



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

PEDRO PEQUERO y NOLLORA,
alias **ATTY. EPAFRODITO**
NOLLORA,

Petitioner,

- versus -

PEOPLE OF THE PHILIPPINES,
Respondent.

G.R. No. 263676

Present:

CAGUIOA, J.,
Chairperson,
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, JJ.

Promulgated:
August 7, 2024

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DECISION

GAERLAN, J.:

For the Court's consideration is a Petition for Review on *Certiorari*¹ under Rule 45 of the Rules of Court filed by Pedro Pequero y Nollora, alias "Atty. Epafrodito Nollora" (Pedro) assailing the Court of Appeals' (CA) Decision² dated March 23, 2022 and the Resolution³ dated September 19, 2022 in CA-G.R. CR No. 44373, which dismissed Pedro's Petition for Review under Rule 122 of the Rules of Court and affirmed his conviction for the crimes of: (1) use of illegal alias in violation of Section 1, in relation to Section 5, of Commonwealth Act No. 142, as amended by Republic Act No. 6085; (2) use of fictitious name under Article 178, paragraph 1, of the Revised Penal Code; and (3) usurpation of authority or official functions under Article 177, also of the Revised Penal Code.

¹ *Rollo*, pp. 8-64.

² *Id.* at 72-84. Penned by Associate Justice Ronaldo Roberto B. Martin and concurred in by Associate Justices Ramon R. Garcia and Jennifer Joy C. Ong, of the Sixth Division of the Court of Appeals, Manila.

³ *Id.* at 96-97.

The Case

Pedro stands charged for the crimes of: (1) use of illegal alias in violation of Section 1, in relation to Section 5, of Commonwealth Act No. 142; (2) use of fictitious name under Article 178, Paragraph 1 of the Revised Penal Code; and (3) usurpation of authority or official functions under Article 177 of the Revised Penal Code, in three separate Informations, the accusatory portions of which read:

Criminal Case No.11-252
(Use of Illegal Alias)

That on or about the 14th day of October 2011, in the Municipality of Binangonan, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and knowingly use a name, "Atty. Epafrodito Nollora" different from the name with which he was registered at birth in the civil registry, Pedro Pequero y Nollora, and which name not being used by him as a pseudonym solely for literary, cinema, television, radio, or other entertainment purposes and athletic events, or such substitute name authorized by a competent court, but in usurpation of authority and official functions, in violation of the above-cited law.

Criminal Case No. 11-253
(Use of Fictitious Name)

That on or about the 14th day of October 2011, in the Municipality of Binangonan, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, did then and there willfully, unlawfully and knowingly use publicly a fictitious name, "Atty. Epafrodito Nollora", which is a name other than his real name, intended for usurpation of authority and official functions and to cause damage to public interest.

Criminal Case No. 11-254
(Usurpation of Authority or Official Functions)

That on or about the 14[t]h day of October 2011, in the Municipality of Binangonan, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, without authority of law, did then and there willfully, unlawfully and falsely represent himself as lawyer/counsel of one of the parties during trial of a case at the Municipal Trial Court of Binangonan, Rizal by then and there entering and introducing himself as Atty. Epafrodito Nollora, under pretense of such authority and official position as member of the court, which representations are false, in violation of the above-cited law.⁴

⁴ *Id.* at 73.

When arraigned on June 21, 2016, Pedro pleaded “not guilty” to the crimes charged. Thereafter, joint pre-trial and trial ensued.

The Antecedents

Prosecution’s Version of Facts

Sometime in 2005, Ponciano Banjao (Banjao) met Pedro who was supposed to be the lawyer-brother of a security guard named Rolando Pequero (Rolando). It was Pedro who appeared as counsel of Rolando at the Municipal Trial Court (MTC), Taytay, Rizal, and prepared pleadings and signed as “Atty. Epafrodito Nollora.”⁵

On June 22, 2011, Banjao filed a complaint at the National Bureau of Investigation (NBI) – Special Action Unit about this certain Pedro falsely representing himself as a lawyer. Banjao informed Special Investigator Melvin Escurel (SI Escurel) that Pedro had been representing himself publicly as a lawyer and would again appear for a particular case in a trial court in Binangonan, Rizal on October 14, 2011. A team headed by NBI Agent Jerome Bomediano (Agent Bomediano) conducted an entrapment operation on the said date. Pedro was apprehended when he appeared as Atty. Epafrodito Nollora for a particular client at the MTC, where the presiding judge even admonished him for usurpation of authority.⁶ SI Escurel then executed a Joint Affidavit of Arrest,⁷ which became the basis for the criminal cases against Pedro.

