



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

MA. ANACLETA RACHELLE
PAGUIRIGAN y CUETO,
Petitioner,

G.R. No. 255308

Present:

-versus-

LEONEN, S.A.J., Chairperson,
LAZARO-JAVIER,
LOPEZ, M.,
LOPEZ, J., and
KHO, JR., JJ.

PEOPLE OF THE
PHILIPPINES,
Respondent.

Promulgated:

FEB 12 2024

X-----X

DECISION

M. LOPEZ, J.:

The integral components of a crime must be sufficiently alleged in the information and established during trial with proof beyond reasonable doubt. The required rule on allegation and proof cannot be restricted to the essential elements of an offense but should extend to the material facts constitutive of the crime.¹ Any doubt in the allegations on the information shall be construed against the State and in favor of the accused who is presumed to have no independent knowledge of the facts that constitute the offense.² The strict construction is not to enable a guilty person to escape punishment through technicalities but stems rather from the solemn duty of the courts to protect and give life to the constitutional rights of the accused.³

¹ See *Homol v. People*, G.R. No. 191039, August 22, 2022 [Per J. M. Lopez, Second Division].

² *People v. XYZ*, 879 Phil. 752, 758 (2020) [Per J. Gesmundo, Third Division]; and *Dela Chica v. Sandiganbayan*, 462 Phil. 712, 719 (2003) [Per J. Azcuna, First Division].

³ *Centeno v. Villalon-Pornillos*, 306 Phil. 219, 231 (1994) [Per J. Regalado, Second Division]; and *People v. Aquino*, 435 Phil. 417, 425 (2002) [Per Curiam. En Banc].

J

ANTECEDENTS

In 2008, Ma. Anacleta Paguirigan (Anacleta) introduced herself to Elizabeth Delos Triños (Elizabeth) as general manager of AJ Construction and Development Company. Anacleta and Elizabeth then executed a contract to sell over a lot situated in Spud St., East Fairview, Quezon City.⁴ The agreement expressly stated that Anacleta was representing the vendor and property owner Alfredo A. Rosanna (Alfredo).⁵ Thereafter, Elizabeth tendered PHP 100,000.00 as initial payment to Anacleta. However, the transaction did not materialize because Alfredo changed his mind and sold the property to another person. In 2009, Anacleta and Elizabeth executed another contract to sell covering a different lot located at Winston St., East Fairview, Quezon City. Elizabeth paid PHP 780,000.00 to Anacleta. The sale did not push through again when the bank denied Elizabeth's housing loan application. Later, Elizabeth demanded a refund of the sum of PHP 880,000.00 from Anacleta.⁶ Anacleta agreed to return the funds and gave checks to Elizabeth.⁷ But the checks that Anacleta issued bounced.⁸

On February 26, 2016, Elizabeth charged Anacleta with two counts of estafa through false pretenses or fraudulent acts under Article 315, paragraph 2(a), of the Revised Penal Code (RPC) before the Regional Trial Court (RTC), to wit:

Criminal Case No. 16-03867

That on or about the 14th day of May, 2008, in Quezon City, Philippines, the said Accused, did then and there willfully, unlawfully and feloniously defraud ELIZABETH DELOS TRI[N]OS, represented by Carmelino O. Longakit, in the manner as follows: **the said accused, by means of false manifestation and fraudulent representations made to herein complainant to the effect that she is a licensed developer and engaged in real estate business and owner/general manager of AJ Const. & Dev't Co., induced and succeeded in inducing said Complaint to buy a house and lot she is offering for sale with an area of 94 square meter located at Spud St. East Fairview, this City,** accused knowing fully well that said manifestations and representations were false and fraudulent, and that said representations were made only for her to obtain the amount of P100,000.00, Philippine Currency, and once in possession thereof accused misappropriated, misapplied and converted the same to her own personal use and benefit, to the damage and prejudice of the said Offended party in the amount aforementioned.

