



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ALLAN GACASAN
LANGAMIN,

Petitioner,

-versus-

PEOPLE OF THE PHILIPPINES,
Respondent.

y

G.R. No. 261670

Present:

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

Promulgated:

AUG 23 2023

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DECISION

LOPEZ, J., J.:

This Court resolves a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court seeking the review and reversal of the Decision² and the Resolution³ of the Court of Appeals (CA) in CA-G.R. CR No. 01973-MIN, which affirmed the conviction of Allan Gacasan y Langamin (*Gacasan*) for illegal possession and use of false bank notes.

¹ *Rollo*, pp. 16–35.

² *Id.* at 40–57. The December 9, 2021 Decision in CA-G.R. CR No. 01973-MIN was penned by Associate Justice Richard D. Mordeno, and concurred in by Associate Justices Evalyn M. Arellano-Morales and Alfonso C. Ruiz II of the Twenty-Third Division, Court of Appeals, Cagayan de Oro City.

³ *Id.* at 37–38. The May 17, 2022 Resolution in CA-G.R. CR No. 01973-MIN was penned by Associate Justice Richard D. Mordeno, and concurred in by Associate Justices Evalyn M. Arellano-Morales and Ana Marie T. Mas of the Special Former Twenty-Third Division, Court of Appeals, Cagayan de Oro City.

The Antecedents

The instant case stemmed from an Information filed against Gacasan charging him with violation of Article 168 of the Revised Penal Code, the accusatory portion of which reads:

That at about 3:00 o'clock [sic] in the afternoon of [November 10, 2018], at the waiting shed in front of Bukidnon Provincial Hospital, National [H]ighway, [B]arangay San Miguel, [M]unicipality of Manolo Fortich, [P]rovince of Bukidnon, Philippines, within the jurisdiction of this [H]onorable [C]ourt, the said accused, did then and there willfully, unlawfully, criminally possess counterfeit Philippine currencies, accused knowing fully well these Philippine currencies to be forged or falsified, and attempt to sell the same, to wit:

	<u>Denomination</u>	<u>Serial Number</u>	<u>No. of Pcs</u>	<u>Amount</u>
1	1000-piso	BH389032	24	[PHP] 24,000.00
2	-do-	BH389033	1	1,000.00
3	-do-	BH389034	1	1,000.00
4	-do-	BH389035	1	1,000.00
5	-do-	BH389036	1	1,000.00
6	-do-	BH389037	1	1,000.00
7	-do-	BH389038	1	1,000.00
8	-do-	BH389039	1	1,000.00
9	-do-	BH389040	1	1,000.00
10	-do-	BH389041	1	1,000.00
11	-do-	BH389042	1	1,000.00
12	-do-	BH389043	1	1,000.00
13	-do-	BH389044	1	1,000.00
14	-do-	BH389045	1	1,000.00
15	-do-	BH389046	1	1,000.00
16	-do-	BH389047	1	1,000.00
17	-do-	BH389048	1	1,000.00
18	-do-	BH389049	1	1,000.00
19	-do-	BH389050	1	1,000.00
20	-do-	BH389051	1	1,000.00
21	-do-	BH389052	1	1,000.00
22	-do-	BH389053	1	1,000.00
23	-do-	BH389054	1	1,000.00
24	-do-	BH389055	1	1,000.00
25	-do-	BH389056	1	1,000.00
26	-do-	BH389057	1	1,000.00
27	-do-	BH389058	1	1,000.00
28	-do-	BH389059	1	1,000.00
29	-do-	BH389060	1	1,000.00
30	-do-	BH389061	1	1,000.00
31	-do-	BH389062	1	1,000.00
32	-do-	BH389063	1	1,000.00
33	-do-	BH389064	1	1,000.00
34	-do-	BH389065	1	1,000.00