Defense’s Version of Facts

Pedro denied the charges against him and averred that he was wrongfully identified as Pedro Pequero y Nollora when in fact he is really Atty. Epafrodito Nollora, without a middle name. Pedro swore that he is truly a lawyer and that a person named Epafrodito Nollora y Ariem is the one who is not a lawyer.⁸ It was this Epafrodito Nollora y Ariem, his deceased relative, who had previously used his identity as a lawyer in another case.⁹

⁵ *Id.* at 74.

⁶ *Id.*

⁷ *Id.* at 110–111.

⁸ *Id.*

⁹ *Id.* at 75.

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Pedro further argued that on the day that he was arrested, he was at the Municipal Assessor's Office of Binangonan, Rizal to pay real property taxes and not for a supposed hearing of a client.¹⁰

The MTC Ruling

On April 26, 2019, the MTC rendered a Joint Decision,¹¹ convicting Pedro of the crimes charged, the decretal portion of which reads:

WHEREFORE, in view of the foregoing considerations, judgment is rendered against accused Pedro Pequero y Nollora alias "Atty. Epafrodito Nollora," as follows:

1. In Criminal Case No. 11-252, accused is found GUILTY beyond reasonable doubt of violation of Sec. 1, in rel. to Sec. 5, of Commonwealth Act No. 142 as amended by Republic Act No. 6085, and is hereby sentenced to imprisonment of **FIVE (5)** years and to pay a **FINE of Ten Thousand Pesos (PHP 10,000.00)**, with subsidiary imprisonment for non-payment;

2. In Criminal Case No. 11-253, accused is found GUILTY beyond reasonable doubt of Use of Fictitious Name (Art. 178, 1st par., Revised Penal Code) and is hereby sentenced to imprisonment of **FOUR (4)** months of *Arresto Mayor*, including all its accessory penalty as prescribed by law and to pay a **FINE of Five Hundred Pesos ([PHP] 500.00)**, with subsidiary imprisonment for non-payment;

3. In Criminal Case No. 11-254, accused is found GUILTY beyond reasonable doubt of Usurpation of Authority or Official Functions (Art. 177, Revised Penal Code) and is hereby sentenced to an indeterminate penalty of **FOUR (4)** months of *Arresto Mayor*, as minimum, to **TWO (2)** Years and **ELEVEN (11)** Months of *Prision Correccional*, as maximum, including all its accessory penalty as prescribed by law and to pay costs of suit.

4. Let a copy of this Decision be furnished to the Office of the Bar Confidant, the Integrated Bar of the Philippines, the Department of Justice (Office of the Secretary and Office of the Rizal Provincial Prosecutor), the National Bureau of Investigation, the Philippine National Police (Office of the Director General and Firearms and Explosive Office/Unit) and the Land Transportation Office for their appropriate action/investigation relative to the pleadings, documents, and identification cards submitted by accused.

SO ORDERED.¹² (Emphasis and italics in the original)

The MTC ruled that all the elements of the crimes charged are extant in the case. As to the use of illegal alias case, Pedro admitted that he is Pedro

¹⁰ *Id.* at 74–75.

¹¹ *Id.* at 233–243. Penned by Presiding Judge George Andy B. Pantanosas.

¹² *Id.* at 242–243.

Pequero y Nollora. Under Section 1 of Commonwealth Act No. 142, as amended, it is stated that a person is required to use only his registered name upon birth and may only use an alias in certain exceptions. In this case, however, Pedro failed to prove that he is allowed to use the alias of “Epafrodito Nollora.”¹³

As to the use of fictitious name case, the MTC ruled that despite the admission that he is Pedro Pequero, he used a different name, “Atty. Epafrodito Nollora,” and publicly represented himself as a lawyer, when in truth and fact, he is not.¹⁴

In the case of usurpation of authority, the MTC concluded that a lawyer is considered a person in authority. By assuming the identity of a lawyer and performing acts pertaining to a person in authority without being lawfully entitled to do so, Pedro committed the crime charged.¹⁵

Finally, the MTC was convinced that Pedro assumed the name and identity of the real Atty. Epafrodito Nollora, a deceased lawyer.¹⁶

Aggrieved, Pedro filed an appeal with the Regional Trial Court (RTC).

