

## THIRD DIVISION

[ G.R. Nos. 246265-66, March 15, 2021 ]

### MAYBELA. UMPA, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT. D E C I S I O N

**LOPEZ, J., J.:**

This is a Petition for Review on *Certiorari*<sup>[1]</sup> under Rule 45 of the Revised Rules of Court seeking to set aside the Decision<sup>[2]</sup> dated December 20, 2018 and the Resolution<sup>[3]</sup> dated April 2, 2019 of the Sandiganbayan in SB-18-A/R-0003 and SB-18-A/R-0004, which dismissed the appeal filed by the petitioner and upheld the Joint Decision<sup>[4]</sup> of the Regional Trial Court (*RTC*) of Quezon City, Branch 85 in Case Nos. R-QZN-13-01427 and R-QZN-13- 01428 finding the petitioner guilty of violating Article 315(2)(a) of the Revised Penal Code and Section 3(e) of Republic Act (*R.A.*) No. 3019, or the *Anti-Graft and Corrupt Practices Act*.

#### ***Antecedents***

Sometime in February 2010, private complainant Lory D. Malibiran (*Malibiran*) consulted the wife of his best friend, herein petitioner Maybel Umpa (*Umpa*), on how he can obtain the approved plan, tax declaration, and the Certificate of Title on Fernando Mamaril's 7.2 hectare property located in Rodriguez, Rizal. Malibiran, who is incidentally also the godfather to eldest daughter, consulted her because he knew that she was working with the Land Registration Authority (*LRA*).<sup>[5]</sup>

In response, Umpa assured Malibiran that she can produce the documents. She asked for a sketch plan and the amount of Twenty Thousand Pesos (P20,000.00) as research fee from Malibiran. Thereafter, Umpa introduced Malibiran to Carlito Castillo (*Castillo*), who was also working at the LRA as an accounting clerk. They discussed the request of Malibiran regarding the property of Fernando Mamaril.<sup>[6]</sup>

In the first week of October 2010, Umpa informed Malibiran that the latter needed to pay an additional sum of Six Hundred Twenty Thousand Pesos (P620,000.00) to facilitate the release of the documents that were needed to obtain a certificate of title over Fernando Mamaril's property. Eventually, Malibiran was able to raise the amount and gave it to Umpa. Unfortunately, Umpa failed to deliver any document. This prompted Malibiran to file a complaint against Umpa and Castillo before the LRA.<sup>[7]</sup>

During the scheduled hearing on June 15, 2011, Umpa and Castillo agreed to return the sums of money that were given to them by Malibiran before the hearing officer, Joel Bigornia (*Bigornia*), Division Chief of the LRA's Docket Division. Then again, it was only Castillo, who appeared in the next appointed hearing. Hence, the hearing officer recommended the filing of appropriate charges against Umpa, which was approved by the LRA Administrator.<sup>[8]</sup>

At any rate, Malibiran decided to withdraw his complaint with the LRA. Instead, he filed another complaint before the Office of the Ombudsman charging Umpa and Castillo of the following crimes: a) Fraud and Illegal Exaction defined and penalized under Article 213, Section 2(c) of the Revised Penal Code (RPC); b) Other Frauds under Article 214 of the RPC; c) *estafa* under Article 315(1) of the RPC; and d) Violation of R.A. No. 3019, as amended.<sup>[9]</sup>

After Umpa and Castillo had filed their Counter-Affidavits,<sup>[10]</sup> the Office of the Ombudsman issued a Resolution dated March 23, 2012 finding probable cause to indict them for the crimes of *estafa under Article 315(2)(a) of the RPC* and violation of Section 3(e) of R.A. No. 3019. Accordingly, two (2) Informations were filed against Umpa and Castillo before the (RTC) of Quezon City on March 23, 2012. The cases were docketed as R-QZN-A/R-0003 and R-QZN-A/R-0004 and raffled off to Branch 85.<sup>[11]</sup>

