

## THIRD DIVISION

[ G.R. No. 229701, November 29, 2017 ]

**EDWINA RIMANDO Y FERNANDO, PETITIONER, VS. PEOPLE OF THE PHILIPPINES, RESPONDENT.**

### DECISION

**VELASCO JR., J.:**

This is a Petition for Review on Certiorari under Rule 45 of the Rules of Court, seeking the reversal of the Court of Appeals (CA) Decision<sup>[1]</sup> dated September 6, 2016 and Resolution<sup>[2]</sup> dated January 31, 2017 in CA-G.R. CR No. 36422. The CA affirmed the Decision<sup>[3]</sup> dated February 6, 2014 of the Regional Trial Court (RTC), Branch 137 of Makati City, in Criminal Case No. 12-1761.

An Information was filed against Romeo Rimando y Cachero and Edwina Rimando y Fernando charging them with violation of Article 168 of the Revised Penal Code (RPC), to wit:

On the 14<sup>th</sup> day of September 2012, in the City of Makati, the Philippines, accused conspiring and confederating together and both of them mutually helping and aiding one another, did then and there willfully, unlawfully and feloniously, with intent to use, have in their possession, custody and control false and counterfeit 100 pieces U.S. Dollars which are bank notes, knowing that said notes are all falsified and counterfeit.

CONTRARY TO LAW.<sup>[4]</sup>

### The Facts

We quote the narration of facts of the CA, as follows:

#### Prosecution's Evidence:

Alex Muñoz, Bank Officer I of the Investigation Division, Task Department, Bangko Sentral ng Pilipinas (BSP) Complex, East Avenue, Diliman, Quezon City, testified that:

- a) He was tasked to conduct investigations, make arrests and conduct searches and seizures in all cases adversely affecting the integrity of currencies pursuant to BSP Circular 599, Series of 2008. He recognized appellants because the latter were arrested for violation of Art. 168 of the RPC;
- b) Sometime in July 2012, his office received information from

their confidential informant that a certain Pastor Danny and Datu Romy and their cohorts were involved in the distribution, manufacture, and printing of counterfeit US dollar notes. They validated the information by conducting a surveillance on the suspects, including appellant Romeo Rimando, also known as Datu Romy;

- c) On September 5, 2012, the confidential informant introduced him to the group of counterfeiters at Farmer's Market, Araneta Center, Cubao, Quezon City. His team subsequently conducted a test-buy around 3 o'clock in the afternoon. He was able to buy 3 pieces of USD100 counterfeit notes for P500 per piece. He knew that the notes were fake because he had been trained to detect counterfeit currencies;
- d) In the morning of September 14, 2012, Romeo Rimando called him and offered to sell 100 pieces of USD100 counterfeit notes at P500 per piece. His office formed a team to conduct an entrapment operation;
- e) It was agreed that he and appellants' group would meet at Savory Restaurant along Makati Avenue. Before proceeding to the venue, they coordinated with the Tactical Operation Center of Philippine National Police (PNP). By 2:00 in the afternoon, they were already at the restaurant. When Romeo Rimando arrived, he was accompanied by appellant Edwina Rimando. Members of the entrapment team were strategically positioned in the area;
- f) Romeo Rimando talked to him. He asked Romeo Rimando about the counterfeit notes. Romeo Rimando handed him the counterfeit notes while he gave Romeo Rimando the marked money. After receiving the marked money, Romeo Romando went over to appellant Edwina Rimando and placed the money inside her bag. Appellants started to walk away when he gave the prearranged signal-placing his eyeglasses on top of his head. The team then closed in and arrested appellants.

Reynaldo Paday, Senior Currency Specialist, Investigation Division, Cash Department, BSP, testified that:

- 1) He was part of the team that conducted the test-buy on September 5, 2012 at Farmer's Market. He was assigned to assist poseur buyer Alex Muñoz and secure the confidential informant during the test buy. He was about 150 meters from Alex Muñoz when the test-buy took place;
- 2) Alex Muñoz bought 3 pieces of USD100 counterfeit notes. Afterwards, the team went back to the office and he made an initial verification of the 3 notes. He later issued a temporary certification that said notes were fake;
- 3) On September 14, 2012 their team conducted an entrapment operation at Savory Restaurant in Makati Avenue. He was

tasked to secure the perimeter and assist Alex Muñoz, who was waiting for the suspect. He observed that an old man talked with Alex Muñoz. Afterwards, Alex Muñoz put his eyeglasses on top of his head, the prearranged signal;

- 4) After they had closed in, he grabbed Romeo Rimando and told the latter he was under arrest. Appellant Edwina Rimando, who accompanied Romeo Rimando, was also arrested by one of the agents. They proceeded to the vehicle and conducted an inventory of the 100 pieces of counterfeit notes and marked money. He examined and verified the 100 pieces of notes and concluded that they were counterfeited;

Sylvia Tamayo, Assistant Manager of the Currency Analysis and Redemption Division, Cash Department of the BSP, confirmed that she issued a Certification dated September 17, 2012. She certified that the 100 pieces US dollar bills were counterfeit, viz:

This is to certify that the one hundred (100) pieces 100 US Dollar notes submitted for verification as to their genuineness by Mr. Reynaldo L. Paday, Senior Currency Specialist, Investigation Division, Cash Department per memorandum of even date and more particularly described as follows:

Denomination	Serial Number	No. of pieces	Amount
100-US Dollar Note	AE73685100B	2	US\$200.00
-do-	AE73685101B	2	200.00
-do-	AE73685102B	2	200.00
-do-	AE73685103B AE73685110B	8	800.00
-do-	AE73685112B AE73685114B	3	300.00
-do-	AE73685116B AE73685151B	36	3,600.00
-do-	AE73685152B	2	200.00
-do-	AE73685153B	3	300.00
-do-	AE73685154B	3	300.00
-do-	AE73685155B	3	300.00
-do-	AE73685156B AE7368159B	4	400.00
-do-	AE73685170B AE73685177B	8	800.00
-do-	AE73685178B	1	100.00
-do-	AE73685179B AE73685178B	1	100.00
-do-	AE73685180B	1	100.00
-do-	AE73685182B AE73685197B	16	1,600.00
-do-	AE73685199B AE73685201B	3	300.00
-do-	AE73685246B	1	100.00

-do-	AE73685249B	1	100.00
		100 pcs.	US\$10,000.00

had been found to be COUNTERFEIT after examination conducted by the Currency Analysis and Redemption Division, this Department and are therefore being retained by Bangko Sentral ng Pilipinas pursuant to BSP Circular No. 61, Series of 1995. The abovementioned notes had been stamped "COUNTERFEIT" (Subject Romeo Rimando y Cachero a.k.a. "Datu Ramie" and Edwina Rimando y Fernando).

Glenn Peterson, Special Agent of the US Secret Service in Guam testified: the 100 pieces of US Dollar bills were referred to him for examination. He examined each note under a magnifying glass. Unlike genuine US Dollar notes which were printed, using Intaglio and Typographic Printing Method, the 100 counterfeit bills were printed with the use of an inkjet printer.

### **Appellants' Evidence:**

Appellant Edwina Rimando, a freelance real estate agent, testified:

- a) At 2:00 in the afternoon of September 14, 2012, she was in Makati Tower Hotel in Kalayaan Street Makati City. She was invited there by a certain Pong to meet a certain Emily about an old coins transaction. Her husband, Romeo Rimando, was with her. Emily invited them to eat at a Pizza Hut behind the hotel. Once there, they just sat on the sofa. Emily left them to smoke and make a call. She followed Emily outside and the latter told her to look for another restaurant. They walked towards Kalayaan and Burgos. While waiting for the stop light to change, she and her husband were suddenly apprehended by the group of Alex Muñoz. Pong and Emily suddenly disappeared. They were forced to ride a silver Toyota Innova;
- b) She and her husband were handcuffed. Agent Armida Superales took her bag and said: "*Boss, negative.*" She also saw Agent Superales take out from her side something wrapped in plastic and put it inside the bag. When they reached the BSP premises in Quezon City, Agent Superales opened the bag and declared that there were US dollar bills and a bundle of marked money inside. She and Agent Superales had an argument;
- c) The agents took Romeo Rimando to another room while she was left at the front desk. Alex Muñoz and Reynaldo Paday interrogated her and she was asked to admit that the counterfeit notes came from her. She was afraid because they were threatening her. They told her she could not do anything because there were no witnesses around. The agents also informed her that they had a companion who was a shooter. She just kept silent. She was further told that if she admitted the crime, she would be made a civilian agent, given cash rewards, and set free after the inquest;

Appellant Romeo Rimando, a scrap agent, testified:

1. On September 14, 2012, he and his wife were somewhere along Makati Avenue. They went there upon invitation by a certain Pong who wanted to transact with them about old coins. They all met at Makati Tower Hotel with a certain Emily. According to Pong, Emily was a trusted buyer of a hotel guest;
2. They met and talked at the ground floor of the hotel. Afterwards, Emily invited them to have lunch at a nearby Pizza Hut. There was no table available at the restaurant so Emily suggested they go to Andok's on Jupiter Street. On the road, they were arrested by a group of 10 agents who had 3 vehicles.
3. He and his wife were handcuffed and forced into a Toyota Innova. Emily and Pong were walking ahead of them and did not notice that they were already arrested. When Emily and Pong looked back, the two did not concern themselves with what transpired. They were taken to a parking lot near the Makati Tower Hotel. Inside the Innova, he saw through the back mirror that Pong and Emily were talking to the operatives;
4. On their way to BSP, their cellphones were taken. Agent Superales grabbed his wife's shoulder bag. They were told that it was SOP to confiscate their belongings. He saw Agent Superales put into his wife's bag a plastic wrapped bundle of US dollar bills and marked money worth P50,000.00;
5. When they arrived at BSP, Alex Muñoz brought him to the storeroom. Alex Muñoz took out his pistol and placed it on top of the table. Alex Muñoz also had a plastic bag and said it was going to be used on him. He was interrogated and told to just admit that the confiscated notes belonged to them;
6. His wife was interrogated by Reynaldo Paday. Afterwards, he and his wife got seated at a table with Alex Muñoz. Alex Muñoz was writing his initials on the dollar bills. Photographs were taken of him, his wife, and the alleged confiscated items;
7. The process ended at 2 o'clock the following day. They were told that they could sleep on the chairs. Later that day, they were taken for inquest.<sup>[5]</sup>

Accordingly, the RTC rendered the assailed Decision dated February 6, 2014. The dispositive portion states:

**WHEREFORE PREMISES CONSIDERED**, this court finds and declares both accused ROMEO RIMANDO y CACHERO and EDWINA RIMANDO y FERNANDO GUILTY beyond reasonable doubt of the offense as defined in Art. 168, and penalized in Art. 166 paragraph 1 of the Revised Penal Code; and hereby sentence each of them to suffer an indeterminate