeting with [petitioner] on November 23, 1998. [Petitioner] admitted that she had them in her custody and surrendered the same. These were [CTDs] issued by [petitioner] to spouses Mendoza from the period June 24, 1997 to September 28, 1998, all prepared and signed by her unbeknownst to the bank.⁹

⁶ Id.

⁷ Id. at 33.

⁸ Id. at 39-40.

⁹ *Rollo*, pp. 29-30.

After the prosecution rested its case and made a formal offer of evidence,¹⁰ petitioner was granted leave of court¹¹ to file a demurrer to evidence. However, she instead filed a Motion to Dismiss (Based on Insufficiency of Evidence).¹² Said motion was denied by the RTC in a Joint Order¹³ dated January 14, 2009. In the same Joint Order, the trial court also directed petitioner to commence the presentation of her evidence-in-chief.

The records show that petitioner was not able to proffer any evidence, whether documentary or testimonial, for her defense. This led to multiple postponements of the trial of the case. Thus, in a Joint Order¹⁴ dated October 1, 2013, the RTC declared that her right to present evidence had already been deemed waived.

The RTC Ruling

On June 26, 2016, the RTC rendered a Joint Decision convicting petitioner as charged, disposing as follows:

WHEREFORE, premises considered, the Court finds accused Teresa C. Turla:

In Criminal Case No.[.] G-4875:

GUILTY beyond reasonable doubt of the offense of Estafa thru Falsification of Commercial Document, defined and penalized under Articles 171 and 172 of the Revised Penal Code and hereby sentences her to suffer the indeterminate penalty of four (4) years and two (2) months of *prision correccional* as minimum to twenty (20) years of *reclusion temporal* as maximum.

Accused is ordered to pay a fine of Five Thousand Pesos (P5,000.00).

In Criminal Case No.[.] G-4876:

GUILTY beyond reasonable doubt of the offense of Estafa thru Falsification of Commercial Document, defined and penalized under Articles 171 and 172 of the Revised Penal Code and hereby sentences her to suffer the indeterminate penalty of four (4) years and two (2) months of *prision correccional* as minimum to twenty (20) years of *reclusion temporal* as maximum.

Accused is ordered to pay a fine of Five Thousand Pesos (P5,000.00).

Accused is further ordered to pay complainant Bank of Florida the amount of Six Hundred Eighty Thousand Three Hundred Twenty[-]Five Pesos and Twenty Centavos (P680,325.20) with 6% interest from December 1, 1999, the filing of the case.

¹⁰ Records (Crim. Case No. G-4876, Vol. 2), pp. 219-225.

¹¹ Id. at 270.

¹² Id. at 292-293.

¹³ Id. at 296-297. Rendered by Judge Pamela Ann A. Maxino.

¹⁴ Id. at 259.

SO ORDERED.¹⁵

Aggrieved, petitioner interposed an appeal¹⁶ with the CA.

Petitioner argued that her criminal liability had already been extinguished by virtue of a compromise agreement between her and the Bank of Florida, where she agreed to pay the latter the amount of ₱110,000.00;¹⁷ and that the failure of the prosecution to present the testimony of the spouses Carlos and Praxedes Mendoza (spouses Mendoza) meant that there was no evidence that money was delivered to her;¹⁸ and, at any rate, the cases against her should have been instituted by the spouses Mendoza, and not by the Bank of Florida.¹⁹

The CA Ruling

In the herein assailed Decision²⁰ dated November 26, 2019, the CA denied the said appeal. Thus:

WHEREFORE, the appeal is hereby **DENIED**. The Joint Decision dated June 6, 2016 of the Regional Trial Court, Third Judicial Region, Branch 50, Guagua, Pampanga, in Criminal Case Nos. G-4875 and G-4876, is hereby **AFFIRMED** with the following **MODIFICATIONS** as to the penalty of imprisonment:

In Criminal Case No. G-4875:

The Court finds accused-appellant Teresa C. Turla **GUILTY** beyond reasonable doubt of the crime of Estafa through Falsification of a Commercial Document under Article 171 and 172, in relation to Article 315 of the Revised Penal Code and is hereby sentenced to suffer the penalty of imprisonment of four (4) months and one (1) day of *arresto mayor*, as the minimum, to five (5) years of *prision correccional*, as the maximum, with subsidiary imprisonment in case of insolvency.

Accused is ordered to pay a fine of Five Thousand Pesos (₱5,000.00).