On August 29, 2013, Castillo was arraigned. Later on November 20, 2014, Malibiran executed an Affidavit of Desistance<sup>[12]</sup> in favor of Castillo. Consequently, the RTC issued an Order<sup>[13]</sup> on December 2, 2014 dismissing the case against Castillo. On the other hand, the case with respect to Umpa was archived as she remained at-large. Umpa later resurfaced and was only arraigned on August 11, 2015.<sup>[14]</sup>

### ***Ruling of the RTC***

On November 10, 2017, the RTC rendered a Joint Decision finding Umpa to be guilty beyond reasonable doubt of committing *estafa* as defined and penalized under Article 315(2)(a) of the RPC and for violating Section 3(e) of R.A. No. 3019. The RTC found that Umpa employed fraudulent representations prior to or at least simultaneously with Malibiran's delivery of the sum of Six Hundred Twenty Thousand Pesos (P620,000.00).<sup>[15]</sup>

Specifically, the RTC took note of the fact that Malibiran gave Umpa the sum of money as the latter enticed and promised the former that she could have Fernando Mamaril's land titled and be declared for tax purposes. Umpa's position in the LRA created in her favor an impression of authority to transact with Malibiran, involving financial concerns. Despite receipt of the money, Umpa failed to secure and deliver to Malibiran the title to the property. Evidently, Umpa capitalized on her official functions with the LRA to commit the crimes charged.<sup>[16]</sup>

The RTC did not give credence to Umpa's claim that she is innocent of the charges imputed against her. *First*, Umpa admitted that Malibiran consulted her with regard to the titling of Fernando Mamaril's property and that she received from him the amount of Twenty Thousand Pesos (P20,000.00) in payment for the research fees. *Second*, she affirmed that she consulted Castillo because she allegedly heard that he knew about the process involved despite the fact that he was not authorized to do so. *Third*, Umpa claimed that she turned over to Castillo the sum of Six Hundred Twenty Thousand Pesos (P620,000.00) that she received from Malibiran. Umpa, however, failed to prove the same.<sup>[17]</sup>

Thus, the RTC disposed as follows:

WHEREFORE, in view of the foregoing disquisition, judgment is hereby rendered as follows:

1. In Criminal Case No. R-QZN-13-01427, accused MAYBEL A. UMPA is found GUILTY beyond reasonable doubt of the crime of *Estafa* defined and penalized under Article 315, paragraph 2(a) of the Revised Penal Code and sentenced to suffer an indeterminate penalty of imprisonment of four (4) years and two (2) months of *prision coreccional*, as minimum[,] to ten (10) years of *prision mayor*, as maximum;

2. In Criminal Case No. R-QZN-13-01428, accused MAYBEL A. UMPA is found GUILTY beyond reasonable doubt of Violation of Section 3(e) of R.A. No. 3019 and is hereby SENTENCED to suffer the penalty of imprisonment of six (6) years and one (1) month to eight (8) years; and

3. Accused MAYBEL A. UMPA is ordered to pay private complainant Lory Malibiran the amount of P620,000.00 as actual damages.

**SO ORDERED.**<sup>[18]</sup>

Aggrieved, Umpa filed an appeal with the Sandiganbayan, which rendered its Decision dated December 20, 2018, affirming the ruling of the RTC, but modified the penalty imposed. The Sandiganbayan held that all the elements of estafa, as defined and penalized under Article 315(2)(a) of the RPC, and all the elements for violations of Section 3(e) of R.A. No. 3019 were proven beyond reasonable doubt.<sup>[19]</sup> Particularly, Umpa agreed and assured Malibiran that she can facilitate the issuance of the approved plan, tax declaration and certificate of title. Relying on Umpa's false pretenses and fraudulent acts, Malibiran paid her the amount of Twenty Thousand Pesos (P20,000.00) for the research fees. Upon Umpa's promise to deliver the subject documents within a week, Malibiran paid her the sum of Six Hundred Twenty Thousand Pesos (P620,000.00). Umpa, however, is neither authorized nor capacitated to facilitate the issuance of the approved plan, tax declaration and certificate of title.<sup>[20]</sup>