CONTRARY TO LAW.⁹ (Emphasis supplied)

Criminal Case No. 16-03868

⁴ *Rollo*, pp. 38 and 49.

⁵ *Id.* at 60.

⁶ *Id.* at 38-39 and 49-50.

⁷ *Id.* at 40 and 50.

⁸ *Id.* at 39 and 50.

⁹ *Id.* at 37.

That on or about the 30th day of April, 2014, in Quezon City, Philippines, the said accused, did then and there willfully, unlawfully and feloniously defraud ELIZABETH DELOS TRI[N]OS, represented by Carmelino O. Longakit, in the manner as follows: **the said accused, by means of false manifestation and fraudulent representations made to herein complainant to the effect that she is a licensed developer and engaged in real estate business and owner/general manager of AJ Const. & Dev't Co., induced and succeeded in inducing said Complainant to buy a house and lot she is offering for sale**, accused knowing fully well that said manifestations and representations were false and fraudulent, and that said representations were made only for her to obtain the amount of P780,000.00, Philippine Currency, and once in possession thereof accused misappropriated, misapplied and converted the same to her own personal use and benefit, to the damage and prejudice of the said Offended party in the amount aforementioned.

CONTRARY TO LAW.¹⁰ (Emphasis supplied)

Anaclea pleaded not guilty.¹¹ She claimed that she is the owner of AJ Construction and Development. Anaclea recounted that in 2008, Elizabeth approached her and asked if she could sell to Elizabeth a “*lot with house construction.*” Anaclea averred that Elizabeth was fully aware that she was representing property owners in the contracts to sell. Anaclea and Elizabeth had two transactions under this business practice. Anaclea admitted that the first transaction did not materialize because the property owner urgently needed money and sold the lot to another buyer for a higher price. She also claimed that the second transaction likewise failed since Elizabeth was not able to secure a housing loan. Elizabeth allegedly only asked for a refund when her family decided to migrate abroad. Anaclea insisted that she issued checks with the instruction to make a deposit only after notice of sufficiency of funds, yet, Elizabeth deposited the checks without her go signal.¹²

On July 20, 2018,¹³ the RTC convicted Anaclea in Criminal Case No. 16-03867, holding that the prosecution proved that she falsely pretended to be the owner of the property under the first contract to sell, resulting in a PHP 100,000.00 pecuniary damage to Elizabeth. Meanwhile, the RTC acquitted Anaclea in Criminal Case No. 16-03868 absent evidence that she falsely claimed ownership of the property subject of the second contract to sell. In both cases, the RTC held Anaclea civilly liable to return the total amount of PHP 780,000.00; thus:

Criminal Case No. 16-03867

In this case, the accused falsely pretended that she [owned] the property she [was] selling located at Spud St., East Fairview, Quezon City. . . When in truth and in fact, she [did] not own the same. This false

¹⁰ *Id.* at 37–38.

¹¹ *Id.* at 48.

¹² *Id.* at 40, 49–50, and 59.

¹³ *Id.* at 37–43. The Decision in Criminal Case No. R-QZN-16-03867-88-CR was penned by Presiding Judge Maria Luisa Leslie G. Gonzales-Betic of Branch 225, Regional Trial Court, Quezon City.

representation constituted fraud. It is clear from the testimony of De Los (sic) Tri[ñ]os that she parted with her money because she believed that the accused' (sic) [owned] the property she [was] selling. Furthermore, there is no question that the element of damage was established. The prosecution was able to prove and duly admitted by accused, that private complainant gave her as initial payment, P100,000.00

....

Criminal Case No. 16-03868

Nonetheless, unlike the first Contract to Sell which did not push through because accused does not own the property, and the owner demanded a higher price, **this Court finds that the prosecution failed to prove all the elements of Estafa in this case for the second Contract to Sell because in this contract, accused did not claim ownership of the property.** Accused therefore is entitled to an acquittal. She is however not entirely free from any liability towards private complainant. It has been held that an acquittal based on reasonable doubt that the accused committed the crime charged does not necessarily exempt her from civil liability where a mere preponderance of evidence is required. There is no question that the evidence adduced by the prosecution is preponderant enough to sustain accused*[s] civil liability.

