



Republic of the Philippines
SUPREME COURT
 Manila

SUPREME COURT OF THE PHILIPPINES
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THIRD DIVISION

CRIZALINA B. TORRES,
 Petitioner,

G.R. No. 241164

Present:

- versus -

PERALTA, J.,
 Chairperson,
 LEONEN,
 REYES, A., JR.,
 HERNANDO, and
 INTING, JJ.

**THE HONORABLE COURT OF
 APPEALS and THE PEOPLE OF
 THE PHILIPPINES.,**
 Respondents.

Promulgated:

August 14, 2019

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X-----X

DECISION

A. REYES, JR., J.:

This Petition for Review on *Certiorari*¹ filed by Crizalina B. Torres (petitioner) under Rule 45 of the Rules of Court seeks the reversal of the Decision² dated February 22, 2018 and Resolution³ dated August 1, 2018, both issued by the Court of Appeals (CA) in CA-G.R. CR No. 39386.

The Factual Antecedents

The case stemmed from six (6) criminal cases for Falsification of Documents punishable under paragraphs (1), (2), (4), and (5) of Article 171 of the Revised Penal Code (RPC) filed against the petitioner, an Intelligence Agent I of the National Bureau of Investigation – Western Mindanao Regional Office (NBI-WEMRO). The Informations, as quoted by the CA, read:

¹ *Rollo*, pp. 8-23.

² Penned by Associate Justice Renato C. Francisco and concurred in by Associate Justices Magdangal M. De Leon and Rodil V. Zalameda (now a Member of the Court); *id.* at 122-138.

³ *Id.* at 155-156.

Reyes

CRIMINAL CASE NO. 13-300681

That in or about the month of August 2010 or sometime prior or subsequent thereto in the City of Manila, Philippines and within the jurisdiction of this Honorable Court, above-named accused, CRIZALINA B. TORRES, a low ranking public officer, being then an Intelligence Agent I of the National Bureau of Investigation-Western Mindanao Regional Office (NBI-WERMO) (sic) with Salary Grade 10, taking advantage of her position and committing the offense in relation to office, did then and there **willingly, unlawfully and feloniously falsified or caused to be falsified her Daily Time Record (DTR) for the month of August 2010, a public document, by counterfeiting or imitating NBI-WENRO (sic) Assistant Regional Director (ARD) Embido's signature thereby making it appear that ARD Embido verified her DTR as to the prescribed office hours, when in truth and in fact accused knew fully well that ARD Embido did not verify and sign her DTR, to the damage and prejudice of public interest.**

Contrary to law.⁴ (Emphasis in the original)

CRIMINAL CASE NO. 13-300682

That in or about the month of September 2010 or sometime prior or subsequent thereto in the City of Manila, Philippines and within the jurisdiction of this Honorable Court, above-named accused, CRIZALINA B. TORRES, a low ranking public officer, being then an Intelligence Agent I of the National Bureau of Investigation-Western Mindanao Regional Office (NBI-WERMO) (sic) with Salary Grade 10, taking advantage of her position and committing the offense in relation to office, did then and there **willingly, unlawfully and feloniously falsified or caused to be falsified her Daily Time Record (DTR) for the month of September 2010, a public document, by making it appear that she reported at the NBI-WENRO (sic) for all working days of September, when in truth and in fact, accused knew fully well that on 21 September 2010 she left the office and never reported back to work and by falsifying the signature of NBI-WEMRO Assistant Regional Director (ARD) Oscar L. Embido, accused made it appear that ARD Embido verified her DTR as to the prescribed office hours when in truth and in fact he did not, to the damage and prejudice of public interest.**

Contrary to law.⁵ (Emphasis in the original)

CRIMINAL CASE NO. 13-300683

That in or about the month of October 2010 or sometime prior or subsequent thereto in the City of Manila, Philippines and within the jurisdiction of this Honorable Court, above-named accused, CRIZALINA B. TORRES, a low ranking public officer, being then an Intelligence Agent I of the National Bureau of Investigation-Western Mindanao Regional Office (NBI-WERMO) (sic) with Salary Grade 10, taking advantage of her position and committing the offense in relation to office, did then and there

⁴ Id. at 124.