As regards the alleged contradictory statements of the private complainant in the complaint-affidavit and the affidavit of desistance, the Sandiganbayan held that these are more imagined than real insofar as the culpability of the petitioner is concerned. The said contradictory statements pertain to the participation of Castillo in inducing Malibiran to produce the money that the petitioner demanded.<sup>[21]</sup>

With regard to the penalty imposed, the RTC relied on our ruling in the case of *Sy vs People*.<sup>[22]</sup> During the pendency of the instant case, R.A. No. 1095 was passed into law, which amended, among others, the penalty imposed for *estafa* under Article 315 of the RPC. Seeing as the said law is more beneficial to Umpa, the same was given retroactive effect in her favor. Thus, the Sandiganbayan disposed as follows:

WHEREFORE, premises considered, the questioned Joint Decision dated November 10, 2017 of the Regional Trial Court, Branch 85, Quezon City, is hereby AFFIRMED subject to the modifications that the penalty to be imposed in Criminal Case No. R-QZN-13-01427 for the crime of *estafa* should be an imprisonment of two (2) months and one (1) day of *arresto mayor*, as minimum, to one (1) year and one (1) day of *prison correccional* minimum, as maximum; while the actual damages is a total of P640,000.00

**SO ORDERED.**<sup>[23]</sup>

Undeterred, Umpa filed a motion before the Sandiganbayan, asking for a reconsideration of its Decision. She insisted that the inconsistency between the complaint-affidavit and affidavit of desistance marred the credibility of Malibiran as witness. The Sandiganbayan, however, reiterated its ruling that the said inconsistency is not material. As such, the Sandiganbayan dismissed her motion in its Resolution<sup>[24]</sup> dated April 2, 2019.

Left without recourse, Umpa filed a Petition for Review on *Certiorari* under Rule 45. She maintains that the Sandiganbayan gravely erred in affirming the Joint Decision of the RTC, which found her guilty of the crime of *Estafa* under paragraph 2(a) of Article 315 of the RPC and violation of Section 3(e) of R.A. No. 3019, despite the doubtful credibility of Malibiran.<sup>[25]</sup>

Umpa asseverates that the prosecution failed to prove the elements of the crime of *Estafa* under paragraph 2(a) of Article 315 of the RPC and violation of Section 3(e) of R.A. No. 3019. She points out that the RTC and the Sandiganbayan both relied on the testimony of Malibiran. The matters that he alleged in his Complaint Affidavit, however, is inconsistent with the matters he stated in his Affidavit of Desistance. That is, Malibiran did not distinguish their participation in defrauding him. While in his Affidavit of Desistance, Malibiran retracted his statement and claimed that Castillo took no part in the fraudulent scheme. Such manifest inconsistency tends to erode his credibility and raise doubt on the veracity of the prosecution evidence.<sup>[26]</sup>

For the State, the Office of the Special Prosecutor counters that the instant petition before Us should be dismissed for utter lack of merit.<sup>[27]</sup> Contrary to petitioner's supposition, the purported inconsistencies in Malibiran's testimony did not affect the facts proving the criminal charges against her as these pertained only to Castillo's participation in the commission of the crimes charged. Besides, Malibiran's testimony is consistent with those of the other prosecution witnesses and the admissions made by the petitioner.<sup>[28]</sup>

### ***The Ruling of the Court***

Petitioner filed a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court. Settled is the rule that the right to appeal is not a natural right but a mere statutory privilege. Hence, such right may be exercised only in the manner prescribed by, and in accordance with, the provisions of law.<sup>[29]</sup> Accordingly, for her petition to prosper, Section 5(2) of Rule 45 of the Rules of Court provides that the questions raised in her petition should be of such substance as to warrant consideration. Under Section 6 of the same Rules, this Court would only act on her petition if the court *a quo* has –

- (a) 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) 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.

From the foregoing, this Court would only entertain Petitions for Review on *Certiorari* under Rule 45 if –