WHEREFORE, in Criminal Case No. 16-03867 accused Ma. Anacleta Paguirigan Rachele [y] Cleto is found guilty beyond reasonable doubt of Estafa under Art. 315 par. 2(a), of the Revised Penal Code and is hereby sentenced to suffer the penalty of four months and one day of arresto mayor maximum to two years of prision correccional minimum.

As to the civil indemnity, accused is ordered to return the amount of one hundred Thousand Pesos (P100,000.00) to private complainant Elizabeth De Los (sic) Tri[ñ]os. Complainant is entitled to an interest at the legal rate of 6% per annum from the date of finality of this judgment until fully paid.

As for Criminal Case No. 16-03868, for failure of the prosecution to prove guilt beyond reasonable doubt, accused Ma. Anacleta Rachele Paguirigan [y] Cleto is hereby acquitted of the crime charged. She is however found civilly liable and is ordered to return the amount of six hundred eighty Thousand Pesos (P680,000.00) to private complainant Elizabeth De Los (sic) Tri[ñ]os. Complainant is entitled to an interest at the legal rate of 6% per annum from the date of finality of this judgment until fully paid.

SO ORDERED.¹⁴ (Emphasis supplied)

Anacleta elevated the case to the Court of Appeals (CA). Anacleta argued that the trial court reversibly erred in convicting her based on facts not stated in the Information.¹⁵ She pointed out that the Information alleged that she misrepresented herself as a legitimate real estate developer, yet, she was convicted of falsely pretending to be the owner of the property under the first contract to sell. In any event, Anacleta maintained that she was not guilty of

¹⁴ *Id.* at 41-43.

¹⁵ *Id.* at 52.

any deceit since the first contract to sell disclosed the true owner of the property.¹⁶

On January 24, 2020, the CA affirmed¹⁷ Anacleta's conviction and ruled that Anacleta falsely represented to Elizabeth that she had the power to transfer ownership of the lot.¹⁸ The CA explained that there was no violation of the accused's right to be informed of the nature and cause of the accusation against her because the offense proved was included in the offense charged, to wit:

The foregoing elements of estafa by deceit are present in this case. Ma. Anacleta falsely represented to Elizabeth that she had the power and intent to effect the transfer of the subject lot to private complainant and build a house thereon. Accused-appellant even presented documents to Elizabeth such as floor plans and computations of expenses to convince private complainant to proceed with the house construction. She asked Elizabeth to submit the needed documents for the processing of the housing loan and building permit. As a result of these false misrepresentations, Elizabeth gave P100,000.00 simultaneously with the execution of the first Contract to Sell. She also paid the 30% agreed "equity" amounting to P780,000.00.

....

Further highlighting Ma. Anacleta's deceit was her continuous receipt of payments from Elizabeth despite knowledge that she could no longer sell the subject property to private complainant. . .

....

The fact that the Contract to Sell stated that Ma. Anacleta was representing the vendor, Alfredo A. Rosanna (Alfredo), would not negate a finding of guilt against accused-appellant. Notably, Ma. Anacleta failed to adduce the Special Power of Attorney from Alfredo which could have proved that she has the authority to sell the subject property on behalf of the real owner. As earlier discussed at length, Ma. Anacleta concealed to Elizabeth the uncertainties regarding her authority to sell the subject property.

....

Indeed, the Information against Ma. Anacleta merely alleged that she "unlawfully and feloniously defraud ELIZABETH DELOS TRI[N]JOS, [. . .] by means of false manifestation and fraudulent representations made to herein complainant to the effect that she is a licensed developer and engaged in real estate business and owner/general manager of AJ Const. & Dev't Co., induced and succeeded in inducing said Complainant to buy a house and lot she is offering for sale with an area of 94 square meter[s] located at Spud St. East Fairview." **However, We agree with the OSG that**

¹⁶ *Id.* at 53.