In Criminal Case No. G-4876:

The Court finds accused-appellant Teresa C. Turla **GUILTY** beyond reasonable doubt of the crime of Estafa through Falsification of a Commercial Document under Article 171 and 172, in relation to Article 315 of the Revised Penal Code and is hereby sentenced to suffer the penalty of imprisonment of four (4) months and one (1) day of *arresto mayor*, as the minimum, to five (5) years of *prision correccional*, as the maximum, with subsidiary imprisonment in case of insolvency.

¹⁵ Records (Criminal Case No. G-4875, Vol. 2), pp. 276-277.

¹⁶ CA *rollo*, pp. 34-45.

¹⁷ Id. at 42.

¹⁸ Id. at 43.

¹⁹ Id. at 43-44.

²⁰ *Rollo*, pp. 26-46.

Accused is ordered to pay a fine of Five Thousand Pesos (₱5,000.00).

Further, accused-appellant Teresa C. Turla is hereby ordered to indemnify the Bank of Florida the amount of ₱680,325.20, plus legal interest at the rate of 12% per *annum* counted from December 1, 1999, the date of filing of the instant case, up to June 30, 2013, and thereafter at the rate of 6% per *annum* from July 1, 2013, until full payment.

SO ORDERED.²¹

The CA ruled that the compromise agreement between petitioner and the Bank of Florida did not convert the nature of her liability from criminal to civil;²² that the testimony of the spouses Mendoza was no longer necessary to prove that money was delivered to petitioner;²³ that the Bank of Florida was the proper party to institute the case against petitioner;²⁴ and that the prosecution was able to prove all of the elements of estafa thru falsification of commercial documents.²⁵

Hence the present recourse.

Issues

Petitioner submits the following issues for Our consideration:

I.

THE COURT OF APPEALS ERRED IN FINDING THAT THE PROSECUTION HAD ESTABLISHED ACTUAL DELIVERY BY THE SPOUSES MENDOZA TO THE PETITIONER OF THE AMOUNTS UNDER CERTIFICATES OF TIME DEPOSIT NO. 34409 AND 34162 CONSIDERING THE RELIANCE ON HEARSAY EVIDENCE AND THE FAILURE OF THE PROSECUTION TO PRESENT THE SPOUSES MENDOZA TO TESTIFY.

II.

THE COURT OF APPEALS ERRED IN NOT FINDING THAT IT SHOULD HAVE BEEN THE SPOUSES MENDOZA WHO WERE THE PROPER PARTIES TO INSTITUTE THE CHARGES IN THE PRESENT CRIMINAL CASES AND NOT THE COMPLAINANT BANK.²⁶

In its Comment,²⁷ the Office of the Solicitor General countermands that the instant petition is improper for raising pure questions of fact;²⁸ that the CA did not err in affirming petitioner's conviction;²⁹ and that because the Bank of

²¹ Id. at 44-45.

²² Id. at 34.

²³ Id. at 36.

²⁴ Id. at 39.

²⁵ Id. at 39-40.

²⁶ Id. at 10-11.

²⁷ Id. at 60-87.

²⁸ Id. at 71.

²⁹ Id. at 73.

Florida paid the spouses Mendoza the amount of ₱680,325.20 to compensate for their loss, it had already subrogated to the rights and interests of the latter and, thus, the former was the proper party to institute the criminal cases against petitioner.³⁰

Ruling of the Court

The petition is bereft of merit.

I.

At the outset, petitioner raises questions of fact. Only questions of law may be raised in a petition for review on *certiorari*³¹ as the Court is not a trier of facts.³² This Court will not review facts, as it is not our function to analyze or weigh all over again evidence already considered in the proceedings below.³³ We are confined to the review of errors of law that may have been committed in the judgment under review.³⁴

In *Cheesman v. Intermediate Appellate Court*,³⁵ We distinguished questions of fact and questions of law in the following manner:

As distinguished from a question of law—which exists “when the doubt or difference arises as to what the law is on a certain state of facts” — “there is a question of fact when the doubt or difference arises as to the truth or the falsehood of alleged facts;” or when the “query necessarily invites calibration of the whole evidence considering mainly the credibility of witnesses, existence and relevancy of specific surrounding circumstances, their relation; to each other and to the whole and the probabilities of the situation.”³⁶ (Citations omitted)

For a question to be one of law, the question must not involve an examination of the probative value of the evidence presented by any of the litigants. The resolution of the issue must solely depend on what the law provides on the given set of circumstances. Once it is obvious that the issue invites a review of the evidence presented, the question posed is one of fact.³⁷

In raising questions of fact, the instant petition merits an outright dismissal. Nevertheless, the Court has examined the errors that petitioner ascribes to the CA. Even if we were to overlook petitioner’s procedural lapses, Our position remains unswayed. The CA did not commit any reversible error in rendering the herein assailed issuances.

