



REPUBLIC OF THE PHILIPPINES
SUPREME COURT
Manila

SECOND DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Second Division, issued a Resolution dated **March 1, 2023** which reads as follows:*

“G.R. No. 263071 (JENNIFER LAGAHID, a.k.a JENNIFER LAGAHID-HAO, Petitioner v. PEOPLE OF THE PHILIPPINES, Respondent). — This Petition for Review on *Certiorari*¹ assails the Decision² dated April 14, 2021 and Resolution³ dated June 28, 2022 of the Court of Appeals in CA-G.R. CR No. 01744-MIN, affirming the conviction of petitioner Jennifer Lagahid for offering false testimony under Article 184 of the Revised Penal Code (RPC).

Antecedents

In Criminal Case No. M10-02-241, petitioner was charged with offering false testimony, *viz.*:⁴

That on or about at the 15th of December 2008, at Cagayan de Oro City, Philippines and within the jurisdiction of this Honorable Court, the herein accused did then and there, willfully, unlawfully, feloniously and knowingly made untruthful statements and give false testimony as petitioner in the Miscellaneous Case for Omnibus Petition of Replacement of the Lost Owner's Duplicate Copies of Transfer Certificates of Title under M.C. Case No. 2008-086 pending before the Regional Trial Court of Misamis Oriental, Branch 38, Cagayan de Oro City, by declaring falsely and knowingly the following:

x x x x

Q: What was the name of your husband?
A: Samson Eng Guan Hao.

x x x x

¹ *Rollo*, pp. 11–36.

² Penned by Associate Justice Anisah B. Amanodin-Umpa with Associate Justices Edgardo T. Lloren and Loida S. Posadas-Kahulugan, concurring; *id.* at 267–283.

³ Penned by Associate Justice Anisah B. Amanodin-Umpa with Associate Justices Evalyn M. Arellano-Morales and Loida S. Posadas-Kahulugan, concurring; *id.* at 445–448.

⁴ *Id.* at 272–273.

Q: Do you have children?

A: Yes.

Q: How many?

A: Only Ace Jefferson Hao.

x x x x

Q: Before these Certificates of Titles were lost, where did you place these?

A: Our old House in Gusa, in our steel cabinet.

x x x x

When in truth and in fact, said accused knew that she was not legally married to the late Samson Eng Guan Hao and that Jefferson Lagahid Hao is not the son of Samson Eng Guan Hao, and that the titles were never lost but was [sic] in the possession of Angelito O. Hao, the brother of Samson Eng Guan Hao.

Contrary to law.⁵

Petitioner was also indicted under three separate Informations for perjury under Article 183 of the RPC docketed as Criminal Case No. M10-02-238;⁶ Criminal Case No. M10-02-239⁷ and Criminal Case No. M10-02-240,⁸ all before the Municipal Trial Court in Cities, Branch 3, Cagayan de Oro City.

⁵ *Id.*

⁶ That on or about the 12th of June 2008, in the City of Cagayan de Oro, Philippines, and within the jurisdiction of this Honorable Court, the herein accused did then and there, willfully, unlawfully, feloniously and knowingly made untruthful statements or falsehoods upon material matters required by the Rules of Court as annex to her Petition for Issuance of Lost Owner's Duplicate Certificate of Title wherein she stated in her Affidavit of Self-Adjudication dated September 18, 2007, subscribed and sworn to before Notary Public Dioscoro C. Elumbaring, who is authorized to administer oath, which Affidavit bears Doc. No. 260, Page No. 20, Book No. XXIII, Series of 2007, in the Notarial Register of said Notary Public, by stating therein the following, to wit:

That I am the lawful wife of the late Samson Eng Guan Hao; That during our marriage, we begot one (1) and only child named Ace Jefferson Lagahid:

When in truth and in fact, said accused knew that she was not legally married to the late Samson Eng Guan Hao and that Ace Jefferson Lagahid Hao is not the son of Samson Eng Guan Hao, an act is contrary to law.

Contrary to and in violation of Article 183 of the Revised Penal Code.