¹⁷ *Id.* at 46-64. The Decision in CA-G.R. CR No. 42175 was penned by Associate Justice Pedro B. Corales, with the concurrence of Associate Justices Ramon R. Garcia and Walter S. Ong of the Special Eight Division, Court of Appeals, Manila.

¹⁸ *Id.* at 54.

the gravamen of the charge against accused-appellant is her misrepresentation that she had the power and intent to effect the transfer of the subject property to Elizabeth, which necessarily included her concealment of the fact that she is not the owner of the subject property at the time of the transaction and there was no certainty as to her authority to sell it to Elizabeth. . .

WHEREFORE, the instant appeal is **DENIED**. The July 20, 2018 Decision of the Regional Trial Court, Branch 225, Quezon City in Crim. Case No. R-QZN-16-03867-CR is **AFFIRMED** with **MODIFICATION** that accused-appellant Ma. Anacleta Rachelle C. Paguirigan is sentenced to suffer the indeterminate penalty of two (2) months and one (1) day of *arresto mayor*, as minimum, to one (1) year and one (1) day of *prision correccional*, as maximum.

SO ORDERED.¹⁹ (Emphasis supplied)

Anacleta sought reconsideration²⁰ but was denied.²¹ Hence, this Petition for Review on *Certiorari*.²² Anacleta invokes her constitutional right to be fully apprised of the criminal charge against her and reiterates that the prosecution failed to establish the elements of *estafa* through false pretenses or fraudulent acts.²³ In its Comment,²⁴ the People of the Philippines, through the Office of the Solicitor General, avers that the CA and the RTC correctly convicted Anacleta of the crime charged with due regard to her right to be informed of the nature and cause of the accusation against her.²⁵

RULING

The accused's constitutional right to be informed of the nature and cause of the accusation against them mandates the prosecution to set out in the information every element of the crime.²⁶ The principal objective of the rule is to avoid surprise on the part of the accused and to afford them the opportunity to suitably prepare their defense.²⁷ No matter how conclusive and convincing the evidence of guilt may be, the accused cannot be convicted of any crime unless it is clearly charged in the information for which they are tried.²⁸ The main purpose of an information is to ensure that the accused are formally abreast of the facts and the acts constituting the offense charged.²⁹ The Revised Rules of Criminal Procedure is explicit that an information is sufficient if it states "*the acts or omissions complained of as constituting the*

¹⁹ *Id.* at 54–63.

²⁰ *Id.* at 20.

²¹ *Id.* at 66–67.

²² *Id.* at 15–35.

²³ *Id.* at 22–30.

²⁴ *Id.* at 77–94.

²⁵ *Id.* at 81–92.

²⁶ RULES OF COURT, Rule 110, sec. 8.

²⁷ *Pielago v. People*, 706 Phil. 460, 469 (2013) [Per J. Reyes, First Division].

²⁸ *Quimvel v. People*, 808 Phil. 889, 913 (2017) [Per J. Velasco, Jr., *En Banc*], citing *Andaya v. People*, 526 Phil. 480, 497 (2006) [Per J. Ynares-Santiago, First Division].

²⁹ *People v. Sandiganbayan*, 769 Phil. 378, 387 (2015) [Per J. Jardeleza, Third Division].

*offense*³⁰ in terms sufficient to enable persons of common understanding to know the charge against them and for the court to pronounce judgment.³¹ The test is “*whether the crime is described in intelligible terms with such particularity as to apprise the accused, with reasonable certainty, of the offense charged.*”³² The actual recital of facts in the information determines the real nature and character of the criminal charge.³³ The alleged acts constitutive of the offense charged are substantial matters and the right of the accused to question their conviction based on facts not alleged in the information cannot be waived.³⁴