³⁰ Id. at 81-82.

³¹ *Pascual v. Burgos*, 776 Phil. 167, 169 (2016).

³² *Gatan v. Vinarao*, 820 Phil. 257, 265 (2017).

³³ *Miro v. Vda. De Erederos*, 721 Phil. 772, 785 (2013).

³⁴ *Spouses Sibay v. Spouses Bermudez*, 813 Phil. 807, 814 (2017).

³⁵ 271 Phil. 89 (1991).

³⁶ Id. at 97-98.

³⁷ *Heirs of Villanueva v. Heirs of Mendoza*, 810 Phil. 172, 178 (2017).

II. A

Commercial documents or papers are those used by merchants or business persons to promote or facilitate trade or credit transactions.³⁸ Prescinding from this definition, a certificate of time deposit is a commercial document.

The elements of the crime of falsification of commercial documents under Article 172 of the Revised Penal Code (RPC) are: (1) that the offender is a private individual; (2) that the offender committed any of the acts of falsification; and (3) that the act of falsification is committed in a commercial document.³⁹

All of these elements are obtaining in this case.

Petitioner, a former bank cashier, is a private individual who falsified two certificates of time deposit by forging the signatures of the officers of the Bank of Florida to make it appear that the amounts of ₱331,987.78 and ₱450,380.84, respectively, were deposited to the time deposit accounts of the spouses Mendoza.

II. B.

The elements of estafa in general are the following: (a) that an accused defrauded another by abuse of confidence, or by means of deceit; and (b) that damage and prejudice capable of pecuniary estimation is caused the offended party or third person.⁴⁰

These elements are also present in this case.

Petitioner, as bank cashier, received from the spouses Mendoza the amounts of ₱331,987.78 and ₱450,380.84 because the latter were made to believe that the same would be deposited to the Bank of Florida under their respective time deposit accounts. However, petitioner issued to the spouses Mendoza two falsified certificates of time deposit and misappropriated the said amounts for her personal benefit.

As We have already emphasized, the Court will not delve into the question of whether the prosecution was able to adduce sufficient evidence to prove that the amounts in question were actually delivered to petitioner. This is question of fact that is not within the ambit of a petition for review on *certiorari* under Rule 45 of the Rules of Court. The Court is not obliged to review all over again the evidence which the parties adduced in the court *a quo*.⁴¹

³⁸ *Malabanan v. Sandiganbayan*, 815 Phil. 183, 200 (2017).

³⁹ *Domingo v. People*, 618 Phil. 499, 513-514 (2009).

⁴⁰ *Sy v. People*, 632 Phil. 276, 283 (2010).

⁴¹ *Recio v. Heirs of Spouses Altamirano*, 715 Phil. 126, 137 (2013).

II. C

The crime of falsification was a necessary means for petitioner to commit the crime of estafa. In *Domingo v. People*,⁴² We held that:

The falsification of a public, official, or commercial document may be a means of committing estafa, because before the falsified document is actually utilized to defraud another, the crime of falsification has already been consummated, damage or intent to cause damage not being an element of the crime of falsification of public, official, or commercial document. In other words, the crime of falsification has already existed. Actually utilizing that falsified public, official, or commercial document to defraud another is estafa. But the damage is caused by the commission of estafa, not by the falsification of the document. Therefore, the falsification of the public, official, or commercial document is only a necessary means to commit estafa.⁴³ (Citation omitted)

Under the circumstances, the CA did not err in affirming petitioner's conviction for two counts of the complex crime of estafa through falsification of commercial documents.

III.

As correctly found by the CA, the rights and interests of the spouses Mendoza had already been subrogated in favor of the Bank of Florida.

Subrogation, by definition, is the transfer of all the rights of the creditor to a third person, who substitutes him or her in all his or her rights.⁴⁴ In *Republic Flour Mills Corporation v. Forbes Factors, Inc.*:⁴⁵

Subrogation is either "legal" or "conventional." Legal subrogation is an equitable doctrine and arises by operation of the law, without any agreement to that effect executed between the parties; conventional subrogation rests on a contract, arising where "an agreement is made that the person paying the debt shall be subrogated to the rights and remedies of the original creditor." x x x.⁴⁶ (citation omitted)

In the olden case of *People v. Yu Chai Ho*,⁴⁷ We declared:

We do not, however, think that the fiscal erred in alleging that the commission of the crime resulted to the prejudice of Wm. H. Anderson & Co. It is true that originally the International Banking Corporation was the prejudiced party, but Wm. H. Anderson & Co. compensated it for its loss and thus became subrogated to all its rights against the defendant (article 1839, Civil Code). Wm. H. Anderson & Co., therefore, stood exactly in the shoes of the International Banking Corporation in relation to the defendant's acts,

⁴² Supra note 39.

