



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated 30 August 2023, which reads as follows:

“G.R. No. 254480 (*People of the Philippines, Plaintiff-Appellee v. Emilia C. Sison, Mirasol H. Aguilar, Mimosa H. Zamudio, Marilou Cabalo, Elizabeth Cervera, Lorna B. Bosque, Ireneo Sison, Jr., William Sison, Priscila Alicante and Vilma Benitez, Accused; Ireneo Sison, Jr., Accused-Appellant*). — Before the Court is an Appeal¹ seeking to reverse the Decision² dated 5 May 2017 of the Court of Appeals (CA) in CA-G.R. CR No. 37843 which affirmed with modification the Judgment³ dated 28 May 2015 of the Regional Trial Court (RTC), Branch 226, Quezon City, in Criminal Case No. Q04-129892 and Criminal Case Nos. Q05-132826-28 finding accused-appellant Ireneo Sison, Jr. (Ireneo) guilty beyond reasonable doubt of the crime of Estafa under Article 315, paragraph 2(a) of the Revised Penal Code (RPC)⁴ as amended by Presidential Decree No. 1689 (PD 1689).⁵

Accused Emilia C. Sison (Emilia), William Sison⁶ (William), Mirasol H. Aguilar (Aguilar), Mimosa H. Zamudio (Zamudio), Marilou Cabalo (Cabalo), Elizabeth Cervera (Cervera), Lorna B. Bosque (Bosque), Vilma E. Benitez (Benitez), Priscila Alicante (Alicante) [referred to collectively as Sison *et al.*], and accused-appellant Ireneo were charged with four counts of

¹ *Rollo*, pp. 32-33. See Notice of Appeal dated 15 May 2017.

² CA *rollo*, pp. 240-267. Penned by Associate Justice Sesinando E. Villon and concurred in by Associate Justices Rodil V. Zafameda (now a Member of this Court) and Eduardo B. Peralta, Jr.

³ *Id.* at 161-180. Penned by Presiding Judge Manuel B. Sta. Cruz, Jr.

⁴ Entitled “AN ACT REVISING THE PENAL CODE AND OTHER PENAL LAWS.” Approved: 8 December 1930.

⁵ Entitled “INCREASING THE PENALTY FOR CERTAIN FORMS OF SWINDLING OR ESTAFA.” Approved: 6 April 1980.

⁶ Also referred to as “William C. Sison” in some parts of the *rollo*.

Estafa under Art. 315, par. 2(a), RPC, in relation to PD 1689, before the RTC of Quezon City.

In its Judgment⁷ dated 28 May 2015, the RTC found Emilia, Ireneo, Aguilar, Zamudio, Cabalo, and Cervera guilty beyond reasonable doubt of Estafa under Art. 315, par. 2(a), RPC in relation to PD 1689. William, Bosque, and Benitez were exonerated.

In its Decision⁸ dated 5 May 2017, the CA affirmed with modification the 28 May 2015 assailed Judgment of the trial court, the dispositive portion of which reads:

WHEREFORE, the appealed Judgment dated May 28, 2015 of Branch 226 of the Regional Trial Court of Quezon City, finding herein accused-appellants Emilia Sison, Ireneo Sison, Jr., and Elizabeth Cervera guilty beyond reasonable doubt of the crime of *Syndicated Estafa*, is hereby **AFFIRMED with MODIFICATION** in that they are sentenced to suffer the penalty of life imprisonment for each count.

In all other respects, the appealed decision of the RTC is hereby **AFFIRMED**.

SO ORDERED.⁹

The CA ruled that the proper designation of the crime is Syndicated Estafa, taking into consideration that the incorporators/directors of ICS Export, Inc. (ICS) comprising more than five people made false pretenses and representations to the investing public regarding a supposedly lucrative investment opportunity with ICS in order to solicit money from them. Relying thereon, private complainants Cristina Quiambao Santos (Santos) and Carmelita S. Cruz (Cruz) invested their money in ICS that unfortunately ended with the incorporators/directors of ICS absconding with their investments to their prejudice. As the crime charged in the separate Informations was committed by a syndicate as defined under the law, the prescribed penalty is life imprisonment to death for each count. But with the passage of Republic Act No. 9346¹⁰ (RA 9346), otherwise known as the Anti-Death Penalty Law, which proscribed the imposition of the death penalty, the penalty of life imprisonment should have been imposed upon Emilia, accused-appellant Ireneo and Cervera. Thus, the appellate court modified the penalty imposed by the trial court in the appealed Judgment by imposing the appropriate penalty of life imprisonment for each count.¹¹

⁷ CA rollo, pp. 161–180. Penned by Presiding Judge Manuel B. Sta. Cruz, Jr.

⁸ Id. at 240–267.

⁹ Id. at 266.

¹⁰ Entitled “AN ACT PROHIBITING THE IMPOSITION OF DEATH PENALTY IN THE PHILIPPINES.” Approved: 24 June 2006.