35	-do-	BH389066	1	1,000.00
36	-do-	BH389067	1	1,000.00
37	-do-	GF389429	1	1,000.00
38	-do-	GF389430	1	1,000.00
39	-do-	GF389431	1	1,000.00
40	-do-	GF389432	1	1,000.00
41	-do-	GF389433	1	1,000.00
42	-do-	GF389434	1	1,000.00
43	-do-	GF389435	1	1,000.00
44	-do-	GF389436	1	1,000.00
45	-do-	GF389437	1	1,000.00
46	-do-	GF389438	1	1,000.00
47	-do-	GF389440	1	1,000.00
48	-do-	CK275270	1	1,000.00
49	-do-	CK275271	1	1,000.00
50	-do-	CK275272	1	1,000.00
51	-do-	CK275273	1	1,000.00
52	-do-	CK275274	1	1,000.00
53	-do-	CK275275	1	1,000.00
54	-do-	CK275276	1	1,000.00
55	-do-	CK275277	1	1,000.00
56	-do-	CK275278	1	1,000.00
57	-do-	CK275281	1	1,000.00
58	-do-	BD469127	1	1,000.00
59	-do-	BD469128	1	1,000.00
60	-do-	BD469129	1	1,000.00
61	-do-	BD469130	1	1,000.00
62	-do-	BD469131	1	1,000.00
63	-do-	BD469132	1	1,000.00
64	-do-	BD469133	1	1,000.00
65	-do-	BD469134	1	1,000.00
66	-do-	BD469135	1	1,000.00
67	-do-	BD469138	1	1,000.00
68	-do-	EE309369	1	1,000.00
69	-do-	EE309370	1	1,000.00
70	-do-	EE309371	1	1,000.00
71	-do-	EE309372	1	1,000.00
72	-do-	EE309373	1	1,000.00
73	-do-	EE309374	1	1,000.00
74	-do-	EE309375	1	1,000.00
75	-do-	EE309376	1	1,000.00
76	-do-	EE309377	1	1,000.00
77	-do-	EE309379	1	1,000.00
78	500-piso	DB386672	25	12,500.00
		TOTAL	125 pcs	[PHP]112,500.00

Philippine National Currency counterfeit money, without any permit or authority from the government.

CONTRARY to and in violation of Article 168 of the Revised Penal Code.⁴
(Emphasis in the original)

⁴ *Id.* at 101–103.

Upon arraignment, Gacasan pleaded not guilty to the charge. Pre-trial followed, and thereafter, trial on the merits ensued.⁵

The prosecution narrated that upon receipt from a confidential agent of a verified report of the proliferation of counterfeit bills in the Province of Bukidnon, Misamis Oriental, the Criminal Investigation Detection Group (CIDG) conducted a test-buy operation on October 7, 2018, where one alias Takyo sold counterfeit bills to Police Corporal Joseph A. Dalman (*PCpl. Dalman*) as poseur buyer.⁶

Subsequently, Takyo called the confidential agent and offered to again sell counterfeit bills on November 10, 2018, at the same place.⁷ Thus, in the buy-bust operation conducted on said date, Gacasan was arrested for illegal possession and use of counterfeit Philippine peso bills, particularly 100 pieces of counterfeit 1000-peso bills and 25 pieces of counterfeit 500-peso bills, which he delivered to PCpl. Dalman after receipt of the marked money.⁸

Upon an examination of the seized marked money, Atty. Andrew E. Asperin (*Atty. Asperin*), Bank Officer II of the Currency Issue and Integrity Office of the Bangko Sentral ng Pilipinas (*BSP*), issued a Certification that the bills seized from Gacasan were all counterfeit.⁹

On the part of the defense, Gacasan narrated that he was resting with his sons at a waiting shed when an unknown person driving a motorcycle introduced himself as a seller of money and buyer of old bills. The said person allegedly threw the fake money at the bench where he was sitting down. Thereafter, a motor vehicle arrived, and PCpl. Dalman arrested them. Gacasan was instructed to lie on the ground. After standing, Gacasan was shown the fake money.¹⁰

Gacasan maintained that the identity of the recovered bank notes was doubtful, and that due to serious breaks in the chain of custody of the seized items, it was not proven that the bank notes seized from him were the same bank notes examined by the BSP. Further, Gacasan averred that the prosecution did not prove that he knew the contents of the brown envelope which he handed to the poseur buyer, and insisted that he was merely instructed to make the delivery to the latter.¹¹

⁵ *Id.* at 23.