⁴³ Id. at 517-518.

⁴⁴ *Ledonio v. Capitol Development Corporation*, 553 Phil. 344, 361 (2007).

⁴⁵ 675 Phil. 599 (2011).

⁴⁶ Id. at 605.

⁴⁷ 53 Phil. 874 (1928).

and the commission of the crime resulted to the prejudice of the firm previously to the filing of the information in the case. The loss suffered by the firm was the ultimate result of the defendant's unlawful acts, and we see no valid reason why this fact should not be stated in the information; it stands to reason that, in the crime of *estafa*, the damage resulting therefrom need not necessarily occur simultaneously with the acts constituting the other essential elements of the crime.⁴⁸

When the Bank of Florida restituted the amount of ₱680,325.20 to the spouses Mendoza, the former was subrogated to the rights and interests of the latter. Thus, it had every right to institute the subject criminal cases against petitioner.

IV.

Article 48⁴⁹ of the RPC provides that in cases involving complex crimes, the penalty to be imposed shall be for the most serious crime, to be applied in its maximum period.

Article 315⁵⁰ of the RPC, as amended by Republic Act (R.A.) No. 10951,⁵¹ prescribes the penalty of *arresto mayor* in its maximum period to *prisión correccional* in its minimum period, if the amount involved in the crime of *estafa* is more than ₱40,000.00 but less than ₱1,200,000.00.

On the other hand, the crime of falsification of commercial documents is penalized under Article 172⁵² of the RPC, as amended by R.A. No. 10951, with the penalty of *prisión correccional* in its medium and maximum periods and a fine not exceeding ₱1,000,000.00.

In *Desmoparan v. People*,⁵³ the Court made the following observations on the penalty to be imposed for the complex crime of *estafa* thru falsification of commercial documents, in light of the amendments introduced by R.A. No. 10951:

⁴⁸ Id. at 881.

⁴⁹ ARTICLE 48. *Penalty for complex crimes.* - When a single act constitutes two or more grave or less grave felonies, or when an offense is a necessary means for committing the other, the penalty for the most serious crime shall be imposed, the same to be applied in its maximum period.

⁵⁰ ART. 315. *Swindling (estafa).* — Any person who shall defraud another by any of the means mentioned hereinbelow shall be punished by:

x x x x

3rd. The penalty of *arresto mayor* in its maximum period to *prisión correccional* in its minimum period, if such amount is over Forty thousand pesos (₱40,000) but does not exceed One million two hundred thousand pesos (₱1,200,000).

⁵¹ AN ACT ADJUSTING THE AMOUNT OR THE VALUE OF PROPERTY AND DAMAGE ON WHICH A PENALTY IS BASED, AND THE FINES IMPOSED UNDER THE REVISED PENAL CODE, AMENDING FOR THE PURPOSE ACT NO. 3815, OTHERWISE KNOWN AS "THE REVISED PENAL CODE," AS AMENDED.

⁵² ART. 172. *Falsification by private individual and use of falsified documents.* — The penalty of *prisión correccional* in its medium and maximum periods and a fine of not more than One million pesos (₱1,000,000) shall be imposed[.]

⁵³ G.R. No. 233598, March 27, 2019.

[T]he penalty of imprisonment in the crime of estafa under RA 10951 is now lighter than the penalty of imprisonment for falsification of commercial documents. Applying then the provisions of Article 48 of the Revised Penal Code for the complex crime of estafa through falsification of commercial documents, the penalty for the graver offense should be imposed in the maximum period. Thus, the penalty for falsification of commercial documents should be imposed in the maximum period, being the more serious crime than estafa. However, the penalty of fine of not more than Five Thousand Pesos (P5,000.00) under the old law should be imposed because this is more favorable to the petitioner than the penalty of fine of not more than One Million Pesos (P1,000,000.00) under the present law.

In view of the circumstances obtaining in this case, and guided by the above pronouncement, the CA correctly imposed the proper penalties against petitioner.

WHEREFORE, the petition is **DENIED** for lack of merit. The Decision dated November 26, 2019 and the Resolution dated September 24, 2020 of the Court of Appeals in CA-G.R. CR No. 40020 are hereby **AFFIRMED**.

SO ORDERED.”

By authority of the Court:

Mis + DC Batt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *M 10/11/22*

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