⁵ Id. at 124-125.

Meyer

willingly, unlawfully and feloniously falsified or caused to be falsified her Daily Time Record (DTR) for the month of October 2010, a public document, by making it appear that she reported at the NBI-WENRO (sic) for all working days of October, when in truth and in fact, accused knew fully well that on 21 September 2010 she left the office and never reported back to work and by counterfeiting or imitating the signature of NBI-WEMRO EX-O Vicente Essex E. Minguez, accused made it appear that EX-O Minguez verified her DTR as to the prescribed office hours for and in behalf of NBI-WEMRO Regional Director Manuel A. Almendares when in truth and in fact he did not, to the damage and prejudice of public interest.

Contrary to law.⁶ (Emphasis in the original)

CRIMINAL CASE NO. 13-300684

That in or about the month of January 2011 or sometime prior or subsequent thereto in the City of Manila, Philippines and within the jurisdiction of this Honorable Court, above-named accused, CRIZALINA B. TORRES, a low ranking public officer, being then an Intelligence Agent I of the National Bureau of Investigation-Western Mindanao Regional Office (NBI-WERMO) (sic) with Salary Grade 10, taking advantage of her position and committing the offense in relation to office, did then and there **willingly, unlawfully and feloniously falsified or caused to be falsified her Application for Leave for 4 to 29 October 2010, a public document, by altering the true date of said application, thereby making it appear that she applied for a leave of absence on 17 September 2010, when in truth and in fact, accused knew fully well that she only applied and submitted her application for leave on 18 January 2011 or after she took her absences and by falsifying the signature of NBI-WEMRO Assistant Regional Director (ARD) Oscar L. Embido, accused made it appear that ARD Embido approved said application for leave when in truth and in fact he did not, to the damage and prejudice of public interest.**

Contrary to law.⁷ (Emphasis in the original)

CRIMINAL CASE NO. 13-300685

That in or about the month of November 2010 or sometime prior or subsequent thereto in the City of Manila, Philippines and within the jurisdiction of this Honorable Court, above-named accused, CRIZALINA B. TORRES, a low ranking public officer, being then an Intelligence Agent I of the National Bureau of Investigation-Western Mindanao Regional Office (NBI-WERMO) (sic) with Salary Grade 10, taking advantage of her position and committing the offense in relation to office, did then and there **willingly, unlawfully and feloniously falsified or caused to be falsified her Daily Time Record (DTR) for the month of November 2010, a public document, by making it appear that she reported at the NBI-WENRO (sic) for all working days of November, when in truth and in fact, accused knew fully well that on 21 September 2010 she left the office and never reported back to work and by counterfeiting or imitating the signature of NBI-WEMRO EX-O Vicente Essex E.**

⁶ Id. at 125.

⁷ Id. at 125-126.

Meyer

Minguez, accused made it appear that EX-O Minguez verified her DTR as to the prescribed office hours for and in behalf of NBI-WEMRO Regional Director Manuel A. Almendares when in truth and in fact he did not, to the damage and prejudice of public interest.

Contrary to law.⁸ (Emphasis in the original)

CRIMINAL CASE NO. 13-300686

That in or about the month of January 2011 or sometime prior or subsequent thereto in the City of Manila, Philippines and within the jurisdiction of this Honorable Court, above-named accused, CRIZALINA B. TORRES, a low ranking public officer, being then an Intelligence Agent I of the National Bureau of Investigation-Western Mindanao Regional Office (NBI-WERMO) (sic) with Salary Grade 10, taking advantage of her position and committing the offense in relation to office, did then and there **willingly, unlawfully and feloniously falsified or caused to be falsified her Application for Leave for 8 November to 10 December 2010, a public document, by altering the true date of said application, thereby making it appear that she applied for a leave of absence on 17 September 2010, when in truth and in fact, accused knew fully well that she only applied and submitted her application for leave on 18 January 2011 or after she took her absences and by falsifying the signature of NBI-WEMRO Assistant Regional Director (ARD) Oscar L. Embido, accused made it appear that ARD Embido approved said application for leave when in truth and in fact he did not, to the damage and prejudice of public interest.**