In this case, the actual recital of facts in the Information conflicts with the prosecution evidence. It is undisputed that the prosecution charged Anacleta with estafa through false pretenses or fraudulent acts under Article 315, paragraph 2(a), of the RPC. What the prosecution alleged as facts constituting the crime charged are that Anacleta pretended to be a “*licensed developer. . . engaged in real estate business*” and that she “*induced and succeeded in inducing [Elizabeth] to buy a house and lot she is offering for sale.*”³⁵ Yet, the CA and the RTC convicted Anacleta based on the factual findings that she “*falsely pretended that she owns the property she is selling*” and that she misrepresented her “*power and intent to effect the transfer of the subject property.*”³⁶ These factual matters are not in the Information. To convict Anacleta of acts not alleged in the Information while she is concentrating her defense against the narrated facts would be plainly unfair and underhanded. The rule is that a variance between the allegation in the information and proof adduced during trial shall be fatal to the criminal case if it is material and prejudicial to the accused so much so that it affects their substantial rights.³⁷ Clearly, Anacleta was denied of her constitutional right to be fully apprised of the charge against her, which would have allowed her to suitably prepare a defense. The factual matters not found in the Information, which the prosecution tried to prove, confused Anacleta as to the nature and cause of the accusation against her.

Contrary to the CA’s³⁸ ratiocination, the “*variance doctrine*” is inapplicable. Rule 120, Sections 4 and 5 of the Rules of Court provide the rule in case of conflict between allegation and proof, to wit:

Section 4. *Judgment in case of variance between allegation and proof.* —
When there is variance between the offense charged in the complaint or information and that proved, and the offense as charged is included in or

³⁰ RULES OF COURT, Rule 110, sec. 6.

³¹ RULES OF COURT, Rule 110, sec. 9. *See People v. Puig*, 585 Phil. 555, 562 (2008) [Per J. Chico-Nazario, Third Division], *citing People v. Lab-ao*, 424 Phil. 482, 495 (2002) [Per J. Carpio, Third Division].

³² *Lazarte v. Sandiganbayan*, 600 Phil. 475, 491 (2009) [Per J. Tinga, *En Banc*].

³³ *People v. Escosio*, 292-A Phil. 606, 620 (1993) [Per J. Padilla, Second Division], *citing People v. Mendoza*, 256 Phil. 1136, 1144 (1989) [Per J. Fernan, Third Division].

³⁴ *Quimvel v. People*, 808 Phil. 889, 912–913 (2017) [Per J. Velasco, Jr., *En Banc*].

³⁵ *Rollo*, pp. 37–38.

³⁶ *Id.* at 41 and 54.

³⁷ *Andaya v. People*, 526 Phil. 480, 497 (2006) [Per J. Ynares-Santiago, First Division].

³⁸ *Rollo*, p. 61.

necessarily includes the offense proved, the accused shall be convicted of the offense proved which is included in the offense charged, or of the offense charged which is included in the offense proved.

Section 5. *When an offense includes or is included in another.* — An offense charged necessarily includes the offense proved when some of the essential elements or ingredients of the former, as alleged in the complaint or information, constitute the latter. And an offense charged is necessarily included in the offense proved, when the essential ingredients of the former constitute or form part of those constituting the latter.

Notably, the variance doctrine allows the conviction of the accused for an offense “*which is different from but necessarily included in the crime charged.*”³⁹ For instance, in *Sevilla v. People*,⁴⁰ the Court upheld the conviction of the accused for falsification of public document through reckless imprudence notwithstanding that the charge against him in the information was for the intentional felony of falsification of public document. In *Osorio v. People*,⁴¹ the Court held that the crime of other deceits is necessarily included in estafa by means of deceit. In *People v. Adajar*,⁴² the Court convicted the accused of the lesser crime of acts of lasciviousness because it is included in the offense of sexual assault. In *People v. Ursua*,⁴³ the accused was convicted of sexual abuse, which was held to be necessarily included in rape by sexual intercourse. In *People v. Hong Yen E*,⁴⁴ the Court ruled that illegal possession is an element of and is necessarily included in illegal sale of dangerous drugs. In *Guillergan v. People*,⁴⁵ the Court declared that falsification of documents committed by public officers who take advantage of their official position necessarily includes the falsification of commercial documents by private persons. The offenses proved in these cases are considered subsumed in the crimes charged. The accused are effectively being held liable for the offenses as precisely charged in the information. Hence, it could not be claimed that there was a violation of the constitutional right of the accused to be informed of the nature and cause of the accusation against them.