⁷ That on or about the 12th of June 2008, in the City of Cagayan de Oro, Philippines, and within the jurisdiction of this Honorable Court, the herein accused did then and there, willfully, unlawfully, feloniously and knowingly made untruthful statements or falsehoods upon material matters required by the Rules of Court as annex to her Petition for Issuance of Lost Owner's Duplicate Certificate of Title wherein she stated in her Affidavit of Loss dated May 6, 2008, subscribed and sworn to before Notary Public Dioscoro C. Elumbaring, who is authorized to administer oath, which Affidavit bears Doc. No. 534, Page No. 75, Book No. XXIII, Series of 2008, in the Notarial Register of said Notary Public, by stating therein the following, to wit:

That I am the wife of the late Samson Eng Guan Hao who died in Iligan City on August 24, 2007; That before we transferred to our new residence in May 2007 at Nazareth, Cagayan de Oro City, we placed our vital documents including the title/s abovementioned in our room at Gusa, Cagayan de Oro City to accommodate the visitors who attend the wake; That after the interment of Samson Eng Gua Hao, I retrieved the documents in our house but was disgruntled because the titles were lost;

When in truth and in fact, said accused knew that she was not legally married to the late Samson Eng Guan Hao, that there was no wake held, and that the titles were never lost but was [sic] in the possession of Angelito O. Hao, the brother of Samson Eng Guan Hao, an act that is contrary to law.

Contrary to and in violation of Article 183 of the Revised Penal Code.

⁸ That on or about the 12th of June 2008, in the City of Cagayan de Oro, Philippines, and within the jurisdiction of this Honorable Court, the herein accused did then and there, willfully, unlawfully, feloniously and knowingly made untruthful statements or falsehoods upon material matters required by the Rules of Court as annex to her Petition for Issuance of Lost Owner's Duplicate Certificate of Title wherein she stated in her Affidavit of Loss dated May 27, 2008, subscribed and sworn to before Notary Public Dioscoro C. Elumbaring, who is authorized to administer oath, which Affidavit bears Doc. No.

On arraignment, petitioner pleaded “not guilty” to all the criminal charges. Joint trial ensued.⁹

The facts indicate that on June 11, 2008, petitioner filed a Petition for Replacement of Lost Owner’s Duplicate Copies of Transfer Certificates of Title before the Regional Trial Court, Branch 38, Cagayan de Oro City.¹⁰

Petitioner alleged that she is the lawful wife of Samson Eng Guan Hao (Samson), a prominent businessman in Cagayan de Oro City, who died on August 24, 2007. They were blessed with a son named Ace Jefferson Lagahid Hao¹¹ (Jefferson).¹²

After his death, Samson left several properties under his name including lots covered by 15 different titles. But, they all went missing. Petitioner then prayed for the issuance of new owner’s duplicate copies of these titles in replacement of the missing owner’s duplicate copies.¹³

In support, petitioner executed the following affidavits all subscribed and sworn to before one Atty. Dioscoro C. Elumbaring, a notary public in Dipolog City: (1) Affidavit of Self-Adjudication dated September 18, 2007, where she stated, that she is the lawful wife of the late Samson Eng Guan Hao; and that during their marriage, they begot one (1) child named Ace Jefferson Lagahid; (2) Affidavit of Loss dated May 6, 2008; and (3) Affidavit of Loss dated May 27, 2008 which states that Samson’s 15 certificates of title in her possession were lost or missing.¹⁴

Trial ensued.

568, Page No. 82, Book No. XXIII, Series of 2008, in the Notarial Register of said Notary Public, by stating therein the following, to wit:

That I am the wife of the late Samson Eng Guan Hao who died in Iligan City on August 24, 2007, (that) upon his death he left certain property/ies located in Cagayan de Oro City whose titles are enumerated as follows; xxx xxx xxx That before we transferred to our new residence in May 2007 at Nazareth, Cagayan de Oro City, we placed our vital documents including the title/s abovementioned in our room at Gusa, Cagayan de Oro City; That upon his death, the house helpers were instructed to clean our house including our room at Gusa, Cagayan de Oro City to accommodate visitors who attended the wake; That after his interment, I retrieved the documents in our house at Gusa but I was disgruntled because the titles were lost;

When in truth and in fact, said accused knew that she was not legally married to the late Samson Eng Guan Hao, that there was no wake held, and that the titles were never lost but was [sic] in the possession of Angelito O. Hao.