The RTC Ruling

On October 17, 2019, the RTC issued a Decision¹⁷ affirming the findings of the MTC. The dispositive portion of the RTC ruling reads:

Finding no reversible error in the MTC’s Joint Decision dated April 26, 2019 in Criminal Cases Nos. 11-252 to 11-254, we **AFFIRM** it in *toto*. The appeal is DISMISSED for utter lack of merit.

SO ORDERED.¹⁸ (Emphasis in the original)

The RTC found no error in the legal and factual findings of the MTC. It even concluded that the assigned errors raised on appeal had already been passed upon by the MTC.

Undaunted, Pedro filed a Petition for Review before the CA.

¹³ *Id.* at 240.

¹⁴ *Id.* at 241.

¹⁵ *Id.*

¹⁶ *Id.* at 242.

¹⁷ *Id.* at 173–176. Penned by Acting Presiding Judge Dennis Patrick Z. Perez.

¹⁸ *Id.* at 176.

The CA Ruling

In the assailed Decision¹⁹ dated March 23, 2022, the CA dismissed the Petition for Review and affirmed the RTC's Decision, thus:

WHEREFORE, premises considered, the instant Petition for Review is **DISMISSED**. The assailed Decision of the RTC dated 17 October 2019 in Criminal Case Nos. 19-93 3, 19-93 4, 19-93 5 is **AFFIRMED**.

SO ORDERED.²⁰ (Emphasis in the original)

The CA noted that the prosecution presented and offered as evidence documents showing that Pedro used the alias "Atty. Epafrodito Nollora," which is not his registered name at birth. There was likewise no evidence presented by Pedro that would show his authority to use the alias.²¹

The CA further concluded that Pedro publicly uses a fictitious name, that is the name of Atty. Epafrodito Nollora, who is already dead.²² He also represented himself as a lawyer, signed pleadings as a lawyer, when in truth and fact, he is not. This, according to the CA, is tantamount to usurpation of authority.²³

Pedro moved for reconsideration. It was, however, denied in the Resolution²⁴ dated September 19, 2022. Hence, the instant Petition for Review on *Certiorari*.

Issue

Whether the CA gravely erred in affirming the RTC Decision, which in turn affirmed the MTC's Joint Decision convicting Pedro of the crimes charged.

The Court's Ruling

The instant Petition for Review on *Certiorari* is partially meritorious.

¹⁹ *Id.* at 72–84.

²⁰ *Id.* at 84.

²¹ *Id.* at 80.

²² *Id.* at 83.

²³ *Id.* at 82.

²⁴ *Id.* at 96–97.

It bears stressing at the very outset that the core issue raised in the present petition is a question of fact. Pedro insists that he is really Atty. Epafrodito Nollora. The Court has stressed, in a plethora of cases, that questions of fact, which would require a re-evaluation of the evidence, are inappropriate under Rule 45 of the Rules of Court. The jurisdiction of the Court under Rule 45, Section 1 is limited only to errors of law as the Court is not a trier of facts.²⁵ While there are recognized exceptions to this rule,²⁶ none of which was established in this case. The Court, therefore, finds no reason to review the findings of fact of the MTC, RTC, and the CA.

The facts established in this case are as follows:

1. Pedro's registered name at birth is Pedro Pequero y Nollora and not Atty. Epafrodito Nollora.²⁷
2. Pedro continually and publicly used the alias "Atty. Epafrodito Nollora" and represented himself as a lawyer.²⁸ The prosecution presented several documents at the MTC where he purported himself to be Atty. Epafrodito Nollora who was also the supposed counsel of clients filing the same, thus:
 - (a) Notarized Plaridel Bail Bond No. 59270 dated [October 24, 2011];
 - (b) Notarized Waiver of Appearance dated [October 24, 2011];
 - (c) Notarized Commitment to Renew Bail Bond dated [October 24, 2011];
 - (d) Notarized Undertaking dated [October 24, 2011];
 - (e) Certificate of Detention of Pedro Pequero dated [October 21, 2011].²⁹

²⁵ *Lopez v. Saludo, Jr.*, G.R. No. 233775, September 15, 2021 [Per J. Hernando, Second Division].

