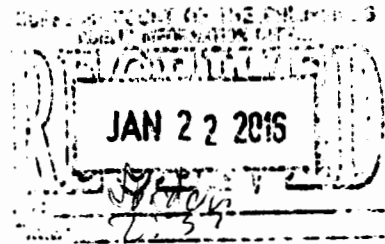




Republic of the Philippines  
**Supreme Court**  
 Manila



FIRST DIVISION

**ADINA B. MANANSALA,**  
 Petitioner,

**G.R. No. 215424**

- versus -

Present:

**PEOPLE OF THE PHILIPPINES,**  
 Respondent.

SERENO, C.J., Chairperson,  
 LEONARDO-DE CASTRO,  
 BERSAMIN,  
 PEREZ, and  
 PERLAS-BERNABE, JJ.

Promulgated:

**DEC 09 2015**

X-----X

**DECISION**

**PERLAS-BERNABE, J.:**

Assailed in this petition for review on *certiorari*<sup>1</sup> are the Decision<sup>2</sup> dated April 16, 2014 and the Resolution<sup>3</sup> dated October 7, 2014 of the Court of Appeals (CA) in CA-G.R. CR No. 34763, affirming the conviction of petitioner Adina B. Manansala (Manansala) for the crime of Falsification of Private Documents, defined and penalized under Article 172 (2), in relation to Article 171 (4), of the Revised Penal Code (RPC).

**The Facts**

On May 31, 1999, private complainant Kathleen L. Siy (Siy), former Vice President for Finance of Urban Finance and Leasing Corporation, now UMC Finance and Leasing Corporation (UMC), instructed her secretary,

<sup>1</sup> *Rollo*, pp. 3-20.

<sup>2</sup> *Id.* at 23-30. Penned by Associate Justice Eduardo B. Peralta, Jr. with Associate Justices Magdangal M. De Leon and Stephen C. Cruz concurring.

<sup>3</sup> *Id.* at 32-33.

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Marissa Bautista (Bautista), to withdraw *via* Automated Teller Machine (ATM) the amount of ₱38,000.00 from her Metrobank and Bank of the Philippine Islands bank accounts. However, Bautista was not able to make such withdrawal as the ATM was offline so she took it upon herself to get such amount from the petty cash custodian of UMC instead, but she forgot to inform Siy where she got the money. On June 9, 1999, UMC Finance Manager Violeta Q. Dizon-Lacanilao (Lacanilao) informed Siy that as per the Petty Cash Replenishment Report (subject report) of the same date prepared by UMC Petty Cash Custodian Manansala, she allegedly made a cash advance in the amount of ₱38,000.00 which remained unliquidated. It was only then that Siy found out what Bautista had done, and she immediately rectified the situation by issuing two (2) checks to reimburse UMC's petty cash account. As the checks were eventually encashed resulting in the replenishment of UMC's petty cash account, Lacanilao instructed Manansala to revise the subject report by deleting the entry relating to Siy's alleged cash advance, to which Manansala acceded. On June 11, 1999, Lacanilao reported the incident to UMC President Conrado G. Marty (Marty).<sup>4</sup>

Sometime in March 2000, Lacanilao instructed Manansala to retrieve the subject report, re-insert the entry relating to Siy's alleged cash advance therein, reprint the same on a scratch paper, and repeatedly fold the paper to make it look old. On the basis of the reprinted subject document, Siy was administratively charged for using office funds for personal use. On April 18, 2000, Siy was terminated from her job and Lacanilao succeeded the former in the position she left vacant. The foregoing prompted Siy to pursue criminal charges against Marty, Lacanilao, and Manansala for Falsification of Private Documents. Eventually, the charge against Marty was withdrawn, and an Amended Information<sup>5</sup> dated July 19, 2001 for the aforesaid crime was filed against Lacanilao and Manansala before the Metropolitan Trial Court of Makati City, Branch 65 (MeTC).<sup>6</sup>

In her defense, Manansala maintained that she was just following Lacanilao's orders as the latter is her superior who approves her work. She added that when Lacanilao instructed her to reprint the subject report, she was apprehensive to follow because she suspected something, but nevertheless acquiesced to such instruction.<sup>7</sup>

### **The MeTC Ruling**

In a Decision<sup>8</sup> dated October 27, 2010, the MeTC both found Lacanilao and Manansala guilty beyond reasonable doubt of committing the

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<sup>4</sup> See *id.* at 24-25. See also *id.* at 54-55.