⁶ *Id.* at 130–131.

⁷ *Id.* at 131.

⁸ *Id.* at 132.

⁹ *Id.* at 133.

¹⁰ *Id.* at 20–21.

¹¹ *Id.* at 26–30.

In its Judgment,¹² the Regional Trial Court of Manolo Fortich, Branch 11 (RTC) found Gacasan guilty beyond reasonable doubt of violation of Article 168 of the Revised Penal Code. The dispositive portion of the Judgment reads:

WHEREFORE, premises above considered, Judgment is hereby rendered finding accused Allan Gacasan y Langamin, “**GUILTY**” beyond reasonable doubt of violation of Article 168 of the Revised Penal Code, and there being no mitigating nor aggravating circumstances, is hereby sentenced to suffer the indeterminate penalty of imprisonment of SIX (6) YEAR of *prision correccional* in its maximum period as the minimum to TEN (10) YEARS, EIGHT (8) MONTHS[,] and ONE (1) DAY of *prision mayor maximum* [sic] in its medium period as the maximum and fine of [PHP] 7,500.00.

Exhibits “I” to “I-24” and Exhibits “J” to “J-99” are hereby ordered turned over to the Bangko Sentral ng Pilipinas for its proper disposition.

SO ORDERED.¹³ (Emphasis in the original)

The RTC held that all the elements of the crime of illegal possession and use of false treasury or bank notes and other instruments of credit are present, considering that (a) the bills were established by the BSP to be falsified or forged; (b) there is knowledge that the bills are counterfeit on the part of Gacasan, inferred from his receipt of consideration for the same and his adamant denial of its contents; and (c) Gacasan had the intention to use the counterfeit notes, considering that he received payment upon delivering the same.¹⁴

Aggrieved, Gacasan filed an appeal with the CA.¹⁵

In its Decision,¹⁶ the CA denied the appeal, as it did not give credence to the denial and defenses of Gacasan. The dispositive portion of the Decision states:

WHEREFORE, the appeal is **DENIED**. The December 9, 2019 Decision of the Regional Trial Court (RTC), Tenth (10th) Judicial Region, Branch 11, Manolo Fortich, Bukidnon, in Criminal Case No. 18-11-6728, finding accused-appellant Allan Gacasan y Langamin **GUILTY** beyond reasonable doubt of Violation of Article 168 of the Revised Penal Code is **AFFIRMED in toto**.

Accordingly, the RTC, Tenth (10th) Judicial Region, Branch 11, Manolo Fortich, Bukidnon, is **DIRECTED** to:

¹² *Id.* at 82–95. The December 9, 2019 Judgment in Criminal Case No. 18-11-6728 was penned by Presiding Judge Jeanne Marie Abarrientos-Sabio of Branch 11, Regional Trial Court, Manolo Fortich, Bukidnon.

¹³ *Id.* at 94–95.

¹⁴ *Id.* at 94.

¹⁵ *Id.* at 96–97.

¹⁶ *Id.* at 40–57.

- 1.) **CANCEL** the bail of appellant Allan Gacasan y Langamin; and
- 2.) **ISSUE** a Warrant of Arrest for the detention of appellant Allan Gacasan y Langamin.

SO ORDERED.¹⁷ (Emphasis in the original)

Gacasan filed a Motion for Reconsideration,¹⁸ which was also denied in a Resolution.¹⁹

Hence, the present Petition.

Issue

The question for this Court's resolution is whether the CA erred in sustaining the conviction of Allan Gacasan y Langamin for violation of Article 168 of the Revised Penal Code.

This Court's Ruling

The Petition is bereft of merit.

Gacasan assigns as the lone error that the CA erred in affirming his conviction, as the prosecution was not able to prove his guilt beyond reasonable doubt.²⁰

Gacasan is mistaken. From a careful reading of the narration of facts and the evidence, the prosecution adequately established Gacasan's guilt beyond reasonable doubt.