Contrary to and in violation of Article 183 of the Revised Penal Code.

⁹ *Rollo*, p. 273.

¹⁰ *Id.* at 267–268.

¹¹ Sometimes referred to as Ace King Jefferson Lagahid.

¹² *Rollo*, p. 268.

¹³ *Id.*

¹⁴ *Id.*

After the trial, by Order¹⁵ dated January 22, 2009, the trial court granted the Petition.¹⁶

Upon learning of the judgment, Angelito O. Hao (Angelito), brother of the deceased Samson, filed a Petition for Relief from Judgment with Application for Issuance of Preliminary Injunction and Temporary Restraining Order¹⁷ before the same court. Angelito asserted that petitioner and his brother Samson were not legally married; Jefferson is not the son of Samson; and the 15 certificates of title subject of petitioner's petition were not lost for they were in his possession.¹⁸

Thereafter, the trial court issued its October 9, 2009 Order¹⁹ granting the Petition for Relief from Judgment and declaring its Order dated January 22, 2009 which granted petitioner's Petition for Replacement of Lost Owner's Duplicate Copies of Titles, null and void.²⁰

On October 19, 2009, Angelito filed the criminal charges against petitioner before the public prosecutor.

The Rulings of the Municipal Trial Court in Cities and Regional Trial Court

On September 28, 2015, the Municipal Trial Court in Cities rendered four separate Decisions for Criminal Case Nos. M10-02-238,²¹ M10-02-239,²² M10-02-240,²³ and M10-02-241,²⁴ finding petitioner guilty of the crimes charged. The dispositive portions of the decisions were all the same, thus:

WHEREFORE, finding the accused GUILTY beyond reasonable doubt, the Court hereby sentences accused to suffer the penalty of imprisonment of ONE YEAR AND EIGHT MONTHS of arresto mayor maximum to prison (correccional) minimum in the medium period there being absence of mitigating or aggravating circumstances that attended the crime pursuant to Article 64 of the Revised Penal Code and to pay the cost.

SO ORDERED.²⁵

¹⁵ *Id.* at 117-123.

¹⁶ *Id.* at 268.

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¹⁸ *Id.* at 269.

¹⁹ *Id.* at 138-143.

²⁰ *Id.* at 269.

²¹ *Id.* at 207-217.

²² *Id.* at 218-228.

²³ *Id.* at 229-239.

²⁴ *Id.* at 240-250.

²⁵ Crim. Case No. M10-02-238, *id.* at p. 217; Crim. Case No. M10-02-239, *id.* at p. 228; Crim. Case No. M10-02-240, *id.* at p. 239; and Crim. Case No. M10-02-241, *id.* at p. 250.

The Municipal Trial Court in Cities ruled that all the elements of perjury and false testimony were present. Petitioner had consciously and deliberately made the statement, “*that I am the lawful wife of the late Samson Eng Guan Hao; that during our marriage, we begot one (1) and only child named Ace King Jefferson Lagahid,*” in her affidavits executed before the Notary Public of Atty. Dioscoro C. Elumbaring. The affidavits were presented in her Petition for Replacement of Lost Owner’s Duplicate Copies of Transfer Certificates of Title filed before Regional Trial Court, Branch 38, Cagayan de Oro City. She made these statements although no marriage had taken place as certified by Judge Isabelo A. Sabanal (Judge Sabanal) himself, whom petitioner alleged to have solemnized her marriage with Samson on December 10, 2004. Too, the National Statistics Office issued a Certification dated September 25, 2007, that indeed no such marriage existed. Lastly, the birth certificate of Jefferson was belatedly registered and the portion of the “acknowledgement of paternity” was left blank.

On appeal, petitioner argued that the criminal cases against her should be dismissed on the ground of improper venue. According to her, it should be the Municipal Trial Court in Cities of Dipolog City where the affidavits were executed and not Cagayan de Oro City where the perjurious statements were made that should try her case.