²⁶ *See Gumabon v. Philippine National Bank*, 791 Phil. 101, 102 (2016) [Per J. Brion, Second Division]. Questions of fact may be raised before this Court in any of these instances: (1) when the findings are grounded entirely on speculations, surmises, or conjectures; (2) when the inference made is manifestly mistaken, absurd, or impossible; (3) when there is a grave abuse of discretion; (4) when the judgment is based on misappreciation of facts; (5) when the findings of fact are conflicting; (6) when in making its findings, the same are contrary to the admissions of both appellant and appellee; (7) when the findings are contrary to those of the trial court; (8) when the findings are conclusions without citation of specific evidence on which they are based; (9) when the facts set forth in the petition as well as in the petitioners main and reply briefs are not disputed by the respondent; and (10) when the findings of fact are premised on the supposed absence of evidence and contradicted by the evidence on record.

²⁷ *Rollo*, p. 238.

²⁸ *Id.* at 238–239.

²⁹ *Id.* at 80.

3. On October 14, 2011, an entrapment operation was conducted by the NBI operatives. He was caught representing as a counsel for a client in a case before the MTC of Binangonan, Rizal.³⁰
4. Pedro also filed several pleadings at the MTC where he signed as Atty. Epafrodito Nollora.³¹ As found by the CA, these are the pleadings filed with the Court wherein Pedro signed as Atty. Epafrodito Nollora:
 - (a) Motion for Postponement dated February 24, 2012;
 - (b) Reply to the Opposition of the Offended Party to the Accused Motion for Reinvestigation dated [April 2, 2012];
 - (c) Motion to Quash dated [August 18, 2012];
 - (d) Manifestation and Motion dated [June 19, 2013];
 - (e) Motion for reconsideration dated 19 June 2013; and
 - (f) Supplemental Manifestation and Motion dated [October 29, 2013].³²

5. Per Certification of the Office of the Bar Confidant, there is only one Epafrodito Nollora who was admitted to the Philippine Bar, and the said Epafrodito Nollora already died on May 19, 1986.³³

6. Pedro illegally assumed the identity of the deceased Atty. Epafrodito Nollora and stood as a lawyer for supposed clients.³⁴

From the foregoing established facts, the Court agrees with the courts *a quo* that Pedro is guilty of use of illegal alias under Commonwealth Act No. 142, as amended by Republic Act No. 6085.

Section 1 of Commonwealth Act No. 142, as amended reads:

Section 1 Except as a pseudonym solely for literary, cinema, television, radio or other entertainment purposes and in athletic events where the use of pseudonym is a normally accepted practice, no person shall use any name different from the one with which he was registered at birth in the office of the local civil registry, or with which he was baptized for the first time, or, in case of an alien, with which he was registered in the bureau

³⁰ *Id.* at 235-236.

³¹ *Id.* at 79-81.

³² *Id.* at 81.

³³ *Id.* at 82.

³⁴ *Id.*

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of immigration upon entry; or such substitute name as may have been authorized by a competent court: *Provided*, That persons, whose births have not been registered in any local civil registry and who have not been baptized, have one year from the approval of this act within which to register their names in the civil registry of their residence. The name shall comprise the patronymic name and one or two surnames.

In this case, Pedro's alleged alias, "Atty. Epafrodito Nollora," was used not for literary, cinema, television, radio, or entertainment purposes and in athletic events but to represent himself as a lawyer to the prejudice of the believing public. Pedro, likewise, had no authority to use the alias. Records are bereft of any showing that Pedro was legally authorized to use other names than his name registered at birth in the civil registry.³⁵

Pedro is also guilty of the crime of use of fictitious name to cause damage.