Contrary to law.⁹ (Emphasis in the original)

The charges involved the petitioner's alleged falsification of the following: (1) August 2010 Daily Time Record (DTR); (2) September 2010 DTR; (3) October 2010 DTR; (4) November 2010 DTR; (5) Application for Leave for October 4 to 29, 2010; (6) and Application for Leave for November 8 to December 10, 2010. She allegedly falsified the respective signatures of officers on her DTRs, making it appear that they verified the same and that she reported for work despite not doing so. Also, she supposedly altered the date of filing of her Applications for Leave, making it appear that they were filed on September 17, 2010 instead of January 18, 2011.¹⁰ The petitioner pleaded not guilty during her arraignment and after the termination of the pre-trial conference, trial on the merits ensued.¹¹

Prompted by a request made by then NBI-WEMRO Regional Director Atty. Manuel A. Almendares (Almendares), the NBI-Internal Affairs Division (NBI-IAD) conducted an investigation on petitioner's continuous absence from work without leave in 2010. Allegedly, she last reported for work on September 21, 2010 where she left the office at 4:14 p.m. and had not reported

⁸ Id at 126-127.

⁹ Id. at 127.

¹⁰ Id. at 124-127.

¹¹ Id. at 127.

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back since. The NBI-IAD then procured copies of petitioner's records with the NBI-Personnel Division (Personnel) in Manila, among them included the abovementioned documents.¹²

Petitioner appeared to have two (2) DTRs on file with Personnel for the month of August 2010, which were received on November 3, 2010 and December 23, 2010, respectively. In both DTRs, NBI-WEMRO Assistant Regional Director Atty. Oscar Embido (Embido) appeared to be the signatory as the authorized officer. Meanwhile, the DTRs for the months of October and November 2010 bore the purported signatures of Executive Officer Vicente Essex Minguez (Minguez) for and in behalf of Almendares.¹³ Also, as certified by the Chief of the Personnel Division, petitioner had no application for leave of absence for the period of September 21, 2010 to December 2010. Petitioner's Applications for Leave were also received by Personnel on January 18, 2011 and not September 17, 2010.¹⁴

Upon verification, NBI-WEMRO Acting Administrative Officer George S. Perez (Perez) certified that petitioner's DTRs for October and November 2010 were not filed with his office, as they should have been, before they were forwarded to the head office.¹⁵ As a matter of procedure, WEMRO employees prepare their respective DTRs within the first five (days) of each month and submitted to him for counter-checking. Thereafter, he signs his initials on the DTRs before they are signed by Almendares and forwarded to the head office in Manila. Almendares, Embido, and Minguez, whose names and/or signatures appeared on the subject DTRs, also denied having signed the same.¹⁶

A comparative examination was also conducted by the NBI-Questioned Document Division between Embido and Minquez's signatures on the subject DTRs and their twelve (12) sample signatures. It revealed that the signatures on the subject DTRs and the sample signatures of Embido and Minguez were not written by the same person.¹⁷

A notice to explain was sent to petitioner, but she did not respond. Upon the recommendation of the NBI-Legal and Evaluation Division, petitioner was officially dropped from the rolls effective November 2, 2010.¹⁸

¹² Id. at 128-129.

¹³ Id. at 129.

¹⁴ Id. at 132.

¹⁵ Id. at 129.

¹⁶ Id.

¹⁷ Id. at 130.

¹⁸ Id. at 131.

