

## FIRST DIVISION

[ G.R. No. 165678, July 17, 2009 ]

**ROSARIO S. PANUNCIO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

### DECISION

**CARPIO, J.:**

#### The Case

Before the Court is a petition for review assailing the 15 June 2004 Decision<sup>[1]</sup> and 15 October 2004 Resolution<sup>[2]</sup> of the Court of Appeals in CA-G.R. CR No. 25254.

#### The Antecedent Facts

On 3 August 1992, at about 4 o' clock in the afternoon, operatives of the Land Transportation Office (LTO) and the Special Mission Group Task Force Lawin of the Presidential Anti-Crime Commission (PACC) led by then Philippine National Police Superintendent Panfilo Lacson and Police Senior Inspector Cesar Ouano, Jr., armed with Search Warrant No. 581-92 issued by then Regional Trial Court Judge Bernardo P. Pardo, raided the residence of Rosario S. Panuncio (petitioner), a jeepney operator, at 204 E. Rodriguez, Sr. Avenue, Quezon City. The operatives confiscated LTO documents, 17 pieces of private vehicle plates, a copying machine, several typewriters, and other tools and equipment. One of the LTO documents confiscated was MVRR No. 63231478 issued to Manlite Transport Corporation (Manlite). The document was photographed during the raid while it was still mounted on one of the typewriters.

Petitioner signed a certification of orderly search, together with Barangay Chairman Antonio Manalo (Manalo), petitioner's employee Myrna Velasco (Velasco), and one Cesar Nidua (Nidua). Petitioner, Manalo, Velasco, and Nidua also signed a Receipt of Property Seized issued by PO3 Manuel Nicolas Abuda. Petitioner and one Jaime L. Lopez (Lopez) were arrested and brought to the PACC.

Juan V. Borra, Jr., Assistant Secretary for the LTO, Department of Transportation and Communications, who was representing his office, filed a complaint against petitioner for violation of Articles 171, 172, 176, and 315 of the Revised Penal Code (RPC), as amended; Presidential Decree No. 1730; Sections 31 and 56 of Republic Act No. 4136; and *Batas Pambansa Blg.* 43. Lopez was not charged since it was shown that he was only a visitor of the house when the raid took place. An Information for violation of Article 172(1) in relation to Article 171 of the RPC was filed against petitioner, thus:

That on August 3, 1992 at about 4:00 p.m., accused ROSARIO PANUNCIO y SY, a private individual and owner/operator of a residence/office located at 204 E. Rodriguez Avenue, Quezon City, did, then and there, willfully, unlawfully and feloniously with intent to cause damage falsified the vital informations as appearing on Land Transportation Office (LTO) official receipt no. MVRR No. 63231478 dated July 31, 1992 changing the meaning of the document and causing the document to speak something false, when in truth and in fact, accused knew fully well that the document as falsified do not legally exist and is different from the official file of the LTO, to the prejudice of public interest.

CONTRARY TO LAW.<sup>[3]</sup>

Petitioner filed a motion for reinvestigation, which the Regional Trial Court of Quezon City, Branch 107 (trial court), granted in its order of 1 March 1993.<sup>[4]</sup> The trial court gave the public prosecutor 20 days within which to submit his report on the reinvestigation. On 1 June 1994, the Department of Justice, through State Prosecutor Mario A.M. Caraos, submitted its Resolution<sup>[5]</sup> recommending that petitioner be prosecuted for falsification. The trial court set the arraignment, and on 28 June 1994, petitioner entered a plea of not guilty. Thereafter, pre-trial and the trial of the case ensued.

During the trial, a photocopy of the duplicate original of MVRR No. 63231478 dated 31 July 1992, which was a faithful reproduction of the document in LTO's file, was presented and compared with MVRR No. 63231478 confiscated from petitioner's residence. The following discrepancies were noted:

	As Per EDP/LTO File	As Per Photocopy of Owner's Copy (recovered from petitioner's residence)
File No.	4B-0476-20101	0478-50065
Plate No.	DFK 587	DEU 127
Route	Arroceros-Project Quezon City via España	4, Binangonan-Cubao via Marcos Highway and vice-versa
Motor No.	179837	100002
Serial No.	SP-MM-12857-87-C	MEL-3002-C
Gross Weight	3,000	2,700
Net Capacity	1,500	1,350
Payment 1992	of P513	P468
Renewal Registration		
Owner	Manlite Transport Co., Inc.	Manlite Transport Co., Inc.
Address	204 E. Rodriguez Ave., Q.C.	204 E. Rodriguez Ave., Q.C. <sup>[6]</sup>