The present case is far different. As intimated earlier, the prosecution accused Anacleta with estafa through false pretenses or fraudulent acts under Article 315, paragraph 2(a), of the RPC.⁴⁶ Yet, the CA and the RTC did not discuss another offense which is distinct from, but necessarily included in, the crime charged. There is no variance between the offense charged and the crime proved. Instead, the difference pertains to the alleged acts in regard to the proven facts constitutive of the elements of estafa through false pretenses or fraudulent acts. To reiterate, the CA and the RTC held Anacleta liable for the crime charged because of her alleged false pretensions as to the ownership

³⁹ *Demata v. People*, G.R. No. 228583, September 15, 2021 [Per J. Carandang, Third Division].

⁴⁰ 741 Phil. 198, 209 (2014) [Per J. Reyes, First Division].

⁴¹ 834 Phil. 768, 787 (2018) [Per J. Leonen, Third Division].

⁴² 853 Phil. 623, 643–644 (2019) [Per J. Peralta, Third Division].

⁴³ 819 Phil. 467, 477 (2017) [Per J. Peralta, Second Division].

⁴⁴ 701 Phil. 280, 286 (2013) [Per J. Abad, Third Division].

⁴⁵ 656 Phil. 527, 535 (2011) [Per J. Abad, Second Division].

⁴⁶ *Rollo*, pp. 37–38.

and power to sell the property⁴⁷ even if the Information averred the different constitutive act of misrepresenting her engagement in legitimate real estate and construction business.⁴⁸ Obviously, there is a tragic gap between the prosecution's theory and evidence, which prompted it to prove facts not alleged in the Information. In this circumstance, the variance doctrine cannot be conveniently invoked to fill the lacuna or cure the weakness and inadequacy of the prosecution evidence. The courts should not allow a rule of procedure to triumph over the constitutional rights of the accused to be informed of the nature and cause of the accusation and to be presumed innocent. Without these guarantees, the right to liberty can prove meaningless and due process will only be an empty slogan.⁴⁹

At any rate, the prosecution failed to meet the required moral certainty to sustain the conviction of the accused for the crime charged. The requisites of estafa through false pretenses or fraudulent acts under Article 315, paragraph 2(a), of the RPC are the following:

- (1) The accused used fictitious name or false pretense that he possesses (a) power, (b) influence, (c) qualifications, (d) property, (e) credit, (f) agency, (g) business or (h) imaginary transaction, or other similar deceits;
- (2) The accused used such deceitful means prior to or simultaneous with the execution of the fraud;
- (3) The offended party relied on such deceitful means to part with his money or property; and
- (4) The offended party suffered damage.⁵⁰

The false pretense or fraudulent representation referred to under the first element exists when a person uses a fictitious name, pretends to possess power, influence, qualifications, property, credit, agency, business, or imaginary transactions, or when he or she commits other similar deceits. Here, there is insufficient evidence that Anacleta committed any of these acts. **First**, Anacleta established that she is the general manager of a construction company duly registered with the Securities and Exchange Commission.⁵¹ The CA cannot associate fraud with Anacleta simply because she presented to Elizabeth floor plans and quotations for the construction of a house. It follows logic that persons engaged in real estate development would have in their possession construction documents. **Second**, it is hard to imagine how Anacleta falsely pretended to own the lot subject of the first contract to sell when the agreement expressly stated that she was acting in a representative capacity. To be sure, the contract to sell indicated the name of Alfredo as

⁴⁷ *Id.* at 41 and 54.

⁴⁸ *Id.* at 37-38.