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As the lone witness for the defense, Minguez attested that he was directly in charge of supervision over petitioner and with respect to DTRs, he signs them in the absence of the regional director. However, Minguez admitted that he has not seen the subject DTRs or has signed any DTR of petitioner for October and November 2010. There is likewise no copy of the subject DTRs on file with their office where they are normally kept. He has not seen petitioner report to work for six (6) months. He also denied his signatures appearing on the DTRs.¹⁹

The RTC's Ruling

After the conduct of due proceedings, the REGIONAL TRIAL COURT (RTC) rendered its Decision²⁰ dated October 26, 2016, the dispositive portion of which states:

WHEREFORE, the court finds the accused, Crizalina B. Torres, **GUILTY** beyond reasonable doubt of six (6) counts of Falsification of Public Document under Article 171 of the Revised Penal Code. Accordingly, there being neither aggravating nor mitigating circumstances attendant herein and applying the Indeterminate Sentence Law, she is hereby sentenced as follows:

1. In Criminal Case No. 13-300681 – TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY OF *prision correccional* as minimum to EIGHT (8) YEARS and ONE (1) DAY of *prision mayor* as maximum and to pay a fine of FIVE HUNDRED PESOS (P500.00), without costs;
2. In Criminal Case No. 13-300682 – TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY OF *prision correccional* as minimum to EIGHT (8) YEARS and ONE (1) DAY of *prision mayor* as maximum and to pay a fine of FIVE HUNDRED PESOS (P500.00), without costs;
3. In Criminal Case No. 13-300683 – TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY OF *prision correccional* as minimum to EIGHT (8) YEARS and ONE (1) DAY of *prision mayor* as maximum and to pay a fine of FIVE HUNDRED PESOS (P500.00), without costs;
4. In Criminal Case No. 13-300684 – TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY OF *prision correccional* as minimum to EIGHT (8) YEARS and ONE (1) DAY of *prision mayor* as maximum and to pay a fine of FIVE HUNDRED PESOS (P500.00), without costs;

¹⁹ Id.

²⁰ Id. at 28-56.

Meyer

5. In Criminal Case No. 13-300685 – TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY OF *prision correccional* as minimum to EIGHT (8) YEARS and ONE (1) DAY of *prision mayor* as maximum and to pay a fine of FIVE HUNDRED PESOS (P500.00), without costs; and
6. In Criminal Case No. 13-300686 – TWO (2) YEARS, FOUR (4) MONTHS and ONE (1) DAY OF *prision correccional* as minimum to EIGHT (8) YEARS and ONE (1) DAY of *prision mayor* as maximum and to pay a fine of FIVE HUNDRED PESOS (P500.00), without costs.

SO ORDERED.²¹

The petitioner subsequently appealed the RTC's Decision, arguing that there was no direct evidence presented by the prosecution that she authored and submitted the subject DTRs and applications for leave.

The CA's Ruling

In the assailed Decision dated February 22, 2018, the CA denied the petitioner's appeal, holding that direct evidence is not a condition *sine qua non* to prove the guilt of an accused beyond reasonable doubt and in the absence thereof, circumstantial evidence may be resorted to. The CA affirmed the RTC's findings that the totality of evidence presented by the prosecution established petitioner's guilt of the crimes charged beyond reasonable doubt. The dispositive portion of the assailed decision reads:

WHEREFORE, in light of the foregoing, the instant appeal is hereby **DENIED** and the assailed Decision dated 26 October 2016 is hereby **AFFIRMED** *in toto*.

SO ORDERED.²² (Emphasis in the original)

Petitioner sought reconsideration of the assailed Decision, but the same was denied in assailed Resolution dated August 1, 2018.

Hence, the present petition where the petitioner raises the lone issue of:

WHETHER OR NOT THE RESPONDENT COURT OF APPEALS GRAVELY ERRED WHEN IT RENDERED THE ASSAILED DECISION AND RESOLUTION, THE SAME NOT BEING IN ACCORDANCE WITH THE LAW OR WITH APPLICABLE JURISPRUDENCE

²¹ Id. at 55-56.

²² Id. at 137.

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Maintaining that the decision of the CA, along with the RTC, was made contrary to existing laws and jurisprudence, the petitioner argues that there is no direct evidence presented by the prosecution showing she caused the falsification and submission of the subject documents. She reiterates that none of the witnesses for the prosecution was able to categorically state that it was petitioner who submitted the subject DTRs and Applications for Leave with the NBI Personnel Division. The foregoing thus casts serious doubts as to the identity of the true perpetrator and her guilt for the crimes charged.