¹¹ CA rollo, pp. 264–266.

Jurisprudence explains that the elements of Estafa by means of deceit under Art. 315 (2)(a), RPC, are as follows:

(a) that there must be a false pretense or fraudulent representation as to the offender's power, influence, qualifications, property, credit, agency, business or imaginary transactions; (b) that such false pretense or fraudulent representation was made or executed prior to or simultaneously with the commission of the fraud; (c) that the offended party relied on the false pretense, fraudulent act, or fraudulent means and was induced to part with his [or her] money or property; and (d) that, as a result thereof, the offended party suffered damage.¹²

Sec. 1, PD 1689, in relation to Art. 315 (2) (a), RPC, qualifies the crime of Estafa if committed by a syndicate:

Section 1. Any person or persons who shall commit estafa or other forms of swindling as defined in Articles 315 and 316 of the Revised Penal Code, as amended, shall be punished by life imprisonment to death if the swindling (estafa) is committed by a syndicate consisting of five or more persons formed with the intention of carrying out the unlawful or illegal act, transaction, enterprise or scheme, and the defraudation results in the misappropriation of moneys contributed by stockholders, or members of rural banks, cooperatives, "samahang nayon(s)," or farmers' association, or funds solicited by corporations/associations from the general public.

Synthesizing the pertinent provisions of the RPC and PD 1689, the elements of Syndicated Estafa are: (1) Estafa or other forms of Swindling, as defined in Art. 315 and Art. 316 of the RPC, are committed; (2) the Estafa or Swindling is committed by a syndicate of five or more persons; and (3) defraudation results in the misappropriation of moneys contributed by stockholders, or members of rural banks, cooperatives, "samahang nayon(s)," or farmers' association, or of funds solicited by corporations/associations from the general public.¹³

As the CA correctly ruled, the prosecution was able to prove all the elements of Syndicated Estafa. *First*, the scheme employed by Ireneo and Sison *et al.* as detailed by Santos and Cruz, is tantamount to a violation of Art. 315 (2)(a), RPC. Specifically, (1) there was false pretense or fraudulent misrepresentation when Ireneo and Sison *et al.* inveigled Santos and Cruz into investing their funds through false promises of high returns; (2) Santos and Cruz were consistent with their testimony that the false pretense was made simultaneous to the commission of the fraud, and it was the reason why they were induced to invest their money; (3) it is evident that Santos and Cruz would not have parted with their money had they not been induced by the promised enormous amount of returns in a short period of time. The presentation of the acknowledgment receipts bolstered the fact that Santos and Cruz indeed parted with their money; and (4) the element of damage

¹² *People v. Baladjay*, 814 Phil. 914, 923-924 (2017).

¹³ *People v. Tibayan*, 750 Phil. 910, 920 (2015).

was proven through the presentation of the dishonored post-dated checks issued to Santos and Cruz pursuant to the fraudulent investment contracts.

Second, Ireneo and Sison *et al.*, as incorporators/officers of ICS comprising of more than five people, made false pretenses and representations to the investing public—Santos and Cruz—regarding a supposedly lucrative investment opportunity with ICS in order to solicit money from them.

Third, the said false pretenses and representations were made prior to or simultaneous with the commission of fraud; relying on the same, Santos and Cruz invested their money with ICS; and Ireneo and Sison *et al.* failed to deliver the promised returns and fled with Santos and Cruz's investments, to the latter's prejudice.

The Court sees no reason to deviate from the findings of the CA as there is no indication that it overlooked, misunderstood, or misapplied the surrounding facts and circumstances of the case. However, it is proper to adjust the legal interest at the rate of 12% *per annum* from the filing of the Informations until 30 June 2013, and 6% *per annum* from 1 July 2013 until full payment.¹⁴


WHEREFORE, the appeal is **DISMISSED**. The Court of Appeals' Decision dated 5 May 2017 in CA-G.R. CR No. 37843 is **AFFIRMED** with **MODIFICATION** in that all monetary awards shall each earn legal interest at the rate of 12% *per annum* from the filing of the Informations until 30 June 2013, and 6% *per annum* from 1 July 2013 until full payment.

SO ORDERED. *Zalameda, J., no part; Gaerlan, J., designated additional Member per Raffle dated 29 November 2021.*

By authority of the Court:



MARIA TERESA B. SIBULO

Division Clerk of Court 

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¹⁴ See *Lara's Gifts & Decors, Inc. v. Midtown Industrial Sales, Inc.*, G.R. No. 225433, 20 September 2022. See also *Limbo v. People*, G.R. Nos. 204568-83 & 207028-30, 26 April 2023, citing *Nacar v. Gallery Frames*, 716 Phil. 267 (2013).

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(CA-G.R. CR No. 37843)

The Hon. Presiding Judge
Regional Trial Court, Branch 226
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(Crim. Case Nos. Q04-129892
& Q05-132826 to 28)

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