⁴⁹ J. Puno, Separate Opinion in *Government of the United States of America v. Purganan*, 438 Phil. 417, 481 (2002) [Per J. Panganiban, *En Banc*].

⁵⁰ *Lopez v. People*, 715 Phil. 839, 847 (2013) [Per J. Carpio, Second Division]; and *Cosme v. People*, Phil. 52, 64 (2006) [Per J. Austria-Martinez, First Division].

⁵¹ *Rollo*, pp. 29-30.

vendor/property owner and Anacleta as his representative.⁵² Thus, it is apparent that Elizabeth knew or had an idea that Anacleta was not the owner of the lot when they executed the contract. **Third**, there is nothing deceitful about Anacleta's continuous acceptance of payments from Elizabeth after the first sale did not materialize. The records show that Elizabeth wanted to buy a different lot.⁵³ Otherwise, Elizabeth would not have executed a second contract to sell and continued the payment of the purchase price pursuant to their agreement. Remarkably, the RTC declared that no fraud attended in the second transaction.⁵⁴ **Fourth**, Elizabeth did not dispute that she asked for a refund after her family decided to migrate and could no longer continue with the transaction.⁵⁵ **Lastly**, the candid admission of Anacleta that she received funds and the subsequent arrangement as to the return of the money speak of her good faith and refute any intention of duping Elizabeth. Good faith implies honesty of intention and freedom from knowledge of circumstances which ought to put the holder upon inquiry. The essence of good faith lies in an honest belief in the validity of one's right, ignorance of a superior claim, and absence of intention to overreach another.⁵⁶ Verily, good faith negates malice and deceit.⁵⁷

Taken altogether, the prosecution failed to establish beyond reasonable doubt that Anacleta is guilty of deceit consisting of a false representation of a matter of fact, whether by words or conduct, by false or misleading allegations, or by concealment of that which should have been disclosed, which deceived or was intended to deceive Elizabeth so that she would act upon it to her legal injury.⁵⁸ The prosecution only made a general allegation that Anacleta deceived Elizabeth. The prosecution miserably failed to substantiate how Anacleta committed acts amounting to fraud. Given the reasonable doubt on the existence of deceit, the other elements of estafa through false pretenses or fraudulent acts cannot be established with certainty. It is unsure whether Anacleta employed false pretenses executed prior to or simultaneously with the commission of the fraud and whether Elizabeth was induced to part her money because of deceitful means.⁵⁹ Hence, the presumption of innocence in favor of Anacleta must be upheld. The presumption of innocence is founded upon the first principles of justice and is not a mere form but a substantial part of the law. It is neither overcome by mere suspicion or conjecture or by a probability that Anacleta committed the crime nor by the fact that she had the opportunity to do so. The presumption holds until the contrary is proven. Every circumstance favoring the presumption of innocence must be considered in a criminal case. This is in consonance with the rule that conflicts in evidence must be resolved upon the

⁵² *Id.* at 60.

⁵³ *Id.* at 38.

⁵⁴ *Id.* at 42-43.

⁵⁵ *Id.* at 38-39.

⁵⁶ *Ochoa v. Apeta*, 559 Phil. 650, 656 (2007) [Per J. Sandoval-Gutierrez, First Division]. See *People v. Gulion*, 402 Phil. 653, (2001) [Per J. Gonzaga-Reyes, Third Division].

⁵⁷ *People v. Ojeda*, 474 Phil. 491, 504 (2004) [Per J., Division].

⁵⁸ *People v. Menil, Jr.*, 394 Phil. 433, 452 (2000) [Per J. Gonzaga-Reyes, Third Division].