In their Comment,²³ the public respondent People of the Philippines, through the Office of the Solicitor General (OSG), submits that the petition should be dismissed as the petitioner failed to show any special or compelling reason that would necessitate the exercise of this Court's review and appellate jurisdiction, as the petitioner merely reiterated her contentions before the CA. The public respondent also points out that the instant petition merely raises questions of fact, which are not proper subjects for review in a Rule 45 petition. The public respondent also maintains that the RTC and the CA correctly ruled that the evidence presented by the prosecution sufficiently established the existence of all the elements of the crime charged and the guilt of the petitioner.

The Ruling of the Court

We deny the petition.

First, Jurisprudence is replete with pronouncements that direct evidence is not a condition *sine qua non* to prove guilt of an accused beyond reasonable doubt. The rationale for this rule is further reiterated in *Dungo, et al. v. People of the Philippines*,²⁴ thus:

x x x Direct evidence is not a condition *sine qua non* to prove the guilt of an accused beyond reasonable doubt. For in the absence of direct evidence, the prosecution may resort to adducing circumstantial evidence to discharge its burden. **Crimes are usually committed in secret and under conditions where concealment is highly probable.** If direct evidence is insisted on under all circumstances, the prosecution of vicious felons who commit heinous crimes in secret or secluded places will be hard, if not impossible, to prove. x x x²⁵

Certainly, in crimes involving the falsification of a public document, it is possible that secrecy and other surreptitious means may have been employed by the perpetrator precisely to conceal the true nature of a document he claims to be legitimate. In such a case, it is only logical and proper for the

²³ Id. at 332-355.

²⁴ 762 Phil. 630 (2015).

²⁵ Id. at 678-679.

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prosecution to resort to the presentation of circumstantial evidence in the absence of direct evidence to establish the guilt of the accused.

Second, all the elements of the crimes charged were sufficiently established by the prosecution.

Petitioner was charged with six (6) counts of falsification of public documents punishable under Article 171 of the RPC, particularly paragraphs 1, 2, 4, and 5 thereof, to wit:

Art. 171. Falsification by public officer, employee or notary or ecclesiastic minister. — The penalty of *prision mayor* and a fine not to exceed P5,000 pesos shall be imposed upon any public officer, employee, or notary who, taking advantage of his official position, shall falsify a document by committing any of the following acts:

1. Counterfeiting or imitating any handwriting, signature or rubric;
2. Causing it to appear that persons have participated in any act or proceeding when they did not in fact so participate;
x x x x
4. Making untruthful statements in a narration of facts;
5. Altering true dates;
x x x

The elements of falsification under the aforesaid provision are as follows: (1) the offender is a public officer, employee, or a notary public; (2) the offender takes advantage of his or her official position; and (3) The offender falsifies a document by committing any of the acts of falsification under Article 171 of the RPC.²⁶

As to the first element, it is undisputed that at the time of the commission of the crime, the petitioner was a public officer serving as Intelligence Agent I at the NBI-WEMRO.

As to the second element, an offender is considered to have taken advantage of his official position when (1) he has the duty to make or prepare or otherwise to intervene in the preparation of a document; or (2) he has the official custody of the document which he falsifies.²⁷ Here, the testimony of NBI-WEMRO Acting Administrative Officer George S. Perez established that petitioner, as an employee of the NBI-WEMRO, has the duty to make or prepare the subject DTRs.

²⁶ *Malabanan v. Sandiganbayan*, G.R. No. 186329, August 2, 2017, 834 SCRA 21, 37-38.

²⁷ *Fullero v. People of the Philippines*, 559 Phil. 524, 539 (2007).