At the outset, the MTC, the RTC and the CA convicted Pedro of the crime of use of fictitious name to cause damage under Article 178 of the Revised Penal Code, as amended by Presidential Decree No. 38,³⁶ which states:

Article 178. Using fictitious name and concealing true name. The penalty of *prision correccional* shall be imposed upon any person who shall publicly use a fictitious name for the purpose of concealing a crime, evading the execution of a judgment or causing damage.

Any person who conceals his true name and other personal circumstances shall be punished by *arresto mayor*.

The prosecution was able to establish that Pedro publicly used the name "Atty. Epafrodito Nollora," which is not his real and registered name at birth. Although strictly speaking, it is not a fictitious name as there was a real Atty. Epafrodito Nollora, the real Atty. Nollora had long been dead. By using the name and assuming the identity of the deceased, Pedro was successful in using a fictitious name which caused damage to the public, especially his paying clients who believed that they were being represented by a true and genuine lawyer.

It bears stressing at this point, that the MTC, the RTC, and the CA correctly convicted Pedro of violating the 1st paragraph of the above-quoted provision of the Revised Penal Code (use of fictitious name to cause damage)

³⁵ *Id.* at 80.

³⁶ Amending Article 135, 136, 137, 140, 142, 177, 178, and 179 of the REV. PEN. CODE, approved on November 7, 1972.

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and imposed upon him the penalty of *arresto mayor* against Pedro. While it may seem that the courts *a quo* erred in imposing the penalty of *arresto mayor* considering that the proper penalty for violating the 1st paragraph of the above-quoted provision is *prision correccional*, Article 178 of the Revised Penal Code had already been amended by Republic Act No. 10951,³⁷ particularly Section 29 thereof, *viz.*:

Section 29. Article 178 of the same Act is hereby amended to read as follows:

Article 178. *Using fictitious name and concealing true name.* - The penalty of *arresto mayor* and a fine not to exceed One hundred thousand pesos ([PHP] 100,000.00) shall be imposed upon any person who shall publicly use a fictitious name for the purpose of concealing a crime, evading the execution of a judgment or causing damage.

Any person who conceals his true name and other personal circumstances shall be punished by *arresto menor* or a fine not to exceed Forty thousand pesos ([PHP] 40,000.00).

Such amendment has retroactive application to the instant case per Section 100,³⁸ Republic Act No. 10951, as it is favorable to Pedro. While under the first paragraph of Article 178 of the Revised Penal Code, as amended by Presidential Decree No. 38, (i.e., prior to its amendment by Republic Act No. 10951) any person who is found using a fictitious name to cause damage is to be penalized with a prison term of *prision correccional*, the penalty imposed by the amendment introduced by Republic Act No. 10951, which is a prison term of *arresto mayor* is shorter than that of *prision correccional*. Thus, the latter should be applied as it is favorable to Pedro. Hence, the prison term of *arresto mayor* imposed by the MTC, as affirmed by the RTC, and the CA is proper. The penalty of fine in the amount of PHP 500.00 is retained.

Anent Pedro's guilt for the crime of usurpation of authority or official functions under Article 177³⁹ of the Revised Penal Code, the Court finds it necessary to reverse the MTC, RTC, and CA's Decisions, and acquit Pedro of the said crime.

³⁷ An Act Adjusting the Amount or the Value of Property and Damage on which a Penalty is based, and the Fines Imposed under the Revised Penal Code, amending for the purpose Act No. 3815, otherwise known as "The Revised Penal Code," as amended, approved on August 29, 2017.

³⁸ Section 100. *Retroactive Effect.* - This Act shall have retroactive effect to the extent that it is favorable to the accused or person serving sentence by final judgment.

³⁹ Article 177. Usurpation of authority or official functions. Any person who shall knowingly and falsely represent himself to be an officer, agent or representative of any department or agency of the Philippine Government or of any foreign government, or who, under pretense of official position, shall perform any act pertaining to any person in authority or public officer of the Philippine Government or of any foreign government, or any agency thereof, without being lawfully entitled to do so, shall suffer the penalty of prison mayor in its minimum and medium period.