<sup>5</sup> *Id.* at 46-47.

<sup>6</sup> See *id.* at 25. See also *id.* at 55.

<sup>7</sup> *Id.* at 52-53.

<sup>8</sup> *Id.* at 48-59. Penned by Presiding Judge Henry E. Laron.

crime of Falsification of Private Documents and, accordingly: (a) sentenced Lacanilao to suffer the penalty of imprisonment for the indeterminate period of one (1) year and one (1) day of *arresto mayor maximum* to *prision correccional minimum*, as minimum, to three (3) years, six (6) months, and twenty one (21) days of *prision correccional medium* and *maximum*, as maximum, and to pay a fine of ₱3,000.00; (b) sentenced Manansala to suffer the penalty of imprisonment for the indeterminate period of four (4) months and one (1) day of *arresto mayor maximum* to *prision correccional minimum*, as minimum, to two (2) years, four (4) months, and one (1) day of *prision correccional medium* and *maximum*, as maximum, and to pay a fine of ₱2,000.00; and (c) ordered each of the accused to pay Siy the amounts of ₱100,000.00 as moral damages and ₱50,000.00 as attorney's fees.<sup>9</sup>

The MeTC found that Lacanilao and Manansala conspired in falsifying the subject report by stating therein that Siy made a cash advance and used it for her personal use, despite knowing all along that Siy never did so; thus, resulting in Siy's termination from her work. In this regard, the MeTC tagged Lacanilao as the mastermind of the crime as she benefited the most from Siy's termination, while Manansala aided Lacanilao in the realization of her sinister motive.<sup>10</sup>

Nonetheless, the MeTC appreciated the mitigating circumstance of acting under an impulse of uncontrollable fear in favor of Manansala, noting that she merely acted upon Lacanilao's instructions and that she only performed such acts out of fear that she would lose her job if she defied her superior's orders.<sup>11</sup> Manansala moved for reconsideration<sup>12</sup> but was denied in an Order<sup>13</sup> dated January 31, 2011.

Aggrieved, Manansala appealed her conviction to the Regional Trial Court of Makati, Branch 142 (RTC).<sup>14</sup> Records are, however, bereft of any showing that Lacanilao made any similar appeal, thus, her conviction had lapsed into finality.

### **The RTC Ruling**

In a Decision<sup>15</sup> dated October 20, 2011, the RTC affirmed the MeTC ruling *in toto*. It held that Manansala clearly falsified the subject report by inserting a statement therein which she knew from the start to be untruthful –

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<sup>9</sup> Id. at 58-59.

<sup>10</sup> Id. at 55-58.

<sup>11</sup> Id. at 58.

<sup>12</sup> Id. at 60-67.

<sup>13</sup> Id. at 88.

<sup>14</sup> See Notice of Appeal dated February 28, 2011; id. at 89-91.

<sup>15</sup> Id. at 130-141. Penned by Presiding Judge Dina Pestano Teves.

that Siy made a cash advance for her personal needs – resulting in prejudice on the part of Siy.<sup>16</sup>

Manansala moved for reconsideration,<sup>17</sup> but was denied in an Order<sup>18</sup> dated January 30, 2012. Undaunted, she elevated the matter to the CA *via* a petition for review.<sup>19</sup>

### **The CA Ruling**

In a Decision<sup>20</sup> dated April 16, 2014, the CA affirmed the RTC ruling. The CA agreed with the MeTC and RTC's findings that Manansala made untruthful statements in the subject report which was contrary to her duty as UMC Petty Cash Custodian and that such findings were utilized to the detriment of Siy who was terminated on the basis of said falsified report.<sup>21</sup>

Dissatisfied, Manansala moved for reconsideration,<sup>22</sup> which was, however, denied in a Resolution<sup>23</sup> dated October 7, 2014; hence, this petition.