By Judgment²⁶ dated October 27, 2016, the Regional Trial Court, Branch 17, Cagayan de Oro City affirmed petitioner’s conviction. As for the issue of improper venue, the trial court ruled that venue lies to the place where the affidavits were presented and not where the affidavits were executed. Thus, the Municipal Trial Court in Cities of Cagayan de Oro City properly heard and tried petitioner’s cases.

The Ruling of the Court of Appeals

By Decision²⁷ dated April 14, 2021, the Court of Appeals **partly granted** petitioner’s appeal. It dismissed the three cases for perjury since the venue was improperly laid in Municipal Trial Court in Cities of Cagayan de Oro City. It, nonetheless, affirmed petitioner’s conviction for offering false testimony. Petitioner knew all along that her testimony before the Regional Trial Court, Branch 38, Cagayan de Oro City with respect to her marriage and child were false.

Petitioner moved for reconsideration but it was denied under Resolution²⁸ dated June 28, 2022.

²⁶ *Id.* at 251–254.

²⁷ *Id.* at 267–283.

²⁸ *Id.* at 445–448.

The Present Petition

Petitioner now seeks affirmative relief from the Court and prays for acquittal for offering false testimony under Article 184 of the RPC. She claimed that: (1) Judge Sabanal's certification of no marriage should not be given weight since it was not him but the Clerk of Court who was in custody of the records of the case; (2) the absence of marriage certificate does not mean that no marriage occurred between her and Samson; and (3) lack of "acknowledgement of paternity" in Jefferson's birth certificate is not enough evidence to prove that the latter is not the son of Samson.²⁹

Issue

Whether petitioner is guilty of offering false testimony under Article 184 of the RPC?

Our Ruling

The Petition is **denied**.

Notably, a petition for review on *certiorari* is narrowly confined to any of these two grounds, *i.e.*, (a) when the court *a quo* has decided a question of substance, not theretofore determined by the Supreme Court, or has decided it in a way probably not in accord with law or with the applicable decisions of the Supreme Court; or (b) when the court *a quo* has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such departure by a lower court, as to call for an exercise of the power of supervision.³⁰

Absent any of these grounds cited or shown in the petition, there is no special reason to warrant the exercise of the Court's discretionary appellate jurisdiction.

In any event, petitioner's prayer for the Court to revisit the trial courts' findings on the truthfulness of her testimony about her marriage and Samson's

²⁹ *Id.* at 25–32.

³⁰ **Section 6, Rule 45, Rules of Court.** *Review discretionary.* — A review is not a matter of right, but of sound judicial discretion, and will be granted only when there are special and important reasons thereof. The following, while neither controlling nor fully measuring the court's discretion, indicate the character of the reasons which will be considered:

(a) When the court *a quo* has decided a question of substance, not theretofore determined by the Supreme Court, or has decided it in a way probably not in accord with law or with the applicable decisions of the Supreme Court; or

(b) When the court *a quo* has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such departure by a lower court, as to call for an exercise of the power of supervision.

paternity of Jefferson are purely factual issues. Thus, not proper in Rule 45 petition for review on *certiorari* which only allow questions of law.³¹ In this regard, the Court of Appeals correctly affirmed petitioner's conviction for offering false testimony under Article 184 of the RPC.

The relevant portion of the Court of Appeals' ruling clearly established the presence of all elements of offering false testimony in evidence, *viz.*:

The charge of offering false testimony in evidence is defined and penalized under Article 184 of the Revised Penal Code which provides:

"Article 184. *Offering false testimony in evidence.* – Any person who shall knowingly offer in evidence a false witness or testimony in any judicial or official proceeding, **shall be punished as guilty of false testimony and shall suffer the respective penalties provided in this section.**"

The elements of this crime are: (1) the offender offers in evidence a false witness or testimony; (2) he knows that the witness or the testimony was false; and (3) the offer is made in any judicial or official proceeding.

In this case, it was established that petitioner testified under oath before the RTC in Miscellaneous Case No. 2008-086 that she was the lawful wife of deceased Samson and that the purported lost certificates of title subject of her petition was in her possession before they went missing when in truth and in fact, deceased Samson died unmarried and that the titles were not lost but in Hao's possession.