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There are two ways of committing this crime under Article 177 of the Revised Penal Code, thus:

[F]irst, by knowingly and falsely representing himself to be an officer, agent or representative of any department or agency of the Philippine Government or of any foreign government; or second, under pretense of official position, shall perform any act pertaining to any person in authority or public officer of the Philippine Government or any foreign government, or any agency thereof, without being lawfully entitled to do so. **The former constitutes the crime of usurpation of authority, while the latter act constitutes the crime of usurpation of official functions.**⁴⁰ (Emphasis supplied)

In the present case, the MTC found Pedro guilty beyond reasonable doubt of usurpation of authority or official functions. The MTC did not, however, clarify whether he committed the crime by means of either the first way or the second way. Nonetheless, the MTC, in arriving at such conclusion, ratiocinated that per Article 152 of the Revised Penal Code, lawyers are deemed persons in authority, and by representing himself as a lawyer, he usurped the official functions of a person in authority.⁴¹ It may be deduced, therefore, that Pedro was found guilty of usurpation of official functions. To reiterate, the second manner of committing a crime under Article 177 of the Revised Penal Code is when, under pretense of official function, one performs any act pertaining to any person in authority without being lawfully entitled to do so.⁴² The RTC, and, thereafter, the CA affirmed the findings of the MTC.

To be convicted of the crime of usurpation of official functions, the following elements must concur:

1. The offender may be a private person or public officer.
2. The offender performs any act pertaining to any person in authority or public officer of the Philippine government, any of its agencies, or of a foreign government.
3. The offender performs the act under pretense of official function.
4. The offender performs the act without being legally entitled to do so.⁴³

In this case, the second element is wanting.

⁴⁰ *Ruzol v. Sandiganbayan*, 709 Phil. 708, 749–750 (2015) [Per J. Velasco, Jr., Third Division].

⁴¹ *Rello*, p. 241.

⁴² *Id.*

⁴³ *Tiongco v. People*, 843 Phil. 225, 243 (2018) [Per J. Carpio, Second Division].

Contrary to the findings of the MTC, as affirmed by the RTC and the CA, a lawyer is not deemed a person in authority for purposes of Article 177 of the Revised Penal Code, the provision the MTC applied in the case at bar.

Who are deemed persons in authority? Article 152 of the Revised Penal Code is clear on this point, thus:

Article 152. *Persons in authority and agents of persons in authority* - Who shall be deemed as such. - In applying the provisions of the preceding and other articles of this Code, any person directly vested with jurisdiction, whether as an individual or as a member of some court or governmental corporation, board or commission, shall be deemed a person in authority. A barrio captain and a barangay chairman shall also be deemed a person in authority.

Any person who, by direct provision of law or by election or by appointment by competent authority, is charged with the maintenance of public order and the protection and security of life and property, such as barrio councilman, barrio policeman and barangay leader, and any person who comes to the aid of persons in authority, shall be deemed an agent of a person in authority.

In applying the provisions of Articles 148 and 151 of this Code, teachers, professors, and persons charged with the supervision of public or duly recognized private schools, colleges and universities, and lawyers in the actual performance of their professional duties or on the occasion of such performance shall be deemed persons in authority. (Emphasis supplied)

As aptly stated in the third paragraph of this provision, while lawyers are deemed to be "persons in authority," they are so only for purposes of Articles 148 (Direct Assault upon a Person in Authority), and 151 (Resistance and Disobedience to a Person in Authority or the Agents of Such Person) of the Revised Penal Code. In marked contrast, the first paragraph of above-quoted provision does not identify specific articles of the Revised Penal Code for the application of which any person "directly vested with jurisdiction, etc." is deemed "a person in authority." Thus, it is this specific paragraph that applies to Article 177 of the Revised Penal Code.

Under this paragraph, a lawyer is not deemed a person in authority. Obviously, lawyers are not directly vested with jurisdiction either individually or as members of some court or public corporation. Lawyers are likewise not agents of a person in authority as defined in the second paragraph of the above-quoted provision, as they are not charged with the task of executing the orders of any such person. While a lawyer is an "officer of the court" and is

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“an agency to advance the ends of justice,”⁴⁴ it is not considered a person in authority under the first paragraph of Article 152 of the Revised Penal Code.