### **The Issue Before the Court**

The core issue for the Court's resolution is whether or not the CA correctly affirmed Manansala's conviction for Falsification of Private Documents.

### **The Court's Ruling**

The petition is without merit.

At the outset, it must be stressed that in criminal cases, an appeal throws the entire case wide open for review and the reviewing tribunal can correct errors, though unassigned in the appealed judgment, or even reverse the trial court's decision based on grounds other than those that the parties raised as errors. The appeal confers the appellate court full jurisdiction over the case and renders such court competent to examine records, revise the

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<sup>16</sup> Id. at 137-140.

<sup>17</sup> See Motion for Reconsideration dated November 18, 2011; id. at 142-149.

<sup>18</sup> Id. at 153.

<sup>19</sup> See Petition for Review dated March 8, 2012; id. at 154-171.

<sup>20</sup> Id. at 23-30.

<sup>21</sup> Id. at 26-29.

<sup>22</sup> Id. at 34-41.

<sup>23</sup> Id. at 32-33.

judgment appealed from, increase the penalty, and cite the proper provision of the penal law.<sup>24</sup>

Proceeding from the foregoing, the Court agrees with the ruling of the courts *a quo* convicting Manansala of the crime of Falsification of Private Documents, but disagrees in the appreciation of the “mitigating circumstance” of acting under an impulse of uncontrollable fear in her favor.

As already stated, Manansala was charged with committing the crime of Falsification of Private Documents defined and penalized under Article 172 (2), in relation to Article 171 (4), of the RPC, which respectively read as follows:

ART. 171. *Falsification by public officer, employee; or notary or ecclesiastical minister.* – The penalty of *prision mayor* and a fine not to exceed 5,000 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:

x x x x

4. Making untruthful statements in a narration of facts;

x x x x

ART. 172. *Falsification by private individuals and use of falsified documents.* – The penalty of *prision correccional* in its medium and maximum periods and a fine of not more than 5,000 pesos shall be imposed upon:

x x x x

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.

x x x x

The elements of Falsification of Private Documents under Article 172 (2) of the RPC are: (a) that the offender committed any of the acts of falsification, except those in Article 171 (7) of the same Code; (b) that the falsification was committed in any private document; and (c) that the falsification caused damage to a third party or at least the falsification was committed with intent to cause such damage.<sup>25</sup> On the other hand the elements of Falsification under Article 171 (4) of the RPC are as follows: (a) the offender makes in a public document untruthful statements in a narration

<sup>24</sup> See *Wacoy v. People*, G.R. No. 213792, June 22, 2015, citing *People v. Arguta*, G.R. No. 213216, April 22, 2015.

<sup>25</sup> *Batulanon v. People*, 533 Phil. 336, 349 (2006); citations omitted.

of facts; (b) he has a legal obligation to disclose the truth of the facts narrated by him; and (c) the facts narrated by him are absolutely false.<sup>26</sup>

In the instant case, the MeTC, RTC, and CA all correctly found Manansala guilty beyond reasonable doubt of the aforesaid crime, considering that: (a) as UMC's Petty Cash Custodian, she is legally obligated to disclose only truthful statements in the documents she prepares in connection with her work, such as the subject report; (b) she knew all along that Siy never made any cash advance nor utilized the proceeds thereof for her personal use; (c) despite such knowledge, she still proceeded in revising the subject report by inserting therein a statement that Siy made such a cash advance; and (d) she caused great prejudice to Siy as the latter was terminated from her job on account of the falsified report that she prepared. Basic is the rule that findings of fact made by a trial court are accorded the highest degree of respect by an appellate tribunal<sup>27</sup> and, absent a clear disregard of the evidence before it that can otherwise affect the results of the case or any clear showing of abuse, arbitrariness or capriciousness committed by the lower court, its findings of facts, especially when affirmed by the CA, are binding and conclusive upon this Court,<sup>28</sup> as in this case.