The prosecution was able to prove beyond reasonable doubt that petitioner, **in support of her petition, offered in evidence her testimony in the course of the proceedings in Miscellaneous Case No. 2008-086 and she knew all along that her testimony was false.** Thus, as ruled by the RTC, all the elements of the crime of false testimony are present and petitioner was correctly found guilty thereof.³² (Emphases and underscoring supplied)

Verily, per Article 184 of the RPC, petitioner shall be punished as guilty of **false testimony** and the **corresponding penalty** under the section shall be imposable, depending on the nature of the case in which the false testimony was offered. Here, **the case involved is a special proceeding**, i.e., Petition for Replacement of the Lost Owner's Duplicate Copies of Transfer Certificates of Title docketed as M.C. Case No. 2008-086. The penalty under Article 183 thus applies, since the case is neither criminal nor civil in nature. It states:

Article 183. *False testimony in other cases and perjury in solemn affirmation.* – The penalty of *arresto mayor* in its maximum period to *prision correccional* in its minimum period shall be imposed upon any person, who knowingly makes untruthful statements and **not being included in the provisions of the next preceding articles**, shall testify under oath, or make an

³¹ *Bartolome v. People*, G.R. No. 227951, June 28, 2021 [Per J. Inting, Third Division].

³² *Rollo*, pp. 281–282.

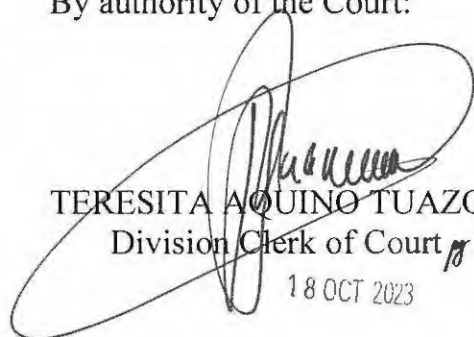
affidavit, upon any material matter before a competent person authorized to administer an oath in cases in which the law so requires. (Emphasis supplied)

Since there are no mitigating or aggravating circumstances present, the penalty shall be imposed in its medium period, i.e., one (1) year and one (1) day to one (1) year and eight (8) months. Applying the Indeterminate Sentence Law, the same shall constitute the maximum term of imprisonment. The minimum term shall be the penalty one degree lower than the prescribed penalty, which is *arresto mayor* in its minimum and medium periods, i.e., one (1) month and one (1) day to four (4) months. We thus modify the penalty to be imposed here to one (1) month and one (1) day of *arresto mayor*, as minimum, to one (1) year and eight (8) months of *prision correccional*, as maximum.

FOR THESE REASONS, the Petition for Review on *Certiorari* is **DENIED**. The Decision dated April 14, 2021 and Resolution dated June 28, 2022 of the Court of Appeals in CA-G.R. CR No. 01744-MIN are **AFFIRMED with MODIFICATION**. Petitioner Jennifer Lagahid a.k.a. Jennifer Lagahid-Hao is found **GUILTY** of offering false testimony defined and penalized under Article 184 in relation to Article 183 of the Revised Penal Code. Petitioner is sentenced to the indeterminate penalty of one (1) month and one (1) day of *arresto mayor*, as minimum, to one (1) year and eight (8) months of *prision correccional*, as maximum.

SO ORDERED.”

By authority of the Court:


TERESITA AQUINO TUAZON
Division Clerk of Court 10/18
18 OCT 2023

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HON. PRESIDING JUDGE (reg)
Regional Trial Court, Branch 17
Cagayan de Oro City
(Crim. Case No. ORD-2016-018)

HON. PRESIDING JUDGE (reg)
Municipal Trial Court in Cities, Branch 3
Cagayan de Oro City
(Crim. Case Nos. M10-02-238 to M10-02-240)

COURT OF APPEALS (reg)
Mindanao Station
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CA-G.R. CR No. 01744-MIN

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*with a copy of the CA Decision dated April 14, 2021
Please notify the Court of any change in your address.
GR263071. 3/01/2023(301)URES *10/11*