The crime of illegal possession and use of false bank notes is defined and penalized under Article 168 of the Revised Penal Code, *viz.*:

Article. 168. Illegal possession and use of false treasury or bank notes and other instruments of credit. — Unless the act be one of those coming under the provisions of any of the preceding articles, any person who shall knowingly use or have in his possession, with intent to use any of the false or falsified instruments referred to in this section, shall suffer the penalty next lower in degree than that prescribed in said articles.

¹⁷ *Id.* at 56.

¹⁸ *Id.* at 58–63.

¹⁹ *Id.* at 37–38.

²⁰ *Id.* at 25.

The elements of illegal possession and use of false bank notes were enumerated by this Court in the case of *Tecson v. Court of Appeals*,²¹ as follows:

The elements of the crime charged for violation of Article 168 of the Revised Penal Code, are: 1) that any treasury or **bank note** or certificate or other obligation and security payable to bearer, or any instrument payable to order or other document of credit not payable to bearer is **forged or falsified by another person**; 2) that the offender **knows that any of the said instruments is forged or falsified**; and 3) that he either **used or possessed with intent to use any of such forged or falsified instruments**. Hence, possession of fake dollar notes **must be coupled with the act of using or at least with intent to use** the same as shown by a clear and deliberate overt act in order to constitute a crime, as was sufficiently proven in the case at bar.²² (Emphasis supplied and citations omitted)

First, that the bank notes that were counterfeit are already indubitable and past the point of contention. As adequately proven by the prosecution, the testimonies of PCpl. Dalman and Atty. Asperin belie Gacasan's attempts to cast doubt on the fact that the seized bills were counterfeit.

The Certification issued by Atty. Asperin and his statement that he examined the same immediately after the buy-bust operation, together with the positive identification of PCpl. Dalman that he marked the bills seized from Gacasan,²³ sufficiently prove that the bills delivered by Gacasan to the poseur buyer are counterfeit.

It must be stated that the Rules on Evidence provide for a presumption in favor of regularity of official duty,²⁴ with such presumption operating in favor of Atty. Asperin and PCpl. Dalman. It is hornbook doctrine that to overcome a disputable presumption, clear and convincing evidence must be presented, which Gacasan clearly failed to do. Gacasan did not sufficiently allege and prove any irregularity on the actions of Atty. Asperin and PCpl. Dalman, nor did he allege any improper motive on the part of the officers to falsely testify against him or commit irregularities or malpractice in the performance of their duties.

Second, Gacasan's knowledge that the bills are counterfeit was likewise proven. The testimony of PCpl. Dalman, who was the poseur buyer in the buy-bust operation, was direct and categorical in identifying Gacasan as the person who delivered the counterfeit bills. In fact, Gacasan even stated that he was instructed by "alias Takyo" to deliver the counterfeit bills, and demanded payment and received the marked money for the same.²⁵

²¹ 421 Phil. 849 (2001) [Per J. De Leon, Jr., Second Division].

²² *Id.* at 859.

²³ *Rollo*, p. 86.

²⁴ REVISED RULES ON EVIDENCE (1989), Rule 131, sec. 3(m).

²⁵ *Rollo*, p. 51.

In the case of *People v. Co Pao*,²⁶ which involved the payment of goods using false bank notes, this Court construed receipt of consideration in exchange for counterfeit notes as establishing knowledge of the counterfeit nature of the notes, to wit:

We shall discuss only one question, which is whether or not the accused knew that the bank note in question was a counterfeit when he made use of it. As the Solicitor-General points out, two days after the defendant used the counterfeit ten-peso note in question to pay the amount of 30 centavos and got as change [PHP] 9.70, he delivered another counterfeit bill of the same denomination to the offended party in payment of an account of 50 centavos and received the difference of [PHP] 9.50 in lawful money. The transaction was clearly a scheme to change counterfeit bank notes for lawful money[.]²⁷

Thus, with his acceptance of the payment for the marked money, Gacasan cannot feign ignorance of the contents of the envelope which he handed over to the poseur buyer. His narrative that an unidentified person threw an envelope beside him remains uncorroborated. “*Allegata et probata*” is a well-settled principle of law applicable to this case—one who alleges must prove. Gacasan has yet to present any evidence to prove this defense.

Further, in *Co Pao*, this Court held that the burden to explain satisfactorily the possession of the counterfeit notes is on the accused.²⁸ This, Gacasan failed to do, apart from not substantiating his weak defense.