While the conviction of Manansala for the aforesaid crime was proper, it was error for the MeTC to appreciate the "mitigating circumstance" of acting under an impulse of uncontrollable fear and for the RTC and the CA to affirm *in toto* the MeTC's ruling without correcting the latter court's mistake.

To begin with, "acting under an impulse of uncontrollable fear" is not among the mitigating circumstances enumerated in Article 13 of the RPC, but is an exempting circumstance provided under Article 12 (6) of the same Code. Moreover, for such a circumstance to be appreciated in favor of an accused, the following elements must concur: (a) the existence of an uncontrollable fear; (b) that the fear must be real and imminent; and (c) the fear of an injury is greater than, or at least equal to, that committed.<sup>29</sup> For such defense to prosper, the duress, force, fear or intimidation must be present, imminent and impending, and of such nature as to induce a well-grounded apprehension of death or serious bodily harm if the act be done. A threat of future injury is not enough.<sup>30</sup>

In the instant case, while the records show that Manansala was apprehensive in committing a falsity in the preparation of the subject report

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<sup>26</sup> *Galeos v. People*, 657 Phil. 500, 520 (2011), citing *Fullero v. People*, 559 Phil. 524, 539 (2007).

<sup>27</sup> See *Uyboco v. People*, G.R. No. 211703, December 10, 2014, citing *Navallo v. Sandiganbayan*, G.R. No. 97214, July 18, 1994, 234 SCRA 175, 185-186.

<sup>28</sup> See *id.*, citing *Plameras v. People*, G.R. No. 187268, September 4, 2013, 705 SCRA 104, 122.

<sup>29</sup> *People v. Anticamara*, 666 Phil. 484, 505 (2011), citing *People v. Baron*, 635 Phil. 608, 624 (2010).

<sup>30</sup> *Id.* at 505, citing *People v. Anod*, 613 Phil. 565, 571 (2009).

as she did not know the repercussions of her actions,<sup>31</sup> nothing would show that Lacanilao, or any of her superiors at UMC for that matter, threatened her with loss of employment should she fail to do so. As there was an absence of any real and imminent threat, intimidation, or coercion that would have compelled Manansala to do what she did, such a circumstance cannot be appreciated in her favor.

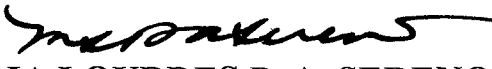
Hence, as there should be no mitigating circumstance that would modify Manansala's criminal liability in this case – and also taking into consideration the provisions of the Indeterminate Sentence Law – she must be sentenced to suffer the penalty of imprisonment for the indeterminate period of six (6) months of *arresto mayor*, as minimum, to two (2) years, four (4) months, and one (1) day of *prision correccional*, as maximum.


**WHEREFORE**, the petition is **DENIED**. Accordingly, the Decision dated April 16, 2014 and the Resolution dated October 7, 2014 of the Court of Appeals in CA-G.R. CR No. 34763 are hereby **AFFIRMED** with **MODIFICATION**, sentencing petitioner Adina B. Manansala to suffer the penalty of imprisonment for the indeterminate period of six (6) months of *arresto mayor*, as minimum, to two (2) years, four (4) months, and one (1) day of *prision correccional*, as maximum.

**SO ORDERED.**

  
**ESTELA M. PERLAS-BERNABE**  
 Associate Justice

**WE CONCUR:**

  
**MARIA LOURDES P. A. SERENO**  
 Chief Justice  
 Chairperson

  
**TERESITA J. LEONARDO-DE CASTRO**  
 Associate Justice


  
**LUCAS P. BERSAMIN**  
 Associate Justice

  
**JOSE PORTUGAL PEREZ**  
 Associate Justice

<sup>31</sup> See *rollo*, pp. 138-140.

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, I certify 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.



**MARIA LOURDES P. A. SERENO**

Chief Justice