

REPUBLIC OF THE PHILIPPINES  
REGIONAL TRIAL COURT  
NATIONAL CAPITAL JUDICIAL REGION  
Branch \_\_\_\_, Taguig City

PEOPLE OF THE PHILIPPINES,  
Plaintiff,

– versus –

MARIA FRANCESCA DELA FUENTE TAN-CANCIO, et al.,  
Accused.

Criminal Case No. \_\_\_\_\_  
For: Syndicated Estafa (PD 1689)

#### MOTION TO QUASH INFORMATION (WITH PRAYER TO DEFER ARRAIGNMENT)

Accused MARIA FRANCESCA DELA FUENTE TAN-CANCIO, through undersigned counsel,  
respectfully states:

#### I. NATURE OF THE MOTION

This Motion is filed pursuant to Rule 117, Section 3(a), (e), and (f) of the Rules of Criminal Procedure, which provide that an Information may be quashed when:

- (a) The facts charged do not constitute an offense;
- (e) The Information does not conform substantially to the prescribed form;
- (f) More than one offense is charged.

#### II. MATERIAL ANTECEDENTS

1. The Accused is charged with **\*\*Syndicated Estafa under \*\***.
2. The charge arises from alleged investment transactions involving multiple complainants and corporate entities.
3. The Information consolidates several transactions and complainants into a single charge, alleging a “Ponzi-type scheme.”
4. This Motion is timely filed prior to arraignment, in accordance with Rule 117, Section 1.

#### III. GROUNDS FOR QUASHAL

## A. THE FACTS ALLEGED DO NOT CONSTITUTE SYNDICATED ESTAFA

### 1. Failure to Allege Deceit at the Time of Inducement

Estafa under Article 315(2)(a) of the Revised Penal Code requires:

«“false pretenses or fraudulent acts executed prior to or simultaneously with the commission of the fraud.”»

The Information fails to allege:

- The specific false representation made by the Accused;
- The time and circumstances of such representation;
- That such representation was knowingly false at inception.

The Supreme Court ruled in:

- \*\*\*\* – Deceit must be prior to or simultaneous with the transaction, otherwise no estafa exists.
- \*\*\*\* – Criminal liability does not arise from mere failure to pay absent proof of fraudulent inducement.

Thus, the allegations—at most—describe a breach of obligation, not estafa.

### 2. Absence of Allegations of Misappropriation or Conversion

Under Article 315(1)(b), estafa requires:

«“misappropriating or converting... money... to the prejudice of another.”»

The Information does not allege:

- That Accused received funds in trust;
- That such funds were misappropriated;
- Any specific act of conversion.

In:

- \*\*\*\*, the Court held that misappropriation is an essential element that must be clearly alleged.

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### 3. Failure to Properly Allege a “Syndicate” Under PD 1689

Under \*\*Section 1 of \*\*, syndicated estafa requires:

- A group of at least five persons
- Formed with the intention of carrying out the unlawful act

The Information merely states that Accused are:

- Incorporators or officers

It does not allege:

- A common design to defraud
- Specific acts showing conspiracy

The Supreme Court held:

- \*\*\*\* – The prosecution must prove that the group was formed for the purpose of defrauding the public, not merely engaged in business.

#### 4. No Fraud Against the “Public” as Required by PD 1689

PD 1689 contemplates fraud against the general public or a broad segment thereof.

The allegations involve:

- A limited number of identifiable investors

In:

- \*\*\*\*, the Court emphasized that the law targets large-scale swindling operations affecting the public.

Thus, the charge is misapplied.

#### B. THE INFORMATION DOES NOT CONFORM TO THE PRESCRIBED FORM

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Under Rule 110, Section 6, an Information must state:

«“the acts or omissions complained of as constituting the offense... in ordinary and concise language.”»

The assailed Information:

1. Uses conclusory allegations (e.g., “systematic fraud,” “Ponzi scheme”);
2. Fails to specify:
  - Dates
  - Amounts
  - Particular acts of each accused

This violates the constitutional right under:

- Article III, Section 14(2), 1987 Constitution

As interpreted in:

- \*\*\*\* – The Information must contain sufficient detail to enable proper defense preparation.

### C. THE INFORMATION IS DUPLICITOUS

Under Rule 110, Section 13:

«A complaint or information must charge only one offense.»

The Information improperly combines:

- Multiple complainants
- Multiple transactions
- Multiple alleged acts of deceit

Each transaction constitutes a separate offense, as held in:

- \*\*\*\* – Each act of estafa is a distinct offense.

Thus, the Information is fatally duplicitous.

### D. IMPROPER CHARACTERIZATION AS NON-BAILABLE OFFENSE

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Under Article III, Section 13 of the 1987 Constitution:

«All persons... shall, before conviction, be bailable... except those charged with offenses punishable by reclusion perpetua when evidence of guilt is strong.»

By misapplying PD 1689, the prosecution:

- Improperly subjects Accused to a non-bailable offense

Without strict compliance with statutory elements, such classification is legally untenable.

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#### IV. PRAYER

WHEREFORE, premises considered, it is respectfully prayed that this Honorable Court:

1. QUASH the Information for Syndicated Estafa for failure to charge an offense;
2. In the alternative:
  - ORDER the filing of separate Informations, if warranted;
  - Or downgrade the charge to simple estafa under Article 315;
3. DEFER the arraignment pending resolution of this Motion;
4. Grant such other reliefs as may be just and equitable.

#### V. RESERVATION OF RIGHTS

Accused respectfully reserves the right to:

- File a Motion for Bill of Particulars (Rule 116, Sec. 9)
- File a Petition for Bail
- Raise all other defenses available under law

Respectfully submitted,

Taguig City, Philippines, \_\_\_ April 2026.

[LAW FIRM NAME]

By:

[Counsel Name]

Counsel for Accused  
[IBP No.]  
[PTR No.]  
[Roll No.]  
[MCLE Compliance No.]

NOTICE OF HEARING

The Branch Clerk of Court  
Regional Trial Court  
Branch \_\_\_\_, Taguig City

Please submit the foregoing Motion for the consideration of this Honorable Court immediately upon receipt hereof.

EXPLANATION (Rule 13, Section 11)

Service by registered mail was resorted to due to distance and lack of available personnel.

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COPY FURNISHED:

Office of the City Prosecutor  
Taguig City