Since a penal statute is not to be given a longer reach and broader scope than is called for by the ordinary meaning of the ordinary words used by such statute, to the disadvantage of an accused,⁴⁵ the Court holds and so rules that a lawyer may not be regarded as a “public authority” or a “person in authority” within the meaning of Article 177 of the Revised Penal Code, the provision which Pedro stands charged for.

From the foregoing ratiocination, the Court acquits Pedro of the crime of usurpation of official functions. While he represented himself as a lawyer and acted as one, a lawyer is not deemed a person in authority within the meaning of Article 177 of the Revised Penal Code, in relation to Article 152, also of the Revised Penal Code.

All told, the Court finds it necessary to modify the Joint Decision of the MTC, as affirmed *in toto* by the RTC and the CA. The Court affirms Pedro’s conviction of the crimes of use of illegal alias and use of fictitious name. The Court, however, modifies the penalty imposed in Criminal Case No. 11-253, where Pedro is convicted of the crime of use of fictitious name. Moreover, the Court acquits Pedro of the crime of usurpation of official functions.


ACCORDINGLY, the Petition for Review on *Certiorari* is **PARTIALLY GRANTED**. The Joint Decision of the Municipal Trial Court in Criminal Case Nos. 11-252, 11-253, and 11-254, as affirmed by the Regional Trial Court and the Court of Appeals in its Decision dated March 23, 2022 and Resolution dated September 19, 2022 in CA-G.R. CR No. 44373, is **MODIFIED** in that: (i) in Criminal Case No. 11-253 for use of fictitious name, Pedro Pequero y Nollora is found **GUILTY** beyond reasonable doubt of use of fictitious name (Article 178, Paragraph 1 of the Revised Penal Code, **as amended by Republic Act No. 10951**) and is hereby sentenced to imprisonment of four months of *arresto mayor*, including all its accessory penalty as prescribed by law and to pay a **FINE** of PHP 500.00, with subsidiary imprisonment for nonpayment; and (ii) in Criminal Case No. 11-254 for usurpation of authority or official function, Pedro Pequero y Nollora is **ACQUITTED** of the crime of usurpation of official functions as defined and penalized under Article 177 of the Revised Penal Code.

⁴⁴ *Judge Ramos v. Atty. Lazo*, 883 Phil. 318, 324 (2020) [Per J. Gaerlan, Third Division].

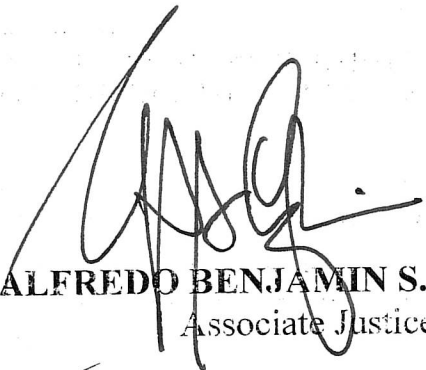
⁴⁵ *People v. Tac-an*, 261 Phil. 728, 754 (1990) [Per J. Feliciano, Third Division].


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SO ORDERED.


SAMUEL H. GAERLAN
 Associate Justice

WE CONCUR:


ALFREDO BENJAMIN S. CAGUIOA
 Associate Justice

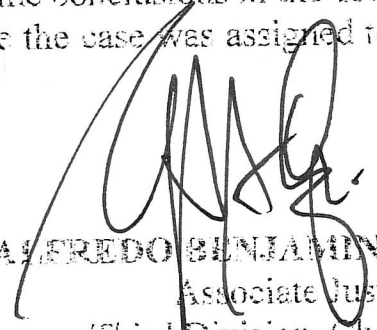

HENRI JEAN PAUL B. INTING
 Associate Justice


JAPAR B. DIMAAMPAO
 Associate Justice


MARIA FILOMENA D. SINGH
 Associate Justice

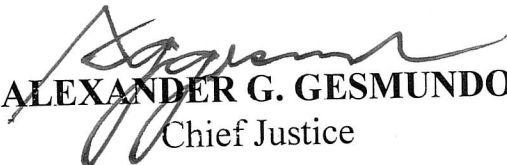
ATTESTATION

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.


ALFREDO BENJAMIN S. CAGUIOA
 Associate Justice
 Third Division, 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

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