Petitioner denied that she was the source of the falsified documents. She alleged that Manlite, which she used to co-own with her late husband, already stopped operating in April 1992 and her business was operating under the name Rosario Panuncio. She alleged that she was not at home when the raid took place, and when she returned home, the police authorities had already emptied her shelves and she was just forced to sign the search warrant, inventory receipt, and the certificate of orderly search. She further alleged that she was charged with falsification because she refused the police authorities' demand for money.

### **The Decision of the Trial Court**

In its 2 September 1997 Decision,<sup>[7]</sup> the trial court found petitioner guilty beyond reasonable doubt of the crime of falsification of a public document under Articles 171 and 172 of the RPC. The trial court ruled that the facts established by the prosecution were not substantially disputed by the defense. The trial court ruled that the raid yielded incriminatory evidence to support the theory that petitioner was engaged in falsifying LTO documents and license plate registration receipts. The dispositive portion of the trial court's Decision reads:

WHEREFORE, the prosecution having proven the guilt of the accused beyond reasonable doubt, the accused is found guilty as charged with the crime of Falsification of Public Document under Art. 171 and Art. 172 of the Revised Penal Code which carries the penalty of prision correccional in its medium and maximum period and a fine of not more than P5,000.00. Applying the Indeterminate Sentence Law, accused Rosario Panuncio y Sy is hereby sentenced to suffer the penalty of imprisonment of Six (6) Months and One (1) Day of arresto mayor as minimum to FOUR (4) Years or prision correccional as maximum, and a fine of P2,000.00 with subsidiary imprisonment in case of insolvency. Without costs.

SO ORDERED.<sup>[8]</sup>

Petitioner appealed from the trial court's Decision.

### **The Decision of the Court of Appeals**

In its 15 June 2004 Decision, the Court of Appeals affirmed the trial court's Decision with modification. The Court of Appeals held that petitioner committed falsification of a public document. The Court of Appeals ruled that the search warrant did not suffer from any legal infirmity because the items to be seized were already specified and identified in the warrant. The Court of Appeals declared that the court's designation of the place to be searched and the articles to be seized left the police authorities with no discretion, ensured that unreasonable searches and seizures would not take place and abuses would be avoided. The Court of Appeals further ruled that the Rules of Court do not require that the owner of the place to be searched be present during the conduct of the raid. The Court of Appeals noted that the search was conducted not only in the presence of petitioner but also in the

presence of Manalo, Velasco, and Nidua.

The dispositive portion of the Decision of the Court of Appeals reads:

WHEREFORE, the judgment of conviction rendered by the trial court against accused-appellant Rosario Panuncio y Sy is AFFIRMED, but with the MODIFICATION that she should be, as she hereby is, sentenced to serve an indeterminate penalty of two (2) years and four (4) months of prision correccional as minimum to six (6) years of prision correccional as maximum. No pronouncement as to costs.

SO ORDERED.<sup>[9]</sup>

Petitioner filed a motion for reconsideration. In its 15 October 2004 Resolution, the Court of Appeals denied the motion.

Hence, the petition before this Court.

### **The Issues**

Petitioner raises the following issues:

1. Whether the elements of falsification of a public document under Article 172(1) in relation to Article 171 of the RPC have been established;
2. Whether the search was regularly conducted;
3. Whether the evidence gathered during the search are admissible in evidence; and
4. Whether the Court of Appeals properly applied the Indeterminate Sentence Law (ISL).

### **The Ruling of this Court**

The petition has no merit.

#### ***Falsification of Public Documents***

At the outset, petitioner argues that the Information was defective because it did not specifically mention the provision that she violated. As such, she was not informed of the specific violation for which she was held liable.

We cannot sustain petitioner's argument. Petitioner failed to raise the issue of the defective information before the trial court through a motion for bill of particulars or a motion to quash the information. Petitioner's failure to object to the allegation in