As the RTC aptly noticed, Gacasan’s defense even shows his knowledge of its illicit nature. If Gacasan truly does not know about the illicit contents of the envelope, he would not have adamantly denied possession of a harmless envelope by his unsubstantiated claim of a stranger throwing it near his location.

Third, as mentioned above, Gacasan’s intent to use the counterfeit bills is highlighted by his demand for payment in exchange for the envelope he handed over to the poseur buyer.

From the foregoing, the prosecution was able to prove Gacasan’s guilt beyond reasonable doubt, as the elements of the crime were established and sufficiently proven.

Anent Gacasan’s allegations of illegal arrest, he asserts that there was no valid buy-bust operation, and accuses the operatives with frame-up.

²⁶ 58 Phil. 545 (1933) [Per J. Vickers. *En Banc*].

²⁷ *Id.* at 548–549.

²⁸ *Id.* at 549.

Consequently, there is no admissible evidence upon which a criminal conviction may stand.²⁹

Gacasan is mistaken. Time and again, this Court has held that mere denial and allegations of frame-up are not given sufficient weight absent clear proof. In *Tecson*, which is analogous to the case at bar, We explained:

In view of the foregoing, petitioner's allegation that he was framed-up by the Central Bank agents does not deserve any consideration. This hackneyed defense of alleged frame-up of the accused caught in *flagrante delicto* during a buy-bust operation has been viewed with disdain by the courts for it is easy to concoct and difficult to prove. Besides, there is a legal presumption that public officers, including arresting officers, regularly perform their official duties. That legal presumption was not overcome by any credible evidence to the contrary.³⁰ (Citations omitted)

Here, Gacasan's unverified and flimsy defense of a frame-up is not corroborated by any evidence, and pales in comparison to the consistent and positive identifications by several law enforcement officers who categorically testified that Gacasan, for consideration, delivered the envelope full of counterfeit notes.

Further, other allegations that Gacasan was not the subject of the buy-bust operation conducted to entrap alias Takyo, and that Gacasan is not the person with whom the law enforcement officers transacted in the prior buy-bust operation are also immaterial. Being the subject of a buy-bust operation is not an element of the crime of possession of false bank notes.

All told, Gacasan cannot invoke denial as a catch-all defense to maintain his innocence, as this Court has consistently held in a line of cases that denial is a weak defense. In *People v. Silongan*,³¹ this Court explained:

The rule in evidence, which the Court has always applied, is that positive identification prevails over the simple denial of the accused. Denial, like alibi, is an insipid and weak defense, being easy to fabricate and difficult to disprove. A positive identification of the accused, when categorical, consistent and straightforward, and without any showing of ill motive on the part of the eyewitness testifying on the matter, prevails over this defense.³² (Citation omitted)

Finally, findings of fact of trial courts, especially when affirmed by the appellate court, are not only given sufficient weight, but are considered

²⁹ *Rollo*, p. 25.

³⁰ *Supra* note 21, at 863.

³¹ 449 Phil. 478 (2003) [*Per Curiam, En Banc*].

³² *Id.* at 492.

binding upon this Court.³³ Here, the findings of the RTC were duly affirmed by the CA, and thus, must not anymore be disturbed.

In the imposition of penalty, Article 168 of the Revised Penal Code, which provides the penalty for illegal possession and use of false bank notes, reads:

Article 168. Illegal possession and use of false treasury or bank notes and other instruments of credit. - Unless the act be one of those coming under the provisions of any of the preceding articles, any person who shall knowingly use or have in his possession, with intent to use any of the false or falsified instruments referred to in this section, shall suffer **the penalty next lower in degree than that prescribed in said articles**. (Emphasis supplied)

Article 168 makes reference to Article 166 of the Revised Penal Code, by providing that the penalty of illegal possession of bank notes shall be that next lower in degree than that provided by Article 166.