Meyer

As to the third element, as correctly found by the CA, evidence presented by the prosecution established that petitioner's continuous absence since September 21, 2010 prompted an investigation against her which led to the discovery of the subject DTRs and Applications for Leave. The subject DTRs included the purported signatures of Embido and Minguez. However, both officers certified that the signatures appearing on the subject DTRs are not theirs.²⁸ Furthermore, the Questioned Document Report No. 69-211,²⁹ or the results of the handwriting examination conducted by the NBI Questioned Documents Division, shows that the signatures on the subject DTRs and the sample signatures of Embido and Minguez were not written by the same person. Additionally, the testimony of Minguez established that he had not seen petitioner report for work for six (6) months.

Anent the Applications for Leave, a Certification from Corazon A. Villas, Chief of the NBI – Personnel Division indicates that the said division has not received any application for any leave of absence from petitioner for the period of September 21, 2010 to December 8, 2010.³⁰ The Application for Leave for the period of October 4 to 29, 2010³¹ further indicates that the same was received by the Personnel Division on January 18, 2011, establishing that the same was not filed on September 17, 2010 as written thereon.

Verily, the totality of evidence presented by the prosecution established that petitioner, a public officer, has taken advantage of her official position and falsified her DTRs and Applications for Leave by counterfeiting or imitating the signatures of Embido and Minguez, making it appear that the said officers verified her DTRs. Through the subject DTRs, petitioner likewise made untruthful statements in making it appear that she regularly reported for work in September, October, and November, when she actually stopped showing up for work after September 21, 2010. Petitioner likewise altered true dates on her Applications for Leave, making it appear that she had filed the same on September 17, 2010 when they were actually filed on January 18, 2011.

It is noteworthy to add that the foregoing findings of fact, as sustained by the CA, binds this Court. Barring the application of recognized exceptions, the findings of fact of the Court of Appeals are conclusive and binding on the parties and are not subject to review by the Supreme Court.³²

Third and lastly, as previously mentioned, the penalty for falsification of public documents is imprisonment of *prision mayor* and a fine not exceeding P5,000.00. In the absence of mitigating and aggravating

²⁸ *Rollo*, pp. 303-304.

²⁹ *Id.* at 250-254.

³⁰ *Id.* at 240.

³¹ *Id.* at 209.

³² *Isabelita vda de Daya v. Heirs of Gavino Robles*, 612 Phil. 137, 144 (2009).

Meyer

circumstances, the penalty shall be imposed in its medium period, which is 8 years and 1 day to 10 years. Applying the Indeterminate Sentence Law, the petitioner is entitled to a minimum term which shall be taken within the range of the penalty next lower to what is prescribed by law which is *prision correccional*, the range of which is 6 months and 1 day to 6 years. Meanwhile, the maximum term of the penalty shall be that which is imposed by law considering any attending circumstances.³³ In view of the penalties imposed by the RTC in the instant case, as affirmed by the CA, such penalties are likewise correct.


All told, the Court finds no reversible error on the part of the CA in affirming the conviction of the petitioner for the crimes charged and rendering the assailed Decision and Resolution.

WHEREFORE, premises considered, the instant petition is hereby **DENIED**. The Decision dated February 22, 2018 and the Resolution dated August 1, 2018 rendered by the Court of Appeals in CA-G.R. CR No. 39386 are **AFFIRMED**.


SO ORDERED.

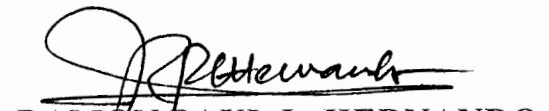

ANDRES B. REYES, JR.
Associate Justice

WE CONCUR:


DIOSDADO M. PERALTA
Associate Justice
Chairperson

³³ Sec. 1, Republic Act No. 4103, An Act to Provide for an Indeterminate Sentence and Parole for All Persons Convicted of Certain Crimes by The Courts of the Philippine Islands; To Create a Board of Indeterminate Sentence and to Provide Funds Therefor and for other Purposes.



MARVIC M.V.P. LEONEN
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


DIOSDADO M. PERALTA
Associate Justice
Chairperson, Third Division

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


LUCAS BERSAMIN
Chief Justice

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