⁵⁹ *Gonzaludo v. People*, 517 Phil. 110, 119 (2006) [Per J. Garcia, Second Division]; *Aricheta v. People*, 560 Phil. 170, 181 (2007) [Per J. Chico-Nazario, Third Division].

theory of innocence rather than upon a theory of guilt when it is possible to do so.⁶⁰ Corollarily, it is the primordial duty of the prosecution to present its case with clarity and persuasion, to the end that conviction becomes the only logical and inevitable conclusion. If the prosecution fails to discharge its burden, the presumption of innocence must be sustained. The exoneration of the accused must be granted as a matter of right.⁶¹

On this point, it bears emphasis that the dismissal of the criminal action does not carry with it the extinction of the civil liability where: (a) the acquittal is based on reasonable doubt; (b) the court declares that the liability of the accused is only civil; and (c) the civil liability of the accused does not arise from or is not based upon the crime of which the accused is acquitted.⁶² The quantum of proof to establish civil liability is preponderance of evidence, which is defined as the weight, credit, and value of the aggregate evidence on either side and is usually considered to be synonymous with the term “*greater weight of the evidence*” or “*greater weight of the credible evidence.*” It is evidence which is more convincing to the court as worthy of belief than that which is offered in opposition thereto.⁶³ In this case, the acquittal of Anacleta on the ground of reasonable doubt is without prejudice to her civil liability.⁶⁴ The Court agrees with the CA⁶⁵ and the RTC⁶⁶ that the deliberate and unequivocal judicial admission of Anacleta on her civil liability in the sum of PHP 780,000.00 is more than preponderant evidence and does not even require proof.⁶⁷ Pursuant to prevailing jurisprudence, the amount shall earn interest at the rate of 6% per annum from finality of this Decision until full payment.⁶⁸

ACCORDINGLY, the petition is **GRANTED**. The Decision dated January 24, 2020 of the Court of Appeals in CA-G.R. CR No. 42175 is **REVERSED**. Petitioner Ma. Anacleta Rachelle Paguirigan y Cueto is **ACQUITTED** in Criminal Case Nos. 16-03867 for failure of the prosecution to prove her guilt beyond reasonable doubt for the crime of estafa through false pretenses or fraudulent acts. Petitioner is **DIRECTED** to reimburse private complainant the sum of PHP 780,000.00 with interest at the rate of 6% per annum from finality of this Decision until full payment.

Let entry of judgement be issued immediately.

⁶⁰ *People v. De la Cruz*, 408 Phil. 838, 851 (2001) [Per J. Mendoza, Second Division], citing *People v. Godoy*, 321 Phil. 279, 341 (1995) [Per J. Regalado, *En Banc*].

⁶¹ *Vide People v. Ramirez, Jr.*, 475 Phil. 631, 649–650 (2004) [Per J. Panganiban, First Division].

⁶² *Matobato v. People*, G.R. No. 229265, February 15, 2022 [Per J. M. Lopez, First Division], citing *Dayap v. Sendiong*, 597 Phil. 127, 141 (2009) [Per J. Tinga, Second Division].

⁶³ *Peñalber v. Ramos*, 597 Phil. 502, 520 (2009) [Per J. Chico-Nazario, Third Division].

⁶⁴ *See Cheng v. People*, G.R. No. 207373, March 23, 2022 [Per J. Gaerlan, First Division].

⁶⁵ *Rollo*, p. 57.

⁶⁶ *Id.* at 42.

⁶⁷ *See Aghayani v. Lupa Realty Holding Corp.*, 853 Phil. 49, 68 (2019) [Per J. Caguioa, Second Division].

⁶⁸ *Nacar v. Gallery Frames*, 716 Phil. 267, 283 (2013) [Per J. Peralta, *En Banc*].

SO ORDERED.




MARIDY LOPEZ
Associate Justice


WE CONCUR:



MARVIC M.V.F. LEONEN
Senior Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



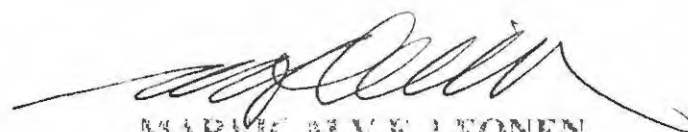
JOSE P. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
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.



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division Chairperson's Attestation, 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.


ALEXANDER G. GESMUNDO
Chief Justice