On the other hand, Article 166, as amended by Republic Act No. 10951,³⁴ reads:

Article. 166. Forging treasury or bank notes or other documents payable to bearer; Importing, and uttering such false or forged notes and documents. — The forging or falsification of treasury or bank notes or certificates or other obligations and securities payable to bearer and the importation and uttering in connivance with forgers or importers of such false or forged obligations or notes, shall be punished as follows:

1. By **reclusion temporal in its minimum period and a fine not to exceed Two million pesos ([PHP] 2,000,000)**, if the document which has been falsified, counterfeited, or altered is an **obligation or security of the Philippines**.

“The words obligation or security of the Philippines” shall mean all bonds, certificates of indebtedness, national bank notes, coupons, Philippine notes, treasury notes, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the Philippines, and other representatives of value, of whatever denomination, which have been or may be issued under any act of Congress. (Emphasis supplied)

Here, Gacasan was found to have in his possession counterfeit national bank notes, which constitute obligation or security of the Philippines within the purview of Article 166 of the Revised Penal Code.

³³ *Spouses Miano v. Manila Electric Company*, 800 Phil. 118, 125 (2016) [Per J. Leonen, Second Division].

³⁴ Republic Act No. 10951 (2016), sec. 22.

As such, the penalty to be imposed on Gacasan shall be the penalty next lower in degree than *reclusion temporal* in its minimum period, which is *prision mayor* in the maximum period.

Under the Indeterminate Sentence Law, the accused shall be sentenced with an indeterminate sentence, the maximum term of which shall be that which is properly imposed under the Revised Penal Code, and the minimum which shall be within the range of the penalty next lower to that prescribed by the Revised Penal Code for the offense.³⁵

Here, the maximum term of the penalty shall be taken from *prision mayor* in its maximum period while the minimum term shall be the penalty next lower to that prescribed for the offense, which is *prision mayor* in its medium period, at the sound discretion of this Court.

Anent the fine, it bears noting that Republic Act No. 10951 adjusted the fines under the Revised Penal Code, imposing a penalty of PHP 2,000,000.00 for possession of false bank notes. However, considering that the fine under the Revised Penal Code of PHP 10,000.00 prior to the amendment is lower and more favorable to Gacasan, the fine of PHP 10,000.00 shall be imposed by this Court, following Article 22 of the Revised Penal Code.

ACCORDINGLY, the instant Petition is **DISMISSED**. The Decision dated December 9, 2021 and the Resolution dated May 17, 2022 of the Court of Appeals in CA-G.R. CR No. 01973-MIN are hereby **AFFIRMED with MODIFICATION**. Petitioner Allan Gacasan y Langamin is **GUILTY** of illegal possession and use of false bank notes under Article 168 of the Revised Penal Code and is sentenced to suffer the indeterminate penalty of imprisonment of eight (8) years and one (1) day of *prision mayor* medium, to ten (10) years, eight (8) months, and one (1) day of *prision mayor* maximum, and to **PAY** a fine of PHP 10,000.00.

SO ORDERED.


JHOSEP Y. LOPEZ
Associate Justice

³⁵ Act No. 4103 (1933), sec. 1, as amended by Act No. 4225 (1935) and Republic Act No. 4203 (1965).

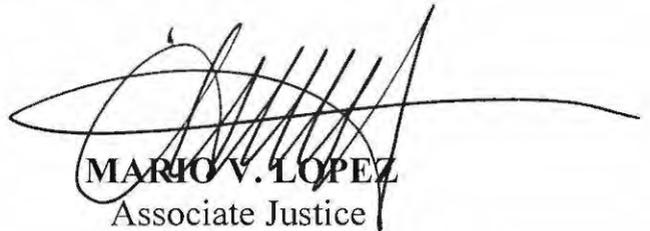
WE CONCUR:



MARVIC M.V.F. LEONEN
Senior Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



MARIO V. LOPEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

ATTESTATION

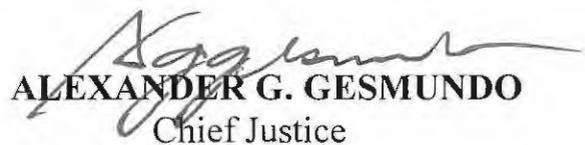
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



MARVIC M.V.F. LEONEN
Senior Associate Justice
Chairperson, Second Division

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